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Court of Errors and Appeals

Between

FLORENCE LOUISE PETTERSON

Appellant,

and

FREDERICK H. PETTERSON

Defendant.

*Petition of Ap-
peal to the
Court of Er-
rors and Ap-
peals from
Final Decree
in Chancery.*

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*To the Honorable Court of Errors and Appeals
in the last resort in all cases:*

The humble petition of Florence Louise Pet-
terson, 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, Edwin R.
Walker, Chancellor of New Jersey, bearing date
the eighth day of September, 1913, wherein the
said Florence Louise Petterson was petitioner
and the said Frederick H. Petterson was de-
fendant, in this respect, to wit: that the said
decree adjudges that the petition filed by the
petitioner in this cause be dismissed without
prejudice to the petitioner proving in another
suit the acts of cruelty and abuse alleged in this
cause, if the defendant, her husband, shall com-
mit any further acts of cruelty against her.
And your petitioner 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 said decree should have

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PETITION OF APPEAL

been in favor of your petitioner and against the defendant for the relief prayed in the said petition. Your petitioner therefore prays that the said decree of the said Chancellor 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.

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LEWIS A. ALLEN,

*Solicitor for and of Counsel
with Appellant.*

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NOTICE OF APPEAL

IN CHANCERY OF NEW JERSEY.

Between

FLORENCE LOUISE PETTERSON
Petitioner.

and

FREDERICK H. PETTERSON
*Defendant.**On Petition
for limited
divorce.
Notice of
Appeal.*

10

The petitioner in the above entitled cause hereby appeals from the final decree made in said cause, bearing date September 8th, 1913, to the Court of Errors and Appeals, in the last resort in all cases, because said decree is erroneous, in that it denies to the said petitioner the relief prayed for in her petition, while under the evidence presented in the case the petitioner is by law entitled to the relief prayed for.

20

Dated November 6th, 1913.

LEWIS A. ALLEN,

*Solicitor for and of Counsel
with Petitioner.*

I conceive there is good cause for the appeal in the above stated cause.

30

LEWIS A. ALLEN,

Of Counsel with Petitioner.

NEW JERSEY COURT OF ERRORS AND
APPEALS.

Between

FLORENCE LOUISE PETTERSON
Petitioner-Appellant.

and

10 FREDERICK H. PETTERSON
Defendant-Respondent.

*On Appeal
from Final
Decree in
Chancery.*

To the Honorable the Court of Errors and Appeals in the last resort in all causes:

The Answer of the Respondent to the Petition of Appeal of the Appellant.

20 The Respondent admits it to be true that a certain decree bearing date the eighth day of September, Nineteen hundred and thirteen, was made and entered in the Court of Chancery, as in the petition of appeal is stated; but as to the substance and form thereof, this respondent prays to refer thereto when the same shall be produced. And this respondent is advised and believes that said decree is agreeable to law and equity, and he prays that the same may be affirmed, with costs to be adjudged to this respondent.

30

PETER W. STAGG,

*Solicitor and of Counsel
with Respondent.*

PETITION

IN CHANCERY OF NEW JERSEY.

*To his Honor, Edwin R. Walker, Chancellor of
the State of New Jersey:*

The petition of Florence Louise Petterson, of No. 152 Boiling Springs Avenue, in the Borough of East Rutherford, in the County of Bergen and State of New Jersey, respectfully shows:

1. That on the 14th day of October, 1911, your petitioner was lawfully married to her present husband, Frederick H. Petterson, at the City of Hoboken, in the State of New Jersey, by Alfred Sorenson, a Justice of the Peace.

10

2. Both petitioner and defendant for more than two years prior to the commencement of this suit, have continuously resided in Bergen County, New Jersey, and immediately after her said marriage, your petitioner and the defendant, her said husband, went to reside with the parents of your petitioner, at No. 152 Boiling Springs Avenue, in the Borough of East Rutherford, in the County of Bergen, in this State, at the request of defendant, (where your petitioner has resided ever since said marriage) and there lived together as man and wife for about three months, and where they cohabited until the abandonment of your petitioner by the defendant, hereinafter complained of.

20

30

3. There have been born to your petitioner and her said husband, as the fruit of their said marriage, one child, a boy, eleven months of age, having been born on the 16th day of July, 1912, which said child is now in the custody of your petitioner.

4. That about the middle of November, 1911,

PETITION

- petitioner and defendant learned that your petitioner was pregnant with child as a result of said marriage, and the defendant tried to induce your petitioner to go with him to a doctor in the City of New York and have an abortion performed in order to do away with the unborn child, and upon the refusal of petitioner to do this, the defendant then called her "a crazy fool." About three days later, defendant
- 10 brought your petitioner some medicine and told her to take it, but she refused to do so and threw the medicine away, and defendant became very angry with her for that. Defendant then told petitioner that he had proof of her going out with other men, both before and also after her marriage to him, and that he was not the father of the unborn child, and he did then and there call your petitioner "a damn slob." That from
- 20 about the middle of November, 1911, down to the time defendant left your petitioner on the 12th day of January, 1912, defendant made it a practice almost every day of accusing your petitioner of going out with other men while he was at business in New York, and did on such occasions state to her that he was not the father of her unborn child, and did on such occasions call her vile names, to wit: "damn slob, damn bitch, damn fool," and other vile names.
- 30 5. That about the first part of November, 1911, the defendant and your petitioner arranged with a very dear cousin of your petitioner, residing in Brooklyn, to spend Thanksgiving and have Thanksgiving dinner at the home of petitioner's said cousin in Brooklyn, and petitioner had prepared her clothing and made her plans to make said visit, but the second night before said Thanksgiving day, defendant,

PETITION

without giving any reason, informed your petitioner that they would not make said visit to Brooklyn on Thanksgiving day, and when petitioner plead with him to go with her, he told her to "shut up her mouth about going" and that he would not go nor would he allow her to go. This caused petitioner much sorrow and disappointment and especially as her cousin had made all plans for that day and it was too late to properly send word that they were not coming, and all day on said Thanksgiving day, the defendant acted very strange and immediately after the noon dinner, he left petitioner alone in the house (as the rest of the folks were away) and he remained away until nearly supper time that day.

10

6. That on another occasion on or before December 20, 1911, when an old friend of petitioner's family was visiting them, and without any reason at all, he refused to eat supper at the same table and went to his room and remained there that evening until the friend had left the home, and although petitioner endeavored to persuade him to act like a gentleman and eat with them, he refused to do so, and greatly humiliated your petitioner and her mother, with whom they were living.

20

7. That on Christmas day, 1911, your petitioner handed defendant a clean shirt to put on, and without any reason at all, he became angry at that and told her to "shut up her mouth," and also at the same time called her "a damn thing," and he refused to keep a long standing appointment to take his wife, your petitioner, to see her father and brother at Bucksville, Pa., that day. That immediately after eating his breakfast on that Christmas morning and while

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PETITION

he was still in an angry mood, he left his home and your petitioner there all alone until about six o'clock that Christmas evening, when he returned and would give no explanation as to where he was or why he left your petitioner alone on that night.

10 8. That on New Year's day, 1912, the defendant and your petitioner had planned to spend that afternoon with a friend of petitioner at Moonachie, and were to go there about two o'clock P. M. The defendant, about one o'clock and immediately after his noonday meal, left his home and informed petitioner he would return at once and accompany her on the visit to her friend at Moonachie, and your petitioner dressed herself for the occasion and waited all the afternoon for defendant to return, and about
20 seven o'clock that evening he did return, and when asked by petitioner where he had been and why he had disappointed her so, he replied that he had been at his mother's home (which is about six blocks away), having a good time, but would give no reason why he had remained away. That same night, the defendant did accuse your petitioner of going with other men,
30 both before and after their marriage, and said he had proof of it and knew the men, and on that occasion the defendant did call your petitioner "a damn bitch," and also called her "a whore."

9. That on January 4, 1912, the defendant returned from his work at the usual hour of six o'clock in the evening and stated to your petitioner that he had again heard of her being out with other men and he displayed a violent temper and refused to talk with her, and after eating his supper, he went to the parlor and took

PETITION

several music books and other music from the piano belonging to your petitioner and her sister and tore some of them up, and burned the rest in the kitchen stove and in the furnace, and when your petitioner begged him not to do so, he approached her with clinched fists in a rage of temper and grabbed hold of her by the arm and violently thrust her from the parlor out into the hall, and your petitioner then left his presence for fear of bodily harm.

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10. That on January 8, 1912, the defendant returned home from business at his usual hour but refused to talk with your petitioner or any one in the home, and your petitioner did her utmost endeavoring to make it pleasant for him and to get him to talk to her, but he displayed a violent temper and he roughly grabbed hold of her by the arm and did thrust her from the kitchen out into the hall in such a threatening manner as to give your petitioner reason to apprehend bodily harm, and out of fear, she left his presence and went to her room.

20

11. That on January 11, 1912, the defendant returned home from business at his usual hour of six o'clock and immediately after eating his supper, he left the home and remained away until about one o'clock in the morning, when he returned and your petitioner let him in the house and asked him where he had been, but he refused to tell her and your petitioner returned to her bed, and after being asleep for about one hour, the defendant awoke her and began to accuse your petitioner again of being unfaithful to him and of going with other men both before and after the marriage, and did then and there state to her that he was not the father of the unborn child, and did also then and there

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PETITION

state to her that she was going with other men right along while he was away to business and that he had proof of it, and he did then and there display a violent temper, and did then and there call your petitioner "a damn bitch," also "a whore."

10 12. That on January 10, 1912, the defendant stated to your petitioner that he would buy a revolver and end it all; and this, together with his said repeated cruel accusations against his wife, and the threatening manner in which he often approached her with clinched fists, and the acts of thrusting her from the parlor and the kitchen, made her in constant fear of bodily harm, and she became broken in health and sick on account thereof.

20 13. That on January 12, 1912, prior to the time defendant left and abandoned your petitioner, he returned home at his usual hour from business and refused to eat his supper and displayed a violent temper, and while your petitioner endeavored to converse with him in a pleasant manner, he violently rushed at her with clinched fists and said if she did not shut up, he would shut her up, which was done in such a manner as to give your petitioner reason to apprehend bodily harm.

30 14. That from about the 25th day of November, 1911, right down to the time defendant left your petitioner on the 12th day of January, 1912, the defendant continually requested and demanded of your petitioner that she procure some money from her parents for the defendant, as he desired to go in the moving picture business, and upon the refusal of your petitioner to do this, the defendant on each occasion did display a violent temper.

PETITION

15. Your petitioner further shows that on the 12th day of January, 1912, her said husband, the defendant, left their home, abandoning your petitioner and separated himself from her, and did take his belongings and go to live with his parents at the Borough of Carlstadt, in said County and State, where he has resided ever since said abandonment, and where he still resides; that on learning where her said husband had gone, your petitioner, through her attorney, endeavored to persuade her said husband to maintain and provide for her, but he refused to do so, and still refuses to support and maintain your petitioner and their said child. 10

16. Your petitioner further shows that on the 31st day of January, 1912, her said husband, the defendant, filed a petition for divorce in this court against her, which was shortly thereafter discontinued, and that on the 25th day of March, 1912, the said defendant filed a bill in said court to annul their said marriage, and in both said petition and bill, her said husband, the defendant, charged your petitioner with fraud and deceit, and alleged in his said petition and bill that your petitioner had deceived him at the time of their marriage, in that she was pregnant with child at the time of said marriage, with some other person, and that she had been so for several months prior to her said marriage to him, and he alleged that he was not the father of petitioner's unborn child, and for those reasons her said husband, the defendant, sought to have said marriage annuled, but which bill and the proceedings thereon have lately been discontinued, with costs to your petitioner. 20 30

17. Your petitioner further shows that she is now dependent for support of herself and her

PETITION

said child upon her own exertions, and is without any means of support whatever, and is thereby obliged to ask and receive the same from her parents, with whom she and her child are now living; that on account of said charges and acts of the defendant, your petitioner became sick and in poor health, and is still unable to do anything except to care for her said child, and is unable to earn any money with which to provide
10 for herself and said child.

18. Your petitioner further shows that defendant is about twenty-two years of age, and is by occupation a bookkeeper and a musician, and that his salary or wages amount to about fourteen dollars per week, and that he is able to earn such by his personal attention to his business, and that defendant is able to maintain and support her and her said child.
20

19. Petitioner and defendant were both bona fide residents of this State, having their permanent home at the Borough of East Rutherford, in the County of Bergen, when this cause of action arose as aforesaid, and have ever since continued to be such residents of this State, down to the time of the commencement of this suit, residing continuously at the Borough of East Rutherford, and the Borough of Carlstadt, in the County of Bergen respectively.
30

20. Your petitioner prays that she may be divorced from the bed and board of her said husband for the cause aforesaid; and that the defendant may be compelled by the decree of this honorable court to support her and the said child of the marriage; and that she may be

PETITION

awarded the custody of said child; and that she may have such further relief as may be just.

And your petitioner will ever pray, &c.

LEWIS A. ALLEN,

*Solicitor for and of Counsel
with Petitioner.*

State of New Jersey, }
County of Passaic, } ss. :

10

Florence Louise Petterson, being duly sworn according to law, upon her oath deposes and says that she is the petitioner in the foregoing petition and knows the contents thereof, and that the same are true; that her said petition is not made by any collusion between her and the defendant, but in truth and good faith, for the causes set forth in the petition.

FLORENCE LOUISE PETTERSON. 20

Sworn and subscribed to before me at Passaic, this 12th day of June, 1913.

FRANK R. ALLEN,

*Commissioner of Deeds, of
New Jersey.*

30

Between

FLORENCE LOUISE PETTERSON

Petitioner,

and

FREDERICK H. PETTERSON

Defendant.

*On Petition
for Limited
Divorce.
Answer.*

The answer of Frederick H. Petterson, defendant, to the petition of Florence Louise Petterson, petitioner.

1. This defendant admits it to be true that petitioner and defendant were married as in said petition is alleged.

- 20 2. This defendant states that he is a resident of the State of New Jersey and has been such resident for more than ten years last past continuously.

- 30 3. This defendant admits that on or about the twelfth day of January, Nineteen hundred and twelve he left the home of his wife's mother where he and his wife, the petitioner had been living and went to the home of his father and mother and that the reason that he did so was because he then honestly believed that his wife, the petitioner had deceived him and that she was pregnant with child at the time of their marriage with some other person.

4. This defendant admits that he commenced proceedings in the Court of Chancery to have said marriage annulled.

5. And this defendant in further answering

says that when the child mentioned in the petitioner's petition was born this defendant then believed that he had been mistaken in his former honest belief and that he then directed his solicitor to have said proceedings discontinued, all of which has been done.

6. And this defendant in further answering says that after giving the directions to his solicitor to have said proceedings dismissed he went to the home in which his wife, the petitioner lived with her mother, and asked her to come and live with him which she refused to do. 10

7. And this defendant in further answering says that he denies that he ever at any time abused or ill-treated his wife the petitioner, but on the contrary he says that he always treated her kindly and that even when he felt impelled to leave her, he did so in sorrow and regret and not in any angry or vengeful manner. 20

8. That this defendant denies all of the other allegations in said petition for answer unto and not herebefore fully answered.

This defendant prays that the petition of the petitioner be dismissed.

FREDERICK H. PETTERSON,
Defendant

PETER W. STAGG, 30
*Solicitor and of Counsel with
Defendant.*

IN CHANCERY OF NEW JERSEY.

	Between	}	<i>On Petition for Limited Divorce. Decree Dismissal.</i>
	FLORENCE LOUISE PETTERSON		
	<i>Petitioner.</i>		
	and		
10	FREDERICK H. PETTERSON		
	<i>Defendant.</i>		

20 This cause coming on to be heard in the presence of Lewis A. Allen, Solicitor and of counsel with the petitioner and Peter W. Stagg, Solicitor and of Counsel with the defendant, whereupon and upon reading the pleadings filed in the cause and taking the proofs orally in open Court and upon hearing the arguments of counsel for both the petitioner and the defendant; the court being of opinion that the petitioner is not entitled to the relief prayed for in her petition, and that the same should be dismissed but without prejudice.

30 It is thereupon on this eighth day of September, Nineteen Hundred and Thirteen, by his Honor Edwin Robert Walker, Chancellor of the State of New Jersey, ordered, adjudged and decreed, and the said Chancellor by virtue of the power and authority of this Court and of the Act of the Legislature in such case made and provided filed by the petitioner in this cause be and the same is hereby dismissed; without prejudice to the petitioner proving in another suit the acts of cruelty and abuse alleged in this

DECREE DISMISSAL

cause, if the defendant, her husband shall commit any further acts of cruelty against her.

Respectfully advised,

E. R. WALKER, C.

CHARLES H. HARTSHORNE,
Advisory Master.

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FLORENCE LOUISE PETTERSON—DIRECT

CHANCERY CHAMBERS, JERSEY CITY,

Wednesday, June 11, 1913.

In Chancery of New Jersey.

	Between	}	<i>On Petition for Divorce.</i>
	FLORENCE LOUISE PETTERSON		
10	<i>Petitioner.</i>		
	and		
	FREDERICK H. PETTERSON	}	
	<i>Defendant.</i>		

20 Transcript of testimony taken in the above entitled causes, before Charles H. Hartshorne, Advisory Master, at the Chancery Chambers in Jersey City, on the 11th day of June, 1913, at ten o'clock in the forenoon.

Appearances:

LEWIS A. ALLEN, ESQ., *For Petitioner,*
 PETER W. STAGG, ESQ., *For Defendant.*

Solicitor for the petitioner in Suit No. 1 asks leave to amend his petition so as to specify the acts of cruelty referred to in the original petition.

30 After objection by Solicitor for the Defendant, the Court granted permission to amend the petition, and the case was adjourned until July 1, 1913, for the purpose of making the desired amendment and the answer to the amended petition.

Jersey City, July 1, 1913.

The hearing in the above entitled causes was further adjourned by consent of counsel until July 3, 1913, at 10 A. M.

FLORENCE LOUISE PETTERSON—DIRECT

CHANCERY CHAMBERS, JERSEY CITY,

July 3, 1913, 10 A. M.

CASE RESUMED.

Appearances same as in previous hearing.

FLORENCE LOUISE PETTERSON,
Sworn:

10

Direct examination by Mr. Allen:

Q. Mrs. Petterson, you are the petitioner in this case, are you not? A. Yes, sir.

Q. And you were married the 14th day of October, 1911, to the defendant? A. Yes, sir.

Q. Where at? A. Hoboken, New Jersey.

Q. Where did you go directly after marriage? A. To my cousins in Brooklyn.

20

Q. And what is the name of your cousin?
A. Mr. Chapman, 750 Marcy Avenue, Brooklyn.

Q. And did you and your husband stay over night at the home of your cousin, that night?
A. Yes, sir.

Q. Occupy the same room and bed? A. Yes, sir.

Q. How long did you stay there? A. Until the next day.

30

Q. And where did you go the following night? A. We went home to my mother's home at 152 Boiling Springs Avenue, East Rutherford, New Jersey.

Q. Bergen County? A. Yes, sir.

Q. And did you and your husband reside there as man and wife from that time on? A. Yes, sir.

Q. Occupying the same bed and room? A. Yes, sir.

Q. And up to what time? A. Up to the 11th day of January, 1912.

Q. Now, at whose request did you and your husband take up your home with your mother? A. At his.

10 Q. And now from the 14th day of October, the day you were married, down to the 12th day of January following, you say you occupied the same room and bed? A. Yes, sir.

Q. As man and wife? A. Yes, sir.

Q. How did you get along together after the marriage, you and your husband? A. We got along together nicely, until the middle of November, then he—

Q. Then what happened? A. He accused me of going out with different men every night.

20 Q. And was anything said by him, or between you and him, as to your being in a family way at that time, the middle of November? A. Yes, sir.

Q. What took place between you and he as to that?

Mr. Stagg: I object to that question.

30 Q. What did he say? A. After he found out that I was in a family way, he advised me to go to a doctor in New York City.

Q. Now what did you tell him about that?

Mr. Stagg: I object to that question on the ground that it is a conclusion and move to have it stricken out.

The Master: No, I will allow it to stand.

Mr. Stagg: I withdraw the objection.

Q. What did he tell you about the doctor, for what purpose did he want you to go to that doctor in New York? A. Because he said he didn't want any children.

The Master: You may state what he said to you about going to the doctor.

A. Well, he told me if I was in the family way I better go and see a doctor and have the child done away with. 10

By Mr. Allen:

Q. Give the full conversation about that, what reply did you make to that? A. I told him "No."

Q. What did he say after that to you? A. Then he told me that he was not the father of the unborn child, that I had been going out with some different men most every night. 20

Q. Was he nice or agreeable or not, or did he show his temper? A. He showed a temper and he called me a "wop."

Q. Why did he want you to go to a New York doctor, what for? A. To do away with the child.

Q. What did he say then, when you refused to go to the doctor in New York and have the child done away with? A. Then he brought me medicine about three days after. 30

Q. What did he say? A. He told me that I was going around with different men and he said that he was not the father of the unborn child.

Q. Did he call you different names? A. Yes, he called me a "slob."

Q. When was it that he brought the medicine? A. About three days after.

Q. What did you do with the medicine? A. I threw it away.

Q. And what did he say to you about that, if anything? A. He got angry at me.

Q. Did he call you any names? A. Yes, sir, he did.

Q. What did he say then, the exact words? A. A "damn bitch."

10 Q. You say that that was about the middle of November? A. Yes, sir.

Q. How often after that time, did he accuse you of going with other men, if at all? A. Dozens and dozens of times.

Q. And what reply did you make to him as to going with other men? A. He told me that he had the proof, and I told him to bring in the proof if he had the proof.

Q. Did you deny it? A. I denied it, yes, I certainly did.

20 Q. This conversation with reference to the doctor that you have testified to, was in the month of November, 1911? A. Yes, sir.

Q. About one month after the marriage? A. Yes, sir.

Q. Now, did anything occur on Thanksgiving Day, 1911? A. Yes, sir.

30 Q. If so, explain to the Court what it was? A. He promised to take me to my cousin's where we had an appointment for Thanksgiving dinner, about two days before he wrote and told my cousin he was not going there on Thanksgiving Day, and when I asked him if I could go alone, he said, I could not go, and I should shut up my mouth about going.

Q. Did he take you anywhere that day? A. No, sir.

Q. Did he go anywhere that day? A. In the afternoon, he left and went out.

Q. What time in the afternoon did he go out?
A. After the noonday meal, about one o'clock.

Q. How long did he stay out? A. Until around five or six o'clock, I think.

Q. Were you left all alone in the house that day? A. Yes, sir.

Q. What reason, if any, did he give you for not going with you and keeping the appointment for Thanksgiving dinner in Brooklyn, with your cousins? A. No reason, he refused to answer me when I asked him the reason. 10

Q. He gave you no reason? A. No, sir.

Q. Now, did he call you any other names besides a "slob" at the time you refused to have the operation by the doctor? A. Yes, sir.

Q. What else? A. A "damn bitch."

Q. Any other names? A. Yes, a "damn fool" and also a "crazy fool," too.

By the Master:

20

Q. Did he mention any person by name, with whom he charged as being the father of the unborn child; answer yes or no? A. Yes, sir.

Q. He did? A. Yes, sir, he did.

Q. Now what name did he mention? A. He didn't give me any name, but he said he knew the man; he didn't mention any person by name.

Mr. Stagg: She has no right to answer anyway except yes or no. 30

The Master: You may object to the answer as irrelevant and incompetent, but I think it is not; she has answered that he didn't mention the name, but that he did say that he knew who the men were: I will overrule your objection.

Mr. Stagg: I ask an exception.

By Mr. Allen:

Q. And you say he kept on accusing you in that way right along until he left you?

Mr. Stagg: I object to the question as leading.

10 Q. About how often did he accuse you of going with other men, from the middle of November to the time he left you in January?

Mr. Stagg: I object to that question; she has already answered that question.

Mr. Allen: Question withdrawn.

20 Q. About the 20th of December, 1911, did you have a friend visiting at your house? A. Yes, sir.

Q. And did that friend stay to tea that night? A. Yes, sir.

Q. And what, if anything, took place with reference to your husband, on December 20th? A. When my husband found this friend home, he went up to his room and would not eat his supper.

Q. And what caused him to do that, if you know?

30

Mr. Stagg: I object to that question.

Q. What reason did he give for doing that, if you know? A. On account of my having my friend there; he didn't like the friend; she was an old friend of the family.

Q. Did you endeavor to get him to come down and eat supper? A. Yes, sir.

Mr. Stagg: I object to that question as a leading question.

The Master: I will overrule the question.

By Mr. Allen:

Q. What did you do, if anything, to persuade him to eat with the family and your friend?

Mr. Stagg: I object to that question 10
as leading.

The Master: I will overrule the question.

Q. What occurred between you and your husband with respect to him eating at the table with the friend, did you go up to his room to see him about it? A. Yes, sir.

Q. Did you get in? A. Yes, sir, I did.

Q. What conversation, if any, did you have 20
with him? A. I asked him to come down and eat his supper like a gentleman, and he said I should go down to my own friend.

Q. And did he refuse to come down? A. Yes, he did.

Q. Did he ever in any other way interfere with the plans of yourself and the family, through his refusing to come to his supper?

Mr. Stagg: I object to that question 30
as ruling.

The Master: Objection sustained.

Q. Were you in any way humiliated before your friends?

Mr. Stagg: I object to that question.

The Master: Objection sustained.

Q. On that occasion, had the supper been prepared for your husband and your friend?
A. Yes, sir.

Q. And you say he refused to come down and join the family at the table? A. Yes, he did.

Q. Now, on Christmas Day, 1911, what, if anything, took place on that day? A. On Christmas Day?

10 Q. Yes. A. He promised to take me to my father's in Bucksville, Pennsylvania.

Q. When had he promised to do that? A. About two or three weeks before that.

Q. And did he take you there? A. No, sir; he did not.

Q. You were to make a trip out there on what day? A. On Christmas Day.

20 Q. And what, if anything, took place between you and he on that day? A. Right after the noonday meal, he left the home and went out and came home around seven o'clock that evening and I asked him where he was and he refused to answer me.

Q. Was there anything said about your handing him some clean clothes or a clean shirt?

Mr. Stagg: I object to the question.

The Master: I will allow it.

30 A. Yes, sir.

Q. On that day? A. On Christmas Day, in the morning.

Mr. Stagg: I withdraw the objection.

Q. What was said about the shirt on Christmas morning? A. After I told him to put a clean shirt on, he called me a "damn thief."

Q. Did you hand him the clean shirt? A. Yes; I did.

Q. And was it necessary for him to put on a clean shirt? A. Yes, sir.

Q. Did he do it or not? A. No, sir.

Q. And what reason, if any, did he give for not doing so?

Mr. Stagg: I object to the question.

The Master: I will allow it.

10

A. He told me that he was going to show people what kind of a "slob" I was.

Q. Did he say that at the time he refused to put on the shirt? A. Yes, sir.

Q. What was the condition of the shirt he had on, on this Christmas morning? A. It was very dirty.

Q. Did he wear the soiled shirt that day? A. Yes, sir.

20

Q. How did he act towards you on that occasion? A. He left in the afternoon and stayed away until seven o'clock at night, and I went up in the room after he came home, and I told him to put his clean shirt on.

Q. You say that he refused to put on the shirt and said that he would show your friends what sort of a "slob" you were? A. Yes.

Q. What were his actions? A. He had a terrible temper, he slammed the door and left the room and went out.

30

Q. Did he come back for his noonday dinner? A. No, he stayed out until about seven o'clock; this was after the noonday dinner.

Q. When he returned, did he tell you where he had been? A. No, sir.

Q. Did you ask him? A. Yes, and he refused to answer me.

Q. Did you have any company at the house, or were you there alone? A. I was all alone there.

Q. He left you all alone on that Christmas Day? A. Yes, sir.

Q. Now, what reason did he give you for not taking you to Bucksville, to your father's that day, if any?

10 *Mr. Stagg:* I object to that question.
 The Master: I will allow that question.

A. He was going out somewhere else, he said.

Q. Did he call you any other names at the time he refused to change the shirt? A. Yes; all sorts of names as I have mentioned before.

20 Q. What other names did he call you? A. "Crazy fool," he called me the same names that I mentioned before and a "damn bitch."

Q. What else did he call you? A. Also a "whore."

Q. Now then, on New Year's Day following, what, if anything, took place then, had you planned to make a visit on that day? A. Yes, I had planned with some friends to go down to Moonachie, to visit them there.

Q. How far away from your home? A. About three miles, I guess, to visit a friend.

30 Q. And had he agreed to this visit and planned it with you? A. Yes.

Q. Explain to the Court, where you and he had planned to go? A. He left about one o'clock and promised to be back at two o'clock that day.

Q. What time were you to make the visit? A. Two o'clock.

Q. He was to go with you? A. Yes, he was

together with me and he came back around seven o'clock that evening, and when I asked him where he was, he told me he was up to his mother's home having a good time.

Q. Had you gotten dressed and ready to go out at two o'clock? A. Yes, and I waited for him and he never came home until seven o'clock, I waited from two to seven o'clock.

Q. All dressed to make the visit? A. Yes, sir.

10

Q. What reason, if any, did he give for not coming back and accompanying you on this visit at two o'clock? A. He didn't give me any reason whatsoever.

Q. Now what was the nature of his actions that night toward you? A. He also said after he came home, he had heard that I was out with different men, and he had proof of it.

Q. That same night? A. Yes, sir; that same night.

20

Q. Explain to the Court, the manner of his treatment towards you that night? A. He also said he was not the father of the unborn child, and that I was going around with these different men while he was away to business.

Q. What else, if anything, did he say? A. He also called me vile names then.

Q. Tell the Court what the vile names were? A. A "damn bitch" and a "whore," he called me.

30

Q. This was after he returned on New Year's night? A. Yes, on New Year's night.

Q. Now, on January 4th, 1912, four days later or three days later, what, if anything, occurred? A. He came home from business and told me what he had heard again, that I was out with different men; right after supper, he

went to the parlor and tore up some music belonging to my sister and myself.

Q. And what was the manner of his treatment to you? A. When I begged him to stop tearing up the music he grabbed me by the arm and threw into the hall through the parlor door.

Q. What was his manner as far as to whether he displayed any temper, and if so, what?

10 A. He came at me with clinched fists on that occasion in the kitchen.

Q. The time the music was torn up? A. Yes, sir.

Q. And from there you say he went to the parlor? A. Yes, sir, and he started to tear up and burn the music, some in the kitchen stove and some in the furnace.

Q. Your sister's music? A. Yes, sir, some of my sister's and some of my own music.

20 Q. How much of your sister's and how much of your own music? A. More than one sheet of music; several books and all sorts of sheets of music.

Q. What caused him to go into the parlor and tear that up, do you know?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

30

Q. You cannot account for that? A. No, sir.

Q. Now, you say he tore up the music? A. Yes, sir.

Q. And also burned it? A. Yes, sir.

Mr. Stagg: I object to her repeating what she has testified to already.

The Master: You must try, Mr. Allen, to avoid a repetition.

Q. Now, when he came at you with clinched fists, was he fooling or in a temper? A. He was in a temper; he was real angry.

Q. When he grabbed hold of you, where did he take hold of you? A. By my arm.

Q. In fooling or in a temper? A. In a temper.

Q. Did he handle you lightly or roughly? 10
A. Roughly.

Q. Did you stay there or leave his presence?
A. I left his presence.

Q. Why? A. I feared bodily harm; I went out of the room.

Q. Did any one tell you to do that? A. My mother.

Q. Did your mother see this? A. Yes, sir.

Q. Did your mother say this to you in his presence? A. No, she came in the kitchen and told me to leave the room. 20

The Master: Strike that out.

Q. Now on January 8th, 1912, what, if anything, occurred four days later? A. The 8th of January?

Q. Yes. A. He accused me of going out with different men that night, right after supper, and he told me that he was not the father of the unborn child. 30

Q. How about his temper on that occasion?
A. His temper, Mr. Allen?

Q. Yes. A. I was in the kitchen asking him to eat his supper and he took me from the kitchen to the hall and pushed me in the kitchen.

Q. Where did he take hold of you? A. By the arm, in the kitchen.

Q. In a gentle or rough manner? A. In a rough manner, Mr. Allen.

Q. You were in the kitchen? A. Yes, sir.

Q. And he took hold of you by the arm? A. Yes, sir.

Q. Where did he take you to? A. Into the outer hall.

Q. Did he do any harm to your arm? A. My arm was all blue.

10 Q. From the effects of his taking hold of you? A. Yes, sir.

Q. Who saw that? A. My mother.

Q. And then you stayed right by him, or what? A. I left his presence and went upstairs.

Q. Why did you leave him?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

20

A. For fear of bodily harm; I was afraid of him.

Q. Now, on January 11th, what, if anything, occurred the day before he left? A. He came home and also accused me of being unfaithful to him and going around with other men; he said also that he had proof and knew the men, and right after supper he left the home, where he went I do not know; he came home around one

30

o'clock.
Q. What can you say as to whether he displayed temper before he went away, when he accused you of these things? A. A temper?

Q. Yes. A. He accused me all along.

Q. On this occasion, what can you say about his temper, what did he say to you? A. He came at me with clenched fists in the kitchen and also said that "I heard again about your go-

ing out with different men and I have proof and I know the man," but he never mentioned any names.

Q. That you say was after supper? A. After supper.

Q. Then you say he left the house? A. He left the house, yes, sir.

Q. Had he gotten over his fit of temper before he left? A. No, sir, he went off in a cranky mood.

10

Q. When did you next see him that night? A. One o'clock in the night.

Q. Winter night too? A. Yes, sir, I was in bed, and after sleeping about an hour, he woke me up and called me all the vile names I have said.

Q. Had you been in bed before he returned? A. Yes, sir.

Q. Who let him in? A. I did.

Q. At what hour? A. At one o'clock.

20

Q. Where did you go after letting him in? A. I went up to bed again.

Q. Did he return to bed with you? A. Yes, sir.

Q. Then what happened. A. After sleeping about an hour, he woke me and called me all the vile names, he called me a "damn bitch," and also a "dam slob," also a "dam whore"; he said that I was one and that he could prove it.

Q. This was about what hour in the morning? A. About two o'clock in the morning.

30

Q. And did he seem angry? A. Yes, sir.

Q. Did he talk in a loud voice? A. Yes, my mother and sister also heard the names he called me.

Q. How do you know that they heard them? A. My mother told me the next morning; and my sister also told me.

Q. Did he say anything about a revolver?

A. Yes, he did; around the 10th of November he told me up to the time he left, most every evening, he would buy a revolver and end it all; what he meant I did not know.

Q. Now, on January 12th, what, if anything, took place then? A. He came home.

Q. At what time? A. Around six o'clock and would not eat supper; I asked him to eat
10 and he said he did not feel like eating, he had his supper; right after supper, the bell rang and a young man came in; he told me he was going to sell a camera that he had given me; he said he was going up home for the money.

Q. This conversation took place between you and your husband in the kitchen? A. I told him to be careful that he got the balance; and told me that this young man was a cheat and he told me to shut my mouth.

20 Q. When did he tell you that this young man was a cheat? A. Before our marriage.

Q. What did he say with reference to selling the camera to this young man, about on this occasion? A. He said he was going to sell this camera and going up home for the balance of the money, \$40.00, he said that he had \$24.00 with him and he laid down the \$24.00 on the table; he said that is mine and I can get the money as well as you, I said all right; after I told him he
30 should get the balance he said that I should shut up my mouth, or else he would shut it up for me, and then he left and came back soon again and he had all his clothes with him which we did not miss until the next day and he never came back again.

By the Master:

Q. Who was selling the camera? A. My husband.

Q. To this young man? A. Yes, sir.

Q. Who was it that had some money? A. My husband had \$24.00.

Q. From whom? A. From this young man, I suppose.

Q. Did you see the young man hand him any money? A. No, sir, that was in the parlor. 10

Q. Who was it that said that he would have to go for the rest of the money? A. My husband; he came in the kitchen and told me—

Q. What did he have to get more money for? A. He had to go up and get the balance of the money.

Q. The price was \$40.00? A. Yes, sir, so he told me, and this young man did not have the full amount with him. 20

Q. You say your husband was going to get the rest of it? A. Yes, sir; up at my home.

Q. Who was it that went up? A. My husband.

Q. And he did not come back? A. No; I said he did not come back.

Q. What I don't understand is, this, from your statement your husband was selling the camera, and, of course, if he sold it, he expected to get the money from the young man who bought it, and yet you say your husband was to get the balance of the price? A. Yes, up to his home where he lives with my husband's mother. 30

Q. He was a brother-in-law of your husband? A. Yes, sir.

Q. And living at his mother's? A. Yes, sir.

Q. And your husband was going up there to get the balance of this money which belonged to this young man? A. No; it belonged to him.

Q. To whom? A. To my husband.

By Mr. Allen:

Q. What is the name of this young man who came to buy the camera? A. Mr. Cole.

10 Q. What relation is he to your husband? A. His brother-in-law.

Q. Where did he live? A. At my husband's mother's in Carlstadt.

Q. You say your husband had \$24.00? A. Yes, sir.

Q. And did he return with the balance of the \$40.00? A. No, sir, he never came back.

Q. Why didn't he give you the \$24.00? A. He said that it was his.

20 Q. You say that camera had been given to you by your husband, before you were married? A. Yes, sir.

Q. You never received any part of the purchase price for the camera? A. No, sir.

Q. And did your husband tell you that he was preparing to leave you and that he was picking up his things to leave? A. No, sir.

30 Q. When did you first learn that he had taken his things from your home? A. The next day.

Q. Now, was there anything said by your husband to you with reference to money? A. Yes, sir.

Q. What? A. Most every night from November on, until the day he left, he wanted me to get money from my parents; he said he was going into the moving picture business, and that he wanted to start in the moving picture busi-

ness, so I told him that I could not ask my people for money and he got angry and called me bad names, all vile names.

Q. How much money did he want you to ask them for? A. Sometimes \$50.00 and sometimes \$100.00 from November on until the time he left me.

Q. How often did he ask you about that?

A. Dozens and dozens of times, I could not tell you how often.

10

Q. How many children have you? A. One.

Q. When was the child born? A. July 16th, 1912.

Q. You have the child with you at your mother's home? A. Yes, sir.

Q. How much has your husband been giving you each week for the support of yourself and child under the order of the Court for alimony?

Mr. Stagg: I object to that question. 20

The Master: The husband is paying his wife by way of temporary alimony, \$4.00 by order of the Court.

Q. Under the order of the Court this \$4.00 is payable on Monday of each week? A. Yes, sir.

By the Master:

30

Q. Have you received your \$4.00 a week which the Court ordered your husband to pay you weekly? A. Yes, sir.

Q. Do you receive it regularly or irregularly? A. Sometimes I receive it every three or four weeks.

Q. You have finally had all of it? A. Yes, sir, up to Monday one week.

By Mr. Allen:

Q. Have you been paid the \$4.00 due you last Monday? A. No, sir.

Q. You received \$12.00 yesterday, didn't you? A. Yes, sir.

Q. And instead of getting \$16.00 which was due you, you only received \$12.00? A. Yes, sir.

10

The Master: The Solicitor for the petitioner offers in evidence the petition filed by Frederick H. Petterson against Florence Louise Petterson, filed January 31, 1912, praying that the marriage between them be declared null and void. Have you any objection to that, Mr. Stagg, or have you sufficiently stated your objection.

20

Mr. Stagg: My objection is that the petition itself had no legality in Court when it was filed, and for that reason is not a proper evidence.

The Master: I will overrule the objection and the petition is admitted. What other papers do you want to offer in that suit?

Mr. Allen: The answer and affidavit that were filed on the question of alimony.

30

The Master: There is no answer here, what else besides the answer?

Mr. Allen: I also have an affidavit of the defendant Frederick H. Petterson, filed on the application for alimony on petition.

The Master: I do not find any affidavit by Frederick H. Petterson, I find an affidavit made by Mr. Stagg.

Mr. Allen: An affidavit was filed in

the case on the question of alimony.

The Master: It does not appear in the files.

Mr. Stagg: They were never filed.

The Master: The affidavit does not appear on the files?

Mr. Allen: I have the affidavits with me, and they were served on me at the time.

The Master: The original does not appear; do you object to the copy; do you want to offer a copy, and if so where is the copy? 10

Mr. Allen: I would like to offer the copy.

The Master: Is this all that you have to offer in the suit of Frederick H. Petterson; now what do you want to offer in the case in which Petterson was the defendant, and his wife was the complainant? 20

Mr. Allen: I would like to offer in evidence the bill, your Honor; I have got the wrong paper; here is a copy of the affidavit to which I have reference on the original petition.

The Master: You offer what purports to be a copy of an affidavit of Frederick H. Petterson; do you object to that Mr. Stagg? 30

Mr. Stagg: I object to it because it was not filed.

The Master: Mr. Allen offers in evidence affidavits made in the case in Chancery wherein Frederick H. Petterson, by Hans H. Petterson, his next friend was petitioner, and Florence Louise Petterson, was the defendant, which affi-

davits were made by the following persons: Margaret Petterson, sworn to February 21, 1912; Hans H. Petterson, sworn to the same day; John P. Wright, sworn to the same day, and Frederick H. Petterson, sworn to the same day; the affidavits are indexed together, and marked as on Exhibit P. 1.

10

Mr. Allen also offers bill of complaint filed March 4, 1912, in the case wherein Frederick H. Petterson, by Hans H. Petterson, his next friend, was complainant, and Florence L. Petterson was the defendant. Now, what else have you to offer in this particular case?

Mr. Allen: The answer.

The Master: You are offering the answer.

20

Mr. Stagg: Yes, your Honor, he does.

The Master: What do you offer next?

Mr. Allen: Then the affidavits of Frederick H. Petterson, sworn to March 16, 1912.

30

The Master: Mr. Allen offers in evidence the original affidavit of Frederick H. Petterson, entitled in the same cause, sworn to March 16, 1912; also the affidavit of Margaret Petterson, sworn to the same date; also the affidavit of Hans H. Petterson, sworn to the same date, and also the affidavit of William C. Roth, sworn to the same date and of Louisa Roth, sworn to the same date, said affidavits are attached together having been marked filed and are now marked Exhibit P. 2.

Do you offer anything else from those files in the case?

Mr. Allen: That is all in that case; I also offer in evidence the answer of the defendant to the original petition by this petitioner, and also the—

The Master: What case are you talking about, are you offering the answer in the present case?

Mr. Allen: Yes, your Honor.

The Master: You don't mean to offer that?

10

Mr. Allen: Then I will offer in evidence an affidavit of Frederick H. Pettersen in this case upon application for alimony, bearing date March 1, 1913.

Mr. Stagg: I object to that; that is part of the case.

The Master: What else?

Mr. Allen: The affidavit used upon the application for alimony.

The Master: Is there anything else you are offering now?

20

Mr. Allen: No, your Honor.

The Master: The affidavit of Frederick H. Pettersen dated March 1, 1913, is offered in evidence and accepted.

By Mr. Allen:

Q. You read over the petition filed in this case, by your husband and his father as his next friend? A. Yes, sir.

30

Q. And were those charges in there true? A. No, sir.

By the Master:

Q. You are now referring to the petition which was filed by your husband against you for the annulment of your marriage? A. Yes, sir.

By Mr. Allen:

Q. You also read over the affidavit of your husband, Frederick H. Pettersen, in this cause, did you? A. Yes, sir.

Q. Are those statements true? A. No, sir.

Q. Did you also read over the bill which he afterwards filed containing similar charges against you and asking for an annulment of your marriage? A. Yes, I did.

Q. Were those charges true? A. No, sir.

Q. Did you also read over the affidavits which were entered by him on application for alimony in this case, with reference to your being in the family way? A. Yes, I did.

Q. Were those affidavits true? A. No, sir.

Q. Did you ever give him any cause to suspect you of being unfaithful or being untrue to him? A. No, sir, never.

20 Q. Have you ever since your marriage been out alone with a man in the evening, other than your father or brother? A. No, sir.

Q. About what was your weight at the time of your marriage? A. About 140 pounds.

Q. What is it at the present time? A. 109 pounds.

Q. How was your health up to the time of your marriage? A. Well, I was never sick.

30 Q. When had you occasion to be treated by a physician before you were married? A. Never.

Q. Never besides child birth, you never had occasion for a doctor? A. No, sir, never.

Q. What effect, if any, did those accusations of your husband charging you with deceiving him and charging you with being in the family way by some other man, have upon your health?

Mr. Stagg: I object to the question.

The Master: I will allow it. L

A. Have upon my health?

Q. Yes. A. Right after November, the middle of November, I was very sick, and I could hardly ever eat and hardly do work, but just take care of my child.

Q. Could you sleep well at night after these charges were made? 10

Mr. Stagg: I object to that question and I move that it be stricken out.

By the Master:

Q. Now you tell us, you have said why your health was effected by your husband's accusations, now you go on and tell us the details, everything that you can remember that has affected your health, or in any particular that your health has been disturbed by his conduct? 20

A. From the time he began to make those charges against me in November, I could not eat even from headaches and dizziness and I was seldom able to do any work around my house; my mother had to do it all; I could not sleep, and if I did sleep he would wake me up and tell me about the different men I went around with, that is about all I can remember. 30

By Mr. Allen:

Q. And why could you not eat or sleep?

The Master: She has said that when she slept, he came in and woke her up.

Q. What, if any, effect did the two suits

which he brought against you, in which he made those charges have upon you or your health?

Mr. Stagg: I object to that question as incompetent and irrevelant.

The Master: I will admit the question.

10 A. Why, I was a strong girl, I went to work every day before I was married, and now I am just able to take care of the child.

By the Master:

Q. He has called your attention to these charges that your husband made against you in these suits against you; do you remember that?

A. Yes, sir.

20 Q. He is asking you what change, if any, those suits had upon your health? A. I cannot do any work, I can hardly sleep until the doctor gave me something; the doctor advised me to go away in August and when I was away I had to come home on account of the alimony; he would not pay it to my mother or to my father.

By Mr. Allen:

30 Q. Why could you not eat or sleep?

The Master: She has already answered that question.

Q. When did you begin to—when were you troubled with sleeplessness and your appetite failing you, and how long did that last? A. From December 1st.

FLORENCE LOUISE PETTERSON—DIRECT

Q. From December of what year? A. December, 1912.

Q. Do you mean the December right after you were married? A. December, 1911, I mean.

Q. And that continued you say right on? A. Yes, sir.

Q. And after the suit was started, you say, that also troubled you so that you could not eat or sleep?

10

The Master: Strike that out.

Q. Have you any property or means of your own? A. No, sir; I have not any.

Q. How were you supported up to your marriage? A. Worked every day.

Q. Where at? A. James McCreery, 23rd Street and Sixth Avenue, New York City.

Q. How long had you worked there? A. 20 Five years.

Q. Had you lost any time, by reason of being sick during the five years? A. No, sir.

Q. What did you earn at McCreery's? A. \$10.00 a week.

Q. Did you live with your parents then? A. Yes, sir.

Q. You had no more to give them? A. I gave all my money to my parents.

Q. And they in turn boarded you?

30

The Master: Strike that out.

Q. Now, what is your husband's business, the defendant? A. Bookkeeper about the Erie Railroad.

Q. At what office? A. 50 Church Street.

Q. Where? A. New York City.

Q. And what is his present salary, do you know? A. A week, do you mean?

Q. Yes, or a month? A. A month, I think it is \$55.00; I know he gets \$50.00.

Q. Has he any other profession besides book-keeper? A. Music.

Q. What has he been in the habit of earning in music? A. At music?

Q. What does he do in the way of music?

10 A. Violin and mandolin; he gives lessons.

Q. What does he earn at that, about? A. \$2.50 a week.

Q. Do you mean upon the average or every week? A. I suppose every week, I don't know for sure.

Q. How long has he been giving lessons on the violin and mandolin, about how many years?

A. I could not tell you that; from what he told me four or five years.

20

By the Master:

Q. Does he make this money at music, from giving lessons? A. Yes, sir.

By Mr. Allen:

Q. Was he giving lessons in music at the time he left you? A. No, sir.

30 Q. Had he been before that? A. Yes, sir; at his home when I married him.

Q. Does he also play the piano? A. Yes, sir.

Q. Does he or has he earned money at concerts for playing? A. I could not tell you that. Mr. Allen.

Q. Do you know whether or not he has been in the habit of playing at musical entertain-

FLORENCE LOUISE PETTERSON—DIRECT
JOHN P. WRIGHT—DIRECT

ments or moving picture shows on the piano or violin? A. Only what I heard; I do not know.

Q. From what he told you? A. No; from what I heard from other people.

Mr. Allen: That is all.

Mr. Stagg: I would like to call a physician from New York City.

The Master: Very well.

10

JOHN P. WRIGHT, sworn on behalf of the defendant.

Direct examination by Mr. Stagg:

Q. You are a practicing physician? A. Yes, sir.

Q. How long have you been such? A. Since the spring of 1893, twenty years ago.

20

Q. Where do you practice? A. 161 East 82nd Street, New York City.

Q. Do you know Frederick H. Petterson? A. I do.

Q. That young man here (indicating)? A. Yes, sir.

Q. Do you know his father and mother? A. I do.

Q. How long have you known the father and mother, and the young man? A. As near as I can recollect, about sixteen or seventeen years.

30

Q. Have you attended the family as a physician? A. I have at various times.

Q. Do you recollect of this young man, calling at your office sometime in the latter part of the year of 1911? A. I do.

Q. Can you tell about what month it was? A. I have not any statistics of that with me,

but I think from having looked at it some time ago, that it was the 11th of November, 1911.

Q. Some time in November, 1911? A. Yes. I remember the occasion of the 11th, and I think it was the 11th.

Q. Did he inform you at that time that he was married? A. He did.

Q. Was something said about the pregnancy of his wife at that time? A. Yes, sir.

10

Mr. Allen: I object to the question as being too leading.

The Master: I will allow the question.

A. May I explain—

Q. Now, at that conversation that you had with him, he came to see you professionally?

A. He did.

20 Q. Did you at that time give him a prescription? A. I did.

Q. Which was to be filled at a drug store?

A. Of course it would have to be filled there. nobody else could.

Q. For whom was that prescription, as you understood it? A. As I understood it for his wife.

30

Mr. Allen: I object to that as improper question, who he understood it for, that cannot bind the wife in any way.

The Master: I will allow the question.

Q. Was there anything said at that conversation between him and you about taking medicine or giving medicine to procure an abortion?

A. No, sir.

Q. Now, this medicine that you prescribed, what was it? A. A tonic.

Q. Would that medicine injure any person taking it? A. No.

Q. What was it intended for? A. To enrich the blood.

Q. Suppose a female was pregnant with child at that time and was suffering from a great deal of weakness, and vomiting from the stomach caused by pregnancy, what effect, if any, would this medicine have upon her? A. It would aggravate her condition, because, according to the question she was vomiting, this would not stop the vomiting, but the result would naturally aggravate the trouble. 10

Q. Do you mean by aggravate, make her vomit more? A. It most likely would.

Q. Would it if she were pregnant bring on premature birth? A. No, sir.

Q. If she were weak, what effect would it have upon her system? A. Weak, naturally? 20

Q. Yes. A. It would enrich her blood, because being iron, it would strengthen her; iron was the natural ingredient for her system.

Q. And suppose this woman was not pregnant, her menstruation? A. By enriching her blood, it would bring about natural menstruation.

Q. Now, doctor, you have seen this lady before? A. Yes, I believe I did, and yet I would not be positive, I saw her in a crowd one evening. 30

Q. You remember going to East Rutherford one afternoon? A. Yes, sir.

Q. And met me in East Rutherford. A. Yes, sir.

Q. And who was there besides you and I at that time? A. Mr. Petterson, sitting over

there, the father of Mr. Petterson, the defendant, and if I remember rightly Mr. Petterson's sister and brother-in-law who is sitting by him now, and Mrs. Petterson.

Q. Did you go with me to a house in which you understood the petitioner was still residing? A. Yes, sir.

Q. And did Hans Petterson and four of us go together? A. I don't remember how many
10 went in, I remember you and I went in and some others, I don't remember whether the young man went in or not; I don't remember whether Mrs. Petterson went in.

Q. You went in at my request? A. I did.

Q. Do you recall when that was? A. I don't recall the date.

Q. I call your attention to a copy of an affidavit made by you on the 21st of February, 1912, in which you say that it was on the 20th of February that you went there; this is not signed by
20 you, it is a copy? A. What I remember that it was cold weather; I remember I felt chilly, I don't recall the exact month, I could not tell you the month.

Q. You got in the house with me. A. Yes, sir.

Q. That was in February, 1912? A. Yes, sir.

Q. Doctor, what purpose did you go there for? A. To make an examination.
30

Q. Of whom? A. Of Mrs. Petterson.

Q. Mrs. Petterson? A. Yes, the lady sitting there, (indicating).

Q. To ascertain what? A. About the possible age of the pregnancy, which was supposed to exist.

Q. And when you came in there did you hear me request, either Mrs. Petterson here or her

mother in her presene to have her submit to this examination?

Mr. Allen: I object to the question as leading and I think it is improper to put it in that way.

The Master: I will allow the question.

A. Yes, sir.

Q. What happened then, doctor, as far as you recollect? A. The request was refused. 10

Q. By whom? A. As I remember, by both, by the mother and the daughter.

Q. This younger Mrs. Petterson and her mother? A. Yes, sir.

Q. When we came out of the house what did we find at the outside, do you recollect? A. I recall there was something said about a policeman coming, I don't profess to know all the facts about it. 20

Q. Isn't it a fact that somebody sent for a policeman? A. That is what I said.

Q. And he was outside when we came out? A. Yes, sir.

Q. I show you a paper, doctor, and ask you what this is? A. This is a prescription containing tincture of chloride of iron, 2½ grains.

Q. Is that prescription a copy of what you gave? A. A copy of the prescription I wrote, I presume that it is a copy, because it contains the same ingredients that I wrote; it contains the ingredients that I wrote out. 30

Q. Wrote for whom? A. At the solicitation of Mr. Petterson.

Q. At the time when he called upon you in New York? A. Yes, sir.

Q. And the prescription contains the same ingredients, the same prescription that you gave

to him on the occasion that you mention? A. Yes, sir.

Q. And the words, Doctor Wright is at the bottom? A. Yes, sir.

Q. That is a copy and has on it 3348? A. That is the number of the prescription.

Mr. Stagg: I offer that for identification.

10 Marked Exhibit D. 3 for identification, July 3, 1913.

Q. That is all.

Cross examination by Mr. Allen:

Q. Did you bring this paper with you this morning? A. I did not.

20 Q. When did you see it last before testifying today? A. I saw the paper, I cannot say that is that paper, I saw a paper when I came to this city a week or two ago concerning this same case, and I was not put on the stand, and Mr. Petterson showed me a copy of this prescription that I had written, I believe that is the same one.

Q. That is not in your own handwriting? A. Oh, no.

30 Q. Does your name appear anywhere on it? A. The name is written on the bottom; you see the original prescription is on file at the druggist, and the druggist was asked for a copy.

Q. You did not write that paper out? A. No.

Q. Nor know where it was written? A. No, sir.

Q. And you never saw that paper before a week or two weeks ago—until within a month ago? A. I did not.

Q. Have you compared this with the original? A. Minutely, yes, I did not go to the drug store, to look at the drug store's.

Q. Do you keep a copy of all prescriptions you write? A. I do not.

Q. This was dated what day or year? A. The 11th of November, 1911.

Q. Since that time you have made out a great many prescriptions? A. Yes, sir.

Q. Perhaps one or two hundred? A. Perhaps one or two thousand. 10

Q. It would be quite difficult for you to say as to what was in the prescription you made in November, 1911? A. Ordinarily it would.

Q. You would not attempt to testify just what was in that, would you? A. Oh, yes, I would.

Q. Can you recall all the thousands of prescriptions you have written since that time? A. No, I could not. 20

Q. Can you testify as to what was put in those thousands of prescriptions? A. I could not.

Q. How is it that you can so clearly state what was in this particular one? A. I am in the habit of prescribing for such a condition, a certain combination of drugs, that is just as potent to my mind that I wrote this as it is that I took my breakfast this morning, because in this case I only prescribe one way. The supposition was that this patient needed some kind of a tonic, something that would increase the richness of the blood, and if pregnancy existed, it would not do any harm, and would bring on the natural flow if she were not pregnant. 30

Q. The monthly sickness? A. Yes, the monthly sickness.

Q. And the purpose was to give her some-

thing that would bring on her menstruation sickness? A. Yes, sir; if she were not pregnant.

Q. You say that when Mr. Petterson called upon you, you presumed that she was pregnant?

A. He told me that she had not been unwell, and he thought she was pregnant.

10 Q. Then is that the only information that you received from him, without getting other information about her condition? A. I could not get any definite information except that she did not feel well, that she did not menstruate at the time it was expected.

Q. Did you ask him how long they had been married? A. Oh! yes, I questioned him.

Q. How long did he think she had been in a family way? A. He could not tell how long, but that she was that way.

20 Q. Now, is it customary for you to send a medicine to a wife for that purpose without seeing the patient? A. Why, it is quite naturally done if a woman is not pregnant and she is not menstruating that would be the proper medicine for her, and again if she were pregnant it would not bring on her menstruation.

Q. Then you thought that she was pregnant and in the family way? You believed his statement? A. I believed his statement that she was not menstruating.

30 Q. You believed his statement that she was in the family way? A. I did not, that was the presumption.

Q. Upon that presumption you prescribed something for this woman? A. Yes, sir.

Q. And he took it up to her, I presume, did he? A. I do not know.

Q. You say that he told you that she was vomiting? A. No, he said something about

her stomach being out of order that she did not feel like eating and she was sick: I don't recall that he said that the vomiting was any great symptom.

Q. Didn't you testify that he said he thought she was in the family way? A. No, I said that she was sick at her stomach.

Q. You say that this medicine would cause her to vomit some? A. Yes, if given in the way that counsel has suggested it would cause her to vomit and aggravate her condition. 10

Q. What do you mean by saying this medicine would cause her to vomit and aggravate her condition? A. I mean that if a person's stomach is so weak that they did not retain food, that would simply increase the tendency of vomiting; we would not give that kind of medicine to allay vomiting.

The Master: He said if she were vomiting and was only sick at her stomach then this medicine might aggravate the vomiting. She was simply sick at her stomach or nauseating, then. 20

Q. You do not know of your own knowledge what became of the prescription which you wrote out for the defendant at that time? He called upon you in November. A. No, how could I; I know that I gave it to the one that requested it. 30

Q. He came and asked you for a prescription? A. He did not request a prescription; he came to present his case to me and I prescribed for it.

Q. Do you give prescriptions without being asked for them? A. Absolutely; if you came to me and said you were ill, I would.

Q. Where a man comes to you and explains the condition of his wife, would write a prescription without being requested to do so? A. Under the conditions I would.

Mr. Allen: I object to that paper being offered.

The Witness: They can get the original prescription if they want to from the Drugstore.

10 Q. Doctor, you say that you went with Mr. Stagg and the defendant and his mother and his father and another gentleman around to the home of the defendant's wife and requested her to be examined by you? A. Yes, but I think the question stated a little too much; yes, they all went there, but they all did not go in.

Q. They accompanied you to the house? A. Yes, sir; I presume it was her home.

20 Q. At whose request did you come to New Jersey? A. I went at the request of Mr. Peterson, Junior, the defendant in this case, through Mr. Counsellor Stagg.

Q. You knew there was a suit pending in the State at the time? A. Yes, sir.

Q. You were informed of that? A. Yes, sir.

30 Q. And did you ask the wife of the defendant to have her own doctor present or ask permission from her attorney or solicitor? A. I asked no questions at all; I simply went there ready to make an examination if I were needed to do so.

Q. You got no order from the Court to do so? A. No order whatever.

Q. Is it customary for you to do that sort of thing?

Mr. Stagg: I object to that question.

Q. Did you ask her who her family physician was? A. I just testified that I asked nothing.

Q. Is it not customary for a physician going to a patient's house to ask who her family physician is? A. No, I went there to make an examination; I didn't care if I did it or not.

Q. Did you expect her to submit to an examination in the presence of all these people, of his father and mother and the gentleman that was with you? 10

Mr. Stagg: I object to that as entirely improper.

The Master: I do not think I would ask that question.

Q. Did you ask her to permit you to examine her in the presence of all those people? A. I did not ask that question. 20

Q. I thought you testified awhile ago that you could not examine her? A. I simply stated that the request for an examination was made by Counsellor Stagg.

Q. You were told that she had been instructed by her attorney to have you arrested for going there without an order of the Court; you were told that and you departed from the house? A. I understood someone left the house and called a policeman. 30

Q. You went there with these men and women and found this woman and her mother in the house, and you demanded that she be given an examination? A. They requested it.

Q. Someone went out and telephoned and came back and told you to get out of the house or you would be arrested? A. No, sir.

Q. And a policeman met you at the door and you departed? A. Yes, sir, on the street.

The Master: We will now take a recess until 2 P. M.

After Recess, 2 P. M.

10 *Mr. Allen:* Mrs. Petterson, will you please take the stand again.

MRS. FLORENCE LOUISE PETTERSON, recalled.

Cross examination by Mr. Stagg:

Q. Mrs. Petterson, you say that you and your husband were married on the 18th of October, 1911? A. Yes, sir.

20 Q. And you were married in Jersey City? A. No, sir; Hoboken.

Q. By a Justice of Peace? A. Yes, sir.

Q. How shortly after your marriage did you go back to your father's and mother's house?

A. The day after I was married.

Q. You had been somewhere to Brooklyn?

A. The same night I was married.

Q. What time of the night were you married? A. Around eight o'clock.

30 Q. Was anything said by you to your parents that you were going to be married that night? A. Yes, sir.

Q. Before you left? A. Yes, sir.

Q. Your husband had been away in the country somewhere previous to that time? A. Yes, sir.

Q. Where? A. Pennsylvania.

Q. What place? A. My father's farm.

Q. What do you call the place. A. Bucks-ville, Pennsylvania.

Q. How shortly did he return before you were married? A. About a week, I think.

Q. How long had he been away at the farm?

Mr. Allen: I object to that question as incompetent, irrelevant and immaterial.

The Master: I can't tell whether it is incompetent, irrelevant and immaterial, but I do not see how it is cross examination, and I will overrule the question. 10

Mr. Stagg: I will withdraw the question.

Q. After you were married to your husband, did he ask you where you had been while he was away visiting; whether you visited any places of amusement, dances or entertainments? A. Yes, sir.

Q. How shortly after your marriage did he ask you that? A. How shortly after? 20

Q. Yes. A. Right before he left in January and went to his mother's and father's home; that was in January.

Q. Didn't he ask you that sometime in November? A. No, sir.

Mr. Allen: I object to that as immaterial.

The Master: I can't tell whether it is immaterial or not; I will overrule your objection. 30

Q. What was this troop? A. A horse troop.

Q. Wasn't it the Moonachie Horse Troop? A. Yes, sir, Mr. Stagg was there too.

Q. That dance was where? A. At the half

way house, Levy's, Washington Park, New Jersey.

Q. In Bergen County? A. Yes, sir.

Q. When was it that this dance occurred?

A. I don't remember the date; sometime in September.

Q. 1911? A. Yes, sir.

Q. The same year you were married? A. It was the same year I was married.

10 Q. And that was while your husband, now, was in Pennsylvania, was it not? A. Yes, sir.

Mr. Allen: I object to that question.

The Master: I will overrule the objection.

Q. Did your husband when he spoke to you about it, ask you who you went there with? A. Yes, sir.

20 Q. And did you tell him? A. Yes, I told him my sister.

Q. And did he ask you who you came home with that night? A. Yes, sir.

Q. And did you tell him? A. Yes, sir, I told him my sister came home with me.

Q. Didn't you tell him that it was none of his business when he asked you whether you came home with a gentleman? A. No, sir.

Q. You are sure of that? A. Yes, sir.

30 Q. You danced with men there? A. No doubt I did.

Q. Did you? A. Yes, sir.

Q. Will you mention the names of those that you danced with?

Mr. Allen: I object to that question.

The Master: I will overrule the objection.

A. I don't remember the names now; I danced with the man that he put in the affidavit, one dance.

Q. Well, who was the man that you danced with; give us his name? A. Mr. Fake.

Q. Who else did you dance with? A. Nobody else; I don't remember, a friend of his, I don't know the man's name, though.

Q. I show you a photograph and ask you whether you ever knew the man whose photograph that is? A. No, I don't know who he is, it is only a picture, it was a button my brother found in the street. 10

Q. You don't know that man that is on the photograph? A. No, sir.

Q. What did you do with it? A. I didn't do anything with it; he took it off my dresser; it was my brother's; it was not mine.

Q. You are sure that your husband did not find you kissing this picture on your dresser? A. Oh! no; why do you think of such things, Mr. Stagg? 20

Mr. Stagg: I offer the photograph for identification.

Marked for identification.

Q. When did you say that this dance happened, in August? A. Sometime in August or September; I don't quite remember. 30

Q. You say that the first trouble that you and your husband had, was in the middle of November? A. Yes, sir.

Q. Where were you when this trouble happened? A. At home.

Q. You mean at your mother's house? A. Yes, sir.

Q. What happened then? A. About the

middle of November, when he accused me of going out with different men, and different vile names.

Q. What did he say when you say he accused you of going out with different men? A. He called me a "damn slob" and said that I went out with different men and I was no good.

Q. Didn't he at that time speak of your having been to the dance of the Horse Troop? A. No, sir.

Q. Didn't you tell him at that time—tell him that you had been to that dance? A. No, sir.

Q. Why didn't you tell him? A. Why, I just went with my sister, I was not married to him then.

Q. You were engaged to be married to him, were you not? A. Yes, sir.

Q. You were engaged when you went to this Horse Troop dance? A. Yes, sir.

20 Q. And you went without him? A. I went with my sister.

Q. Didn't you tell him when he returned that you had been to this dance? A. No, I did not.

Q. Was that in the middle of November that he spoke to you or you to him, about your being in the family way? A. Yes, sir.

Q. Hadn't you said anything about seeing the doctor previous to the middle of November? A. It was about the middle of November.

30 Q. When was it that he first spoke to you about a doctor? A. About the middle of November.

Q. Was it before the time you say he called you all these names? A. It was after.

Q. He had not said a word to you about a doctor before he called you that very bad name? A. No, sir.

Q. What did he say about the doctor? A.

He told me that I should see a doctor, that I was in the family way and on the way with an unborn child, and that he was not the father of the unborn child.

Q. Was that the first that he had said that to you, when he spoke about the doctor? A. Yes, sir.

Q. So that when he called you those bad names before he hadn't said anything about his being the father of the unborn child? A. Yes, all along he did. 10

Q. You just said he called you bad names at the time that he spoke something about the doctor, and he didn't speak about the child until after he spoke about the doctor? A. Why, he spoke about the doctor.

Q. Then he called you bad names before that time? A. Yes, sir.

Q. How long before? A. About a week.

Q. Hadn't you about one week before, said to him, or him to you, that you were in the family way, that is about a week before he told you about going and seeing a doctor? A. I told him that same week. 20

By the Master:

Q. You have said that he called you bad names before he told you to go and see a doctor? A. Yes, sir. 30

Q. And you said he first called you those bad names about a week before he advised you to go and see the doctor? A. Yes, sir.

By Mr. Stagg:

Q. Had you one week before said to him, or him to you, that you were in the family way,

that is about a week before he told you about going and seeing a doctor? A. Telling me that I was in the family way?

Q. Yes. A. No, sir, I did not tell him that.

Q. You just stated that he spoke to you about going to see a doctor? A. Yes, sir.

Q. Now, was it before he spoke to you about going to see a doctor, and if so, how many days before did he speak to you, or you to him, about
10 your being in the family way? A. About three days.

Q. About three days before he advised you to go and see the doctor? A. Yes, sir.

Q. When did he first speak to you or you to him about your being in the family way, was that before or after he had called you those bad names that you are talking about? A. It was after.

Q. How many days before was it that he
20 called you those bad names? A. It was after, Mr. Stagg.

Q. How many days, you mean that he didn't call you any bad names until you said you were in the family way? A. After the middle of November, after I told him that I was in the family way, after I refused to go and see the doctor.

Q. Then, as I understand it, he didn't call
30 you any bad names at any time, until after you had refused to go and see the doctor, which you and he had talked about, is that so? A. Yes, sir.

Q. How long was it after that you refused to go and see the doctor, that he called you bad names, how many days? A. How many days after?

Q. Yes. A. Three days, I said, Mr. Stagg, before.

Q. What did you say to him when you were saying you refused to go and see the doctor? A. I told him it would be a crime if I went to a doctor.

Q. What doctor did he ask you to go and see? A. He didn't say any name; he said a New York doctor.

Q. Didn't he name Doctor Wright? A. No, sir.

Q. Are you sure about that? A. Yes, sir. 10

Q. Before these three days had passed by, had he brought any medicine to you from any drug store which he said came from a doctor's prescription? A. Yes, sir.

Q. How many days before he called you bad names as you say, and after you refused to go to a doctor, was it that he brought you this medicine. A. About four or five days after.

Q. Was that before or after he called you bad names? A. It was after. 20

Q. How many days was it after you had refused to go to the doctor? A. How many days after?

Q. Yes. A. It was about a week, I think.

Q. Had you taken medicine? A. No, sir.

Q. Did you take any of it? A. No, sir.

Q. Are you sure about that? A. Yes, sir.

Q. What did you do with it? A. I threw it out.

Q. Where? A. In the sink. 30

Q. What did he say to you when he came with the medicine? A. What did he say?

Q. Yes. A. He told me the medicine would benefit me.

Q. Did he tell you what doctor prescribed it? A. No, sir, he did not.

Q. Did you see what doctor's name was on the bottle? A. No, sir, I did not look.

Q. You did not look at the bottle? A. Yes, I looked at the bottle, but I threw it away.

Q. You saw what was on the bottle? A. I did not look at the doctor's name.

Q. The doctor's name was there? A. I don't know, I did not look.

Q. You have seen other bottles of medicine? A. Oh, yes.

10 Q. And you know the doctor's name is on the bottle, don't you? A. Yes.

Q. Was he present when you threw it out? A. No, sir.

By the Master:

Q. What did you throw away, the bottle or the contents? A. I threw the bottle and everything, I threw the bottle in the ash can and the medicine in the sink.

20

By Mr. Stagg:

Q. How long after he gave it to you? A. About three days after.

Q. What did you do with it during that time? A. I left it stand there, until my mother came.

Q. Did you and she look at it? A. Yes, and she told me to throw it away.

30

Q. After you looked at it didn't you see the doctor's name on the bottle, you looked at the bottle, didn't you see the doctor's name on it? A. No, sir.

Q. Didn't you see some directions as to how often to take it? A. No, sir, I looked at the bottle and threw it out; I took the cork out.

Q. Taste it? A. No, sir.

Q. Shake it up? A. No, sir.

Q. What did you take the cork out for? A. To smell it.

Q. During these three days you and he had remained together in the same bed, had you not?

A. Yes, sir.

Q. And lived as husband and wife? A. Yes, sir.

Q. And your relationship had been pleasant?

A. No, sir, most every evening we had a quarrel.

10

Q. But you stayed in bed with him? A. Yes, sir.

Q. You were not afraid of him? A. I wasn't afraid of him.

Q. No. A. Was not afraid of him.

Q. No. A. Not while my mother and sister were there.

Q. You stayed in bed with him. A. Yes, sir, but my mother and sister were in the house.

Q. You stayed in bed with him until the 11th or 12th of January, 1912? A. Yes, sir.

20

Q. Slept with him every night? A. Yes, sir.

Q. You and he alone in the room? A. Yes, sir.

Q. You were never afraid to sleep with him? A. No, sir.

Q. Now, you say that on Thanksgiving Day he and you had made arrangements to go and visit somebody? A. Yes, sir.

30

Q. Who? A. My cousin.

Q. Where? A. In Brooklyn.

Q. Is that the same one that you had gone to when you were married? A. Yes, sir.

Q. And you were willing to go there and visit your cousin with him, were you not? A. Yes, sir.

Q. If he had gone there with you that day

you would have been satisfied, would you? A. Yes, sir.

Q. You were not put out at all about these bad names that he called you? A. Yes, sir, I was.

Q. But you would go and visit your cousin with him? A. Yes, because I had made an engagement with him.

10 Q. How long before had you made the engagement? A. I promised my cousin the night we were married to go there on Thanksgiving Day.

Q. Yes, you did? A. Yes, sir.

Q. Well, you were willing to go with your husband? A. Yes, I was willing.

Q. And you were not angry at him at that time? A. Well, not at the present time, because I was asking him to go.

20 Q. You were not angry on Thanksgiving Day? A. Not in the morning.

Q. You were not angry for what he had done, were you? A. Yes, I was.

Q. Why would you go with him then? A. Because I wanted to keep the engagement with my cousin, I didn't want to disappoint her.

Q. You were willing to go and keep that engagement with him, no matter what your husband had said to you? A. I was going to go along.

30 Q. You didn't want him to go? A. Yes, I was invited too.

Q. You wanted him to go too? A. Yes, if he came.

Q. And if he had gone, that would have been the end of it? A. Yes, I guess it would.

Q. You would have been proud of it? A. Not exactly proud.

Q. Why not? A. Not after the names he called me.

Q. You would have been glad, but not proud, is that it? A. Yes, sir.

Q. Now, you say you made another engagement with your husband to visit on Christmas Day, to go somewhere on Christmas Day, who was the friend? A. My father.

Q. Your father? A. Yes, sir.

Q. Why, where was your father? A. On 10
the farm in Bucksville.

Q. Hadn't he been home all that time? A.
Yes, sir.

Q. Wasn't he home at that time? A. Yes,
sir.

Q. He is not here, is he? A. No, sir.

By the Master:

Q. Where is your father's home? A. East 20
Rutherford.

By Mr. Stagg:

Q. Where does he live most of the time? A.
He lives now in East Rutherford.

Q. Where did he live when you got married?
A. He stayed in Pennsylvania on a farm.

Q. How long did he stay there before he
came back here? A. A couple of months, I 30
think.

Q. Wasn't he there in August, 1911? A.
In August, 1911?

Q. Yes. A. Yes, I guess he was.

Q. Wasn't he there in September, 1911? A.
I think he was.

Q. And when did he first come back home
since then?

Mr. Allen: I object to that question. What benefit is it to the Court to know where he is now or when her father went to the farm out in Pennsylvania?

The Master: I assume that counsel thinks that it is material.

Mr. Allen: I object to it also on the ground that it is immaterial and not cross examination.

10

The Master: I will let it go on a little further and if it is not material I will strike it out.

Q. (Last question repeated) A. I don't just remember the date or the month he came home in 1912.

Q. What part in 1912? A. I just don't remember.

20 Q. How long after your husband had left your place? A. About three months after.

Q. Was it about a year ago now since he came back? A. Yes, I guess so.

Q. Was it after or before the Fourth of July of last year? A. It was before.

Q. Now, you say that on New Year's Day you planned to make a visit that day to a friend down in Moonachie? A. Yes, sir.

Q. Who was that friend? A. A girl friend of mine.

30 Q. What is her name? A. Frieda Fink.

Q. When did you promise to make her a visit? A. I promised to make her a New Year's call.

Q. When had you promised her previous to New Year's that you were going there? A. Right before Christmas.

Q. How soon to Christmas? A. About a week, I guess.

Q. So that was after the middle of November? A. Yes, sir.

Q. Did your husband promise to go with you? A. Yes, sir, he did.

Q. And he didn't go, did he? A. No, sir.

Q. You have told us that previous to that time he said that you were pregnant with a child and that it was not his child, is that so? A. Yes, sir.

Q. And he had called you bad names? A. 10
Yes, sir.

Q. And that was all previous to the time that you told your friend that you were going to make a New Year's call on her? A. Yes, sir.

Q. Did you ask your husband to go with you to this friend for a New Year's call? A. Yes, sir.

Q. You were not put out or angry at him for calling you bad names or saying this about you when you wanted him to go New Year's calling with you? A. Yes, sir, I was. 20

Q. What did you go out with him for? A. I didn't want my friend to know what he called me.

Q. You were sleeping with him every night before that time? A. Yes, sir.

Q. You and he had made up? A. No, sir, we had not.

Q. But you were sleeping together up to the time of New Year's were you not? A. Yes, 30
we were living as man and wife.

Q. You were home alone with him on Christmas Day? A. Yes, sir.

Q. You were not afraid of him at the time, were you? A. No, sir.

Q. You never were afraid of him? A. Only towards the end.

Q. How long before the end were you afraid

of him? A. About three weeks before he left.

Q. How many days are there in a week? A. Seven.

Q. You were not afraid of him on New Year's when you wanted him to go to Moonachie to see this friend? A. I was not afraid of him.

Q. Moonachie is quite a deserted place? A. No.

Q. It is a country place, is it not? A. Yes, sir.

Q. Then, your friend lives east of the New Jersey and Northern Railroad towards Carlstadt? A. No, sir.

Q. Where does she live? A. Near Levy's road.

Q. How far above that? A. About a mile.

Q. There is nothing but farm houses there? A. Yes.

Q. And between Levy's and Carlstadt, which is nearly two miles, there are only two houses? A. Levy's and Carlstadt?

Q. Yes. A. On the direct trolley track.

Q. Isn't there only two houses there? A. From the car?

Q. Why, between Levy's and Carlstadt by the railroad, is there more than two houses? A. Yes, there are four or five of them.

Q. There are two at Berry's creek, one each side of the road? A. Yes, there are two of them there.

Q. On the road to Levy's? A. Yes.

Q. And when you get between four and five hundred feet away there are no houses until you get to Berry's creek? A. Yes, sir.

Q. And when you get up there, there are only a few houses? A. Yes, sir.

Q. And you would be willing to walk with your husband up this road to see your friend on

New Year's Day, you were not afraid of him then? A. No, sir.

Q. That was less than three weeks before he went away? A. I mean around Christmas.

Q. I mean about your going on a visit to Moonachie on Christmas Day? A. Yes, sir.

Q. And you said awhile ago that you were first afraid of him three weeks, before he left, were you not examined about that?

The Master: I don't think you need press that any further.

10

Q. You told upon direct examination that what you found fault with, with your husband was that he did not stay home with you, and didn't go on the visit on New Year's? A. Yes, and also about him calling me names.

Q. You say here he gave you no reason when he came back for not coming and going with you, isn't that what you found fault with, because he went out some other place and did not go out with you? A. No, sir.

20

Q. Did he call you names when he came back? A. Yes, sir, in the morning and also on that evening.

Q. What did he call you? A. The names I told you before.

Q. Did he say anything to you about the unborn child? A. Yes, sir, he did.

30

Q. How did he happen to speak to you about that, that day, what did he say to you and you to him? A. About my going out with different men, he said he was not the father of the unborn child.

Q. How many times did he say that to you? A. Dozens and dozens of times, I don't remember that.

Q. Isn't it a fact, Mrs. Petterson, that he wanted you to be examined by this doctor, that he claimed was a doctor in New York, to see how long you had been in the family way after he heard of your having been to this Horse Troop dance, why he went away? A. No, sir, it was not about the dance at all, because he never asked me about the dance on New Year's Eve.

Q. That is the first he spoke of the dance?

10 A. Yes, sir.

Q. Now, you say that on January 4th, he grabbed you by the arm? A. Yes, sir, he did.

Q. And threw you into the hall? A. Yes, sir.

Q. What did he say to you before he grabbed you by the arm? A. He told me what he heard again tonight.

Q. What did he tell you he heard? A. He told me that and that he had proof and that he

20 knew the man also.

Q. What did you say? A. I told him to bring in the man as long as he had proof.

Q. What was said next? A. I asked him to eat supper, and he said he had his supper out.

Q. This was on the 4th of January? A. Yes, sir.

Q. What was said next? A. I was in the kitchen and he grabbed me by the arm and pushed me in the hall and told me to shut up and

30 I went upstairs.

Q. Is that the first time he grabbed you by the arm? A. I guess it was the second time, about.

Q. When was the first time? A. Yes, that was the first time, the second time was when he tore up the music.

Q. He never grabbed you by the arm before that? A. No, sir.

Q. He often pushed you? A. Yes, sir.

Q. He never threw his fist at you before that? A. No, that was the first.

Q. Well, what time of the day was that? A. It was in the evening about six o'clock, right after supper.

Q. Did you remain with him that night? A. Yes, sir.

Q. You and he alone in the room? A. Yes, sir. 10

Q. You were not afraid of him? A. No, sir.

Q. Did you remain with him the next night? A. Yes, sir.

Q. Did anything happen after that until the 8th of January? A. All along he kept calling me names, and said that I went out with different men and he had proof, while he went out to business most every night.

Q. You said on your direct examination the next thing happened on January 8th, when he accused you of going with other men, right after supper? A. Yes, sir. 20

Q. Was that during that night or the next night? A. Yes, but in between those dates he often called me names.

By the Master:

Q. When he came home on January 4th, where were you? A. I was in the kitchen. 30

Q. And did you have some talk with him before he took you by the arm? A. I asked him to eat his supper before he took me by the arm and he told me that he had heard that I went out with different men and he had proof of it.

Q. Was all that while you were in the kitchen? A. Yes, sir.

Q. About how long did you and he talk before he took you by the arm, had he talked all that time? A. No, sir, I did not answer him.

Q. Did he do all the talking? A. Yes sir.

Q. And immediately before he took you by the arm, tell me as near as you can what he said and did? A. That is what he said; he said that I was out with different men and that I was unfaithful to him.

10 Q. What caused him to take you by the arm? A. Because I asked him to eat his supper, and he grabbed me by the arm and he shoved me aside and said shut up your mouth?

Q. Tell me now, exactly the words he said and what occurred in your own kitchen? A. After he pushed me in the hall from the kitchen. I left.

20 Q. I understood you to say that he pushed you from the kitchen into the hall? A. Yes, sir.

Q. Did he take you back again into the kitchen? A. No, I ran and went to my bedroom.

Q. Did you go back with him after he took you by the arm? A. Yes, sir.

Q. Did you walk along with him? A. Yes, sir.

Q. He didn't pull you very hard? A. He pulled pretty hard, I had blue marks.

30 Q. You walked along; he didn't drag you? A. No.

Q. When he got you in the hall, did he still continue to hold you by the arm or did he let go? No, sir, he let go.

Q. He didn't strike you? A. No, sir.

Q. And as soon as he let go, did you go up to your room? A. Yes, sir.

Q. Wasn't it on that occasion that you said

he went in the parlor and tore the music up?

A. Yes, sir.

Q. When did he do that? A. After I went upstairs and came down again.

Q. When you came downstairs where was he? A. He was in the parlor.

Q. Was there anyone else in there with him? A. No, sir, he was alone.

Q. Did you go in there? A. No, sir, I went in the kitchen with my mother.

10

Q. And did you go in the parlor. A. Yes, sir, afterwards.

Q. What made you go in the parlor? A. When I found out he was tearing up the music, I asked him not to.

Q. What did he do when you said that? A. He said, "Get out and shut your mouth."

Q. Was anyone else in the parlor then? A. No, sir my mother was in the kitchen; then I was in the kitchen and he came out with his fists clenched and he pushed me in the hall.

20

Q. What did he do; did he stand behind you and push you? A. Yes, from the side and he grabbed me by the arm; I was in between the hall and parlor when he pushed me out.

Q. What do you mean by that? A. It is in an archway like that, (indicating).

Q. You were standing in this archway? A. Yes, sir.

Q. When he took you by the arm did he walk with you or did he push you? A. He pushed me out.

30

Q. Can you indicate here how he pushed you out? A. It was not an easy push.

Q. Did you fall? A. No, sir, my mother came and got me in the kitchen.

Q. You did not fall? A. No, sir.

Q. Did he push you all the way across the

hall, or push you right under the staircase? A. Right under the staircase.

Q. He did not take hold of you? A. No, sir, my mother came and called me out.

Q. Did you come back in the kitchen? A. Yes, sir.

Q. And left him where? A. In the parlor.

Q. After you got in the kitchen, did you see him again come in? A. He was burning the music in the stove, and then he went downstairs to the furnace.

Q. He was burning the music where? A. In the kitchen stove.

Q. And threw the pieces in the kitchen stove? A. Yes, sir.

Q. Now, did he speak to you in the kitchen then? A. No, sir.

Q. What did he say about his coming towards you with clenched fists? A. That was before he came in with the music torn.

Q. You say that was when he came in with the music, before he burned it? A. Yes, sir.

Q. Where were you standing? A. I was reading, sitting down.

Q. Now describe exactly how he acted when he came in? A. Why, he said he knew I was nothing and then he went downstairs, he did not say anything more.

Q. When did he clench his fists? A. Well, that was the time he said I know you are nothing.

Q. Show me how he held his fists? A. (indicating closed hands.)

Q. He didn't shake his fists at you; hold his hands out? A. About half way up.

Q. With both hands? A. No, sir, just one hand.

Q. The music was rolled on one arm? A. Yes, sir.

Q. And the other arm had nothing in it? A. No, sir, nothing.

Q. But his hand was clenched? A. Yes, sir.

Q. He didn't shake it at you? A. No, sir.

Q. Then after he had burned the music, he went down to the furnace? A. Yes, sir.

Q. Carrying some of the music? A. Yes, sir. 10

Q. He didn't burn it all in the kitchen stove? A. No, sir, not all in the kitchen stove.

Q. Well, after that, after he had gone down to the furnace, did he say anything more to you that was bad? A. I went upstairs to my bedroom.

Q. And he didn't follow you? A. No, sir, towards evening when I was going to bed, he called me all those vile names; that I told you. 20

Q. What day of the week was this, the 8th day of January? A. I don't remember.

Q. Don't you remember whether it was a Sunday or a week day? A. I think it was a week day; it was after he came home from business.

Q. After he came home from business? A. Yes, sir.

Q. Was it dark or light? A. It was night; it was six o'clock. 30

Q. I understood you to say a moment ago, when he had his fists clenched, he had one arm filled with music? A. Yes, sir.

Q. Did the fist that he had clenched have the music in it? A. Both hands were clenched.

Q. Both arms were hanging down? A. No, sir, one was not hanging down; one was that way, (indicating).

Q. He only had music on one arm? A. Yes, sir.

Q. How near did you get to him when he had his fists clenched? A. I was just facing him.

Q. You say the fists were clenched? A. Yes, I was sitting down, I was reading.

Q. Did you get up? A. No, sir.

Q. Did you stop reading? A. No, sir.

Q. He did not disturb you any? A. I laid
10 down my paper when he came in.

Q. You didn't stop reading because he came in with clenched fists. A. I laid down my paper until he passed me.

Q. And he faced you and as soon as he passed you, you picked your paper up and were reading? A. Yes, sir.

Q. From this night of the 8th, up to the 11th, you and he lived together? A. Yes, sir.

Q. Slept in the same room? A. Yes, sir.

Q. You were not afraid of him? A. No,
20 sir.

Q. On the morning of the 12th, he got out and went to business? A. Yes, sir.

Q. And that night he left you? A. Yes, sir.

Q. I show you the original answer, filed April 19th, 1912, in the case of Frederick H. Petterson, by Hans H. Petterson, his next friend, and Florence Louise Petterson, and ask
30 you if this is your signature to that answer? A. Yes, sir.

Q. You wrote that? A. Yes, sir, it looks like my handwriting.

Q. Is there anything about it that seems strange to you? A. It is my handwriting, I think.

Q. Did you write it or not? A. Yes, sir, that is my handwriting.

Q. Was this answer read over to you before you signed it? A. Yes, sir.

Q. I show this answer and ask you why you did not mention in that answer any part of this cruel treatment that speak of, of which you charge your husband in this answer?

Mr. Allen: I object to the question..

The Master: I will overrule the question, for it seems to me the question is not a fair one, because it implies the statement respecting cruelty, and I will overrule the question. 10

Counsel presenting copy of an affidavit which Mr. Allen admits to have been made by the petitioner, shows it to the witness and ask the following questions:

Mr. Stagg: It appears on this affidavit, it states "Deponent further says that on the 12th day of January, 1912, etc."; do you remember making that statement in the affidavit? 20

A. Yes, sir.

Q. Is that true? A. Yes, sir.

Q. Is it true that after he had left you on January 12th, 1912, that you went to him and asked him to return and provide for you? 30

Mr. Allen: I object to that question.

A. No, sir, I went to my attorney.

Q. Did you authorize any other person to go to him and ask him to return and provide for you? A. I asked my attorney; I wrote to him.

Q. Wrote to him for what? A. I asked him to call at his office.

Q. Did you authorize him to get your husband to return and provide for you? A. Yes, sir.

Q. That was your statement in your affidavit, that you endeavored to have him return and provide for you, is that true? A. Through my attorney, yes, sir.

Q. You wanted him to come back? A. I wanted him to provide for me.

10 Q. Didn't you want him to return to you and provide for you? A. Yes, sir.

Q. And that was after he had left you? A. Yes, sir.

Q. Were there anything done up to that time that would stop you from asking him to come back and provide for you? A. Yes, sir, all those names that he called me.

Q. You were willing to forgive him? A. No, sir, I could not.

20 Q. Didn't you ask him to return and provide for you? A. There is a mistake there.

Q. Do you say now that that is true or false? A. There is a mistake somewhere.

Q. Now you have also stated in this affidavit here, he refused to do so or refused to live with her again? A. Yes, sir.

30 Q. Did you understand your husband had refused to come back or live with you when you made that paper? A. Yes, sir; from what he said in his paper he wanted the marriage annulled.

Q. Were you willing to have him come back and live with you again? A. No, sir, not after all the names he said about me.

Q. Are you willing to live with him now? A. Live with him after all the names he called me?

Q. Are you willing to live with him now? A. No, sir, I would be afraid to live with him.

Q. Afraid of him, for what? A. Why he would do me bodily harm.

Q. Did you think so when you made this affidavit? A. Did I think so?

Q. Yes. A. Yes, sir.

Q. That was on the 11th of January, 1912, when you and he occupied the same room together as husband and wife? A. Why, I didn't know that he was going to leave.

Q. If he hadn't left, it would have been all right wouldn't it? A. If he had not left it would have been, and if he had not put such things in the affidavit against me. 10

Q. Yes, then you would have been all right? A. I don't know, Mr. Stagg.

Q. Then you would have lived with him? A. I would have to.

Q. Wouldn't you? A. Yes, I suppose so.

Q. If he hadn't left you on the 12th of January, 1912, and up to the time that those things were in the affidavit, you would have lived with him? A. Yes, sir. 20

Q. And you would have been living with him now? A. Yes, sir.

Q. Now, you remember writing him a letter in August, 1912? A. A letter?

Q. Yes. A. Yes, sir.

Q. In it you told him that if he didn't pay your alimony, that you would put him somewhere where he could not get out? 30

The Master: Mr. Stagg, that is not a proper question, you ought to produce the letter.

Q. Do you remember writing him a letter of some such character? A. Yes, sir.

Q. At that time he owed you some alimony? A. Yes, sir.

Q. You had previously written him a letter that you were going out to your father's? A. Yes, sir, the doctor advised me to go away.

Mr. Stagg: Now, Mr. Allen, will you please produce that letter; I asked you to produce it this morning.

Mr. Allen: Everything we had has been produced.

10

Q. Previous to that time, had you received a letter from your husband, that I now show you, dated July 23rd, 1912, and registered on return card, request, mailed from Rutherford July 23rd, 1912, and mailed the same date as appears by the envelope; did you reply to that letter? A. No, sir; I was sick in bed the time the letter came.

20 Q. Did you read the letter? A. Yes, about two weeks after the letter came.

Q. Did you know of its reaching there at your place? A. No, sir, not until after two weeks.

Q. This registered card I will show you; whose signature is on there? A. That is my mother's.

Q. That is not your signature? A. No, sir.

Q. She signed it for you? A. Yes, sir.

30

Q. And did your mother keep this letter for two weeks, before you saw it? A. Yes, sir.

Q. Was it after the seeing of this letter, that you wrote this letter that I speak of, that you have just told us that you would have your husband put somewheres? A. No, that was in August.

Q. That was after receipt of this letter? A. Yes, sir.

Q. You had seen this letter first, hadn't you?
A. Yes, sir.

Q. And this letter was for him and you to make up?
A. Yes, sir.

Mr. Stagg: I offer the letter in evidence. The letter is marked Exhibit D. 2 and the envelope is marked Exhibit D. 3.

(*Mr. Stagg reading letter.*)

10

By Mr. Stagg:

Q. Now, did you reply to that letter?
A. No, sir, I did not.

Q. Why didn't you answer the letter?
A. That did not seem like his words to me.

Q. Was it after receipt of that letter or before that he came to your house and asked you to come and live with him?
A. After.

20

Q. And what did you say to him when he asked you to come and live with him?
A. I asked him where he would make me a home.

Q. Would you come with him?
A. No, sir.

Q. They were still paying you your alimony, were they?
A. I think so.

Q. Do you remember you were paid alimony up to when, in that previous suit?
A. Up to October 21st.

30

Q. And then you understood that that suit was dismissed, did you not?
A. Yes, sir.

Q. That was about two months after you received this letter?
A. Yes, sir.

Q. And about six weeks after did he come and ask you to come and live with him?
A. Yes, sir.

Q. Now, did you after the alimony stopped

in the previous suit, in October, apply to the Overseer of the Poor of East Rutherford, to have your husband arrested for non-support? A. Yes, sir.

Q. Was it about the 8th day of November, 1912, that you made the application? A. Yes, sir.

Q. And you had your husband arrested on that application for non-support? A. Yes, sir.

Q. At that time you charged him with failing to support and clothe you? A. Failing to support me?

Q. Yes, and live with you? A. (No answer).

Q. At that time you were living with your mother? A. Yes, sir.

Q. Was your father home? A. Yes, sir.

Q. He had come back from Bucks County, had he not? A. Yes, sir.

Q. About at that time was anything said to the Overseer of the Poor, or to your husband, or to any other person in your husband's presence, that your husband had cruelly treated you, or had called you bad names?

Mr. Allen: I object to that question as immaterial and irrelevant, and it is not proper cross examination.

The Master: I do not think that it shows any light on the issue, but I will allow the question.

A. No, sir, I did not.

Q. You remember when your husband appeared before the Recorder and you were there and Mr. Allen and I were there in the Recorder's office, do you not? A. Yes, sir.

Q. Did you at that time say anything about your husband, that he had cruelly treated you or called you bad names? A. No, sir.

Q. Do you remember that at that time you withdrew the complaint and you had your husband rearrested on about the same charge, do you remember that? A. Yes, sir.

Q. And in that new charge there was nothing said about this cruel treatment or your husband calling you bad names? A. Only for support. 10

Q. Well, if your husband had been willing to support you and live with you at that time, would you have lived with him? A. No, sir.

Q. All that you wanted, was his support? A. Yes, sir.

Q. That is all you want now, isn't it? A. That is all, yes, sir, and a limited divorce.

Q. That is all.

20

Mr. Allen: I have the original affidavit now, and I will put that in place of the copy of the affidavit. It is marked Exhibit P. 1.

Case adjourned until July 8th, 1913, at 10.15 A. M.

30

CHANCERY CHAMBERS, JERSEY CITY,

July 8, 1913,

10.15 A. M.

CASE RESUMED:

10

Appearances same as in previous hearing:

Mr. Allen: There are one or two questions I would like to ask the petitioner on re-direct examination.

The Master: Very well.

MRS. FLORENCE LOUISE PETTERSON,
recalled:

20

Re-direct examination by Mr. Allen:

Q. On or about November 11, 1911, were you sick or had you any ailment necessitating a doctor? A. No, sir.

Q. Did you tell your husband to go and see a doctor and get you a medicine or tonic? A. No, sir.

30 Q. Did you know Doctor Wright who testified in this case at that time? A. No, sir.

Q. Had you ever heard of him before? A. No, sir.

Mr. Stagg: That will be strictly rebuttal testimony.

The Master: You can't ask anything not rebuttal, Mr. Allen.

(Question withdrawn.)

By Mr. Allen:

Q. Who is and always has been consulting you and who has been your family physician?

Mr. Stagg: I object to that, she answered that the other day.

The Master: No, sir, the question is allowed.

10

A. Doctor Riordan.

Q. How far does Doctor Riordan live from your home? A. About three blocks.

Q. And did he live three blocks away at that time? A. Yes, sir.

Q. Now, how many bottles of medicine did your husband bring you? A. Two bottles.

Q. Both at the same time or when? A. No one a few days later than the other.

Q. How long was it after he asked you to go to New York to the doctor to have an abortion performed that he bought you the two bottles of medicine? A. Three or four days. 20

Q. That is when he spoke to you about the doctor? A. Yes, sir, that is when he spoke about the doctor.

Q. You mean three or four days after he asked you to go to the doctor? A. Yes, sir.

Q. When he asked you, did he give you the name of that doctor in New York? A. No, sir. 30

Q. Then how long was it after bringing you the first bottle of medicine that he bought the second bottle? A. About three days, I think.

Q. Now, the Court has asked you about the two assaults made upon you by your husband; I understood you to say that they were both made at the same time, was that right?

Mr. Stagg: I do certainly object, for this reason, in the first place I do not object to Counsel asking any question that the witness might have forgotten, but he attempts to force an answer from his own witness, what the Court asked there after she left the stand, is entirely improper.

10 *The Master:* I suppose he has the right to ask questions in the re-direct examination which were intended to explain answers on the cross-examination.

Mr. Stagg: This witness left the stand and counsel then put another witness on the stand, afterwards counsel said he was ready to go on with another witness; if he has forgotten something with one witness, after the witness had left the stand, there has been an opportunity to talk to the witnesses.

20 *The Master:* I will allow it.

A. No, sir, it was not the same day.

By the Master:

Q. Do you want to correct a statement that you made? A. Yes, sir.

30 Q. Now make the correction. A. On the 4th of January, when he tore up this music, he rushed me from the parlor into the hall and against the staircase and pushed me so that I hurt my back, that was on the 4th of January.

By Mr. Allen:

Q. The occurrence from the kitchen, explain that to the Court. A. That was the 8th; the 8th I was in the kitchen, he took me by the arm

from the kitchen and pushed me in the hall; I had also blue marks on my arm where he pinched me at the time.

Q. Now, up to the time he had assaulted you were you afraid of him?

Mr. Stagg: I object to that question as leading.

The Master: Yes, it is a leading question.

Mr. Allen: I will withdraw the question.

10

Q. What caused you to become afraid of your husband?

Mr. Stagg: I object to that question.

The Master: Is there any need for you to go into that matter any further?

Mr. Allen: Very well, very well, your Honor.

20

The Master: I overrule it, you may ask such questions as you like, and I will rule upon it.

Q. When did you first become afraid of your husband for fear of bodily harm?

Mr. Stagg: I object to that question as leading.

The Master: I will allow it.

30

A. The 4th of January.

Q. Why?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. Because he had such a terrible temper, tearing up this music and he pushed me into the

hall against the banister; he never touched me before that.

Q. That is all.

Re-cross examination by Mr. Stagg:

Q. As I understood you, you testify now that nothing occurred in the kitchen on January 4th, 1911, is that so? A. That was in the parlor.

10 Q. (Last question repeated.) A. Yes, sir.

Q. Then when you stated the other day, that on January 4th, he came at you with clenched fists in the kitchen at that time and burned up several sheets of his music, that was not true, was it? A. That was in the hall.

Q. As I understand you, you testify now, that nothing occurred in the kitchen on January 4th, 1911, is that so? A. In the kitchen, yes, sir, he did.

20 Q. On January 4th? A. Yes, sir.

Q. Didn't you say, a moment ago, that he didn't come at you with clenched fists on January 4th, that that was on January 8th? A. It was my music.

Q. You testified the other day that he came at you with clenched fists on January 4th, didn't you? A. When?

Q. January 4th. A. Yes, sir, that is true.

Q. That was on January 4th? A. Yes, sir.

30 Q. And not January 8th? A. No, sir.

Q. So that he didn't come at you with clenched fists in the kitchen? A. In the hall, he did.

Q. He didn't come at you with clenched fists in the kitchen, on January 8th, is that so? A. I don't know what you mean.

By the Master:

Q. Mr. Stagg has asked you the date when it did occur?

By Mr. Stagg:

Q. My question is a very broad one, I asked you if he came at you with clenched fists in the kitchen on January 8th? A. Yes, sir.

10

Q. That is true? A. It is true.

Q. He did not come at you with clenched fists in the kitchen on January 8th, isn't that true?

A. Yes, I think so, I am not sure.

Q. That is your best recollection is it? A. Yes, sir.

Q. And the whole thing happened on January 4th? A. January 8th he pinched my arm.

Q. The whole thing happened with the clenched fists in the kitchen on January 4th?

20

Mr. Allen: I object, she has already answered his question.

The Master: Do you object to this question, Mr. Allen; if you object to this question say so and state the ground of your objection, otherwise I will allow the question.

Mr. Allen: I withdraw the question..

30

A. On the 4th, yes, sir.

Q. And he didn't come at you with clenched fists in the kitchen at any other date except January 4th? A. As near as I can remember, that is my best recollection.

Q. That is your best recollection? A. Yes, sir.

Q. Now, you testified the other day, that on

January 8th, 1912, that he took you by the arm and took you from the kitchen to the hall by the arm, was that statement true or was it not?
A. Yes, sir, it was true.

Mr. Allen: I do not think, your Honor, that is right.

10 *The Master:* I can only hear you if you object, otherwise I will overrule your objection.

Mr. Allen: I will withdraw the objection.

A. Yes, sir, I answered and the answer is true.

20 Q. Now, Mrs. Petterson, according to your statement when you were on the stand the other day, you stated that an occurrence happened in the kitchen once on January 4th, when he came at you with clenched fists in the kitchen and burnt up several pieces of music, and once on January 8th, four days later when he took you by the arm in the kitchen and pushed you in the hall, now, were there two occasions in the kitchen or was there only one? A. There was two.

30 Q. Didn't you testify this morning that there was only one occasion in the kitchen, and that was January 8th and not January 4th? A. No, sir, when he tore up his music, he came at me with clenched fists.

Q. My question is, when he came at you with clenched fists were there two occasions or one? A. There was one.

Q. The other day you testified there were two occasions; was your testimony the other day correct, or is your testimony correct today?
A. There was only one occasion in the kitchen.

Q. So that your statement, that there was two occasions in the kitchen, was not correct?

A. No, sir, that was a mistake.

Q. That was a mistake? A. Yes, sir.

Q. I understood you to say that when he was in the parlor, he stood right in the archway of the door, the other day, and you were right ahead near him in the hallway? A. I stood in the archway.

Q. You stood partly in the hallway? A. 10
Yes, partly in the hallway and partly in the door.

Q. Whose music was he tearing up? A.
Some was mine and some was my sister's, and some of my cousin's.

Q. I have asked you if you remained with him that night? A. Yes, sir.

Q. That is January 4th? A. Yes, sir.

Q. And on January 4th you remained with him alone? A. Yes, sir. 20

Q. And you remained with him every night until he left? A. Yes, sir.

Q. You were not afraid to remain with him? A. No, sir, my sister and mother were with me.

Q. Your sister and mother were in the home the time you were in the hall on January 4th?

A. Yes, sir.

Q. And your mother and sister were in the house at the time you were in the kitchen on January 8th, were they? A. I think my mother was. 30

Q. I show you a book and ask you if you ever saw that book before? A. No, sir, I don't remember seeing it before.

Q. Didn't you give that book to your husband to give to your sister on Christmas Day?

A. He bought that book himself, I didn't.

Q. Didn't you see the book? A. I don't remember seeing it.

Q. How did he come to tell you about it? A. Because he told me he was going to buy it Christmas morning, for his parents.

Q. Didn't you see the book? A. No, sir, I don't remember seeing it at all.

10 *Mr. Stagg:* I offer the book for identification. (Book marked Exhibit D. 4.)

Q. That is all.

MARY LICHT, a witness produced on behalf of petitioner being duly sworn on her oath testified as follows:

Direct examination by Mr. Allen:

20 Q. Where do you live? A. 151 Boiling Springs avenue, East Rutherford.

Q. Bergen County, New Jersey? A. Yes, sir.

Q. Do you hear me all right? A. No, sir, not quite, Mr. Allen.

Q. Did you live there at the time your daughter, the petitioner was married to the defendant, Frederick H. Petterson? A. Yes, sir.

30 Q. Do you recall the 14th day of October, 1911, at the time they were married? A. Yes, sir.

Q. Do you know where they spent the first night of their marriage?

Mr. Stagg: I object to that.

Q. Do you know or not know? A. I do, my cousin invited them over for a week.

Q. Were you present when they were invited? A. No, sir.

The Master: Strike that out.

Q. How many nights were they away after they were married, before they returned? A. One night.

Q. Then where did they take up their home? A. In our home, 152 Boiling Springs Avenue.

Q. The day after their marriage? A. Yes, sir.

Q. And continued to live there as man and wife up to when? A. Up to the 12th day of January, 1912.

Q. Was there any trouble there about the middle of November between your daughter and her husband?

Mr. Stagg: I object to that question, that presumes there was trouble.

The Master: I will allow the question.

Mr. Stagg: He might put the question in another form without suggesting an answer.

The Master: Will you correct your question that way, Mr. Allen, I will allow the question.

A. Yes, sir.

Q. That was about one month after the marriage?

Mr. Stagg: I object to the question.

The Master: I will sustain the objection.

Q. That was 1911, the year they were married? A. Yes, sir.

Q. Now, do you know anything about the treatment of your daughter, by her husband, from that time down to January, 1912, when he left? A. Yes, sir.

Q. If so, will you explain to the Court his treatment to your daughter? A. Well, about November, I think it was the middle, I am not sure, I went into my daughter's room and saw a bottle of medicine standing on her dresser; I
10 said to her "Florence what is this"—

Mr. Stagg: I object to what she said to her daughter, in the absence of her husband.

Q. Well, what was the treatment of your daughter's husband, the defendant, towards her about the middle of November? A. He treated her cruelly; he told her that he knew
20 that she went out—

Mr. Stagg: I object to that answer that he was cruel.

The Master: I will overrule the objection.

By the Master:

Q. Now, you say only what you saw or heard
30 from the husband, now, whatever you saw or heard from him, but you must not tell what your daughter told you. A. He told me that my daughter went out with other men; that is what he told me; I said "Fred, you know better than that," he said "Well, I heard it," and he said "I can prove it; I can bring them," I said, "I want you to stop this talk, or I will make you prove it," and he said "I ain't sure that she went

out with other men," he told me that not only once, but a good many times.

By Mr. Allen:

Q. What, if anything did you hear him call his wife? A. He called her all kinds of vile names.

Q. Did you hear him call her those names? A. Yes; I heard him call her a "damn bitch," "a lazy slob," and a "dope." 10

By the Master:

Q. Can you remember when he called her those names? A. In the evening he would come home and would say what I heard again today, and my daughter would say to him "Oh, Fred, stop that, Fred, I have had enough," and he said "I can bring the proof"; she asked him to bring the proof, but he never would bring anyone to the house. 20

By Mr. Allen:

Q. How often between the middle of November, and the 12th of January following, did you hear him call her those names? A. Well, a good many times, Mr. Allen; I really couldn't tell you all the times.

Q. Were you present on the occasion of January 4th, 1912, when he tore up music? A. Yes, sir. 30

Q. What sort of a disposition or temper did he display at that time? A. Well, he showed an ugly disposition at that time, he went in and started to tear up music; I said "What is that going on there," and my daughter went in to see what he was doing, then he came out in the

hall with some music in one arm and he pushed her, he took her by the other arm and pushed her up against the doorway.

Q. Was he angry at that time?

The Master: Strike that out.

10 Q. Go on and tell all that occurred? A. And then I called my daughter in the kitchen and I said "Florry come in here, you don't know what he will do to you"; I was afraid he would hurt her, and he came in the kitchen and gave her a push, like that (illustrating), I said "Don't say anything, it will pass all over"; he came in with his arms full of music; he put it in the kitchen stove and slammed the lid on and then he went in and got another armful and burned that in the furnace; we were pretending that we were reading, but we were not.

20 Q. Are you sure that he showed a temper at that time?

Mr. Stagg: I object to that.

Q. Was he playing with your daughter when he put her in the hall, or did he seem to do it in a fit of temper?

Mr. Stagg: I object to that question.

30

(Question withdrawn.)

Q. Now, on January 8th, did you see any trouble between your daughter and her husband on that occasion in the kitchen, and if so explain it? A. He came home that night and he had that same thing what he heard from other people and he said to my daughter, he said what he heard about her again tonight and she laughed

out and said don't bother me with that foolish talk; he said I know it is true; he was standing by the hall door that leads out to the kitchen.

Q. Was there anything said about other men?

Mr. Stagg: I object to that question as leading.

A. That is what he said he heard again to-night.

10

Q. State what words were passed if any?

A. And he grabbed roughly by the arm.

Q. What led up to that? A. Well, it was about—

By the Master:

Q. State what words were passed, if any, that is what your daughter and son-in-law said on that occasion. A. That is what he said, what I said just a little while ago he came home and he said that he knew what he heard again tonight, what would be most every evening; he would come home and tell that to my daughter and she smiled and said "Don't tell me such foolish talk."

20

Q. What was that he said to her, can you tell us what he said to her? A. What he said?

Q. Yes. A. Well, he said that what he heard again tonight.

30

Q. What is it that he said he heard again? A. He would not tell, he would not say what he meant; that she was a "damn bitch" and a "damn whore," I suppose my daughter knew what he meant and I did.

Q. Is that all that you can tell us of what was said? A. Yes, sir.

Q. Tell us what was done? A. He grabbed

her roughly by the arm; she was standing and he pushed her into the hall, he said I know what she wants but she will never get it of me; what he meant by it I do not know.

By Mr. Allen:

Q. On that occasion, did he call her any names?

10

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. No, sir.

Q. Did he on that occasion call her any names?

Mr. Stagg: I object to that.

20 A. No, sir.

Q. Did you hear any trouble between your daughter and her husband in the middle of the night, between December 1, 1911, and January 12, 1912?

Mr. Stagg: I object to that question unless a date is fixed.

The Master: I will allow the question.

30 *Mr. Allen:* I will change the question to make it this way:

Q. Did you hear any trouble between your daughter and her husband between the middle of November, 1911, and January 12th, 1912?

A. Yes, sir.

Q. Can you say what it was about? A. Many a night he cursed at her when she was in bed; we had our bedroom door open and they

kept their door open, and many a night he cursed and called her those names, and on January 11th, he went out in the evening with a friend and I sat up with my daughter up to about half past eleven; and I said "we had best go to bed Florry, it is no use of waiting; you can get up earlier"; I think it was around one o'clock when he came home, and I said "Shall I go down with you, Florry," she was afraid and she said "No, mamma" and she opened the door for him and I heard her say "This is a nice time to come home" and then they went in the kitchen for a time and I heard some arguing going on. And they went to bed, and towards the morning my eldest daughter woke me up and said "Mamma, are you going to let him call her all those names?" 10

The Master: Strike that out.

Q. Your daughter woke you up? A. Yes, and I heard him call her a "damn bitch" and a "damn whore"; I won't believe what you say, and I heard her trying to make him quiet, but it took quite a while; that is what I heard him say. 20

Q. You say that this was between one and two o'clock in the morning? A. I think it was after one o'clock; I ain't so sure about the hour.

Q. Could you hear him call her those names distinctly and plain? A. He hollered it loud enough; we could hear it a couple houses away. 30

Q. And you and your daughter slept on the same floor? A. On the same floor.

Q. How near each other's rooms? A. Just close together.

Q. How far is your daughter's room from where your son-in-law and his wife slept? A.

I believe, I could not really explain that, about three feet away, where the doors were, I could not explain that.

Q. Were there any other occasions in the night that you heard similar troubles, if so, state them, from the middle of November down to this time, in the meantime, that you heard any trouble between them after they had gone to bed? A. Well, my daughter on one time,
10 Thanksgiving Day.

Q. I ask you what you heard? A. I heard him quarreling with her often.

Q. How many times did you hear him quarrel with her? A. Well, a good many times after they had gone to bed.

Q. Yes, and three times or a dozen times? A. A good many times, I could not tell you how many times.

Q. And on those occasions what was the nature of the trouble, what, if anything, did you
20 hear him say to her? A. Well, he would always harp on this one thing about her being untrue to him, and he would say that he knew the man that she went out with.

Q. And you say that he was continually accusing her of going out with other men? A. Yes, sir.

Q. From the middle of November?

30 *Mr. Stagg:* I object to that question as leading.

Q. Well, now tell the Court what you heard him say.

The Master: She has repeated those names, she need not repeat them again.

Q. Did your daughter give him, her husband,

the defendant, any occasion from taking her from the parlor and rushing her out in the hall, on January 4th?

Mr. Stagg: I object to that question; that question calls for a conclusion.

Q. Now, was there any other occasion about the middle of November, 1911, for your daughter to have a physician, that you know of, or was she sick in any way? A. No, sir. 10

Q. Who has been and is your family physician. A. Doctor Riordan.

Q. How long has he been your family physician? A. Well, I believe, about eight or ten years.

Q. And what can you tell the Court as to the physical condition of your daughter at the time of her marriage as to her health? 20

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. She was in good health.

Q. And had she been working steadily up to that time? A. She worked until July 1st.

By the Master:

Q. Before she was married? A. Yes, from fourteen years of age, she was in McCreery's store just a few months that she worked in a different place and then she went back there and worked until July, 1911. 30

By Mr. Allen:

Q. That was about how many years? A. Almost five years.

Q. During that five years was she obliged to lay off at any time on account of sickness? A. No, sir, any one day.

Q. And about what was her weight at that time, if you know? A. Well, she weighed 140 pounds.

Q. When? A. That was when she worked in the city.

Q. At the time she was married? A. That
10 was that time, I meant when she worked.

Q. What is her present weight? A. I think 109 pounds, I don't know exactly.

Q. You don't know for sure? A. No, sir.

Mr. Stagg: I object to that question, and ask that it be stricken out.

The Master: Yes, strike it out.

Q. What can you tell the Court as to her
20 health from about the first part of the year 1912 down to the present time? A. She has been in poor health ever since, over all the trouble that he has made her; that she hardly felt that she could come down here again, she has been ailing all the time and then the way the people brought the alimony to the house, two or three people would insult her.

Mr. Stagg: I object to all that.

30 *The Master:* Let it stand.

Q. How was her appetite and how did she sleep from about January 1st, 1912, and during the following six months? A. Well, her appetite was very poor and it is today.

Mr. Stagg: I object to that question and answer.

The Master: I will overrule the objection.

Q. Now, what can you say about her sleeping at night from about January 1st, 1912, and for the six months thereafter?

Mr. Stagg: I make the same objection.

The Master: I will overrule the objection. 10

A. She could not sleep at all, she was always in fear that he would say that he would burn his mother's house down.

Q. I am not asking you about a fire. A. Well, I am trying to get at it as she was afraid that he would do the same to all of us.

The Master: Strike that out. 20

By the Master:

Q. What can you say as to how your daughter slept in January, and the following six months? A. Well, she could not sleep at all, hardly; she would lie down for a day but she really could not sleep.

By Mr. Allen: 30

Q. Now, on these occasions at night, when she could not sleep, would you do anything to pacify her and help her to get to sleep?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Now, how do you know that she worried about anything, and what did she worry about?

Mr. Stagg: I object to that question; he has made the statement and how she knows it, it does not make any difference.

The Master: You may ask her if you like, if she worried, and how she showed it.

10

Q. If she worried, how did she show her worryment? A. The last two weeks in January she did nothing but cry all day long and in the evening she would have a bad headache and would complain about all the bad names that he would call her, and I asked her if she had a headache and she would say yes, and she would say that it was all through this treatment of his.

Q. How long did this worryment keep up?

20

A. Up until her child was almost born.

Q. The child was born when? A. The 16th of July, 1912.

Q. And you say she worried up to that time?

A. Yes, sir.

Q. Did you know that these two suits had been brought against her by her husband?

Mr. Stagg: I object to that and move to have it stricken out.

30

The Master: Yes, strike it out.

Q. Did she seem to be worrying about those charges in those two suits?

Mr. Stagg: I object to that and move to have it stricken out.

The Master: Strike it out. . .

Q. Is she able to work now? A. No, sir,

MARY LICHT—DIRECT

MARY LICHT—CROSS

not in the condition she is in, she can hardly do her own work and attend to her baby.

Q. And why? A. Why, because she is too weak, she don't eat and she can hardly sleep and the child, of course, she was nursing the child, and it pulled her down, and then the worry.

Cross examination by Mr. Stagg:

10

Q. She nurses the child? A. Yes, sir.

Q. Is it a boy or a girl? A. It is a boy.

Q. How large a baby is it? A. How large?

Q. Yes. A. It is quite large.

Q. A good fat baby? A. Yes, sir.

Q. The baby is healthy? A. Yes, sir, it has been sick but twice already now.

Q. It has been healthy since it has been born?

A. It was sick just one time.

20

Q. How much did the baby weigh? A. We did not weigh it.

Q. Was it a 10-pound or a 12-pound child at its birth? A. No, sir, I believe it was about seven or eight pounds.

Q. It was a healthy baby? A. Yes, sir, it was a healthy baby.

Q. It has been a good healthy baby since it was born? A. Only once it was sick.

Q. Only a little colic? A. No; it had fever and we had to have a doctor.

30

Q. She had a nurse at the time that she was sick? A. Yes, sir.

Q. And the nurse stayed there just two weeks? A. Yes, sir.

Q. And then your daughter got up and went around? A. Yes, sir.

Q. And there was no occasion for a nurse to

stay any longer? A. Yes, sir, but the doctor advised her to get out.

Q. Didn't she get up on the tenth day? A. No, sir, I don't believe she did.

Q. On the eleventh day? A. No, sir, I think it was almost four weeks.

Q. She wanted to be a little careful and you advised her not to get up too soon? A. Yes, sir.

10 Q. She has nursed the baby ever since? A. Yes, sir.

Q. The last two weeks in January, you say she cried on account of the names that he, her husband, called her? A. Yes, sir, that is right.

Q. Is that right, that is what you said? A. Yes, sir; I did.

Q. And was that after the day he left, wasn't it? A. No, the first two weeks in January.

20 Q. You said the last two weeks in January? A. I made a mistake, it was the first two weeks, while he was with her.

Q. After he had gone she didn't cry any more? A. She did.

Q. Why did you say that it was just two weeks that she cried? A. She might have cried before the time I noticed it.

Q. Was that before or after he left her? A. It was before he left her.

30 Q. Was she crying about the 1st of January? A. Well, almost all the time she was crying.

Q. How about New Years Day? A. I was not home on New Years Day.

Q. When did you go away? A. I left three days before, to stay with a cousin of ours.

Q. How long did you stay away? A. Just one day.

Q. When did you come home? A. I came home on New Years Eve.

Q. You saw her on the 2nd of January? A. Yes, sir.

Q. You had been away then? A. Yes, I was up to Bucksville, to my husband.

Q. When did you go up there? A. I went up to spend Thanksgiving with my husband, and I must have went, and I wanted to spend a day with him.

Q. When did you go? A. The day before Thanksgiving.

Q. How long did you stay? A. I stayed one week, I think.

Q. Didn't you stay two? A. I was going to stay two, but my daughter wrote me.

Q. Didn't you stay two, I asked you? A. No, sir, my husband asked me to, but my daughter wrote me to come home.

Q. Now, how long did you stay there, one or two weeks?

10

Mr. Allen: I object to that question.

The Master: You think it is an unfair question?

Mr. Allen: I think so.

The Master: I am obliged to rule against you, and I will allow the question.

20

A. I think it was one week, I am not so sure about it.

Q. What is your best recollection? A. That is about what I think.

Q. Do you remember what day of week you went up? A. No, sir, I went up the day before Thanksgiving Day.

Q. Well, Thanksgiving is always on a Thursday? A. Yes, sir.

Q. Is that your best recollection of it? A. Yes, sir.

30

Q. Did you stay more than one Sunday up there? A. I think I only stayed up there only one Sunday.

Q. Will you say that you did not stay there two? I think I stayed up there one Sunday; but I am not sure; I think I stayed up there only one Sunday.

Q. And when you came home then, that was after the 1st of December, 1911? A. Yes, sir.

10 Q. How near was it to the middle of December? A. Well, I really could not tell you that.

Q. Will you say now that it was not after the middle of December? A. It was sometime in December when I came home.

Q. How near was it to Christmas? A. Well, it was about two or three weeks from Christmas, I think but I am not sure.

Q. Wasn't it two or three days of Christmas? A. No, sir.

20 Q. Were you here on Christmas? A. Yes, sir.

Q. Up to the time that you went away on New Years Eve, as you say, to stay over and came back on New Years Night, this crying that you have spoken of, had been going on? A. Well, she cried on and off before that but I didn't think much of that.

Q. Well, she had not been feeling well on account of being in the family way? A. Not at that time.

30 Q. Don't you know as a matter of fact that women often feel ill because of being in such a condition? A. Yes.

Q. Didn't your daughter say she was complaining of feeling ill? A. No, sir.

Q. Do you mean to say that your daughter was in the same health after she was in this condition, that it hadn't affected her at all? A. It didn't seem so.

Q. When did you first notice her being in that condition that affected her? A. Why, she told me.

Q. When? A. That was around sometime in November.

Q. Did you notice then that it affected her? A. No, sir.

Q. When did you first notice that there was something different about her, because she was in this unusual condition? A. Why, when she told me about it; she told me that she was not sick that month and I said well, there might be something the matter with you, otherwise she had not sickness, she never complained of any. 10

Q. When did you notice that she was not in the same condition that she was before, after she was in this interesting condition? A. I noticed it a month after she was married—

Q. What called it to your attention that you noticed it? A. Nothing. 20

Q. When did you first notice it? A. I think she was that way when she expected—

Q. What was it that made you think without her saying anything to you about it? A. I didn't think anything until I saw the bottles, when I saw it on the dresser, I asked her what that medicine was for, and she said that Fred had brought it home.

Q. That is the first you knew of it? A. Yes, sir. 30

Q. Then she said that she was in that condition? A. Yes, sir, she thought that she was.

Q. Up to that time you had seen nothing unusual about her? A. No, sir.

Q. Nothing about her being sick at the stomach? A. No, sir.

Q. Anything about eating; hadn't you noticed that she didn't have as good an appetite

as she had before she was married; didn't you notice the fact that she didn't have as good an appetite? A. It was always the same.

Q. It was just the same as now? A. Yes, sir.

Q. Was this about the middle of November? A. Yes, sir.

Q. Did she have a good appetite up to the time that you went away to visit your husband, 10 before Thanksgiving? A. Yes, sir.

Q. Did she have a good appetite up to the time you were away to spend New Years with some friends? A. Yes, sir.

Q. Her appetite was all right then. A. Yes, sir.

Q. Did you notice her appetite after you come back on New Years Eve; did she have a good appetite then? A. Well, at that time she started in she didn't eat very much.

Q. When in January did her appetite seem 20 to get a little out? A. I really could not tell you, but I think it was about the middle of January that she didn't seem to eat as much as she did before.

Q. On this January 8th, you have been telling us that he came home and she smiled and sat down and said don't have such foolish talk? A. Yes, sir.

Q. She was not taking the talk seriously was she? A. She tried to turn it off. 30

Q. There was something about it, and you thought it was foolish talk? A. No, sir, I did not.

Q. You and she had a different opinion about it? A. Yes, sir.

Mr. Allen: I object to that, what you and she had a different opinion, how can

this witness know what another person thinks.

The Master: I think it is proper cross examination and I will allow the question and answer to stand.

Q. You have told us that you heard him call her names? A. Yes, sir.

Q. Loud enough to be heard a couple of houses away, is that so? A. Yes, sir. 10

Q. Is there a house nearby where your daughter's husband is? A. Yes, there is a little vacant space, there is one about six feet away from us, six feet away on the one side and about eighteen or twenty feet on the other side.

Q. And you live on quite a prominent street? A. I live on the corner of Boiling Springs Avenue and Main street.

Q. And many people pass by? A. Yes, it is a main street. 20

Q. And your house is only back about eight or ten feet? A. Yes, sir, that is about it I think.

Q. Now do you mean to have us to understand that he called so loud in the middle of the night, calling your daughter those bad names, that anybody out in the street or two houses away, could have heard it? A. Yes, I do mean to say that.

Q. And when was it the first time that you heard him call her those bad names out so loudly that they could be heard two houses away? A. I don't recollect the first time, but I remember the last time that he called her them. 30

Q. Was it before New Years that he called them out so that they could be heard two or three houses away? A. This was the 11th of Janu-

ary that he called her those names, that you could hear him.

Q. That was the only night he called her those loud names, that could be heard two or three houses away? A. That is the only time he called them so loudly.

Q. What did your daughter do, if you heard her say anything, when he was calling out those names? A. She tried to keep him quiet.

10 Q. What did she say? A. I heard her say "Oh, Fred, keep quiet."

Q. Where were you. A. I stayed in bed.

Q. Where was your husband? A. He was up on the farm.

Q. Where is he now? A. He is home.

Q. How long has he been home? A. He has been home ever since my daughter had the Poor Master's case.

20 Q. How long has he been home? A. I don't really know whether it was in November or October.

Q. He was home all day? A. Yes, sir.

Q. He was not here the other day? A. He was taking care of the baby.

Q. He was not here the other day? A. No, sir.

Q. The baby is able to be carried here? A. Yes, but we fed him on the bottle and we could not very well do that down here.

30 Q. The baby is well enough to come here? A. Yes, sir.

Q. Your daughter has taken the baby out? A. Not very much.

Q. Has not your daughter taken the baby out on the street? A. Well, yes, once or twice.

Mr. Allen: I object to that as immaterial, irrelevant and improper.

The Master: It seems to me that your questions are immaterial, and I have to sustain the objection, and I will overrule the question.

Q. Now, you said that your son-in-law, the defendant here, called your daughter bad names, a "damn bitch" and a "dam whore" and a "damn slob," when did you hear him call her those names? A. He called her them I think, it was the 8th or 10th of November; no it was, well it was about the 12th of November. 10

Q. It was sometime in November, 1911? A. Yes, sir.

Q. You are sure you heard him call her those names in November, 1911? A. Yes, sir.

Q. That was before you went to visit your husband in Bucksville, Pennsylvania? A. Yes, sir.

Q. Now, when you left your home in East Rutherford, to visit your husband's home in Bucksville, Pennsylvania, who did you leave in the house with the petitioner? A. I left my oldest daughter. 20

Q. That is the petitioner? A. No, sir, I left my youngset daughter and the petitioner, three of them.

Q. What is your oldest daughter's name? A. Emily.

Q. Does she work? A. Yes, sir. 30

Q. Did she work at that time? A. Yes, sir.

Q. What did you say, if anything, to your son-in-law, the defendant, Mr. Petterson, the next day or on any other day after that in November about his calling your daughter bad names? A. I told him that if he would not stop he would bring my daughter to her grave

and that I had enough of it and I would make him prove those things if he didn't stop.

Q. Was that before you went to Bucksville?

A. Yes, sir.

Q. You went to Bucksville and left them there alone, did you? A. Well, my elder daughter was in the house with them.

Q. You didn't put him out of the house?

A. No, sir; I never said one word about it.

10 Q. You were going to allow them to get along the best they could? A. Yes, we said we would let them live there, I thought he was getting enough to allow them to run the place.

Q. You expected that when he went away that he would soon get the eighty and odd dollars and would go away and live by themselves—that they would get the eighty dollars and odd in a few days and that they would go and live by themselves? A. Yes, sir.

20 Q. That is what you understood when you went away to Bucksville? A. Yes, sir.

Q. You expected that when he got his eighty dollars and odd; did you expect them to go and live by themselves, and keep house, even after you had heard him call her those bad names, as you have stated? A. I knew that she loved him when she married him, and I didn't want to interfere and I thought to let them do what was right, to suit herself, to go
30 or stay, she never said once that she would leave him then.

Q. Did she soon afterwards say that she would leave him? A. No, sir.

Q. Why did you use the words leave him then? A. Why did I use the words?

Q. (Last question repeated). A. Why?

By the Master:

Q. You used the word then, as if you were referring to the time that you were speaking of, and Mr. Stagg asked you why you said then?

A. Later on I think she might not stay with him, I could not say, I could not say what was in her mind and what kind of a feeling she had for him.

10

By Mr. Stagg:

Q. You say now, later on that she might not stay with him; what was it, if anything, that she said or had done to make you think that she would leave him later on?

The Master: I don't think that is a fair question.

Mr. Stagg: I will add to that question "if she said or did anything."

20

Mr. Allen: I object to that question.

The Master: I will overrule the question.

Q. You have stated, I think, she might not stay with him, you have just stated that you thought that later on she might not stay with him, why did you make that statement A. Why because if I were in her shoes, I would not stay a day with him, if he called me such names as he called her, that would be too much for me live with him, and she knew that she was pregnant at that time.

30

Q. You stated here a while ago that on January 8th, when she smiled and said don't have such foolish talk, then he grabbed her by the arm and pushed her in the hall? A. Yes, he did.

Q. What, if anything, did he say or do, between the time that she said "don't have such foolish talk" and the time that you say that he grabbed her by the arm? A. He said nothing further at the time.

Q. You mean to tell us that he grabbed by the arm right after she smiled and said "don't have such foolish talk?" A. Yes, sir.

Q. Do you want us to believe that? A. Yes, 10 sir, I do.

Q. Now, you have also stated that she was insulted when they called to pay alimony? A. Yes.

Q. When was that? A. That was most all along; the first time that she got her alimony, the father came there intoxicated to the house and he said "sign this receipt" to my daughter.

Q. You were present? A. Yes, sir.

Q. His father came in? A. Yes, sir.

20 Q. His father personally? A. Yes, sir.

Q. Is that the gentleman over there? (indicating). A. Yes, sir, that is the gentleman over there.

Q. You say that he came to your house drunk? A. Yes, he was intoxicated and he said to her "you sign this receipt in my presence"; then you get your money, but we didn't see one cent of money and he stood there whistling and he had never been in our house before 30 that; and after that he sent that young man, Mr. Cole, and my son-in-law told me that he was a disorderly man, was not fit to be associated with; and one time he brought the \$4.00 he came and brought four hundred pennies and this young man, and it took the father and the two of them to carry the pennies down there, and he gave them to her for her alimony at that time.

Q. Do you remember one time when the

mother was there? A. Yes, and I ordered her off the porch.

Q. Why did you order her off the porch?

A. Because I didn't want that woman in my house.

Q. Why did you order her off the porch?

A. Because she spread all those things that was said about my daughter.

Mr. Allen: I object to that—to this line of questioning. 10

The Master: I will allow it.

Q. What do you mean by that? A. What do I mean?

Q. Yes. A. Why, all those things that he accused her of, and on the 1st of August she came in and brought the alimony, she insulted my daughter; then she said that her son heard and had good proof, and could bring all those men there, that my daughter had turned out that way and what he accused her of, and that he was not the father of the child, and she said her son was a thief and also stole money out of your pocketbook, his own mother said that; this was in my house and my daughter was there and this was on the 1st of August, 1911. 20

Q. You mean 1912? A. Yes, sir, that is right.

Q. After the baby was born? A. Oh, no. 30

By the Master:

Q. It was the summer in which the baby was born? A. It was 1911.

Q. The 1st of August, 1911? A. No, I am mistaken in the date, it was the 11th of April.

Q. Was it before or after the baby was born?

A. It was before.

Q. How long before the baby was born? A. It was April 11th, and the baby was born July 16th.

Q. It was not in August then? A. No, sir, it was in April, my son-in-law's birthday.

Q. That was in April, 1912? A. Yes, sir.

By Mr. Stagg:

10 Q. What did she say on this day when you put her off the porch? A. You mean April 11th?

Q. Whatever day you put her off? A. I didn't put her off; our minister came there and asked what this woman wanted on this porch.

Q. What is your minister's name? A. Mr. R. Emms.

Q. Is he here? A. No, sir.

Q. Who was on the porch besides her? A.

20 My daughter.

Q. The petitioner here? A. Yes, sir.

Q. Who else? A. No one.

Q. Didn't Frederick's mother have a woman with her? A. No, sir.

Q. What did she say on the porch that led you to put her off the porch? A. She said what have you done with my son, I said we have done nothing with him, he has done all this himself.

30 Q. Was the defendant living at your house at the time? A. No, sir.

Q. Was there any other time that she came there with Mr. Cole at your house? A. Yes, sir.

Q. About when was that? A. That was in October.

Q. October of what year? A. 1912.

Q. The year the baby was born? A. Yes,

sir, the time my husband came home, I think it was October when he came home.

Q. Did they come to pay the alimony then?

A. Yes, sir.

Q. What was said that time?

The Master: I don't think you ought to pursue that line any further.

Q. Were you present at a time when your son-in-law, in 1912, and Mr. Cole came to your house and asked your daughter to come and live with him? A. Yes, sir. 10

Q. What did he say?

Mr. Allen: I object to that line of questioning.

Mr. Stagg: I will withdraw the question.

Q. One question more; you have stated that your daughter was working at McCreery's up to July, 1911? A. Yes, sir. 20

Q. Are you not mistaken; didn't she work there until October 1st? A. She was home on her vacation.

Q. Didn't she work in New York until October 1st? A. Yes, I believe she did.

Q. Didn't she work in New York, October 1st, at McCreery's, the same month was it? A. Yes, sir. 30

Q. Which is right, July or October 1st? A. (No answer).

Q. So you were mistaken when you said July 1st? A. Yes, sir.

Q. That is all.

AMELIA LICHT, a witness sworn on behalf of the petitioner being duly sworn, on her oath according to law testified as follows:

Direct examination by Mr. Allen:

Q. Miss Amelia, do you live home with your mother? A. Yes, sir.

10 Q. Where? A. 152 Boiling Springs Avenue, East Rutherford, New Jersey.

Q. And did you live there at the time the petitioner was married to the defendant? A. Yes, sir.

Q. And you were employed in New York at that time? A. Yes, sir.

Q. Where? A. At James McCreery's.

Q. You are still there? A. Yes, sir.

Q. How long had your sister been employed there? A. About four and a half years.

20 Q. Do you recall when she quit working there? A. The last of September, she left.

Q. 1911? A. Yes, sir.

Q. And during those five years, or four and a half years, you and she went back and forth to business every day? A. Yes, sir, we went back and forth to business every day.

Q. Did she ever complain of poor health? A. No, sir.

30 Q. She kept right to work all the time? A. Yes, sir.

Q. As far as you know did she ever have occasion to be treated by a doctor? A. Not that I know of.

Q. You had been living home with her all the time? A. Yes, sir, all the time.

Q. Do you recall anything happening at your home on January 4th, 1912, in the parlor with your sister and her husband? A. Yes, when

I came home there was music on the parlor chairs that he tore up.

Q. Whose music was it? A. Part was mine, part was my sister's and part was his own; it was all torn up and laying around on the floor, there was quite some of my lesson books torn up also.

Q. Did you ask him why he had torn your music up? A. No, sir, he was in bed when I came home.

10

Q. What time did you return that night? A. It was about 8 o'clock and he had gone to bed at that time.

Q. Did you ask him who tore your music up? A. No, sir, he was in bed when I came home.

Q. When was that? A. It was around about 9 o'clock.

Q. Now did he ever tell you that he had torn your music up and the reason for it? A. Yes, he said he tore it up.

20

Q. Did he ever say why he did so? A. No, sir.

Q. Did you try to get an explanation from him about it? A. No, sir, I didn't ask him for an explanation.

Q. Was it unusual for him to go to bed at 8 o'clock? A. No, sir.

Q. Do you know whether he had locked himself in his room that night or not? A. I could not say.

30

Q. Do you recall anything unusual in the middle of the night on the 11th of January, 1912? A. Yes, sir; around half past one or two o'clock in the morning I woke mother up and he was cursing; he was cursing my sister, calling her all kinds of names; this was about half past one or two o'clock in the morning.

Q. Did you hear him? A. Yes, sir.

Q. What were the names that he was calling your sister? A. "A damn bitch" a "damn whore" and all kinds of names.

Q. Was it in a loud and angry voice? A. Yes, sir.

Q. Have you heard him calling her similar names before that? A. Yes, sir, many a time.

Q. Had your sister so far as you know, given him any occasion to call her those names? A.
10 No, sir, not that I know of.

Mr. Stagg: I object to that.

The Master: I will let it stand.

Q. About when did this treatment and calling her those names begin, on the part of the defendant, how soon after they were married? A. About the middle of November.

Q. And then you have, from the middle of
20 November down to the time he left on January 12th, following that, you have heard him call her those vile names? A. I heard him come home often and say what I have heard about you today and what men you were out with today, he said that I can bring the men that you have been out with.

Q. Did you ever hear him tell her that he was not the father of the unborn child? A. Yes, sir.

30 Q. How often? A. Not very often; I could not tell you how many times.

Q. Two or three times? A. Not more than three times.

Q. Did he seem to be angry when he would call her those names?

Mr. Stagg: I object to the question.

The Master: Strike that out.

Q. Did you see anything happen in the kitchen on the 8th of January? A. No, sir, I was not home.

Q. Did you see him on either the 4th of January or the 8th of January, take hold of your sister? A. No, sir.

Q. You were not home? A. No, sir.

Q. You hadn't returned from work? A. No, sir.

Q. You heard about it afterwards? 10

Mr. Stagg: I object to the question.

The Master: Strike out the question.

Q. Did you hear about your sister's husband assaulting her, in his presence? A. No, sir.

Q. Who was present when you heard about his assaulting her?

Mr. Stagg: I object to the question. 20

Q. You say he was not present at the time? A. No, sir.

Q. What can you tell us about your sister's health from about January 1st, 1912, and during the following six months? A. It was very bad.

Q. And what can you tell us about her sleeping and eating during those months? A. She didn't eat and she did not sleep very much.

Q. What can you tell us about her actions as to whether or not she was worried? 30

Mr. Stagg: I object to the question.

The Master: I think it is proper, I will allow it.

By the Master:

Q. You may state anything that you saw or

heard which went to show whether or not she was worrying, and the reason for it? A. She used to cry about two or three weeks after he left her, every day.

Q. And that is all that you have to say, what you saw as to her being worried or not, was there anything else that you saw or noticed? A. No, that is all.

10 *By Mr. Allen:*

Q. How about her eating? A. Well, she didn't eat very much.

Q. Did you see any difference in her eating? A. Yes, sir.

Q. What difference did you notice about her eating about January 1st, 1912? A. Well, she didn't eat but very little, if any.

20 Q. How long did she seem to be troubled with sleeplessness after that? A. Well, for about two or three months, about three months.

Q. And your room was right next to her? A. Yes, sir.

Q. Can you say whether she slept good or not? A. I slept with her.

Q. You slept with her during that time? A. Yes, sir, I slept with her during that time.

Q. Did she sleep well, was she worrying in the night? A. Yes, sir.

30

The Master: How is that relevant.

Q. Did you ask her why she could not sleep or why she worried?

Mr. Stagg: I object to that question.

The Master: I don't think that is necessary.

Q. About how many times, as near as you can give us from the middle of November down to the time that he left your sister did he accuse her of going out with other men and curse and swear at her? A. Most every night that I was home.

Q. And on his return from business, at night? A. Yes, sir, on my return from business he used to be home and he would be calling her all kinds of names, and accusing her of going out with other men. 10

Q. Almost every night? A. Yes, sir, almost every night.

Q. Did he say anything about his not being the father of the little child? A. Yes, sir.

Q. About how many nights did you, or how many occasions in that time, did you hear him calling her those vile names? A. Oh, a good many times.

Q. In the night time? A. Yes, sir. 20

By the Master:

Q. While they were in bed, or before they went to bed? A. No, sir, while they were in bed.

By Mr. Allen:

Q. About the middle of November, 1911, was your sister sick and in need of a doctor as far as you could see? A. No, sir. 30

Q. She seemed to be well and around the house? A. Yes, sir.

Q. That is all.

Cross examination by Mr. Stagg:

Q. You say that you heard the defendant, your brother-in-law say something about his not being the father of the child? A. Yes, sir.

Q. When did you first hear him say that? A. About the end of November.

Q. Was it after or before Thanksgiving Day? A. After Thanksgiving Day.

10 Q. After your mother had gone to Bucks-ville, Pennsylvania? A. Yes, sir.

Q. What conversation led up to that? A. Well, he told her he was not the father of the child, and that she had been out with different men.

Q. What was said by him or your sister leading up to that conversation? A. I don't remember.

20 Q. Don't you remember that you and your sister and he were home one evening and you and your sister were talking about seeing a lady and her husband at the Woodbridge Horse Troop dance? A. No, sir.

Q. You don't know Mr. and Mrs. Roth? A. Yes, that is my aunt and uncle.

Q. You don't remember that you told your sister that you saw them at the Woodbridge Horse Troop dance? A. No, sir, I don't remember that.

30 Q. You never saw them at the dance? A. Yes, I saw you there too.

Q. Do we understand each other now? A. No.

Q. Don't you remember a conversation in which you and your sister were conversing in the presence of your husband one evening after they were married, about whether Mr. and Mrs.

Roth had been at the Woodbridge Horse Troop dance? A. No, sir.

Q. You were there? A. Yes, sir.

Q. And your sister was there too? A. Yes, sir.

Q. How did you get there? A. I went there with my sister.

Q. How did you get back? A. I came back the same way we went, together.

Q. That was before your sister was married? 10
A. Yes, sir, that was the 23rd of August, 1911.

Q. And that was when your sister's husband was up in Bucksville, he is now your sister's husband; he was in Bucksville, Pennsylvania, at that time? A. Yes, sir.

Q. With your father? A. Yes, sir.

Q. You are sure that you didn't hear him say that he was not the father of the child previous to Thanksgiving Day? A. No, sir.

Q. Did you ever hear him call your sister any 20
bad names previous to that time? A. Yes, sir.

Q. When was the first you heard him call her bad names? A. After the 10th of November.

Q. The 10th of November? A. Yes, sir; I heard him call my sister bad names.

Q. It was not after the middle of November?
A. No, sir.

Q. Where were when you first heard him call her bad names? A. In the room, by 30
him.

Q. All of you together? A. Yes, sir.

Q. Was your mother there? A. No, sir.

Q. Was this upstairs or downstairs? A.
Downstairs.

Q. What room? A. In the parlor.

Q. What was said previous to the time he

called her bad names in November? A. I don't know.

Q. Who spoke? A. I don't remember.

Q. Did you say anything? A. Yes, sometimes I did.

Q. I am talking about that time? A. I don't know.

Q. The first time you heard him calling her bad names was in the parlor? A. I could not say.

Q. Was it in the evening or the morning?

A. It was in the morning.

Q. What was first said?

Mr. Allen: I object to the question.

A. I don't remember.

Q. Did you say anything? A. I don't know; I may have.

Q. Did your sister say anything? A. Not that I know of.

Q. Did he say anything before he called her bad names? A. Yes, sir, he told her that she had been out with different men.

Q. Well, now, was there anything said by anyone else before he said that? A. No, sir.

Q. Had you had supper that night? A. Yes, sir.

Q. Had he had supper? A. Yes, sir.

Q. Did you all eat together? A. Yes, sir, we all ate together.

Q. And your mother was there? A. I don't remember.

Q. Was she at supper? A. I don't remember.

Q. Don't you recollect whether she was home or not? A. I could not tell you.

Q. Well, had the table been cleared off, and the dishes washed? A. Yes, sir.

Q. Who did that? A. My sister and I.

Q. Where was your brother-in-law in the meantime? A. Upstairs.

Q. And after you cleared off the dishes and washed them, you went to the parlor? A. Yes, sir, and he came down.

Q. What was said when he came down to the parlor; who spoke first? A. I don't remember..

Q. Well, did you three talk about, was anything said to you before those bad names were called? A. I don't remember that.

Q. Why don't you remember that? A. I don't know.

Q. Can you tell us the subject that you were talking about? A. No, sir.

Q. What were you doing, were you playing on a piano or any music? A. I don't remember.

Q. Do you remember whether or not you played on the piano or not that night? A. He may have, I did not, I do not know.

Q. Do you know whether he did? A. I could not tell you.

Q. Was there any other music besides the piano? A. No, sir.

Q. Do you remember whether there was anyone that played on the piano? A. There was no one that could play on the piano.

Q. Doesn't your sister play? A. No, sir.

Q. Don't you play? A. No, sir.

Q. Do you remember what time you retired that night? A. No, sir.

Q. Do you remember who retired first. A. My sister and her husband.

Q. And they left you alone in the parlor? A. Yes, sir.

Q. Do you remember what they said when they bid you good night? A. No, sir.

Q. Do you remember whether they did nor not? A. I remember they did not.

Q. You don't remember any conversation that happened in that parlor that night, except the fact that he called her bad names? A. Bad names.

Q. That is all? A. That is all.

10 Q. Is that your best recollection? A. Yes, sir.

Q. When did he next call her bad names that you have been talking about? A. It was after Thanksgiving, when she was at the table eating, one night and he asked my father for money; he said he wanted some money to start a moving picture show, and he said "Don't you think that your old man could give me \$150 to go into the moving picture show"; that was Saturday, the
20 second time; what I told him was that there was more children in the family besides my sister.

Q. What did your sister say? A. I don't remember.

Q. Was your mother present at the time? A. No, sir, my mother was in Pennsylvania, at that time.

Q. And this was after Thanksgiving? A. Yes, sir.

Q. About how long after? A. I think it
30 was the Saturday after Thanksgiving.

Q. What was said next that you remember? A. He said that he could earn a lot of money by having a moving picture show.

Q. What next was said? A. I don't remember.

Q. Anything else said? A. I don't remember.

Q. Your sister did not say anything about

money, did she? A. No, sir, only my brother-in-law.

Q. And the conversation about the money was between you and he? A. Yes, sir.

Q. He didn't call you bad names? A. No, sir, he called my sister bad names.

Q. Did he call her bad names before you had this conversation about the money or afterwards? A. Both before and afterwards.

Q. How many bad names did he call her before? A. Oh, I don't remember, a good many. 10

Q. Well, about how many? A. I could not tell you.

Q. How many different kinds of names did he call her before? A. About three.

Q. And then after he had called her those bad names, he wanted to know if your father would loan him \$150, to go in the moving picture business? A. Not loan it to him, give it to him. 20

Q. He didn't say that in an angry tone? A. Yes, sir.

Q. Was the request to give him the money? A. Yes, to give him the money.

Q. And did you reply in an angry tone? A. No, sir.

Q. You were not angry? A. Oh, yes; my father gave him money.

Q. You were angry? A. Yes, sir.

Q. Was your sister angry? A. Well, I don't know about that. 30

Q. How did she appear? A. She told him that she could not ask my father for this money, she had no right to ask him for money.

Q. Did she tell him that? A. Yes, sir, that same night.

Q. Why didn't you tell me that when I asked

if she had said anything? A. I don't remember.

Q. What is there that you just now remember that you hadn't told me that she said? A. That is all.

Q. Now, do you mean to tell us that he started in to call your sister bad names without any thing else being said? A. He might have said something else to her.

10 Q. I mean when you were present? A. Not that I know of.

Q. You say that you and her were in the room after you cleared the table? A. Yes, sir.

Q. And he came downstairs in the parlor? A. Yes, sir.

Q. And you were there with your sister? A. Yes, sir, I was there with my sister.

Q. What was the first thing that was said in there before he called her bad names at all? A. I don't remember.

20 Q. You testified a little while ago, something she said, can you think or remember of something that was said, do you want us to understand that he walked in there and commenced to call your sister bad names without anything being said? A. No, but my sister and he were talking in the parlor when I came down.

Q. When? A. When he came down.

Q. You three there? A. Yes, but I could not hear what was said.

30 Q. As near as you can recall? A. No, sir.

Q. How near were you to them? A. I do not know.

Q. As near as you are to me? A. No, sir, further away.

Q. Couldn't you hear what was said? A. I don't remember what was said.

Q. (Last question repeated). A. Yes, I

was near enough but I don't remember what was said.

Q. How do you come to remember what you said, and he said about money, when you don't remember what was said before he commenced to call her bad names? A. He said that to me, he was talking to my sister before; I remember what my sister said to him.

Q. Well, he and your sister were talking about something that you don't remember, they were not talking in an angry tone? A. I was not listening to what they were talking about. 10

Q. Were they talking in an angry manner? A. No, that I remember.

Q. Were they smiling and laughing? A. No.

Q. There was nothing unusual in their manner? A. I don't know.

Q. You were there? A. Yes, sir.

Q. And there was a light there? A. Yes, sir. 20

Q. It was after dark? A. Yes, sir.

Q. Was that the first time that you ever heard him call her bad names? A. No, sir; before I heard him call her bad names.

Q. Now, was there anything said when he started off on some conversation and he called her bad names? A. He was talking to her.

Q. He started to call her bad names; you recollect that? A. Yes, sir. 30

Q. That is twice that he called her bad names? A. Yes, sir.

Q. How often did you hear him call her bad names in December? A. I could not tell you.

Q. When was the first time in December? A. I don't remember.

Q. Was it before Christmas? A. I don't remember.

Q. You will not say that he called her bad names before Christmas? A. Yes, sir; he called her bad names when he came home from work.

Q. My question was, you will not say that he called her bad names before Christmas, and you said you didn't remember; is that answer of yours true or is it not? A. Yes, sir; I told you I heard him call her bad names most every evening; he would come home and call her bad names.

Q. You say now that he called her bad names most every evening? A. Yes, sir.

Q. I asked you if he called her bad names in December, before Christmas; were you mistaken before? A. You asked me that before and I said most evening, I told you most every evening.

Q. Didn't you understand my question when I asked you whether he called her bad names before Christmas? A. I don't understand you.

Q. Then as a matter of fact he did call her bad names before Christmas? A. Yes, sir.

Q. Can you tell us about when it was in December, when he first called her bad names? A. About every evening, I could not tell the date.

Q. Can you remember any conversation that they had when he would start and call her bad names? A. No, sir.

Q. Anything that your sister would say or you would say or he would say? A. No, sir, I have never said anything to him.

Q. Do you recollect what the bad names were? A. Yes, sir.

Q. Was there any time before or after Christmas that you can tell us about any conversation that he had with your sister or that she

had with him when he called her any bad names?

A. I don't remember.

Q. As I understand you, you understand I know of the bad names he would call her; don't you remember any conversation that they had?

A. Yes, sir.

Q. Did you hear him call her bad names on January 12th, before he left, during the last ten or twelve days before he went away? A. Yes, sir.

Q. Now, then, did you hear him call her bad names then? A. He called her bad names almost every evening.

Q. Were there any evenings that he did not call her bad names? A. Yes, a few evenings.

Q. Were there more evenings that he called her bad names than that he did not call her bad names? A. Yes, sir.

Q. Can you tell what was said by him or by her before he would call her any of those bad names, any one of those evenings? A. Before he called her he would always tell her that she was out with other men, and he could prove that.

Q. Did you ever hear any conversation, what he said about that? A. I don't remember, he would be in another room; I heard them quarreling.

Q. Don't you remember what she said? A. No, sir.

Q. Could you not tell us any one thing that he said? A. No, sir.

Q. All you remember is these things that you heard him say? A. Yes, sir, why wouldn't I?

Q. You said in your direct examination that your sister was troubled with sleeplessness for about two or three months after he left her; is that so? A. Yes, sir.

10

20

30

Q. Are you sure it was two or three months after? A. I am not just sure about it.

Q. It was less than two months? A. No, sir.

Q. It was not more than three months? A. I could not tell you.

Q. You said two or three months? A. Yes, sir.

Q. You said it was not less than two months? A. No.

10 Q. And it was not any longer than three months? A. It was not longer than three months.

Q. Was it longer than two and a half months? A. It might have been.

Q. The child was born when? A. July 16th.

Q. How many weeks before the child was born was it when the sleeplessness stopped? A. I cannot tell you.

20 Q. You slept with her? A. Not until the child was born.

Q. After the child was born, then the sleeplessness was over? A. No, sir.

Q. She would still have that sleeplessness? A. Yes, sir.

Q. Why did you say two or three months? A. I say about two or three months, I don't know for sure.

Q. Don't you know that it was six months from the time he left until the child was born?

30 A. It might have been; I don't know.

Q. Do you know whether it is now or not? A. Yes, sir.

Q. When you said two or three months, you meant half that time? A. No, sir.

Q. Why did you use the term two or three months? A. It was about two or three months that I slept with her.

AMELIA LICHT—CROSS
FREDERICK H. PETTERSON—DIRECT

- Q. When did you stop sleeping with her?
A. About May.
Q. The first of May? A. Yes, sir.
Q. That is all.

Mr. Allen: That is the plaintiff's case, your Honor.

The Master: Are you ready, Mr. Stagg, to go ahead with your case? 10

Mr. Stagg: I would just as leave adjourn now until 1:45 P. M.

The Master: The witnesses will come back at 1:45 P. M., and we will adjourn for recess until that time.

AFTER RECESS.

Mr. Allen: I was just wondering at this stage ought I not to put my client on the stand and have her testimony that she would be glad to have an examination made of herself by some doctor in Jersey City. 20

FREDERICK H. PETTERSON, the defendant, being duly sworn on his oath according to law, testified as follows:

Mr. Stagg: I want to put in first the decree of dismissal in the case of Frederick H. Petterson, by Hans H. Petterson, his next friend, against Florence M. Petterson, to annul the marriage, this decree was advised by Vice-Chancellor Garrison, on the 25th day of October, 1912, and filed October 25th, the same day, and I have a certified copy of that decree. 30

Paper marked Exhibit D. 5.

Mr. Stagg: I desire to put in evidence also the original answer filed to that bill in the same case of Frederick H. Pettersen against Florence M. Pettersen on bill I desire to put in the answer filed April 19, 1912.

Direct examination by Mr. Stagg.

10 Q. You were married to the petitioner in October, 1911? A. Yes, sir.

Q. Where were you married? A. Hoboken.

Q. By whom? A. Alfred P. Sorensen, a Justice of the Peace.

Q. Were any of your wife's relatives or your relatives present at the marriage? A. Yes, sir.

Q. Who? A. My sister-in-law.

Q. Your sister-in-law that was on the stand this morning? A. Yes, sir.

20 Q. Previous to your marriage had you been engaged to your wife? A. Yes, sir.

Q. For how long? A. From June of that year.

Q. And where did your wife live at that time? A. In the same house that she is now residing in.

Q. In East Rutherford? A. Yes, sir.

Q. And previous to that time where did you live? A. I lived at Carlstadt, No. 15 Madison Street, with my mother and father.

30 Q. Did you previous to your marriage go up to Bucksville, Pennsylvania? A. I did.

Q. When about did you go there? A. On the 12th of August in the same year.

Q. 1911? A. Yes, sir.

Q. Previous to your going to Bucksville, Pennsylvania, had you heard of a dance known as the Woodbridge Horse Troop dance to be held at Levy's Hotel? A. I had.

Q. Had anything been said between you and your wife about that dance? A. There had; yes, sir.

Q. And what was said between you and she about it? A. My wife and I had a talk about it and she promised me that she would not go to that dance.

Q. Did you ask her not to go? A. I did; yes, sir.

Q. And that was before you went to Pennsylvania? A. Yes, sir. 10

Q. When you returned from Pennsylvania; was that before or after the Moonachie Horse Troop dance had taken place? A. That was after the time of the Moonachie Horse Troop dance.

By the Master:

Q. When did you return from Pennsylvania? A. I returned the latter part of September of that year. 20

By Mr. Stagg:

Q. I show you some letters and envelopes with letters in one, dated September 12, 1911, one September 14, 1911, one September 15, 1911, one September 18, 1911, one September 19, 1911, one September 20, 1911, one September 22, 1911 and one September 21, 1911, and ask you if those are all in your wife's handwriting? A. Yes, sir. 30

Q. And were received by you at Bucksville, Pennsylvania? A. Yes, sir.

Q. And they are addressed to a place? A. They are addressed to Yardley; we have no post office address in Bucksville, Pennsylvania.

Q. And that was before your marriage? A. Yes, sir.

Q. Now, did you learn at any time whether your wife visited this Moonachie Horse Troop dance or not? A. At any time prior or after my marriage? I did; yes, sir.

Q. After your marriage? A. Yes, sir; after my marriage.

Q. How did you happen to learn it? A. My sister-in-law and my wife were speaking about certain people.

10 Q. Who do you mean by your sister-in-law? A. Emily Licht, she was speaking to my wife in my presence, to show me what some of the people that were there, and my wife seemed to hesitate some about certain people and my wife said she could not have seen the people on the road right after she was dancing with them, and she said nothing and I went upstairs to my room.

Q. How soon after your marriage did the conversation occur? A. In the period of about
20 two weeks after I was married or the beginning of November, I can't say just the exact date.

Q. What was said after you and your wife went upstairs? A. I questioned my wife and I said were you at the Moonachie Horse Troop dance, and she said "No"; I said "You were just saying downstairs that you saw Mr. and Mrs. Roth there and other people that you saw there and then you deny that you were there at the Horse Troop dance"; and then she admitted
30 to me that she was there; I asked her again and she admitted to me that she was there she said "I was there."

Q. After she said that she was there, what else did you and she say about the dance that night? A. I asked her who she went with and she said she went with her sister, Emily.

Q. What else was said about the Horse Troop dance? A. I asked her if she danced

with anybody, and she said "Yes, with my sister."

Q. What else was said? A. I asked her who she came home with.

Q. What did she say about that? A. She said it was none of my "damn business," she using the words and left the room.

Q. Previous to that time had you had any indication that there was anything the matter with her? A. I don't quite understand what you mean, Mr. Stagg. 10

Q. That she was in the family way? A. No, sir, I did not.

Q. When did you first get any indication from her that there was something the matter with her, after that? A. I don't quite understand you.

Q. In the family way, when did you first hear that? Q. You are speaking of this Moonachie Horse Troop dance, my suspicions? 20

Q. Suspicions of what? A. With some one else prior to our marriage.

Q. How do you know that she was in the family way? A. Why she said it to me, prior to that she told me.

Q. About how long before that? A. About three or four days, I don't just know the exact number of days.

Q. How long after your marriage was it that she told you that she thought she was in the family way? A. About two weeks. 30

Q. Where were you? A. In my room, at East Rutherford.

Q. What did she say to you? A. She said I think I am in the family way. I said it cannot be possible that you are at such an early period after our marriage; I said it cannot be possible,

she said I can feel it and she took my right hand and I felt it move just like a little worm.

Q. She said that she could feel it move? A. Yes, sir.

Q. After you had this conversation that night about the dance, what was her condition so far as being sick, was she sick to the stomach or did she show any evidence of sickness?

10 *Mr. Allen:* I object to the question as leading.

The Master: Yes, it is leading, strike it out.

Q. What was her condition after you learned that she was in the family way and she could feel something move; what was her condition, was it the same as before or not? A. It was the same as it was before, about three or four days
20 after I was married, she started in to vomit at times.

Q. Three or four days after your marriage? A. Yes, sir, and that continued for off and on for over a month.

Q. Now, during any time of this month that that continued did you say anything to her about a doctor? A. I did, yes, sir.

Q. What did you say to her? A. I said
30 "Florence, you cannot get on being sick like this any longer; I said why don't you go to a physician and see what the trouble is; if you are in the family way or what is the cause of the trouble.

Q. What did she say? A. She said she would not go.

Q. Did you ask her to go to any particular doctor? A. No, sir; I mentioned no doctor in particular.

Q. Do you know who their family physician was? A. I do.

Q. Who was the family physician of your family? A. Doctor Wright.

Q. The gentleman who was on the stand? A. Yes, sir, he was on the stand.

Q. Did you go to Doctor Wright to see about your wife's trouble? A. I did, yes, sir.

Q. Was that before or after you had the conversation with her about the Moonachie Horse Troop dance? A. That was after that. 10

Q. About how long after? A. About two weeks.

Q. Before you went to the doctor, did you ask her to go to any doctor to be examined? A. I did, yes, sir.

Q. What did she say to you? A. She refused.

Q. Why did you want her to be examined by a doctor? A. Why I had suspicions of my wife being in the family way and I wanted to know how long she had been pregnant with child and other reasons of her being sick; if she was not in the family way to have her cured, because she was constantly ill and a man cannot go to work and have his wife home sick all day; it unnerves him. 20

Q. Did you go to see a doctor? A. Yes, sir, Doctor Wright.

Q. Where? A. New York City. 30

Q. Did you get from him a prescription? A. Yes, sir.

Q. What did you do with that? A. I took it home to my wife.

Q. Did your wife know you were going to see Doctor Wright? A. Yes, she knew of it that night.

Q. How long was that after your conversa-

tion about the dance? A. About two weeks after that I went to see the doctor.

Q. Did you pay the doctor when you went there? A. I did.

Q. Where did you get the money? A. My wife gave it to me that morning.

Q. After you got the prescription, where did you get it filled? A. To East Rutherford, where we lived.

10 Q. Did you pay for the filling of it? A. My wife gave me the money for it.

Q. And did you use the money to pay for the prescription? A. I did, yes, sir.

Q. What did you do with the bottle of medicine after you got it home? A. I gave it to my wife.

Q. Did she take any of it? A. Yes, she did.

Q. Did you see her take it? A. Yes, sir.

Q. Did you get her more than one bottle?

20 A. No, sir, just one bottle, but she wanted to have it renewed after it was empty.

By the Master:

30 Q. What did you tell Doctor Wright about your wife? A. I told him the general condition of my wife, about her being sick, and she felt very weak, she was complaining of being very weak, she got such a severe headache and felt weak; I said you stay in bed and I said why don't you let me bring a physician or go to one and see what the trouble is, and she said I won't go and said you go and she gave me a \$1.50 and I asked her if she wanted me to go to Doctor Wright or who, and she said it did not make any difference, and I explained to the doctor and explained to him how my wife was and said I had suspicion of my wife being in the family way

and certain things, and he said he could prescribe something that would build her up and make her strong and help her on to get over this weak feeling, because she was complaining of being weak all the time, and he said, this would build her up because it had iron in it, and make her much stronger than she was; and he gave me a prescription and I took it home to my wife.

Q. Up to that time when you took the medicine home to your wife at the time you were married, did you ever call her any bad names? 10

A. No, sir, never.

Q. Had you up to that time charged her with going out with different men? A. No, sir, never.

Q. Had you up to that time, had you stated that you were not the father of her child? A. No, sir.

Q. Now, up to the time that you gave her the medicine, or at any time during the month of November; she has stated that during the middle of November you came home and called her "a damn bitch," "a damn whore"; did you ever call her any such names? A. No, sir, never. 20

Q. Did you ever after you came home, at any time in November, say that she had been out with different men? A. No, sir.

Q. Now, what conversation, if any, did you or your wife have about her being, in the month of November or December, in the family way? 30

A. In the latter part of November, and while I sat on the edge of the bed, she showed me her stomach and she said how large it appears to be, and she said it hurts me and how it expands, and she showed me just where it was, but at that time, towards the end of November, she claimed that the medicine had made her feel much better.

By the Master:

Q. Did she take that medicine? A. Yes, sir; she took the whole bottle.

Q. How do you know? A. Because I seen her take it.

By Mr. Stagg:

10 Q. In the month of November, do you remember your mother-in-law going away to Bucksville, Pennsylvania, just before Thanksgiving Day; she said she went away? A. Yes, sir; I do.

Q. Now, in the month of November, 1912, did you and your wife have any trouble from the month of November up to before the 1st of January, during the month of December, did you and your wife have any trouble? A. We had slight
20 domestic troubles.

Q. What did they occur about? A. My wife told me that she didn't marry me for money she married me on her mother's advice, her mother told her that I was a nice fellow and didn't have bad habits, and she took me because she loved me; the man that she married she wanted to support her children and herself and she also asked me to sleep in another room.

Q. Did that happen in November or December? A. That happened in November, also.
30

Q. How often did she tell you that, once or more? A. A number of times.

Q. When did you first at any time say to her, that this child, this unborn child, that you were not the father of it? A. It was between Christmas Day and New Years Day.

Q. How did you happen to say that? A. It was on a Sunday morning; I could just see the

sun coming up, and my wife came over to me and laid her head on my chest and she said "Do you love my child"; I said "Why do you ask me"; she said "Isn't it yours"; I said "I don't know; you are the mother, you certainly ought to know," and she said "I don't know"; I said "I believe it is not my child," I said "Why should I not love your child, if it is mine."

Q. Did you at any time advise her to procure an abortion? A. No, sir, never.

10

Q. Did you go to see the doctor for that purpose? A. No, sir.

Q. To get any medicine for that purpose? A. No, sir.

Q. You have stated that on the 4th of January there was some trouble between you and your wife and that you tore up some music on that day, is that the correct day? A. I do not see how that is the correct day, but I know of an instance when I tore up music, I believe it was just the time; it was the beginning of January.

20

Q. How did you happen to do that? A. That evening, before I came home from work, I got a can of tobacco and pipes and before supper I sat down and began to fill the pipe; she said "Are you going to smoke that" and she called me a vile name.

Q. Use the exact language? A. She said "You God damn son of a bitch."

Q. What did you do then when she said that? A. I took the pipe and tobacco and I emptied it into the stove and the can I threw in the coal scuttle.

30

Q. Had you torn up any music? A. No, sir; I then went into the parlor and took all the music that belonged to me and I tore that all up; I tore that in four pieces and I took them

downstairs and put them in the furnace and burnt them up.

Q. Did you put any in the kitchen stove?

A. No, sir.

Q. That is where you put the pipe and tobacco? A. Yes, sir.

Q. Why did you tear up your music? A. Because my wife called me that name.

10 Q. Did you that day take hold of your wife and push her out in the hall? A. Never.

Q. Have you ever taken hold of your wife and struck her, or went at her with clenched fists? A. Never.

Q. Have you ever taken hold of your wife at any time, roughly? A. No, sir; never.

Q. She said that you were going out with her on Thanksgiving Day, that you promised to go to Brooklyn on Thanksgiving Day with her?

20 A. I never promised to go to Brooklyn with her on Thanksgiving Day, no, sir.

Q. She said that on New Years Day you went away and left her alone, went home and left her all alone? A. Yes, on her consent, yes, sir.

Q. I show you a book and ask you if you ever have seen this book before? A. I did, yes, sir.

Q. When and where did you first see it?

A. My wife and I bought it in Vesey Street, New York City, the Saturday before Christmas.

Q. And is that your handwriting in there?

30 A. Yes, sir.

Q. And at whose request did you write that?

A. At my wife's request.

Q. Where did you take this book and when?

A. I took it to my little sister on Christmas Day.

Q. Did your wife know that you took it there? A. Yes, sir; she did.

Mr. Stagg: I offer the book in evidence.

The Master: Mr. Allen, have you any objection?

Mr. Allen: I object to it, because it is irrelevant and immaterial.

The Master: I think, Mr. Allen, that while it does not seem to me that it carries very much weight, for the purpose that Mr. Stagg is offering it, you may read into the record the inscription that the witness says was written by him at the request of his wife. 10

Mr. Stagg: A Book entitled Annie Nelson "Little Maid of Provincetown," by Alice Turner Curtis, which has this inscription, which the witness has stated was written by him at the request of his wife: 20

"12-25-11, to my sister Elsie may you have a very happy Christmas and a Happy New Year. From Fred and Florence."

Mr. Allen: I admit that the book is a child's story book, the name of the book is already in, isn't it, now the purpose of this book is what, Mr. Stagg? 30

The Master: He thinks that the fact of giving that book generally, is evidence of good feeling of the husband and wife, and now I think that probably the fact that the book was given in the way that the witness has testified, would be admissible evidence, the value of it is quite a different question.

By Mr. Stagg:

Q. Now, what time did you go to your mother's house on Christmas Day? A. Before lunch.

Q. What time did you return? A. Before lunch.

Q. Did you have any trouble with your wife that day? A. No, sir.

10 Q. After you returned did you have any trouble with your wife? A. No, sir.

Q. Where were you on New Years Day? A. I went up home for a period of about two or three hours.

Q. In the morning or in the afternoon? A. After lunch.

Q. Was there any trouble between you and your wife that day? A. No, sir.

20 Q. There was something said that there was two occasions, one on the 4th and one on the 8th of January, in which you took hold of your wife, do you remember; were those the days that you tore up the music or was that any other occasion? A. Only once.

Q. Was there any other time at which there was some trouble with your sister-in-law, Emily said that you came down into the parlor, I think it was the 8th of January and called your wife bad names? A. No, sir.

30 Q. Did such a thing happen? A. No, sir, such a thing did not happen.

Q. On the 11th of January, that is the day you left? A. No.

Q. When did you leave? A. On the 12th of January.

Q. Did you go anywhere on the night of January 11th? A. I did.

Q. Where did you go? A. I went up to my folk's home.

Q. Who went with you? A. A young man by the name of Leland Ackerman.

Q. Did he go with you to your father's house? A. He did, yes, sir.

Q. Did he return with you that night? A. He did, yes, sir.

Q. At what time did you return, about? A. About 11 o'clock.

10

Q. Did anything unusual happen while you and he were at your father's house? A. Yes, there did.

Q. What? A. I got seriously ill.

Q. How long were you ill? A. I should judge from the time I was in there until I was home, a period of two hours, until I got home to East Rutherford.

Q. When you had returned that night, who let you in the house down there? A. My wife.

20

Q. And when you got upstairs, did you at any time or after you got upstairs that night, did you call her any vile names? A. No, sir.

Q. Or curse or swear at her? A. No, sir.

Q. Did you at any time that night, while you and she were in bed, curse and swear at her and call her bad names? A. No, sir.

Q. Have you ever called her a "damn bitch" or "whore" or "damn slob"? A. No, sir, never.

30

Q. Or a slob without the word "damn"? A. No, sir, I never called my wife any name improper at all, I never did.

Q. You say you got up to your father and mother's house on New Years Day? A. Yes, sir, on New Years Day.

Q. Did you have a clean shirt on when you went up there that day? A. I did.

Q. Who did you see after you got up there?

A. I seen my brother-in-law, my mother and father and my little sister, my other oldest sister, my middle sister; I have three sisters altogether.

Q. You left your wife's mother's house on the 12th of January? A. I did.

Q. Why did you leave? A. Because I fully believed that my wife was in the family way
10 prior to our marriage by somebody else.

By the Master:

Q. What made you think that? A. Due to the Moonachie Horse Troop Dance, after she told me she was not there, when she said she would not go, she said she did not marry me because she loved me, she married me to—the man she married would simply take care of himself,
20 she would not think of marrying a man who would not have enough to pay—

By Mr. Stagg:

Q. I show you a photograph, it is marked D 1 for identification did you see that photograph before? A. I did, yes.

Q. When and where did you first see that?
A. I first seen that after when she kissed it up
30 in her room.

Q. My question was about when was that, that you saw it? A. That was about a week or eight days after I went to the doctor.

Q. Did you ever see the original of that picture? A. I have seen a young man home, she told me he was John Hathaway Scraff, and it is very much like him, she claimed that it was him; she told me that it was his picture and

that he had gone away and she told me before she married me that after he came back she would marry him.

Q. When was that when he went away? A. She claimed that he was gone about a year or two.

Q. You found her kissing that picture? A. Yes, sir, I did.

Mr. Stagg: Now, I offer that picture 10
in evidence.

Mr. Allen: I object to it, because it is not material to the issue.

Mr. Stagg: I will withdraw the offer.

By the Master:

Q. I would like to know in detail all the reasons besides those that you have mentioned for thinking that your wife was pregnant by someone else than yourself; can you remember any other reason than those you have mentioned; you have mentioned the denial, the subsequent admission of being present at the dance and her statement that she didn't marry you for love; now what other reason did you have about thinking that she was in the family way? A. The fact that my wife got ill a few days after I got married, she claimed that she could feel the child, that there was life there. 20

Q. How soon did you have intercourse after your marriage? A. I should judge about seven days, because my wife felt ill, I could not say the exact day. 30

Q. That she felt ill very soon after being married; go on if you can remember any other reasons, I would like to hear them all? A. The fact that she wanted to do away with it; she said

that she would kill it if I didn't want it, she said she didn't want a child the first year, she said what would the people think, they would think there was something wrong, before we were married which led to different little talks that she displayed, well, those things led me to believe that she was.

By Mr. Stagg:

10

Q. Was it not also that she refused to tell you who she came home with from the dance?

Mr. Allen: I object to the question.

Q. Now, after leaving your wife, where did you go to? A. I went to my father and mother's.

20 Q. And you immediately after employed me?
A. Yes, sir.

Q. To take proceedings to annul your marriage? A. Yes, sir.

Q. You had nothing to say about whether the proceedings should be taken in the nature of a bill or petition?

Mr. Allen: I object to the form of the question, it is not a proper one.

30 *Mr. Stagg:* I will withdraw the question.

Q. What proceedings should be taken; you left that to your counsel? A. I just told you that I left everything to you, and for you to go ahead.

Q. Did you know of Doctor Wright's going and wanting to examine your wife, while these proceedings were going on? A. I did.

Q. You were not present at your house at the time? A. No, sir.

Q. Did you know afterwards of Doctor Dixon being sent to your wife's house to examine her? A. I did after you told me about it.

Q. When did you first learn of the birth of the child; how shortly after it was born? A. A period of a week.

Q. Up to that time you had paid the alimony that the Court had ordered you to pay? A. 10 Yes, sir.

Q. You don't pay it in person do you? A. No, sir.

Q. You sent a letter to your wife in the latter part of July, I think, in which you asked her to come and live with you and make up? A. Yes, sir.

Q. Do you remember that? A. Yes, sir, I do.

Q. Did you ever get an answer to that letter from her? A. No, sir, I did not. 20

Q. Did you see her personally at any time either before or after that? A. After that, the second day of August, is when I saw her personally.

Q. Who went with you at that time? A. Mr. Cole, he is here in Court; I went up to her and I said "Florence, I have ordered my attorney to discontinue my case; I want you to come and live with me and take baby, I will take care of you"; she refused to talk to me, and after awhile consented, but left me out in the doorway and I walked in just off the archway and I said "I have ordered my attorney to discontinue my case and I want you to come and live with me; I will furnish you a little home and you will not have to work, and of course you will 30

consent and go with me"; she said "No, I will never go with you on \$40 per."

Q. Have you been ready and willing to have your wife return to you? A. Yes, sir.

Q. Are you ready and willing now? A. Yes, sir.

Q. You paid alimony up to the time of the dismissal of the case, which was in August? A. Yes, sir.

10 Q. And after that you were arrested? A. I was arrested, I believe, three times in East Rutherford; I was arrested by the Overseer of the Poor in East Rutherford.

Q. When was that?

20 *Mr. Stagg:* I have here the papers which I desire to offer in evidence, it is a copy of the record of this case, a copy of the certiorari and a copy of the——— a copy of the complaint and a copy of the warrant and a copy of the recognizance.

The Master: How are they relevant to the issue in this case.

30 *Mr. Stagg:* I think they are relevant in the way they are relevant to the issue that this petitioner as soon as this offer to go and live with her and make up with him, as long as the other suit was pending and the alimony was being paid, as soon as that stopped, in October, then these proceedings were commenced in a proceeding for extreme cruelty, but the proceeding for support—What I am trying to get at is that all this cruelty is a mere fake, in other words if that is the case that that bill and answer had been still pending and it had been set down for hearing to fix a day, there would be no such petition as now, on the other hand if

this proceeding had been set aside by the Supreme Court as irrelevant and improper, and then there was very significant parts of this proceeding upon which it was set aside.

It appears that on the 8th of November, 1912, one Charles King, Overseer of the Poor of the Borough of East Rutherford, made a complaint pursuant to statute against the defendant for non-support of his wife and family, and that a warrant was issued on the same day, and the defendant was arrested on the same day and he gave recognizance of the sum of \$300 to answer before the Recorder, that there was writ of certiorari on the 13th day of November, 1912, to remove the record of the Supreme Court allowed by Justice Minturn, Justice of the Supreme Court, and then there was an order made on application of the solicitor to dismiss the proceedings or set aside the proceedings taken the Justice, we refused to pay any support from that time, because she would not go back and live us, and we refused to pay alimony under the present proceedings and we paid alimony of \$4.00 a week continuously up to that time, and that there was no alimony paid under the order made in the present case.

The Master: When was that order made, Mr. Stagg?

Mr. Stagg: That order was made sometime in December, 1912, perhaps later.

Q. That is all.

Cross examination by Mr. Allen:

Q. Have you a copy of that letter which you say you wrote to your wife with you? A. No, sir, I have not.

Q. Where is it? A. I believe my attorney has it.

Mr. Allen: Mr. Stagg, will you produce that letter?

10

Mr. Stagg: I will if I have it.

Q. Did you keep a copy of the letter.

Mr. Stagg: I object to that question

Q. When did you make a copy of the letter, the same time that you wrote your wife?

Mr. Stagg: I object to the question.

20

The Master: What is the purpose of asking that question, Mr. Allen?

Q. What was your purpose of keeping a copy of that letter?

Mr. Stagg: I object to the question.

The Master: I will sustain the objection.

30

Q. What was your purpose of keeping a copy of that letter?

Mr. Stagg: I object to that letter as a matter of argument.

The Master: I will sustain the objection.

Q. Have you read over your answer in this suit?

Mr. Stagg: I object to the question.

The Master: I will allow the question.

A. Yes, sir, I did.

Q. Did you read over the part which has the letter in?

Mr. Stagg: I object to the question.

The Master: I will sustain the objection.

10

Q. Did you read a copy of the letter where that was embodied in the answer? A. I did.

Q. Is the answer an exact copy of the letter sent to your wife? A. Word for word, no, sir.

Q. Why did you say that it is a copy? A. I had it when I wrote the letter; I always do; I never make an exact copy, I always bring out my thoughts; the original letter was put in the papers, but not my copy.

Q. Where is the letter?

20

Mr. Stagg: I object to the question.

The Master: The answer is not sworn to.

Q. Did you read over the answer? A. I did; yes, sir.

Q. Did you sign the answer?

The Master: That is immaterial.

30

Q. Did you embody in that answer an exact copy of the letter you sent to your wife?

Mr. Stagg: I object to the question.

Q. What was your purpose of putting in a letter and stating that it was the answer?

Mr. Stagg: I object to that question.

By the Master:

Q. Did you tell your counsel that that was a copy of the letter? A. No, sir, I told him that this was not a word for word copy, but the thoughts that I had expressed in my letter to my wife was embodied in that copy.

10

By Mr. Allen:

Q. And did you have that letter written out at the time you told your counsel this? A. The copy? Yes, sir.

Q. Have you it now, or has your counsel it? A. No, sir; I don't know whether my counsel has it or not.

20 Q. When did you write up the paper which you gave Mr. Stagg, and which was put in your answer as a copy of the letter sent to your wife?

A. About three minutes before I wrote the original that I sent to my wife; it was written at the same time and within the same hour.

Q. You wrote your wife a great many affectionate letters from time to time? A. Yes, sir.

30 Q. Within two or three months, or three or four months of the time that you wrote that letter, didn't you? A. After March?

Q. Yes. A. No, sir.

Q. Before? A. Before March, I wrote the wife many a letter.

Q. Did you ever keep a copy of any of those letters? A. Not necessarily, because I was going to marry the girl and I knew I would afterwards have the letters on hand to read them if I wished.

Q. In this case did you keep a copy of that; why did you keep a copy of that? A. Because I thought my wife might deny ever receiving such a letter.

Q. And then you would have the proof? A. Not exactly the proof.

Q. Who told you to keep a copy of that letter?

Mr. Stagg: I object to that question. 10

The Master: I will allow the question.

A. Nobody.

Q. Now then when was it that you and Mr. Cole went down there and asked your wife to come and live with you? A. I went two nights.

Q. How long before or after you wrote the letter was it? A. From about the 23rd of July until the 2nd of August, those are the exact dates. 20

Q. Did you put them down.

A. No, sir, I remember them well, because those are moment I have never forgotten.

Q. Why did you take Mr. Cole with you on the occasion of calling on your wife? A. Why, for no special reason.

Q. Why did you insist upon him going into the house? A. Because I was afraid of my mother-in-law.

Q. And did you want to have a witness with you or anything of that kind? A. No, sir. 30

Q. Isn't it a fact that you went down there on account of advice of your counsel and had a witness with you? A. No, sir.

Q. And isn't it a fact that your attorney had told you to go there with a witness and leave with you? A. No, sir.

Q. And if she did not come then, you would

not be compelled to support her? A. I never said such a thing.

Q. Didn't you ask one of your witnesses to go in and hear the conversation? A. I didn't mention anything with reference to it.

Q. Didn't she say that you could come but your witness could not come in? A. No, she said your friend cannot come in.

10 Q. And didn't they try to shut the door and didn't he stand in the doorway and prevent it from being shut? A. No, sir.

Q. Didn't he put his foot in the doorway? A. He stood on the sill of the doorway.

20 Q. In spite of the fact that your wife told you that he could not come in, he stayed there with his foot in the doorway and prevented it from being shut? A. No, sir, he stood there on the sill while I was talking to her on the inside but she didn't say that he could not come in; when I first asked her she refused, but then I had been in, I was only on the step, I wanted to speak with her in the presence of my friend.

Q. What for? A. To see if she would come and live with me.

Mr. Stagg: I object to any further examination on this point.

30 *The Master:* I will allow it; I don't see any reason, Mr. Allen, for pushing a cross examination on this particular point any further.

Q. Why did you want to talk this very serious matter over on the porch with your wife in front of your friend? A. Serious matters? Not on the porch, I asked my wife to allow me on the inside.

Q. And why did you object to leaving your

friend on the outside and walking inside? A. I was afraid of my mother-in-law.

Q. Your mother-in-law had never injured you in any way? A. She has threatened to do things to me.

Q. In what way did she injure you?

Mr. Stagg: I object to that as not cross examination.

The Master: I will sustain the objection. 10

Q. You would not go in the house and talk with your wife, because you were afraid of your mother-in-law? A. Yes, sir.

Q. And she had never struck you or in any way injured you?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection. 20

Q. Now, your wife and her mother and sister, were the only ones living at the house at the time? A. Yes, sir; the only ones living in the house at the time.

Q. No man was in the house at the time? A. No, sir.

Q. And you knew that? A. Yes, sir.

Q. And yet you say you were afraid to go in the house, and talk with your wife about making up? A. I was afraid, alone, of my mother-in-law. 30

Q. Did you have a friendly feeling towards your wife right along then? A. I have always, and I do to this day.

Q. How is that when you had the alimony changed into pennies and given to her?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Do you recall the occasion when four hundred pennies were given to her in payment for \$4.00 alimony? A. I never seen any alimony given to her.

10 *Mr. Stagg:* I object to that.

By the Master:

Q. Do you know whether or not at any time, that her alimony was sent to her in pennies? A. Yes, sir.

Q. Was it done? A. Yes, sir.

Q. Was it done by your direction? A. No, sir.

20 *By Mr. Allen:*

Q. By whose direction was that done? A. A friend.

Q. Who was the friend? A. A personal friend.

Q. Name the friend?

Mr. Stagg: I object to that question.

30 *The Master:* I will sustain the objection.

Q. Did you not go personally to Mr. Mendelson on Park Avenue and get four hundred pennies? A. No, sir.

Q. Were you not present when it was done? A. No, sir.

Q. Who did you direct to do that? A. Nobody.

Q. Who advised the scheme to pay the alimony in four hundred pennies?

Mr. Stagg: I object to that, how is that proper cross examination? My objection is that this was a scheme.

The Master: The question is allowed.

A. A friend of mine.

Q. Now, then, you read over this petition 10
which you filed in this case against your wife
and sworn by you January 29th, 1912, did you
not?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Now, then, Mr. Petterson, you also
signed an affidavit bearing date Feb. 23rd, 1912? 20

Mr. Stagg: I object to that question.

Q. You say that when you left your wife on
January 12th, 1912, you did it because you be-
lieved that she had deceived you? A. Yes, sir.

Q. What did you do towards looking up any
proof along that line?

Mr. Stagg: I object to that question. 30

The Master: I will overrule the objection.

Q. Did you do anything toward looking up
evidence of these charges? A. I never went
out and looked for any evidence.

Q. Do you mean to say, then, that without
looking for any proof at all, you deliberately

left your wife and went to counsel and started a suit to annul the marriage? A. I don't quite understand what you mean, Mr. Allen.

Q. (Last question repeated.) A. I heard the question but I don't understand what you mean.

Q. (Question again repeated.) A. No, sir.

Q. What do you mean by no, sir? A. I mean I didn't deliberately without reason go; I
10 had reasons why I went.

Q. Then what were the reasons which prompted you to leave your wife and start a suit? A. My wife's condition, the way she talked to me at home.

Q. Now what was there about your wife's condition at that time? A. Well, at any certain period during my marriage?

Q. What was the condition that led you to leave her? A. My wife was very large and
20 could not wear any corsets at that time.

Q. What else? A. That is about just all that I can remember.

Q. Then, simply because your wife was large in size and wearing no corsets, you left her and started the suit, is that right? A. No, sir

Q. I am asking you again to give me a reason? A. You said at that time, when I left her.

Q. On the 12th of January and started a
30 suit to annul the marriage? A. My wife's actions and since that that she had told me that she had been to the Moonachie Horse Troop dance and her refusing at first to tell me who the men were that she danced with and afterwards she told me it was none of my "God damn" business, and it did not concern me.

Q. Mr. Petterson, realizing that you are under oath, did your wife say to you those words

or did you ever hear her in all your life time say that it was none of your "God damn" business?

A. I absolutely did.

Q. This lady here said that? A. I am looking at her.

Q. At her in the face. A. And you have said it many times, more than once.

Q. How many times did she say it? A. Whenever she wanted to say it.

Q. How many other times did she say it is none of your "God damn" business, repeating those curse words. A. On many occasions. 10

Q. How many, fifteen or twenty? A. I cannot say; there were many occasions.

Q. What do you mean by many occasions? A. I cannot say exactly how many.

Q. And what brought forth such language? A. What I asked her about, and she refused to answer me, and so forth.

Q. Tell us what brought forth such language from her? 20

The Master: Mr. Allen, he has told you that he said whenever she refused to give him the names of those persons.

Q. You mean the persons with whom she had intercourse? A. I never said such a thing.

Q. What do you mean when she refused to give you the names of persons? A. She told me that she was at the Moonachie Horse Troop dance and I asked her if she danced with any men and she said it was none of my "G—D—" business; she never would tell me and always with an oath. 30

Q. Isn't it a fact that in one of your affidavits which you swore to, you said that she told you that she danced with a man by the name of

Fake? A. I don't believe I ever swore to such a thing.

Q. Now, upon learning that she had been to this Moonachie Horse Troop Dance with her sister, did you conclude that she had done something wrong with a man at that time? A. Not just at that moment.

Q. Well, what led you to suppose that she had done something wrong with other men? A.
10 Her physical condition; when I married my wife she said that no woman could be in such a condition, and when she spoke of this Moonachie Horse Troop dance and also that she had danced with a man that she had loved and this one in particular, this John Hathaway Scraff, that led me to believe those things, that there might be something wrong done at the Moonachie Horse Troop dance.

Q. This Troop dance is an annual affair and
20 attended by all the fine people of the community? A. I don't know anything about it.

Q. You do know your counsel was there?

Mr. Stagg: I object to that.

Q. You know then that the best people of that section, men of high standing and women of high standing make a practice of attending that picnic? A. No, sir.

Q. You also know that your wife and family
30 have always attended that picnic? A. No, sir; I never knew that, my wife told me on two occasions that she had attended that picnic.

Q. You say you simply started suit on what your wife told you? A. The condition I found my wife in, I fully believed when I left her, I thought she was in the family way prior to our marriage.

Q. How could she have been so large as you want us to believe on January, when she was only about three months in the family way?

The Master:—I think that that is not a proper question.

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

Mr. Allen: I will withdraw the question. 10

The Master: Strike it out.

Q. In what way was she large on January 12th? A. In her stomach.

Q. She didn't wear any corsets, when did she discontinue wearing her corsets? A. About a month prior to my leaving her.

Q. Why did she discontinue wearing them, if you know? A. She claimed that she could not wear them, she asked me to button it, she tried to button it and could not do so. 20

Q. She was always a well and healthy woman? A. Not while I was engaged to her.

Q. She worked every day for five years in New York City? A. I never knew anything about that.

Q. You never heard anything about her being sick up to the time that you were married to her? A. I only heard of her being sick three times, when I was engaged to her, I didn't understand the girl in that particular case, it didn't concern me in any way. 30

Q. Now what harm was there, or did you find out there was, in her going to that Moon-achie dance with her sister?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. Only what I believed myself.

Q. Why did you believe yourself, that there was any harm in her going there? A. Through her actions and the way she spoke to me.

Q. Suppose she had danced there with three or four friends, there would not have been any harm in that?

10 *Mr. Stagg:* I object to that question as immaterial.

The Master: I will allow the question.

A. No, sir.

Q. You were away in Pennsylvania, for two or three months, is that right? A. About six or seven weeks.

Q. And did you expect a girl to stay home all alone all that time?

20 *Mr. Stagg:* I object to the question.

The Master: I will allow the question

A. Outside of this one occasion, I never told her she could not go out, I told her to go where ever she liked.

30 Q. Why did you want to keep her from that annual dance that took place at her own home at Moonachie, why did you want to keep her from going to that dance? A. Because I did not think that it was fit place for my wife to be alone?

Q. Why. A. Certain things that she had told me herself about other people.

Q. Well, why did you think that it was not a fit place for her to go. Respectable ones were there? A. I don't know who went there.

Q. You know before you started this action that a great many respectable people attended

this dance. A. That was before I left my wife.

Q. But before you started your action against your wife? A. There were a few things, yes.

Q. Now, when was it that you requested your wife not to attend that dance? A. Shortly before I went to Pennsylvania.

Q. In what way did you direct your wife to remain away from that picnic? A. I didn't direct her, I simply asked her and she said "Yes, I will not go." 10

Q. You never learned that she did anything wrong there? A. No, sir, not as yet.

Q. You were never told by any person that she did anything wrong, were you? A. In what way do you mean?

Q. (Question repeated.) Why can't you answer that question? A. No, sir; I have not.

Q. Why did you say then that you based your case particularly on the Moonachie Horse Troop dance? A. That was prior to our marriage, that I asked my wife not to go there. 20

The Master: Strike that out.

Mr. Allen: The Court overrules the question?

The Master: Yes.

Q. Well, did you base your suit particularly on the Moonachie Horse Troop dance? 30

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. Not wholly, no, sir.

Q. Well, particularly on that dance, did you?

Mr. Stagg: I object to the question.

The Master: I will overrule the question.

Q. Now, what else did you base your suits on?

Mr. Stagg: I object to that he has already answered that.

10 *The Master:* Yes, he has answered that several times in response particularly to my question and in response to Mr. Stagg's question.

Q. Did you say that you didn't consummate the marriage with your wife until several days after the marriage, had sexual intercourse with her? A. Yes, sir.

Q. How many days after your marriage was it before you had sexual intercourse with your wife? A. About seven days.

20 Q. Just look at your wife. A. (Witness looks at wife.) About seven days.

Q. You slept with her each night? A. I did.

Q. Occupied the same bed and room? A. Yes, sir; I did.

By the Master:

30 Q. She was not ill with her monthly period at the time you were married? A. No, sir; she was sick, vomiting and so forth.

By Mr. Allen:

Q. You say that you deferred doing that for seven days after the marriage on her account of her being sick at the stomach? A. Yes, sir; I did

Q. Now you stopped, the first day after your marriage, with a Mrs. Chapman in Brooklyn, a cousin of your wife's, is that right? A. Yes, sir; we did.

Q. Had you been out with her in the afternoon before the marriage, your wife? A. No, sir.

Q. You were married about what time? A. About 9.15 in the evening.

Q. At Hoboken? A. Yes, sir. 10

Q. And went directly to Mrs. Chapman's home, your wife's cousin in Brooklyn? A. Yes, sir; I did.

Q. What time did you return that night? A. I didn't look at the clock, I can't say the exact time, why I should say it was in the neighborhood of one or half past twelve.

Q. How did you and your wife spend the evening? A. She complained of being very ill and had a headache and did not feel very well at the stomach. 20

Q. Was there a doctor called in for the purpose of seeing her? A. She didn't have a doctor, she just complained of being sick.

Q. How do you know she was sick? A. She told me she was.

Q. When did she tell you that? A. When we got to bed.

Q. She was well that evening and having a good time? A. We didn't have any good time, we just went there and had a little to eat and I played the piano. 30

Q. You must had a pleasant time to keep you out to one o'clock? A. Yes, we were joking and doing things.

Q. Now, the next day where did you go? A. We went out with Mr. Chapman.

Q. Did you wife go with you? A. Yes, sir, my wife went with me.

Q. She didn't throw up or anything like that? A. No, she didn't throw up, but she wanted to get home, and she said make an excuse to Mrs. Chapman that you are going to play in the church; I am afraid I am going to get sick.

Q. There was no doctor called to attend to her the next day? A. No, sir.

10 Q. She ate that night and the next morning? A. Not that night, no, sir.

Q. And didn't she eat all her meals? A. not that night.

Q. Where did you have supper on the night that you were married? A. The night of our marriage?

Q. Yes, she ate a good meal that night? A. A cup of coffee and a little cake, she hadn't complained of being sick until we were on our way
20 to Brooklyn, and then she complained.

Q. Her mother and sister were at the table? A. No, sir.

Q. Her sister accompanied you to Hoboken to the wedding and she was a witness of the marriage? A. Yes, sir.

Q. Your wife did not show any signs of being sick all that time? A. She complained all the time, she looked to be weak.

Q. Now, the next day, she ate her meals the
30 same as the others? A. She ate a very little, she only spoke to me very little while we were gone, we made an excuse that I had to play in the church in East Rutherford.

Q. The following day, she was at her home in East Rutherford? A. Yes, at my father's home; yes, sir.

Q. Now that night, your wife didn't com-

plain of being sick, did she? A. She did, she didn't eat anything that night.

Q. The next day was she sick? A. She appeared to be sick and she said she was weak; she seemed to hold her hands in front of her all the time, and she acted in an odd way, a different way from what she usually used to act.

Q. She cooked her meals? A. I didn't see her eat, she drank a cup of coffee, I don't know what she ate for dinner.

Q. The meals for yourself, your wife and her sister that worked in New York, were cooked by your wife? A. You mean that she had to do it?

Q. I mean that your wife cooked the meals in the house and cooked the meals and set the table and served them? A. Yes, sir.

Q. Did the cooking and the putting away of the dishes, and so forth? A. Not entirely so, because my mother always helped her.

Q. Your mother was away in Pennsylvania at that time? A. No, sir; not at the time that I was married.

Q. The following morning she went away, the morning after the marriage, your mother-in-law went to Pennsylvania? A. No, sir; it was the day following that.

Q. Don't you know that she went to Pennsylvania on the 15th of October, the day after your marriage? A. The day I was married was on Sunday, and I was at Brooklyn on that day and I came home that night with my wife at her request.

The Master: We will now adjourn to Tuesday, July 15, 1913, at 10 o'clock A. M.

CHANCERY CHAMBERS, JERSEY CITY,

July 15, 1913, 10 A. M.

CASE RESUMED:

Appearances same as in previous hearing:

FREDERICK H. PETTERSON, recalled:

10

Cross examination by Mr. Allen:

Q. Mr. Pettersen, with reference to the four hundred pennies which you sent to your wife for the \$4.00 weekly alimony, isn't it a fact that you personally got a number of those pennies from Mr. Samuel Mendelsohn, newsdealer, near your home?

20

Mr. Stagg: I object to that question, we went all through that matter the other day and he denied it.

The Master: How is that material? You may ask the question.

Mr. Stagg: I object to the form of the question.

The Master: Change the form of your question, Mr. Allen, strike out the previous question.

30

By the Master:

Q. Did you get four hundred pennies from Mr. Mendelsohn to send to your wife in payment for alimony? A. No, sir; I did not.

By Mr. Allen:

Q. Did you not get a great many pennies

from Mr. Mendelsohn at that time? A. I never got any pennies for my wife's alimony; I never got any pennies for my wife's alimony at any time.

Q. (Last question repeated). A. No, sir.

Q. And didn't you and a friend of yours go from store to store the evening that the alimony was sent and in pennies before it was sent, gather together the four hundred pennies and send them to your wife? A. No, sir.

10

Mr. Stagg: I object to that on the ground that it is immaterial.

Q. Do you recall the box in which those four hundred pennies were sent to your wife?

Mr. Stagg: I object to that.

The Master: I will sustain the objection.

20

Q. Isn't it a fact that you had those four hundred pennies in a small box with your writing on the box, which you took away from your home, was the box that your camera was in?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. No, sir.

30

Q. Did you not say anything about the pennies being sent. A. I knew nothing about the matter whatsoever until after it was done, the fact that they were paid I knew nothing.

Q. How long after the pennies had been sent to your wife, was it that you learned that the \$4.00 was in pennies, that the \$4.00 had been sent to your wife in pennies?

Mr. Stagg: I object to the question.

The Master: I will allow it.

A. That night.

Q. The same night that the money was paid, you mean? A. Yes, sir.

Q. Who told you that?

Mr. Stagg: I object to that question.

10 *The Master:* I will allow the question.

A. A friend.

Q. Who? A. My brother-in-law, who was there at the time.

Q. What was his name? A. William Cole.

Q. Was he living at your mother's house at the same time? A. He was living at the same house, yes, sir.

20 Q. When did you first talk that matter over about getting the pennies to him? A. I never said such a thing to him.

Mr. Stagg: I object to the question.

The Master: I think you have gone far enough, you have laid ample ground for contradiction if you desire to contradict him.

30 Q. Now, Mr. Petterson, in your petition against your wife to annul the marriage, sworn to by you on January 29, 1912, you set forth that she had deceived you in the marriage, and that she was pregnant with child, as near as you can tell at the time, in the month of June or July, previous to your marriage; what did you base that charge on?

Mr. Stagg: I object to that question

on the ground that it is an improper question.

The Master: I will allow the question.

A. I never told my lawyer that it was in June or July; I told him about the Moonachie Horse Troop dance; I based my whole statement on the Moonachie Horse Troop dance.

Q. Didn't you say at the close of your testimony at the last hearing, that you did not base your statement upon the Moonachie Horse Troop dance? A. That was part of my belief. 10

Q. Well, now tell us then, what you based these charges on?

Mr. Stagg: I object to that question.

The Master: He told us that before; you asked him that question before and he stated his reasons very fully.

Mr. Allen: There was a misunderstanding between the Court and myself, as to whether or not he didn't base it upon the Moonachie Horse Troop dance, and I would to have it stated again. 20

Q. (Last question repeated). A. No, sir; I didn't make such a statement.

Q. Now, you say that you based the charges upon the Moonachie Horse Troop dance, is that correct? 30

Mr. Stagg: I object to that question.

The Master: I do not see the purposes of this question.

Mr. Allen: The question is whether or not he made false charges, and he had admitted that he was mistaken about it.

The Master: I will overrule the ques-

tion on the ground that it has been all gone over before.

Mr. Allen: I except to your Honor's ruling.

The Master: You may do so.

Q. What was there then aside from what you have testified to in connection with the Moonachie Horse Troop dance, that you based
10 your charges upon, in your petition?

Mr. Stagg: I object to that question.

The Master: The question is over-ruled.

Q. Again when you filed your bill later, which was sworn to by you on the 1st day of February, 1912, wherein you again set forth that your wife deceived you and that she was pregnant with child by some other man at the time
20 of your marriage; what did you base those charges on?

Mr. Stagg: I object to that question.

The Master: I will overrule the question, it has been answered before; you may ask him if he has any other reasons than those that prompted him to file the petition.

30 *Mr. Allen:* Very well your Honor.

Q. Did you at the time you filed your petition have any additional reasons, or additional information for making the charge against your wife, than you have made in your petition?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. No, sir.

Q. At the time you filed your bill, you had a certificate from Doctor Dickinson, setting forth that she had been pregnant about five months at that time, hadn't you?

Mr. Stagg: I object to that question.

The Master: The question ought to be changed as to form.

10

A. No, sir.

Q. You were in Court the other day when your wife authorized me to state to the Vice-Chancellor, that she would be willing to submit to an examination, if the Vice-Chancellor would name a Jersey City doctor, were you not?

Mr. Stagg: I object to that as it is immaterial.

The Master: I will allow the question. 20

A. No, sir.

Q. You received a bill from Doctor Dickinson for an examination which was made, did you not?

Mr. Stagg: I object to that question.

A. No, sir.

Q. And you paid the bill?

30

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

By the Master:

Q. When did you first learn that Doctor

Dickinson had examined your wife, do you remember? A. I cannot just recall the date; as far as I can recall, it was after I filed my bill, through my attorney and he told me of it, but I cannot remember it at all.

By Mr. Allen:

10 Q. Now, then, you did not read over the bill before you signed it?

Mr. Stagg: I object to that question.

The Master: It is not probable that he did, I will allow the question.

Q. Do you recall signing the affidavit on that bill you filed?

Mr. Stagg: I object to that question.

20

The Master: Which affidavit do you mean, one of good faith and conclusion and another affidavit of alimony?

Mr. Allen: I am referring now to his affidavit; I asked the witness recalls signing the affidavit attached to his bill.

The Master: It is immaterial and I will overrule the question.

30 Q. Did you at the time, or before you signed the affidavit to the bill and before the bill was filed; did you read it over or have it read to you?

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. I cannot just remember, no, sir; I would not say yes or no, because I am not sure.

Q. Now, you say at the time you did not

know the result of Doctor Dickinson's examination upon your wife?

Mr. Stagg: I object to that.

The Master: I will sustain the objection, he has already said that he did not know.

Q. What did you mean by that answer that you did not know? 10

Mr. Stagg: I object to that.

The Master: I will sustain the objection.

Q. Had not your counsel made known to you the result of Doctor Dickinson's examination at that time?

Mr. Stagg: I object to that. 20

The Master: I will allow it.

A. My best recollection is, that he asked me for the money, but outside of that, I cannot recollect anything about it.

Q. Asked you for what money? A. For \$25.00.

Q. What for? A. For Doctor Dickinson's fee; I did not get the bill, my attorney got it.

Q. Did you pay Doctor Dickinson off then? 30

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

Q. And you had also paid Doctor Dickinson off before the alimony was ruled in the case?

Mr. Stagg: I object to the question.

The Master: I will sustain the objection.

Q. And in your affidavit which was used upon the argument for alimony, you also knew the result of Doctor Dickinson's examination, then?

10 *Mr. Stagg:* I object to that question and ask that it be stricken out.

The Master: Strike it out.

Q. Now, Mr. Petterson, with reference to these vile names which you say your wife called you a number of times, in thinking it over, can you tell us about how many times she called you vile names?

20 *Mr. Stagg:* I object to the question.
The Master: I will allow it.

A. I cannot remember exactly.

Q. As near as you can judge?

Mr. Stagg: I object to that.

The Master: I will allow it.

A. I cannot say the exact times, no, sir.

30 *By the Master:*

Q. Can you say whether it was once or twenty times? A. My best recollection now is that it was not twenty times.

Q. Two or three times? A. It was a couple of times, I cannot say to my best recollection after a while it may come to me.

By Mr. Allen:

Q. You think it was a couple of times? A. I think so.

Q. Why did you say a great many times or a number of times before?

Mr. Stagg: I object to that question.

The Master: The question is over-ruled.

10

Q. Isn't it a fact, Mr. Petterson, that you were mistaken when you said that she had called you these names quite a number of times? A. No, sir; I am not mistaken.

Q. Now, how long; you had been acquainted with her for several months before the marriage, is that right?

Mr. Stagg: I object to that.

20

The Master: I will allow the question.

A. Yes, sir.

Q. You looked upon her as a model young lady as far as truthfulness was concerned, didn't you up to the time of your marriage?

Mr. Stagg: I object to that question.

The Master: I will allow it.

30

A. Yes, sir, I did.

Q. Did you ever, in your acquaintance with her, your wife, use one word in the way of cursing or any vile language before you were married? A. No, sir.

Q. You were present on one of those many occasion when you say your wife used that vile language towards you?

Mr. Stagg: I object to that question on the ground that he put in many occasions.

The Master: I will allow the question.

A. I cannot recollect anybody being in the room at the time.

Q. Where was it that she used that language toward you? A. On one time in the kitchen.

10 Q. Where else? A. And the rest of the times up in my bed room.

Q. What led up to such an expression on the part of your wife towards you on any occasion?

Mr. Stagg: I object to that question.

The Master: I will allow it.

20 A. Well, at one time, I bought a pipe before I came home, and I came home to my supper and after supper I was going to smoke my pipe, and she said you G— D— son of a B—, you are not going to smoke that pipe.

Q. You may use the words. A. "God damn son of a bitch."

Q. What led up to her using the language on any other occasion when she used them?

Mr. Stagg: I object to that on the same ground.

30 *The Master:* I will allow it.

A. Do you want me express one of the occasions?

Q. Any of the occasions. A. Why at the time when I asked her who she came home with from the Moonachie Horse Troop dance, she said none of my G— D— business; none of my "God damn business."

Q. Where was that? A. In my bedroom.

Q. Who was present at the time? A. Only my wife.

Q. Are there any other occasions you can recall when she used that expression towards you? A. At another time shortly after Christmas, my wife woke me up and she asked me if I loved her child, and I asked her what makes you ask me that question, and she said she didn't know; I said you are the mother of the child and she said yes, and she said I do not know anything about it, I said now I don't believe that the child belongs to me, and she says go to H—. 10

Q. What hour of the night was that? A. That was in the night, not in the morning.

Q. What time of the night?

Mr. Stagg: I object to that question.

The Master: I will overrule the objection. 20

Q. Do you recall about ten days after your marriage when your wife became slightly sick at the stomach and told you she felt as if she was in the family way?

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. I never said such a thing.

Q. And didn't you say that you didn't believe that it was probable at that time? A. No, sir; I never said such a thing.

Q. Didn't you make that remark to her at that time?

Mr. Stagg: I object to the question. 30

The Master: I will overrule the question.

Q. And didn't you also insert that same statement in your affidavit? A. Those were my thoughts, but I did not say it to my wife.

By the Master:

10 Q. In the affidavit which is now in evidence, marked Exhibit P, the affidavit; did you in that exhibit, bearing date March 16, 1912, you make this statement "that some days after that his wife became sick in the same manner again and then he questioned her, and asked her what was the matter and she said I must be in the family way, and that is the reason of my being sick at my stomach, and he told her that he suggested that she go and see a physician, and she refused to go and see a doctor." A. I remember making some such statement, but about the time I am not sure.

20 Q. Is it true that you told her on that occasion, that you did not think it was probable that she was in the family way, and that she better go and see a physician? A. That I thought she was not in the family way?

30 Q. Did you tell her that you did not think that it was probable that she was in the family way? A. No, sir, I do not remember saying that to her, your Honor.

By Mr. Allen:

Q. You recall reading over that affidavit which the Court has just called to your attention, before swearing to it, do you not?

Mr. Stagg: I object to the question.

The Master: I will overrule the question.

Q. And on March 1st, 1913, you also swore to the same thing, did you not?

Mr. Stagg: I object to that.

The Master: I will overrule the question.

Q. Now, if you did swear to that statement in both of those affidavits, what have you to say about it now?

10

Mr. Stagg: I object to that question.

The Master: I will overrule the question, as it is a matter of argument.

Q. It is a fact then, is it not, that about ten days after the marriage that you and your wife did talk over the matter, and that you and she did come to the conclusion that she was then in the family way from the marriage, did you not?

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Mr. Stagg: I object to that.

The Master: I will sustain the objection.

By the Master:

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Q. Did you conclude, you and your wife after talking it over, about ten days after the marriage, that she was in the family way? A. No, sir; I did not conclude anything.

By Mr. Allen:

Q. Well, then, on or about the 11th day of

November, about ten days later, didn't you then know that she was in the family way, or think so as a result of your marriage?

Mr. Stagg: I object to that question.

The Master: Strike the question out, he has testified a great many times that he did not think that she was in the family way as a result of that marriage, and I will overrule the question in that form.

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Q. Is it a fact, that at or about the 11th day of November you went to Doctor Wright in New York for the prescription to do away with what you supposed was an unborn child?

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. No, sir, I did not.

20

Q. Did you not tell Doctor Wright on that occasion of that visit to him, that you thought that your wife was in the family way as a result of your marriage to her?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

Mr. Stagg: I object to the question on the ground that the question had already been asked and answered in the previous examination, and I further object on the ground that the question is unfair "as a result of your marriage."

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A. As a result of my marriage, no, sir, I did not.

Q. Well, didn't you state to him on or about the 11th day of November, that you thought your wife was in the family way; yes or no?

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. I do not ever recall saying any such thing.

Q. What, if anything, did you tell him about your wife being in the family way at that time?

Mr. Stagg: I object to that question.

The Master: I will overrule the question. 10

Q. What did you go to Doctor Wright on that occasion for?

Mr. Stagg: I object to that, we have gone over all that matter before.

The Master: I will overrule the question.

Q. Now, you stated that your wife was quite sick and called in a doctor three times before your marriage, is that correct? A. I never said such a thing, no sir. 20

Q. When was it, before your marriage that she was sick three times?

Mr. Stagg: I object to that question.

By the Master:

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Q. You have said that she was sick three times? A. I recall her being sick a few times before our marriage.

By Mr. Allen:

Q. When before your marriage was she sick? A. In the early part of January when

I first met my wife, in the first part of January, it was within six weeks time of the 1st of January, so that it would lead up from the 1st of January to the middle of February.

Q. She was working in New York all that time? A. So she said, but I didn't know.

Q. Did you not know of your own knowledge that she was not ill at the time she said she was sick? A. I only went to call on my wife
10 during evenings, I don't know what she was doing during the day, it was none of my business; she acted that way, I can't say that she had a doctor or anything else.

Q. Now, you say that the marriage was not consummated until seven days after your marriage? A. About a week.

Q. And you say that that was caused because she was sick? A. Yes, sir.

Q. Isn't it a fact that the first morning after
20 you arrived at your home, the second morning after your marriage, that your wife got up and lit the fire in the kitchen and brought in the coal and took up the ashes, and prepared breakfast for you?

Mr. Stagg: I object to that question as immaterial.

The Master: How is it material? I will overrule the question.

30

Q. Isn't it a fact, Mr. Petterson, that every morning, beginning the first morning after you and your wife arrived home, isn't it a fact that she got up and built the fire, prepared the breakfast, did the general housework and the washing and the ironing all alone, during the first week?

Mr. Stagg: I object to that question

By the Master:

Q. During that first week, after you were married, did she do the general housework, your wife? A. She had help from her sister, she walked around and she did some of the work when she came home, of course there was nothing to be done around the house except the washing and her mother was there, and did the work. 10

Q. Was she assisting in the housework and was she confined to her bed all day long during the first week? A. No, sir.

By Mr. Allen:

Q. Now, you say that the sister did some of the housework? 20

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

By the Master:

Q. She was sick in bed during any time, during that first week? A. No, sir.

By Mr. Allen: 30

Q. Was she up in the morning before you, doing the work?

Mr. Stagg: I object to that question.

The Master: I will allow it.

A. No, sir.

Q. Would you be willing to have this case go through as an absolute divorce, instead of a conditional divorce?

Mr. Stagg: I object to that question.

The Master: The question is overruled.

10 Q. Have you or have you not authorized your counsel put in an absolute divorce?

The Master: The question is overruled, it does not appear upon the issue.

Q. Now, then, you said that she wore no corsets and that she looked larger when she took her corsests off, when was that?

20 *Mr. Stagg:* I object to that question. that has all been gone over.

The Master: I think you did, but you may ask the question again.

A. She started to leave off her corsets about the middle of December, it was about a month prior to the time I left my wife.

Q. And did she then discontinue wearing her corsets altogether, in the middle of December?

30 *Mr. Stagg:* I object to the question.

The Master: I will overrule the question.

Q. Are you sure about that, Mr. Petterson, that she discontinued wearing corsets about the middle of December? A. I say about a month before I left my wife, she discontinued wearing corsets, and I said that before.

FREDERICK H. PETTERSON—DIRECT

Q. Now, you said also, that you learned that your wife had been to the Moonachie Horse Troop Dance, in a conversation which took place between yourself and your wife and her sister, when was that conversation?

Mr. Stagg: I object to that question, that has all been gone over before.

Mr. Allen: I submit to the Court that the date when this conversation took place I cannot recollect having touched upon it, that particular conversation. 10

The Master: I recollect it very well.

Mr. Allen: Do you recall just when it was, I would like to find out when it was.

Q. (Last question repeated.)

A. It was about the first of November, about that time. 20

Q. Of 1911? A. Yes, sir.

Q. How long after that conversation was it that you say that you took your wife upstairs and asked her about it?

Mr. Stagg: I object to that question.

Mr. Allen: I will withdraw the question.

Q. Your wife's sister you refer to is Emily Licht, is that correct? A. Yes, sir, that is correct. 30

Q. And this conversation took place where?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. It was in the kitchen at the time when my sister-in-law and my wife spoke about it.

Q. You also said something about your wife telling you that she did not love and that she wanted a husband to support her and her children; at that time she had no children, had she?

10 *Mr. Stagg:* I object to that question; it is ridiculous and we have gone all over it.

The Master: I will overrule the question.

Q. Are you sure, that she as a fact, that she told you to lay your hand upon her and feel the child? A. Feel, the child, I don't remember asking her to feel the child, no, sir.

Q. Didn't you so state? A. I never said that she had a child.

20 Q. What did you mean by saying that she asked you to put your hand upon her and feel the little child? A. I never said that she told me to feel the little child.

Q. You never did? A. No, sir.

Q. Now, then, I ask you what then did you mean when you said that she asked you to put your hand upon her and feel something move?

Mr. Stagg: I object to that question.

30 *The Master:* I will sustain the objection.

Q. Then she never spoke to you about putting your hand on her and feeling the child.

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Did she or not speak to you in that way?
A. She showed me and asked me to see how she was; she took my hand and she said she could feel something move, like a little worm, but I never said that she took my hand and put it on her to feel something.

Q. When was that? A. About two weeks after I was married.

Q. Now, you had made your wife a present of a camera, hadn't you? A. No, sir.

Q. Before you were married? A. No, sir.

Q. She had a camera which you gave her?
A. No, sir.

Q. She had a camera in her possession then?
A. No, sir; I had.

Q. Isn't it true, that about one month before your marriage, you bought a new camera and in the presence of her sister and mother you made her a present of it? A. No, sir; I did not.

Q. And isn't it a fact and true, that you on the night of the 12th of January, asked your wife to let you have it that you were going to sell it at a large profit and would give her the money? A. I never asked her such a thing, no, sir.

Q. And under the pretext didn't she give you the camera, and didn't you take it away to your mother's house? A. I never gave it to her, and how could I take it away?

Q. You took the camera with you when you went away. A. I sold it to my friend that night and he took it away.

Q. Didn't you lay the money down on the table for your wife and tell her that the camera was hers and the money would be hers? A. Yes, sir.

Q. And didn't you afterwards grab the

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money up and she say that she wanted the money; did you not make a threat to her and tell her to close her mouth and didn't you with clenched fists tell her that if she did not shut up about the money you would make her? A. No, sir; I did not.

Q. On this occasion she had possession of the camera? A. No, sir; she had not.

10 Q. Before filing the petition for the annulment of your marriage, also the bill to annul your marriage, did you instruct your attorney or solicitor to do anything towards looking up the facts in the case, or did you simply make a statement and leave it to him to prepare it upon your statement?

Mr. Stagg: I object to that question on the ground that it is not proper cross examination.

20 *Mr. Allen:* I will withdraw the question.

Q. When did you first learn that there would be a dance of the Moonachie Horse Troop?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

30

Q. Was it at the conversation that you have referred to between your wife and her sister and yourself in the kitchen?

Mr. Stagg: I object to that, that has already been gone over and it is repetition.

The Master: I will overrule the ques-

tion on the ground that it has been asked before.

Q. Who were present when you say your wife promised you that she would not attend the Moonachie Horse Troop dance?

Mr. Stagg: I object to that question.

The Master: I will allow it.

10

A. My wife and I were alone.

Q. Can you fix the date of that conversation?

Mr. Stagg: I object to that question because it has been gone over before.

The Master: I will allow the question.

A. The exact date; no, sir; but I know it was before I went to the farm in Bucksville, Pennsylvania; the exact day it would be impossible for me to say; it was prior to the time that I went to the farm; I cannot fix the day or the month.

20

By the Master:

Q. How long before you went to the farm?

A. I cannot say exactly; it was about a month.

Q. When did you go to the farm? A. I went there on August 12th; that is the time I went to stay at the farm.

30

By Mr. Allen:

Q. There had been no circulars or advertisements of that dance up to that time, put out, had there?

Mr. Stagg: I object to that question.

A. I never seen any, no sir.

Q. You were a newcomer in the town?

Mr. Stagg: I object to that question, the witness has already testified how long he lived up there; he lived at Carlstadt.

10 Q. I mean Carlstadt, where you now live, when you went away in the summer of 1911?

Mr. Stagg: I object to the question.

Mr. Allen: I will withdraw the question.

Q. Now, will you let me see that picture which you have put in evidence?

20 *Mr. Stagg:* It is not a picture.

The Master: Now, he testified about a picture which he saw his wife kissing, is that your point.

Mr. Allen: Yes, your Honor.

The Master: You may go on and ask about it; I will overrule the offer to put the picture in evidence, and you may ask him any question upon it, what he said respecting that picture.

30

Q. Do you know who that picture is a likeness of? A. According to my wife she said it was of a young man she introduced me to at the time and I think it was the same party.

Q. Did you ever see the person who you say that picture is a likeness of? A. She has introduced me to a party that that picture looks very much like.

FREDERICK H. PETTERSON—CROSS

Q. How long before your marriage? A. I should judge it was around New Years of that year that I was married.

Q. About 8 or 10 months before you were married? A. It was about New Years of that year that I was married.

Q. And what was his name?

Mr. Stagg: I object to that question.

10

Q. Didn't you say that the picture was a picture of John Hathaway? A. John Hathaway is his first name, his last name is Scraff, my wife introduced him to me.

Q. Now, you say that you met that young man 8 or 10 months before your marriage? A. I have a recollection that the wife introduced me to him.

Q. Under what conditions? A. He was at the house when I came there.

20

Q. Was he there to visit the family, or was he a friend of the family? A. I don't know; it is more than I can understand, I never questioned her about him.

Q. You were not engaged to your wife at that time?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

30

Q. When was this that you saw him kiss that picture? A. Shortly before I was married.

Q. Well, fix the time as near as you can? A. It is pretty hard for me to fix the incident, but to fix the exact date, that is more than I can do.

By the Master:

Q. Well, as near as you can remember, within one or two months? A. It might come to me after awhile, but I don't just remember the date now.

By Mr. Allen:

10 Q. A week, a month, or two months? A. I cannot remember the date.

Q. Was it before or after Christmas?

Mr. Stagg: I object to that question on the ground that the picture is utterly immaterial.

The Master: I will sustain the objection.

20 Q. You have not known or heard of your wife being friendly to any young man from the time you were engaged to her up to the present time; have you?

Mr. Stagg: I object to that question as not cross examination. I have not asked him anything about that.

The Master: It is not proper cross examination and I will sustain the objection.

30

Q. Now from the time you were engaged to your wife down to the present time you have never heard of your wife being friendly with this person whom you have just mentioned?

Mr. Stagg: I object to that question.

The Master: I think, Mr. Allen, you

have exhausted the limit of cross examination on that subject, and I will sustain the objection.

Q. This book which you say your wife instructed you, or authorized you to write in, as a gift from yourself and her was purchased in New York, with a wrapper around, and had never been opened up to the time that you delivered it to your sister? A. I never said such a thing. 10

Q. Well, isn't it a fact that you never opened that book or showed it to your wife at all before you delivered it to your sister? A. My wife opened the book all right when she bought.

Q. And you say she bought it? A. Yes, sir, I had no more money with me.

Q. Isn't it a fact that you went in a store in New York and told her to wait outside? A. No, sir; no such thing. 20

Q. And were you and she present in the store at the time it was bought? A. It was bought at a second-hand book store on the outside; there was no need of going in the store, and it was purchased for 25 cents.

Q. She paid for it? A. Yes, she paid for it.

Q. Who did she say that book was for? A. My little sister. 30

Q. That inscription on the first page was written in the presence of your wife, was it? A. Yes, sir.

Q. By yourself? A. Yes, sir.

Q. And at her request? A. At her request.

Q. Up to that time she was very friendly towards you and your family?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection; how is that cross examination?

Q. Isn't it a fact that you did on numerous occasions tell your wife that you were not the father of the unborn child before that?

Mr. Stagg: I object to that question.

10

The Master: I will sustain the objection.

Q. Isn't it also a fact that you on many occasions accused your wife of going out with other men?

Mr. Stagg: I object to that question; it has been asked and answered a number of times.

20

Mr. Allen: I will withdraw the question.

Q. On those occasions, when you made the charges against your wife of deceiving you and being with child with some other man, and going out with other men while you were at business, didn't you do that in an angry manner and display a violent temper; isn't that a fact?

30

Mr. Stagg: I object to that question as leading.

A. I never accused my wife of going out with any man.

Q. You mean after you were married? A. I never accused her of going out with anybody while I was at business.

Q. You accused her of going out with other

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 FREDERICK H. PETTERSON—RE-DIRECT

men; my recollection is that, after you were married, and when you discovered that, you suspected that she was pregnant by another person than yourself and you then told her that she had gone out with other men? A. No, sir; at the time between Christmas and New Years my wife said do you love my child; I said if it is mine I would love it, and at that time I said to my wife, I didn't believe it was my child, but I never said I thought that she had been out with other men. 10

Q. When did you first say that the child was not your child? A. That was between Christmas and New Years; I never accused my wife before, and I wanted her to go to a doctor to find out if she was pregnant and if so how long she had been that way.

Q. Now, up to this time, between Christmas and New Years, you suspected that she was pregnant with another person, but you did not say so to her? A. No, sir. 20

Q. During that time from the middle of November to Christmas did you and she have any quarrels? A. Why, only she told me on the occasion, when she told me she did not marry me because she loved me, of course, that made me feel very bad, because I took the girl because I absolutely loved her, and outside of that I don't remember having any other quarrels with her besides that. 30

Mr. Stagg: (Showing a letter to Mr. Allen). Is that your handwriting?

Mr. Allen: It is.

Re-Direct examination by Mr. Stagg:

Q. I show you a letter which Mr. Allen says

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is in his handwriting; did you receive that letter about that time? A. I don't recollect receiving it.

Q. You did not go to his office? A. No, sir.

Q. You afterwards came to my office? A. Yes, sir.

Mr. Stagg: I offer the letter in evidence.

10 *The Master:* Is there any objection?

Mr. Allen: No, your Honor.

Letter dated February 5th, 1912, "Mr. F. H. Petterson, etc. I would like to see you at my office at 8 P. M., the 11th inst.." Marked in evidence Exhibit D. 2.

By the Master:

20 Q. After you were married, did your wife have her monthly period, if you know? A. No, sir, I never knew it.

Q. You were married in October? A. Yes, sir.

Q. How long had you been visiting her frequently so as to know her well; about how long whether a month or longer? A. I had been going to see her ever since New Years of that year.

30 Q. Did you see a good deal of her during that time? A. Yes, sir.

Q. Was your engagement known to her? A. Yes, sir, it was advertised.

Q. During your engagement did you see her quite often? A. Yes, sir, I saw her quite often.

Q. Now during that time was she kindly and affectionate towards you; did she love you

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 FREDERICK H. PETTERSON—RE-CROSS

during that time? A. Yes, sir, previous to our marriage I fully believed that she did.

Q. Now, after you married her did she still seem to love you? A. No, sir, as soon as I married her, when she went to Brooklyn she refused to speak to me, and the people that were with us said she ought to be ashamed of herself.

Q. Why was it that you did not wait until after this child was born before you began the suit to annul the marriage? A. The reason was, I fully believed that my wife was in the family way before I was married and I explained this to my attorney and asked him what to do and he advised me to start this suit right away. 10

Q. Then, did he first propose the starting of the suit or you? A. He proposed it.

Re-Cross examination by Mr. Allen: 20

Q. Mr. Petterson, you said your wife wrote you a number of letters while you were in Pennsylvania during the month of September?

A. Yes, sir.

Q. About how many letters did she write during that month?

Mr. Stagg: I object to that question.

The Master: You may offer the letters, but you cannot ask him about the contents. Would you like to offer the the letters. 30

Mr. Allen: Yes, your Honor.

Mr. Stagg: I object.

The Master: About how many do you want to offer. You see, Mr. Allen, you had him testify to his having those let-

10 ters; that opens the way for cross examination. You may do this; you may look over those letters and select from them certain of them as you think are pertinent to this case, and then I will rule on the question of the objection. I will tell you why you may offer them; one of the questions in the issue was the feeling of the parties in the matter, was because cruelty was alleged now?

Mr. Stagg: These letters are all before March.

The Master: You may look over the letters during recess and then I will decide.

By Mr. Allen:

20 Q. Now, you left your wife on January 12th and received my letter on or about February 5th following, is that correct or February 6th?

Mr. Stagg: I object to that question on the ground that the letter speaks for itself.

The Master: I will allow the question.

A. Yes, sir.

30 Q. And then you say that that letter which you received from me prompted you to go to your attorney?

The Master: No, he does not state anything like that.

Q. What was the thing that prompted you to start your petition?

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HANS H. PETTERSON—DIRECT

Mr. Stagg: I object to that question on the ground that he has already testified to that two or three times.

The Master: I will sustain the objection.

Q. Up to the time that you received my letter you had not done anything toward starting your suit to annul the marriage?

10

The Master: What is your object in pressing the cross examination on this point now any further? It appears in the evidence that the suit was begun before this letter was written.

Q. You had already started your suit when you received my letter?

20

The Master: It is already proven by written documents.

Q. That is all.

HANS H. PETTERSON, Sworn:

Direct examination by Mr. Stagg.

Q. Mr. Petterson, you live in Carlstadt, Bergen County, New Jersey? A. Yes, sir. 30

Q. What is your business? A. Carpenter.

Q. How long have you lived there? A. Seven years now, about.

Q. What is your age? A. 47 years.

Q. Is Mr. Frederick H. Petterson, your son? A. Yes, sir.

Q. Is your wife in Court? A. Yes, sir.

Q. What is her name? A. Her name is Annie Margaret Petterson.

Q. Now, do you remember going down to where your son's wife lived with her mother, Mrs. Licht, in East Rutherford? A. Yes, sir.

Q. Do you remember your son going to your house on New Years Day, 1913, or Christmas Day, 1912? A. Yes, sir.

10 Q. Which was it, New Years Day or Christmas Day? A. He was there both days, Christmas and New Years.

Q. Do you remember his bringing a present up there in the shape of a book for one of your little children? A. Yes, sir.

Q. You saw that book in Court the other day? A. Yes, sir, that is the book.

20 Q. You remember there was something said about his coming up there with a dirty shirt? A. Yes, sir, he had a clean shirt on when he came up to see us on Christmas Day.

Q. How about New Years? A. A clean shirt also.

Q. Now, do you remember the Court made some order in 1912, that your son should pay alimony of \$4.00 a week? A. Yes, sir.

Q. Did you under any instructions go there to pay alimony, some part of the time? A. I did.

30 Q. To whom did you pay it? A. To his wife.

Q. To this young lady (pointing to Mrs. Petterson)? A. Yes, sir.

Q. And you got a receipt from her? A. Yes, sir; I did.

Q. About how many times did you go there and pay alimony yourself? A. I went there—

Q. About? A. For three months at least.

Q. Did you ever go there when you were

drunk or intoxicated? A. No, sir; I did not.

Q. Mr. Pettersen, have you been drunk at all, for the last ten years at any time? A. No, sir.

Q. Did you ever go there and use vile language against them? A. No, sir; I did not.

Q. Who did you meet when you generally went there? A. Most of the time I met Mrs. Pettersen, and another time, I met the old lady, her mother.

Q. And was there any improper language used there by anybody while you were there? A. No, sir, never.

Q. Either by you or them? A. No, sir.

Q. You generally went there every week? A. I did go there, yes, sir, with the exception of a few times, every week.

Q. Do you remember of your son being arrested by an officer there, and taken before the Overseer of the Poor? A. Yes, sir.

Q. About what time of the day was he arrested? A. In the evening, I think it was.

Mr. Allen: I Object to that question as being immaterial.

Q. Your son, since January 12th, and when he left, up to the present time, has been living with you continually? A. Yes, sir; he has.

Q. Now, do you remember whether or not your son was at your house the day before he left his home on January 12th; some time in the day or evening? A. I remember that he was there on the evening before; yes, sir.

Q. Who did he come there with that evening? A. He came with a young man.

Q. Is that young man here? A. Yes, sir.

Q. What is his name? A. Leland Ackerman.

Q. How long did they stay at your house that evening? A. Until 11 o'clock.

Q. Did anything happen while he was there? A. He took sick.

Q. Who? A. My son.

Q. Was he quite sick? A. He was very ill; he vomited and I had him upstairs for almost an hour.

10 Q. Who was home besides you and your son and the boy that came with him? Was your wife home, too? A. Yes, sir; my wife was home also.

Q. And it was the next day that he came to your home? A. Yes, sir; he came home to us the next day.

Q. Your son is working for the Erie Railroad, is he not? A. Yes, sir.

20 Q. And what are his habits; are they sober and industrious? A. Yes, sir; I never seen him drunk.

Q. Is he working every day? A. Yes, sir; always.

Q. How old is he? A. About 22 years old; he was 22 years old on his last birthday.

Q. When was his last birthday? A. April 12th last; he was 22 years old then.

Q. That is all.

Adjourn for Recess until 1.50 P. M.

30

AFTER RECESS.

The Master: I don't think those letters are admissable.

Mr. Allen: They are to contradict the testimony of the petitioner.

The Master: They are not admissable if they were written before March.

HANS PETTERSON, resumes the stand:

Cross examination by Mr. Allen:

Q. Mr. Pettersen, you had the two suits of your son against his wife, the first by petition, and the second by a bill, brought in your name as next friend?

Mr. Stagg: I object to the question, 10
that is not cross examination.

The Master: No, it is not cross examination, and I will sustain the objection.

Q. You say you paid the alimony, \$4.00 each week under the order of the Court to the petitioner? A. Yes, sir.

Q. Now, where did you get the four hundred pennies which were paid to her on one occasion?

A. I never got the four hundred pennies. 20

By the Master:

Q. Did you make the payment to her when the payment was made in four hundred pennies?

A. I was present.

Q. Do you know where the pennies came from? A. I do not.

Q. Do you know whether or not your son had any knowledge of where those pennies were got? A. No. 30

By Mr. Allen:

Q. Where did you get the money with which to pay the alimony on the occasion of the four hundred pennies being paid? A. (No answer).

Mr. Stagg: We will produce a witness on the stand who got the four hundred pennies and he will testify where he got them and why he used them.

Q. Then it is a fact that you did not make all the payments of the alimony as you stated before?

10 *Mr. Stagg:* I object to that question.
 The Master: I will sustain the objection.

Q. Didn't you state that you made the payments to the petitioner under the alimony order?

A. I did at times.

Q. You did not make them all, then? A. No.

20 Q. Do you recall the date when the four hundred pennies were turned over to Mrs. Petterson for alimony?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. I don't remember the date, no, sir.

Q. And they were delivered to her in a small wooden box?

30 *Mr. Stagg:* I object to that question; this witness did not deliver them.

The Master: I will allow the question.

A. Yes, sir; they were delivered in a box.

Q. And that box was given to you or a friend who accompanied you, by your son, Frederick?

A. No, sir.

Q. Where did you get that box?

Mr. Stagg: I object to the question; I don't care where he got it.

The Master: I overrule the question.

Q. Now, do you want me to understand that you know nothing about the four hundred pennies until they were actually paid to Mrs. Pettersen?

Mr. Stagg: I object to that question. 10

The Master: I will overrule the question.

By the Master:

Q. What did you know about those pennies?

A. After it was delivered; I knew all about it.

Q. Did you know anything about it before they were delivered? A. I knew nothing about the four hundred pennies. 20

Q. Did you go with the man who brought the four hundred pennies there? A. I did.

Q. Had he them when you first saw him? A. After they were delivered, he told me he had four hundred pennies in his pocket.

By Mr. Allen:

Q. You say you never went to the house intoxicated or drunk? A. I never did, no. 30

Q. Isn't it a fact that you drink considerable? A. I have not touched liquor for years.

Q. Didn't you on several occasions, when you went to pay alimony to your son's wife, aggravate her in different ways and jeer at her? A. I never did anything of the kind.

Q. It was often held up for several weeks, before you made the payments, wasn't it?

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LELAND ACKERMAN—DIRECT

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Now, then your son was under age, and you were acting as his next friend?

10 *Mr. Stagg:* I object to that question as not cross examination.

The Master: I will overrule the question.

Q. That is all?

LELAND ACKERMAN, sworn:

Direct examination by Mr. Stagg:

20 Q. Mr. Ackerman, you know Mr. Frederick H. Petterson, the defendant? A. Yes, sir.

Q. And you also know his wife? A. I have been introduced to her before.

Q. Now, you remember the 12th day of January, 1912? A. Yes, sir.

Q. Were you at the house where Mr. and Mrs. Petterson were living at that time in East Rutherford? A. Yes, sir.

30 Q. And did you go anywhere with Mr. Petterson that night? A. Yes, sir.

Q. Where did you go? A. To his father's house.

Q. What town is that in? A. Carlstadt, I believe.

Q. Do you remember what time in the evening you went there? A. I think we called at 8 o'clock and then we went right up to the house; we went to the house to see his wife first and then

LELAND ACKERMAN—DIRECT
LELAND ACKERMAN—CROSS

we came out and went up to his father's house.

Q. Did you return with him that night down to his house where he and his wife lived? A. Yes, sir.

Q. About what time did you get back? A. We left his father's house about 11 o'clock and it did not take us very long to go down.

Q. Between the time you left his father's house and the time that you took to come down did anything happen? A. Yes, he was sick up at his own home for at least half an hour; I did not keep the time, of course. 10

Q. Was he quite ill? A. Yes, he threw up and all the rest like that.

Q. How was he when he came back. A. He was over the sickness, but he had the effects of it a little bit.

Q. And did he still have the effects when you left him? A. Yes, sir; I said to him, I hope you feel better the next day and then he went in his home. 20

Q. Did you see his father and mother when you were up at their home? A. Yes, sir.

Q. And they both saw that he was sick? A. Yes, sir.

Q. That is all.

Cross examination by Mr. Allen:

Q. You met him about what time in the evening? A. About 8 o'clock at his father's house. 30

Q. And you returned with him to his wife's home at what time? A. We left his own home in Carlstadt about 11 o'clock; I don't know what time we took to go down to his own home.

Q. Where, if any place, did you stop before you reached the home of his wife? A. I came right back home.

LELAND ACKERMAN—CROSS
LOUISE ROTH—DIRECT

Q. Where did you live at that time? A. I lived at East Rutherford, right on the same street where he lived after he was married.

Q. Between his house and the Plank Road? A. I lived at the lower end of Boiling Springs Avenue and he lives at the corner of Orchard Street and Boiling Springs Avenue, it was just half a block down to where he lived.

10 Q. And on your way down home, I don't suppose you stopped in front of his place to talk; you simply said "Good night" and went right on? A. Yes, sir.

Q. Where did you leave him; right in front of his place? A. Yes, sir; because I had to go down farther.

Q. And you continued right on your way? A. Yes, sir.

20 Q. You did not stop at all? A. No, sir; after I left him I went right home.

Q. Was there anyone walking down on the sidewalk with you two? A. No, sir.

Q. You bid him good night on the corner? A. At his own home, I did.

Q. At the corner of his own home? A. Not exactly at the corner, but right in front of the house.

30 Q. You did not look back; you continued right on down the street? A. I don't remember that.

Q. That is all.

LOUISE ROTH, Sworn:

Direct examination by Mr. Stagg:

Q. Where do you live, Mrs. Roth? A. I live in Moonachie.

Q. And your husband's name is what? A. Mr. William C. Roth.

Q. He is present here in Court? A. Yes, sir.

Q. Do you know where the Levie Half Way House is? A. Yes, sir.

Q. That is on what is known as the corner of the Paterson Plank Road and the street that runs up towards Moonachie? A. Yes, sir.

Q. This Paterson Plank Road is where the White Line runs on? A. Yes, sir. 10

Q. Florence Petterson is a relative of yours? A. She is my niece.

Q. And is her father or mother some relation of yours? A. Yes.

Q. Your husband is a farmer? A. Yes, sir.

Q. And he belongs to this Moonachie Horse Troop? A. Yes, sir.

Q. And you and he were at this picnic or annual outing of the Moonachie Horse Troop in 1911? A. Yes, sir. 20

Q. And do you remember what time or month of the year that was held in? A. Yes, some time in the latter part of August; I don't remember just when exactly.

Q. This hotel is on the corner and then there is quite a large park around the hotel? A. Yes, sir.

Q. And is there a pond there where they row the boats in some times? A. Yes, sir. 30

Q. And a pavilion and walks around through the park and seats? A. Yes, sir.

Q. Did you see this young lady there in the latter part of August? A. Yes, sir.

Q. You mean Mrs. Petterson? A. Yes, sir.

Q. You are sure that it was her? A. Yes, sir.

LOUISE ROTH—DIRECT

LOUISE ROTH—CROSS

Q. Did you see anything of this petitioner, the defendant, Frederick H. Petterson, that night? A. No, sir

Q. Did you see her dancing with anybody? A. Yes, sir.

Q. Was she dancing with ladies or with men?

A. She was dancing with ladies and she danced with two or three young men.

10 Q. Do you know who the young men were? A. No, sir.

Q. You say that she was dancing with two or three young men? A. Yes, sir.

Q. Did you see her come there? A. No, sir.

Q. Did you see her go away from there? A. No, sir; I did not see her go away.

Q. What time did you go there? A. We came there early.

20 Q. Before dark, do you mean? A. Yes, sir.

Q. About what time did you go away? A. We went away, I could not just exactly say; I guess; it was quite late in the morning; it must have been around four o'clock, I think.

Q. Isn't it a fact Mrs. Roth, that this Moonachie Horse Troop form a procession at some point other than this hotel and then march to this hotel with their families and some in wagons? A. Yes, sir.

30 Q. Where did they form the procession? A. I do not know.

Q. Were you in the procession? A. No, sir; I went there afterwards.

Q. That is all.

Cross examination by Mr. Allen:

Q. What time did you say you returned

home? A. Some time in the morning; I could not exactly say; it must have been after four o'clock in the morning; I could not exactly say.

Q. Who was with you at that time of the night? A. My husband.

Q. And you say you went there at night before dark? A. Yes, sir.

Q. And stayed there all night? A. Yes, I stayed there all night.

Q. And you do not know what time you went home? A. I do not. 10

Q. Now, a great many respectable people attend that annual picnic? A. Well, I suppose there are; I call myself respectable.

Q. And it is an annual affair. A. Yes, sir.

Q. And your niece was born and brought up in that section, wasn't she? A. Yes, sir.

Q. And she and her sister and brother and father and mother have always attended that picnic? A. I do not know. 20

Q. Her father and mother always attend it? A. Not always.

Q. Mostly have they attended there? A. It is a number of years since they attended there; the father and mother, they have in former years attended; it is about twenty-five years in existence.

By the Master:

Q. Has there been any question about the character of this place? A. I could not tell you about the place; the place is all right, the people that go there are all right. 30

By Mr. Allen:

Q. You say that all the best people in that section attend?

LOUISE ROTH—CROSS
WILLIAM ROTH—DIRECT

Mr. Stagg: I object to that question; she did not say that.

Mr. Allen: I will withdraw the question.

10 Q. Now, I ask you again if most of the best people in your section go there A. Most of the farmers go there; it is a farmers' dance; every year they have it there.

Q. A good many respectable people attend there? A. Yes, sir.

Q. It is considered a high-class respectable annual picnic?

Mr. Stagg: I object to that question on the ground that it calls for a conclusion and is not proper cross examination.

20 *The Master:* I will sustain the objection.

Q. Now, Mrs. Roth, you saw no harm in your niece attending that picnic?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. That is all.

30

WILLIAM ROTH, Sworn:

Direct examination by Mr. Stagg:

Q. Mr. Roth, you are a farmer? A. Yes, sir.

Q. You live in Moonachie? A. Yes, sir.

Q. Bergen County? A. Yes, sir.

Q. About how far is your house from Levie's Half Way Hotel? A. About a mile and a half.

Q. Were you at the Moonachie Horse Troop picnic and dance in the latter part of August, 1911? A. Yes, sir.

Q. About what time did you get there? A. It was before dark.

Q. Your wife came with you? A. Yes, sir.

Q. Were you there all the evening? A. Yes, sir.

10

Q. Until quite early in the morning? A. Yes, sir.

Q. Now, that dance was a public dance, wasn't it? A. Yes, sir.

Q. Besides the farmers, there were young men and young ladies came there that drop off the trolley cars and go in? A. Yes, sir.

Q. Did you see your niece Florence Pettersen there? A. Yes, sir.

Q. Did you see how she came there? A. No, sir. 20

Q. Did you see her dance with anybody? A. Yes, sir.

Q. Men or women? A. Several young men.

Q. Were those men farmers? A. I don't think they were.

Q. Or sons of farmers? A. Not that I know of.

Q. You know the farmers around there? A. Yes, sir. 30

Q. You did not recognize them as farmers or sons of farmers? A. No, sir.

Q. Did you know any of them by name. A. One.

Q. What was his name? A. Fake.

Q. Do you know any man by the name of Fake that is a farmer around Moonachie that

WILLIAM ROTH—DIRECT
WILLIAM ROTH—CROSS

belongs to this Moonachie Horse Troop? A. No, sir.

Q. You are sure that it was your niece that was dancing with these people that night? Yes, sir.

Q. Did you see Frederick Petterson there that night? A. No, sir.

Q. That is all.

10

Cross examination by Mr. Allen:

Q. You and a great many other respectable people of that neighborhood always attend that annual picnic? A. Yes, sir.

Q. And this young lady Florence Petterson, the petitioner, is a daughter of your sister? A. Yes, sir.

Q. And she and her mother and family have lived in Moonachie, where this picnic was held, the most of their lives? A. Yes, sir.

20

Q. And have you and your family made it a practice of going there, to that picnic, every year? A. Yes, sir.

Q. This Mr. Fake you saw her dancing with is a respectable gentleman? A. Yes, as far as I know.

Q. He is a brother of the Judge of the District Court of East Rutherford?

30

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. She behaved herself as a lady there? A. Yes, sir.

Q. Have you ever known her to behave in any other way? A. No, sir.

Q. You have not? A. No, sir.

Q. That is all.

ANNA MARGARET PETTERSON, Sworn:

Direct examination by Mr. Stagg:

Q. You are the mother of Frederick Petter-son? A. Yes, sir.

Q. And he is living now at your house? A. Yes, sir.

Q. And he has been there since January 12, 1912? A. Yes, sir. 10

Q. Do you remember the night before that, whether he came to your house or not? A. Yes, sir.

Q. Did he come there with somebody else? A. Mr. Ackerman, yes, sir.

Q. About what time did he get there? A. About 8 o'clock.

Q. Did anything happen after he got there? A. Yes, sir, he was sick.

Q. How long did he remain sick? A. It was almost an hour, he vomited. 20

Q. And then he left to go where as you understood? A. To go home.

Q. The next day he came to your place, didn't he? A. Yes, sir.

Q. Previous to that time, had he been to your house on New Year's Day? A. Yes, sir.

Q. And also on Christmas? A. Yes, sir, also on Christmas.

Q. Do you remember his bringing a book there for his little sister? A. I do. 30

Q. Did you see that book brought in Court the other day? A. I do, yes, sir.

Q. Did he tell you where he got the book from?

Mr. Allen: I object to that question, the petitioner was not present.

A. Yes, sir.

The Master: Strike that question and answer out.

Q. Now, did he on either Christmas or New Year's come to your home with a dirty shirt on?

A. No, sir, never.

Q. He was there on both those days? A.
10 Yes, sir; he was there on both those days.

Q. Were you ever present at any time, when alimony was paid to the petitioner? A. Yes, sir, I was.

Q. About how often were you present when alimony was paid to the petitioner? A. Well, I went alone once, the first time and I don't recall how many times I went with Mr. Cole.

Q. Mr. Cole? A. Yes, sir.

Q. Did you see the petitioner at any of those
20 times? A. I did.

Q. Was there anything said by her to you, either to you or to your son, while you saw her there? A. Yes, sir.

Q. What did she say? A. Well, the first time I went there, the mother opened the door for me, and she wanted to know where was Mr. Petterson, and I told her my husband was out of town, and I told her I did not want her daughter to wait so long and I had brought the alimony;
30 she called her daughter, and the daughter came out and signed the paper, and the mother came to me and said, the way Fred left us without cause at all; we don't know why he left us, he had no right to do so, and you as a mother, you should have thrown him out; I told her I had not come there for that purpose; I told her to please sign the paper, but she still held on to the paper and made me wait; she said if you

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knew what Fred had said you would not keep him in the house, and she turned to Florence and she said, that he said that I had bought a table for \$10 and told my husband that I had paid \$20 for it and deceived him.

Mr. Allen: I object to that part of the answer and ask that it be stricken out.

The Master: No.

10

Q. Tell us what she said about her husband, to you? A. Well, after I told her I did not believe that, I knew that Fred could not say such a thing, and then the mother turned around and said, that "son of a bitch," I will fix him, I will put him behind the bars, and you can tell him, if he ever says anything took place in this house, I will kill him and then I told her to give me the paper.

Q. And was the mother near when she said that? A. Yes, sir, she stood right close to the house, and as I left the minister came up and tipped his hat and went inside. 20

Q. This time you were alone? A. Yes, sir.

Q. The next time you went there with Mr. Cole? A. Yes, sir.

Q. What was said by Florence Pettersen or her mother? A. She ordered me off the porch, she asked Mrs. Pettersen what I was doing there; she said does it take two people to bring the money; then she said, if you don't get off the porch, I will throw you off. 30

Q. To you? A. Yes, sir.

Q. Who said that? A. I think Mrs. Pettersen.

Q. What happened then? A. I left the porch and waited for my son-in-law at the foot of the steps.

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Q. This Mr. Cole was not your son-in-law at that time? A. No, sir.

Q. Since then he has married your daughter? A. Yes, sir.

Q. Were you there any other time after that with Mr. Cole? A. Yes, sir, I was.

Q. Except the time when you were ordered off the porch? A. Yes, sir.

10 Q. What happened at that time? A. After that I did not go up, I stayed downstairs right at the foot of the stoop.

Q. You were present, were you not, on the night when your husband and Dr. Wright and myself went there to ask her to be examined? A. I was.

Q. And did you get in the house that night? A. I did.

20 *Mr. Allen:* I object to that line of testimony on the ground that it is not within the issue of the case and also that it is not material.

The Master: Confine yourself to the conduct of the petitioner and you may make your examination as short as possible.

30 Q. When you got inside did you see your daughter-in-law, Mrs. Petterson, there? A. Yes, sir.

Q. Did you see her mother? A. Yes, sir.

Q. Now, did you see who it was that ran out to telephone next door? A. I think the sister; I seen the sister go out.

Q. Were you present at the time I asked Mrs. Petterson to be examined and she refused? A. Yes, sir.

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Mr. Allen: I object to that form of the question.

The Master: I will allow the question and answer to stand.

Q. Did you hear anybody say in the presence of Mrs. Petterson that night that they would send for a policeman and have us arrested? A. Yes, sir.

10

Q. Who said that? A. The mother.

Q. Of Mrs. Petterson? A. Yes, sir.

Q. When we came out did you find any policeman there? A. Yes, sir, when we came outside we met him right there.

Q. That is all

Cross examination by Mr. Allen:

Q. Mrs. Petterson, you swore to an affidavit in which you said it is filed in this case and in evidence in this case, bearing date March 16, 1912, and which is marked Exhibit P. 2, (Reads affidavit)?

20

Mr. Stagg: I object to that question on the ground that it is not cross examination.

The Master: It is not cross examination and I sustain the objection.

30

Q. Are you not a little prejudiced against your son's wife? A. No, sir, I never was.

Q. Are you disinterested entirely in the outcome of this suit?

Mr. Stagg: I object to that question.

The Master: It is hardly necessary to

ask that question and I will sustain the objection.

Q. You say your son was at your house on the night of January 11th? A. Yes, sir.

Q. And that he was taken sick shortly after he arrived? A. Yes, sir, he was not feeling well after he came there; he was quite sick after he got there.

10 Q. He was not so sick that he required a physician to attend him? A. We wanted to go out but he would not allow us to do so.

Q. And what was the occasion of his visit to your home that night, do you know?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

20 Q. And he remained there until 11 o'clock, you say? A. About 11 o'clock.

Q. And how shortly after he arrived was it that he became what you say, quite sick, the worst part of the sickness? A. Well, it was not very long; I should judge he was there about an hour; he was not there long when he got sick.

Q. And it continued, you think, for an hour? A. Yes, sir, about that time.

30 Q. He came you think, at 8 o'clock and he was there about an hour and then he was taken sick? A. Yes, sir.

Q. Did you put him to bed? A. No, sir, his father took him down in the basement.

Q. And in an hour or two, about 10 o'clock he was all right? A. Yes, sir, he came upstairs.

Q. And you do not know what his trouble was? A. Only what he told me.

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Q. What seemed to be his trouble?

Mr. Stagg: I object to that question.

The Master: Objection sustained.

Q. Then that continued an hour after that, and he spent the rest of the evening with you before he returned? A. He stayed there and we tried to do what we could for him.

10

Q. After that, when he had gotten better at 10 o'clock, why didn't you tell him that it was time for him to return to his home?

Mr. Stagg: I object to that question as immaterial.

The Master: I don't quite see the bearing of this evidence; it is immaterial, and I will sustain the objection.

20

Q. He left your home at 11 o'clock? A. Yes, sir.

Q. You did not go away from your home with him? A. No, sir, the young man went home with him; he didn't need me.

Q. He left your home with Mr. Ackerman? A. Mr. Ackerman took him back home.

Q. The witness who just testified here a moment ago? A. Yes, sir.

That is all.

30

WILLIAM COLE, Sworn:

Direct examination by Mr. Stagg:

Q. Mr. Cole, you are a married man at the present time? A. Yes, sir.

Q. And you are married to the sister of Frederick H. Petterson? A. Yes, sir.

Q. And you live with your father and mother? A. Yes, sir.

Q. And when were you married? A. November 2nd, 1912.

Q. Previous to that time you boarded for some time with Mr. Petterson? A. Yes, sir; I did.

10 Q. And do you remember of going to Florence Petterson's home for the purpose of paying her her alimony? A. Yes, sir, I do.

Q. And did you go with Mrs. Petterson at any time? A. What is that? I did.

Q. Did you ever go with Mr. Petterson? A. I did.

Q. Did you ever go there alone? A. No, sir.

20 Q. You went there with the father? A. Yes, sir.

Q. Now, was there a time when you gave her four hundred pennies? A. I did, yes sir.

Q. When was that about? A. Well, I can't give you the date; but I remember giving her the pennies.

Q. Do you remember hearing of a child being born in January, 1912? A. I do, yes, sir.

30 Q. How long was it when you gave her the four hundred pennies, before the child was born? A. It was very shortly before.

Q. Now, who was with you at the time? A. Why, Mr. Petterson.

Q. You mean the older Petterson? A. Yes, sir, the father.

Q. Where did you get the pennies? A. I got the pennies in various places; I had a habit of saving pennies, and I took most of them and with the assistance of others that I had quite a

collection of them, it made a collection of four hundred altogether.

Q. What did you put the pennies in? A. The pennies were put in a white box, a plate box that I had bought a camera in, a dozen plates came in the box.

Q. Had you said anything to anybody about taking those pennies there before you took them there? A. I did that unbeknown to anybody as far as I know.

10

Q. Had you paid the alimony before that? A. I had.

Q. Why was it that you took those four hundred pennies? A. Well, I had been there before and through being ill-treated by the people of the house I went there, there were some insulting remarks made and I don't think I deserved it, and I said to myself, as long as the people are so insulting about it; that is the reason I gave the pennies.

20

Q. Who had made the insulting remarks before that when you went there? A. In fact all of them.

Q. How about Mrs. Petterson?

Mr. Allen: I object to that question.

Q. You say all of them who do you mean? A. Mrs. Licht, Emily Licht and Mrs. Petterson, the petitioner in this case.

30

Q. Now, what did Mrs. Petterson say to you before that time, before the time you took the pennies there? A. Why, before that she said—

Q. To you? A. (Continuing) To me that Fred, that is her husband, had been taken out of a disorderly house, and she used insulting remarks that were not very pleasant.

Q. Do you mean to tell us that she said her husband has been taken out of a disorderly house? A. Yes, sir.

Q. Just tell us what she said, if you remember? A. Well, I know they were not very nice, I know they were not decent, but I can't remember the exact words.

Q. Was she present at any time when her mother and Emily said anything, or was she away at that time? A. She was present at that time.

Q. What, did the old lady say in your presence which you considered insulting? A. Which time did you mean?

Q. At any time before you took the four hundred pennies there? A. They were insulting remarks, but I don't remember the words.

Q. Were you present at the time that Mr. Petterson, Fred's mother, has related about her being ordered off the porch? A. I was.

Q. Was that before or after you took the four hundred pennies there? A. That seems to me to be after, I think, but I am not positive.

Q. You could not say? A. No, I could not say.

Q. You were present some time in July, or August, 1912, after the child was born when Fred went there to see his wife and ask her to live with him? A. Yes, sir.

Q. Can you tell us when that was? A. That seemed to be in August, 1912, about the first part of August.

Q. Now, had he said anything, to you at that time that he had sent a letter to his wife, before you went there with him? A. No, sir.

Q. Now, what did he say at that time? Did he see his wife when you and he went there? A. Yes, sir.

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Q. What did he say, if anything, about asking her to come and live with him? A. Why, we went there to the house and Fred asked for his wife.

Q. What did he say to her? A. Why, he asked his wife whether she would come and live with him and there was no reply; he asked her again the second time and he did not get any reply, and the third time he asked her, but he got a reply, and the reply was that she would not live with him at "forty per." 10

Q. What else was said by him or by her at that time, if you remember, about living together? A. Well, Mr. Petterson said he had furnished up a very good home for her and tried to get her to see his point and she did not seem to heed him at all on this advice and I heard her say that she would not live with him on "forty per." 20

Q. And then you and Mr. Petterson left? A. Yes, sir, we left then.

Q. Was it after you and Mr. Petterson had gone there in August, 1912, that Mr. Petterson was arrested by the Overseer of the Poor?

Mr. Allen: I object to that question as immaterial.

(Question withdrawn).

Q. That is all. 30

Cross examination by Mr. Allen:

Q. Now, Mr. Cole, you went there with Mr. Petterson's father on the occasion of delivering the four hundred pennies to Mrs. Petterson? A. Yes, I did.

Q. This was some time in October of last year, wasn't it? A. I don't remember the exact date.

Q. About the 1st of October of last year? A. No, I won't say that; I remember the occasion of going over there.

By Mr. Stagg:

10 Q. I was going to ask you this question, but I overlooked it. Were you present when Fred Petterson's mother was ordered off the porch? A. I was.

Q. Did you hear the mother of Florence Petterson, in your presence use any abusive language?

Mr. Allen: I object to that question as immaterial.

20 *The Master:* I don't see how the petitioner is to be affected by that.

Q. Were you there when anything was said by Florence Petterson to her? A. Florence ordered her off the porch, she said she did not want us around.

Q. What was said at that time? A. I don't know; I know she ordered her off the porch and she said, I don't want you here; she always
30 slighting, every time she spoke.

Q. What slighting did you hear Florence use? A. She was always slighting every time she spoke, I can't name the words.

Q. Why did you say "slighting"?

The Master: I overrule the question.

Q. Mr. Cole, can you tell us what Mrs. Pet-

terson said at any time when you say she was "slighting"; what were the words as near as you can recollect? A. Well, some of the words, I cannot say positively, because I know they were indecent words, but I can't recall the words.

Cross examination by Mr. Allen: (Continued).

Q. Now, you say that she was slighting towards her mother-in-law in ordering her off the porch? A. I do, yes, sir.

10

Q. Do you call that indecent?

The Master: Don't go on with that, the testimony on that is worthless as against you, Mr. Allen; why not drop it?

Q. Now, Mr. Cole, you say that you had been insulted and that was the reason for your taking the four hundred pennies there? A. I do.

20

By the Master:

Q. Mr. Cole, did you say anything to the defendant about taking those four hundred pennies there? A. No, sir; that was all done from my own idea.

Q. Did you say anything to anybody about it? A. Nobody, until afterwards.

Q. How did you happen to have those four hundred pennies? A. I did not have four hundred; I had a considerable number and I got the other pennies from various places.

30

Q. And went there to tender them intending to vex the petitioner? A. Not exactly; just to give them something to occupy their minds.

Q. Are you sure that the defendant did not know anything about it? A. I am positive so far as I am concerned myself.

Q. Did you tell anybody about them before you gave them, before you gave them to the petitioner that you intended to get them? A. No, sir, it was intended to be a joke on my part.

By Mr. Allen:

10 Q. Some of those pennies were gotten together by Mr. Frederick Petterson, himself, isn't that a fact? A. I will just answer for myself, I cannot answer that.

Q. Did you find some of them up at the house before you took them down? A. I only found my own; I did not find anybody else's.

Q. Do you know whether he had been out and collected a few of them? A. No, I did not know about it.

Q. Did you get any of them from him? A. None whatsoever.

20 Q. What time did you get down there with those pennies that night? A. I guess it was around 8 o'clock.

Q. That was October 3, 1912, wasn't it? A. I cannot say that.

Q. About the 1st of October? A. I ain't sure.

Q. That was payday with Fred, wasn't it?

30 *Mr. Stagg:* I object to that question.

The Master: I will overrule the objection.

A. Yes, sir.

Q. And what kind of money did Fred give you that night to give his wife?

Mr. Stagg: I object to that question.

The Master: Have we not heard enough on that subject of the pennies?

Q. You were living at Fred Petterson's mother's home at that time, were you not? A. I was.

Q. And engaged to be married at the time to his sister Ruth?

Mr. Stagg: I object to that question on the ground that it is not cross examination and is immaterial. 10

The Master: How is it material? I will sustain the objection.

Q. When were you married to Fred's sister? A. I just explained; it was in November, 1912.

Q. This occasion was about one month before that? A. Yes, I have stated that.

Q. Now, what hour did Fred arrive home from business that night? 20

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

Q. Do you remember the date or the month when you say all of them made these insulting remarks?

Mr. Stagg: I object to that question. 30

The Master: I will allow the question.

A. No.

Q. Do you remember the date when these insulting remarks were made? A. No, sir.

Q. You went to the home of Fred's wife once in company with Fred's mother, is that correct?

A. I did, yes, sir.

Q. And besides that did you go with Fred alone? A. Yes, sir.

The Master: What occasions are these that you are speaking of, Mr. Allen?

Mr. Stagg: That is another attempt to put answers in the mouth of the witness.

10 *The Witness:* I had been there before and I had been there after the marriage.

Q. After what? A. After the marriage.

The Master: As that question and answer stand it means absolutely nothing to me; and is perfectly worthless I won't strike it out now, but I will require Mr. Allen to fix the times and occasions of these visits or else I will strike it out.

20 *Mr. Allen:* He has told us that he could not remember the dates or even the months.

The Master: Ask him the question.

Q. Can you fix the dates or even the months when you made the visits upon Fred's wife in company with Fred's mother and also in company with Fred's father for any purpose? A. I don't remember the dates, no, I do not.

30 Q. For any purpose whatsoever and you called upon Fred's wife in company with Fred on another occasion, is that correct?

Mr. Stagg: I object to that question.

The Master: Ask him what that other occasion was.

Q. State what that other occasion was; what was the occasion of your call with Fred? A.

Only once that I remember going up to the house with Fred.

Q. I say with Fred? A. That was the time that he went there to offer her a home.

Q. On that occasion you were not admitted in the house? A. I was partly.

Q. Fred walked inside through the parlor and out in the dining room and he had a talk with his wife, didn't he? A. Yes, sir, within my sight and my hearing.

10

Q. Do you know all that was said between Fred and his wife in the back room there? A. I do, yes, sir.

Q. And you were standing on the porch? A. I was not standing on what you call the porch.

Q. You did not get in the house? A. I said partly.

Q. What do you mean by partly? A. Partly means not all the way in; I was in her doorway but not inside, the front door was open.

20

Q. And where were they when they had this conversation? A. Right in the archway leading from the parlor into the hallway.

Q. How far were you from where they were standing? A. I should judge about 12 or 15 feet, 12 feet at the most.

Q. Was there any door or partition between you and them? A. No, sir.

Q. Was there an open door? A. I think there are two rolling doors there but that forms an archway, they were both open.

30

Q. The door between the parlor and the hall and that was open? A. I don't think there is a door there.

Q. Just an archway without a door? A. Just an archway.

Q. You say he and his wife were standing

in the archway? A. Yes, they were standing in that archway.

Q. And from where you stood you could see them? A. Yes, it is not very wide hall and the archway is right near the parlor.

Q. During all the time they were there talking where were you? I was standing near the first archway not more than two feet.

Q. Then you were inside the door? A.
10 Just partly inside the door.

Q. You were inside the door that leads to the archway? A. I just simply stepped inside of the door; I just cleared the sill of the door.

Q. Didn't you go anywhere's else than where you say you saw them standing? A. No, sir.

Q. How long were you standing on the door sill listening? A. Until we left.

Q. How long was Fred in the dining room talking to his wife? A. I cannot specify any
20 certain time; I judge around fifteen minutes.

Q. And who had refused you admission in the home? A. No one in particular, in fact all I should say.

Q. You mean at the time of this conversation with Fred and his wife, did they all refuse you admission? A. Yes, sir, they refused to let me go in with him, but they did not refuse to let me stand where I was.

Q. When you say "they all refused" who do
30 you mean; who were they. A. The mother and the two daughters.

Q. They were all there? A. Yes, sir.

By the Master:

Q. Where were they standing while Fred and his wife were talking, the others? A. They seemed to gather around.

Q. Were they in the same room with Fred and his wife? A. I could not see them; once in a while they would come out and then they would appear and disappear.

Q. You saw them several times while Fred and his wife were talking? A. Yes, sir, I did.

Q. Who did you see besides Fred and his wife going in and out of this dining room while Fred and his wife were talking? A. I saw his mother-in-law and the two daughters.

10

Q. Both of them? A. I think I did, yes, sir.

By Mr. Allen:

Q. You stood in the door way with you foot on the sill to prevent the door being shut in your face? A. No such thing; I was admitted that far and no further.

Q. Fred was invited in the house, wasn't he? 20
A. Yes, sir.

Mr. Stagg: I object to that question.

The Master: I will allow it to stand.

Q. And he was asked by his wife to come in the dining room? A. He was.

Q. Now, why was it necessary for you to go in there against the objections of his wife, his mother and sister then? 30

Mr. Stagg: I object to that question as immaterial.

The Master: I will allow the question.

A. I was there for protection.

Q. You were there for protection? A. Yes, sir.

Q. Isn't it a fact that you were there as a witness to the conversation? A. More as a protector, Mr. Allen.

Q. How do you mean "more as a protector"? A. I knew that the man needed a protector and so I went along.

Q. You also went as a witness to the conversation? A. I had nothing to do as a witness; I did not know how things were going to turn out; I went more as a protector.

10 Q. He invited you to go with him?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Now, there were no men in the house, were there?

20 *Mr. Stagg:* I object to that question.

The Master: Mr. Allen, what do you want to show, that he didn't need any protection?

Mr. Allen: Yes, your Honor.

Q. These two ladies standing over there (indicating), and Fred's wife were the only ones in the house at the time, isn't that right? A. At one certain time of that evening.

30 Q. Now did you feel that he needed protection against his wife or against her sister or her mother; that was the reason you went there? A. I kind of thought so; I know I would need it myself.

Q. And that was the reason you stood in the doorway with your foot against the door so that it could not be closed?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection; it does not seem to me to be a very important point.

Q. Now you did not hear any loud words uttered on that occasion on the part of Fred's wife towards him, did you, or anything that was not pleasant? A. Well, she was not very pleasant about her actions, that is her replies to him. 10

Q. That is you mean she didn't seem to be affectionate towards him? A. No, sir.

Q. She did not go up and embrace him, is that what you mean; she was not very affectionate towards him? A. She was not supposed to be the embracer; he went there to be the embracer; he asked her to come and live with him.

Q. You mean that he was inviting her to come and live with him? A. Yes, sir, he was inviting her. 20

Q. You do not mean that he was embracing her? A. You said "embracing," I suppose you mean "forcing."

Q. Isn't it a fact that the conversation so far as Fred's wife was concerned was in a low tone, and that you could not hear it at the door where you stood? A. It was not in a low tone.

Q. Was Fred's voice in a low tone or a loud tone? A. Oh, I might say when he spoke it was so that anybody could hear it. 30

Q. No matter where they were in the house you could have them?

Mr. Stagg: I object to that question.

Q. Was he pleasant when he went there on that occasion, or did he make a demand of her to

come and live with him? A. It was more of an invitation; he went there in a pleasant mood and he tried to invite her to come and live with him, but it did not seem to be very favorable to her because she did not act that way. As I said before, she said, how could I live with you on "forty per"?

10 Q. Were her actions in a quiet manner or loud and boisterous? A. She was varied; she was not in a pleasant mood.

Q. Did he ask her to come right along with him and he would make a home for her? A. Not at that moment but as soon as she found it convenient.

Q. What did he say? A. He said "Florence, I want you to come and live with me," and she replied "How could she on forty per."

20 Q. Did he say, we have a witness here to hear what she said? A. That I do not recollect.

Q. You did not hear all that was said, did you? A. If that had been said I would have heard it; I heard all that was said.

Q. You do not recollect anything of that kind? A. No, sir.

Q. You do not know whether it was said or not? A. It may have been said afterwards by somebody else, but I don't remember him saying anything of that kind.

30 Q. Do you know if he said it or not? A. I never do; I heard every every word that he said; I am positive that it was not said by him in my presence.

By the Master:

Q. Who left the room first, he or she? A. Fred had left first because she went over towards the baby.

Q. Where was the baby? A. In the dining room.

Q. Then, what happened; what did Fred do after being refused? A. He started to go out and I waited right at the door until Fred got within almost my reach and then I went also and we both went together.

Q. Did he go back into the room towards his wife after he left her and started towards the door where you were? A. No, sir he came directly out. 10

Q. And did you both go out together? A. Yes, sir.

Q. What did he say to you; did he propose to you that you should go with him to see his wife on that occasion? A. Well, I was at the house and he just asked me whether I would take a little walk down; I said I would; I did not think anything about it that evening, and I went down. 20

Q. Did he say anything before you started or on the way down to the house, about what he intended to ask his wife? A. No, only I heard a remark passed at the house that he wanted her to live with him.

Q. Who made those remarks? A. Mr. Peterson made them at the table.

Q. What did he say on that occasion? A. I just heard the insinuation on that part, he wanted to go over and find out whether his wife would come and live with him; he said he was going over to ask her. 30

Q. Tell us all that was said about that? A. I don't recall the exact words; I remember that being said.

Q. Can you remember whether anything was being said as to whether she was likely to come and live with him? A. That was not said to

me direct; I had heard it in the house and, of course, it was not said to me direct, and I did not take any particular notice of it.

Q. Had you heard anything about it in the house? A. I had heard that remark that he was going there for that purpose.

Q. Who said that? A. Who said that?

Q. Yes. A. Fred said it.

Q. I want to know whether you heard a conversation between him and any of the members of his family in his father's house, before he went down there, about him going down to ask his wife to come and live with him? A. Not at that time; I don't remember whether it was on that night or not.

Q. Was there anything said on that occasion as to whether or not she was likely to come and live with him? A. No, sir.

Q. Was there anything said in that conversation as to why he was going down to ask her to come and live with him? A. I did hear something.

Q. What? A. I heard after that he did go and ask her to come and live with him, that they might get along better; but not in my presence; he said it to the family.

Q. That the family said it? A. No, when he made that remark himself.

Q. Did he have a room all by himself up at his father's house to bring her to?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. Where did he tell his wife he would take her to live?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. To a respectable place.

Q. Did he say where? A. He told her he would furnish up a respectable place in a good location.

Q. Did he tell her where it would be?

Mr. Stagg: I object to that question. 10

The Master: I will sustain the objection.

Q. Did you hear him say anything about where he would take her?

Mr. Stagg: I object to that question as not cross examination.

Q. (Continuing). Or make her home? 20

Mr. Stagg: I object.

The Master: I will allow the question.

A. I know nothing about it.

By the Master:

Q. Did you hear him say as to where he would take her? A. No, sir.

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By Mr. Allen:

Q. You did not hear him say anything about that part of it, did you? A. No, sir.

Q. Had he, to your knowledge, made any arrangements for a home anywhere for his wife before going down there that night to ask her to come and live with him?

WILLIAM COLE—CROSS
FLORENCE LOUISE PETTERSON—Rebuttal—DIRECT

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

Q. That is all.

Mr. Stagg: I desire to offer in evidence this prescription in evidence.

10 *The Master:* I will overrule your offer.

Mr. Stagg: It is marked for identification D. 3.

The Master: Is that your case, Mr. Stagg?

Mr. Stagg: Yes, your Honor.

Mr. Allen: I will re-call Mrs. Florence Pettersen, in re-buttal.

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FLORENCE LOUISE PETTERSON, Recalled in re-buttal:

Direct examination my Mr. Allen:

Q. Did you at any time call your husband a "son of a bitch"? A. Never; no, sir.

Q. Did you ever utter such language to him at all? A. No, sir; never.

30 Q. At any time? A. No, sir.

Q. Were you sick the first seven days after your marriage?

Mr. Stagg: I object to that question as not re-buttal.

The Master: I will allow the question.

A. No, sir.

Q. The night you were married you stayed where?

Mr. Stagg: I object, we have had that all before.

The Master: Mr. Allen, you must limit yourself strictly to a contradiction.

Q. State what occurred; what did you do the first seven days? 10

The Master: No, that will not do. She says she was well during the first seven days.

By the Master:

Q. You were not sick the first seven days after you were married? A. No, I was not. 20

By Mr. Allen:

Q. Now, your husband has stated you discontinued wearing corsets about the middle of December, 1911; is that true or not? A. No, sir; I wore them up to June.

Q. Of what year. A. 1912.

Q. The month before your baby was born? A. Yes, sir.

Q. Every day? A. Yes, sir. 30

By the Master:

Q. And from the time of your marriage up to the time your husband left you, did you wear your corsets every day? A. Yes, sir.

By Mr. Allen:

Q. Your mother and sister saw you wearing them?

Mr. Stagg: I object to that question.

The Master: I will overrule the question.

10 Q. Now, did you say anything to your husband at any time about killing the child?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

A. No, sir.

Q. Not before it was born? A. No, sir; never.

20 Q. Now, the book which was put in evidence by your husband, do you know where it was bought?

Mr. Stagg: I object to that question.

By the Master:

Q. Do you remember the book that your husband mentioned that was put in evidence? A. No, sir.

30 Q. You remember of it being offered in evidence? A. Yes, sir.

Mr. Stagg: She has denied that already and I object to that question.

Q. Now, your husband testified that he had a conversation with yourself and your sister Emily in which he said he had learned that you

had been to the Moonachie Horse Troop dance, is that so?

Mr. Stagg: I object to that question.

The Master: I will allow the question

A. No, sir.

Q. Your husband also testified that you had promised him before he went to Pennsylvania, that you would not attend the Moonachie Horse Troop Dance, is that correct or not? A. No, sir, I did not know when the dance was going to be myself, then. 10

Q. Did you talk with him about the dance?
A. No, sir.

Q. Are you sure that you did not talk with him, about the dance or promise him that you would not go to it? A. No, sir.

Q. You did not? A. No, sir, I did not.

Q. Now, do you recognize the box in which the four hundred pennies were sent to you? 20

Mr. Stagg: I object to that question

The Master: I will allow it.

A. Yes, sir.

Q. Had you seen it before? A. Yes, sir.

Q. Where? A. At my home; it was a pasterboard box that the plates came in. 30

Mr. Stagg: I move to have that answer stricken out.

The Master: Yes; strike that answer out.

Q. Now, as to the talk which Mr. Cole says he heard between yourself and your husband in your home, when your husband came to ask you

to come and live with him, was Mr. Cole in a position to hear all that was said?

Mr. Stagg: I object to that question.

The Master: I will overrule the question. You may ask her any question as to whether any of the statements made by the witness were or not true, or you can ask her where Mr. Cole stood at that time.

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Q. Mr. Cole has said that he stood inside of the front door between the hall and the parlor while you and your husband were talking about your going back and live with him? A. No, sir; he had his foot on the door sill and his other foot was on the porch.

Q. Did your husband on that occasion tell you that he would make a home for you? A. He asked me to come and live with him.

20

Q. What did he say? A. I asked him where.

Mr. Stagg: I object to all questions about what he said on the ground that it was part of her main case, and it is too late now.

The Master: I overrule it on a different ground, namely that it is not a question in contradiction.

30

Q. Is it true that you replied to your husband at the time he called with the witness Cole, that you would not live on "forty per"? A. No, sir, I never said such a thing.

Q. Did you ever say to him that you didn't love him and that you married him to support you and your child? A. No, sir, never.

Q. Did your mother in your presence say to

FLORENCE LOUISE PETTERSON—Rebuttal—DIRECT
 MARY LICHT—Rebuttal—DIRECT

Margaret Petterson at any time, did you ever use any vile language or epithet concerning Mrs. Petterson or her son? A. No, sir.

By the Master:

Q. Were you willing at that time to live with him, at the time he came in and asked you to live with him? A. No, sir; I was afraid to live with him. 10

By Mr. Allen:

Q. Why were you afraid to live with him?

The Master: I overrule that question.

Q. That is all.

20

MARY LICHT, recalled in rebuttal:

Direct examination by Mr. Allen:

Q. Mrs. Licht, did you use any vile words or epithets concerning or towards Mrs. Margaret Petterson at the time she called up to pay alimony or any other time? A. No, sir.

Q. Do you recall the condition of your daughter the day before, also the day after her marriage, as to her being sick or well? 30

Mr. Stagg: I object to that question, that does not contradict anybody.

A. Why, she was well.

The Master: Strike out the answer.

Q. Mr. Frederick Petterson has testified that that your daughter was sick the night of the marriage and also for seven days after, is that true? A. No, sir.

Q. How long after the marriage was it that you left for Pennsylvania?

The Master: I overrule that question.

10 Q. Did you see your daughter after her marriage, during the first seven days?

The Master: I will overrule that question.

By the Master:

Q. Were you at home during the first seven days after the marriage? A. No, sir.

20 Q. How long after your daughter's marriage were you at home with her? A. Just one day, one night; they came home on Sunday night and Monday morning I went away to Pennsylvania.

Q. And you were away, how long? A. I was away ten days.

By Mr. Allen:

30 Q. Mrs. Licht, did you ever hear your daughter use the vile expressions and names such as her husband has stated she called him?

Mr. Stagg: I object to that.

A. No, sir; I brought her up as a christian; I never heard her swear.

Q. Is she a church member?

Mr. Stagg: I object to that question as not rebuttal.

The Master: I will sustain the objection. I understand that I have the right to ask a few questions outside of rebuttal and I will ask the following questions.

By the Master:

Q. Mrs. Licht, what was the bearing of your daughter and her husband during the first two or three or four weeks of their marriage at your house as far as you saw it? A. They seemed to very good to each other, and they acted as if they loved each other.

Q. And when did you first notice the difference? A. In November.

Q. The 10th of November, I think you stated? A. Yes, sir.

Q. Now, after that how was your son-in-law's bearing towards his wife, say up to the middle of November, or the first two or three or four weeks after the first of November? A. Well sometimes he would refuse to eat his meals, and he would come home in the evenings and say what he had heard about his wife today and he would go up to his room and we would hear them quarreling upstairs together, and I could not hear all as they would shut the door.

Q. During those two or three weeks, after the 10th of November, his conduct was it good or bad? A. After November, I think it was, that was the time he started in to call her those bad names.

Q. Well, he didn't call her those names every day? A. Not every day.

Q. Between the times when he called her

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MARY LICHT—Rebuttal—DIRECT
MARY LICHT—Rebuttal—CROSS

those names, how did he act? A. He would treat her rather cool, but not unkind.

Q. Between those times when he called her those bad names, and there was no quarreling, were they affectionate to each other? A. Well, not the same as they were before.

Q. During the time of their engagement how did he behave towards her? A. He seemed to
10 be good to her then.

Q. How had his habits been, as far as you know? A. Well, good as far as I know.

Q. Did you hear him use any vile language or epithets about any body, before he and your daughter were married? A. I could say a good deal about many people; about his own people, he said a good deal to me.

Q. Did he use any vile names or epithets about his own people or anybody else, before
20 your daughter was married to him? A. Only that he would talk about his own people and the company coming to our house, he always had something to say.

Q. Did he call them vile names? A. No.

Q. I want to know if he had been in the habit of using those vile names or epithets before he was married to your daughter? A. No, sir.

Q. Not before. A. No, not before.

30 *Cross examination by Mr. Stagg:*

Q. Before he was married he would call his own people harsh names? A. Yes, sir.

Q. Who would he say the harsh names about? A. About his mother.

Q. What did he say about his mother? A. He told us all about his mother; he said that it was through his mother that he left home?

MARY LICHT—Rebuttal—CROSS
 AMELIA LICHT—Rebuttal—DIRECT

Q. What did he say? A. He told us that she ruined his life, that she kept him back from everything that he wanted to undertake.

Q. What name did he call his mother? A. He called her an old witch.

Q. That is all.

AMELIA LICHT, Recalled in rebuttal:

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Direct examination by Mr. Allen:

Q. Miss Amelia, is it true as stated by Frederick Petterson, that he had a conversation with yourself and his wife, sometime about the month of November, 1911, in which you or your sister, that you two had been to the Moonachie Horse Troop dance?

Mr. Stagg: I object to that question, 20
 she was asked that before.

Mr. Allen: I don't think so.

Q. Were you asked that question before?
 A. I don't remember.

Q. (Last question repeated.)

A. No, sir.

By the Master:

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Q. At about the time just mentioned did you and your sister have a conversation with Frederick Petterson about her going to the dance?

A. No, sir.

By Mr. Allen:

Q. Is it true, as specified by Frederick Pet-

AMELIA LICHT—Rebuttal—DIRECT

AMELIA LICHT—Rebuttal—CROSS

terson, that your sister was sick during the first seven days after their marriage? A. No, sir.

Q. Did you see her every day during the first week of their marriage?

Mr. Stagg: I object to that question.

The Master: I will allow the question.

10 A. Yes, sir; every day.

Q. What opportunity did you have to observe?

Mr. Stagg: I object to that question.

The Master: I will sustain the objection.

Q. That is all.

20 *Cross-examination by Mr. Stagg:*

Q. You mean you saw them every night? A. Every morning and night.

Q. You didn't see her during the daytime?

A. No, sir, I was working during the daytime.

By the Master:

30 Q. Do you know whether or not your sister wore her corsets for the three months after her marriage? A. Yes, sir, she wore her corsets until the last of June.

Q. June, 1912, you mean? A. Yes, sir.

MARY LICHT—RECALLED
FLORENCE LOUISE PETTERSON—RECALLED

MARY LICHT, Recalled:

By Mr. Allen:

Q. Up to what time, did your daughter, Florence Petterson, wear her corsets after she was married, if you know? A. Up to June.

Q. Do you know that? A. Yes, sir.

Q. You are sure she did? A. Yes, sir. 10

Q. Is it true that she discontinued wearing them from the middle of December? A. No, she wore them until June.

By Mr. Staggs

Q. In December, how many mornings did you see her dress herself? A. I never seen her dress herself, she had them on when she came down. 20

Q. Did you see her undress herself in December? A. No, sir.

Q. When you say she wore corsets, you mean she had the appearance of having them on; did you examine her? A. No, sir, but she had the appearance that she had them on.

FLORENCE LOUISE PETTERSON, recalled:

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By Mr. Allen:

Q. Mrs. Petterson, you were engaged to your husband for some three or four months before you married him? A. About six months.

Q. During that time how did he treat you? A. He seemed to be very good.

Q. Did you hear him use any vile language

FLORENCE LOUISE PETTERSON—RECALLED

or epithets about anybody? A. Not during that time.

Q. Now, during the first three or four weeks of your married life, how did he treat you? A. he seemed to be very good to me.

Q. Was he affectionate? A. Yes, sir.

Q. Did he act as if he loved you? A. Yes, sir.

Q. And you believed he did? A. Yes, sir.

10 Q. Did you love him? A. Yes, sir.

Q. I think you have testified that the change in his manner of treatment towards you began about the 10th or 12th of November? A. Well, something like that.

Q. And during the two or three weeks following that he quarreled with you and frequently called you bad names? A. Yes, sir.

20 Q. How did he treat you? A. He treated me very coolly; sometimes he would not answer me. Q. I want to know how he treated you during the November and the first part of December? A. He would not eat, and he would not speak to me; he would go up to his room and stay there.

Q. He was not that way immediately after he first began to quarrel with you on that subject? A. Yes, sir; he started right after that.

Q. That is all.

OPINION.

Hartshorne, Special Master (orally):

The petitioner in this case is a young man who, when he married, was a little over twenty and his wife, as I recall it, was a little younger. They were married October 14, 1911. Both are intelligent young people. He is employed as a bookkeeper in a railroad company and his wife, up to the time of the marriage, had been employed in McCreery's department store in New York. Apparently, she had been brought up in comfortable circumstances, and the appearance of the parties indicates that they were accustomed to such a life as would lead one to suppose that neither of them would indulge in abusive language in the home circle. 10

About four weeks after the marriage they appeared to have lived happily, both saying that there was mutual love between them at the time of the marriage and for a time at least afterwards. The husband says that a few days after the marriage his wife became sick at the stomach and showed evidence of pregnancy. She denies this, and her mother and sister who are witnesses here testify that it was not until a period of two or three weeks after the marriage. 20

About the middle of November, or perhaps a little earlier, he, apparently thinking that she could not be pregnant by him, advised her to see a physician, which he says she declined to do. She says that he charged her then with being with child by another person before her marriage and advised her to see a physician for the purpose of procuring an abortion. This he denies. There is not sufficient evidence in support of that statement by her and I am obliged to dismiss it. 30

OPINION OF ADVISORY MASTER

About that time, she testifies, he began to treat her with coldness, which soon became cruel treatment—cruel and abusive; that he repeatedly charged her with going out with other men before her marriage and charged her with being pregnant by another man. He denies this, but I am obliged to accept her testimony because it is corroborated by both her mother and her sister, both of whom lived in the same house with her husband and her. The abusive language which those three witnesses testify to is sufficient, even if the suspicions as to her misconduct had been well founded.

Certain trifling charges are made, which are stated in the petition and sworn to by the witnesses, but I dismiss those from mind—the defendant not going out with her according to certain appointments that they had made, to keep social engagements, and the like.

20 Apparently, he dwelt upon this notion that she was with a child by another person until it became a fixed conviction in his mind, and on the 12th of January he left her, going to his father's house, leaving her with her mother where they both had been previously living. That was on the 12th of January, 1912, when he left here. Before he left her, she and her mother swore that he had, on at least two occasions, laid hands upon her and pushed her or
30 dragged her from one part of the room to another, or from one room into the hall. There is no evidence at all, however, that this personal violence was of sufficient severity to lay the ground for a limited divorce

After he left her, within a few days, he began a suit by petition in the Court of Chancery for the annulment of the marriage, upon the ground, as alleged in the petition, that she had

OPINION OF ADVISORY MASTER

deceived him at the time of the marriage, she being then, as she knew, pregnant—it is charged—by another man, and that she concealed that fact from him. This suit by petition was shortly afterwards discontinued, upon the ground that it was the wrong procedure, and another suit was begun immediately afterwards, by bill, for the same purpose, alleging the same charges. Answer was filed, and the suit stood in that shape until their child was born on the 16th or 17th of July, 1912, somewhat more than nine months after the marriage. 10

The husband then discontinued his suit, but very shortly after the birth of the child—I think one week afterwards—wrote his wife a letter, which is in evidence, in which he piteously begged her forgiveness, confessed his fault, and begged her to come back, declaring his love for her and stating his intention to provide for her and the child in a kind and faithful way. 20

She did not reply to that letter, but somewhat later he, with a friend and witness in the case, went to the house where she was living with her mother, and he again requested her to come to live with him, and she declined to do so. He says that she told him his income wasn't sufficient; but she denies this, but she does admit, in one of her affidavits, and, I think, also on the stand, that she told him that if he would provide a home for her separately she would consider it. She never acceded to it, in fact, but continued to live with her mother and separately from her husband, and does so still. 30

She began this suit last winter, some months after this last request by him that she should come and live with him, and in the meantime caused his arrest under proceedings by the Overseer of the Poor for non-support.

OPINION OF ADVISORY MASTER

I am satisfied that the husband had no reasonable ground whatever for his belief that she was pregnant by another person at the time of their marriage. I asked him particularly, and counsel also asked him, the grounds for that belief and he stated them in detail. They were all, as it seemed to me, pitifully insufficient. I perhaps ought to state, in justice to his counsel, that one of the facts which he probably told his
10 counsel, as stated in court but which I did not believe, was that between Christmas and New Years following their marriage, while he was living with his wife, he had a conversation with her in which he made some question as to the paternity of her unborn child, and that she would not state as to whether it was his child or not, and that he was then convinced that it was not his child. He probably stated that to
20 counsel and counsel probably accepted his statement at the beginning of the suit, but I am satisfied in my own mind that no such circumstance ever occurred, because of his wife's denial and the extreme improbability of it.

So that, I think his suit for annulment was brought without reasonable cause, and it was a very cruel act upon his part. He says, to be sure, that his counsel advised him to bring it after he laid the facts before him, but that doesn't relieve him from the responsibility. If
30 the suit had been brought maliciously, he knowing that she was not guilty of the act which he charged in his petition, that fact, taken together with the other facts proved before me, would, I think, bring this case within the rule laid down in Taylor vs. Taylor, in the Court of Appeals (73 Eq.), where that court approves of the language of the Vice-Chancellor in the opinion below, that it is not necessary that there should be

OPINION OF ADVISORY MASTER

any acts of physical violence or cruelty in order to maintain a suit for limited divorce where there was sufficient evidence of cruelty by words and deeds other than personal violence to impair the wife's health. For there is evidence of impaired health from his conduct. But under the authority of *English vs. English*, in 27 Eq., as stated in the opinion of the Court of Appeals at page 585, it is necessary that "The Court must be satisfied that the wife is in danger of bodily harm if she go back to him, or" * * * 10
 "that he has done and will continue to do such acts as will endanger her health or render her life one of such extreme discomfort and wretchedness as to incapacitate her to discharge the duties of a wife."

Now, I cannot find in this case any evidence to satisfy me that she is in danger of any such future cruelty on the part of her husband. All of these acts of cruelty charged by her, I am satisfied proceeded from this boyish delusion of his that his wife was pregnant by another man at the time of his marriage and had concealed that fact from him. His conduct since the birth of the child makes me think it extremely improbable that he would be guilty of future acts of cruelty. Of course, his wife charges that his profession of sorrow and repentance since the birth of the child are not sincere, but I cannot find that from the evidence. At any rate, the decree I am going to advise will give him an opportunity to prove that he was sincere, if she will give him an opportunity to do it. 20 30

I shall advise a decree that the petition be dismissed, but without prejudice to the bringing of another suit for the same cause of action should there be any future acts of abuse or cruelty on the part of the husband. In advising this de-

OPINION OF ADVISORY MASTER

crec I am following the precedent established by the Court of Errors and Appeals in the case of English vs. English.

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EXHIBIT

EXHIBIT.

Dear Loving Wife:

Florence I am unhappy for what has happen to you & all that you have gone through, but Florence, *please forgive me* I cannot tell you how bad I feel, there is no words in the English language to express my feeling, but you can be sure that I am unhappy & miserable, so miserable ever since I left you.

10

Florence I can't live without you, since I been away from you I realize what it is to have a *loving wife a good wife*, if you could only read my heart, you would find the longing I have for you & how anxious I am to see you, put my arms around your neck & ask you with a broken heart, *Florence please please* forgive me, I am still the man that loves you & wants to take care of you & wishes to prove it.

Florence could you see your husband & the father of your child, whom I assure you, loves you, with a love a million times greater than when I left you, & whos heart just aches & breaks & aches so that I can't hardly speak, just because he see he is wrong, & wishes to do what is right & ask for your forgiveness. He wants to take care of his loving wife & child, he wishes to do all that a man can do, there isn't a thing & you know it that I wouldn't do for you, I want to make a man out of myself, so Florence *please forgive me & let us make up* & I am sure you will not regret the step, life is to short to live apart we did not get married to live apart but to love each other, & to share the happiness that this world can give. If I thought that you would not forgive me & make up, life wouldn't be worth living for.

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Florence I hate to stop writing, because I feel

EXHIBIT

that our conversation is through, but while I write to you I feel happy because this morning has been the *first* morning or any other part of the day that I am feeling better, I am sick not physically but in my heart longing to see & show my wife & child how much I love both of you & how anxious I am to do what a husband & father duty is

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New Jersey Court of Errors and Appeals.

Between

FLORENCE LOUISE PETTERSON,
Petitioner-Appellant,

and

FREDERICK H. PETTERSON,
Defendant-Respondent.

BRIEF ON BEHALF OF APPELLANT.

Statement of the Case.

This is an appeal from a decree of the Court of Chancery, advised by Charles H. Hartshorne, Esquire, Advisory Master, dismissing the petition of the petitioner for a divorce from bed and board of the husband on the ground of his extreme cruelty.

The petition and answer were amended on the hearing (p. 18, l. 25).

The case was printed by the respondent pursuant to the order of this Court and omits the filing dates as required by the Rule.

The Advisory Master, after hearing the proofs of the respective parties, found that they were married on October 14th, 1911 (p. 267, l. 6), and for about four weeks, lived together happily (p. 267, l. 19), but about the middle of November the defendant began to treat his wife, the petitioner, "with coldness, which soon became cruel treatment—cruel and abusive; that he repeatedly charged her with going out with other men before her marriage and charged her with being pregnant by another man (p. 268, l. 2-10).

"Apparently he dwelt upon this notion that she

was with a child by another person until it became a fixed conviction in his mind, and on the 12th day of January, he left her" (p. 268, l. 20).

"Before he left her, she and her mother swore that he had, on at least two occasions, laid hands upon her and pushed her or dragged her from one part of the room to another or from one room into the hall" (p. 268, l. 27).

"After he (the husband) left her, within a few days, he began a suit by petition in the Court of Chancery for the annulment of the marriage, upon the ground, as alleged in the petition, that she had deceived him at the time of the marriage, she being then, as she knew, pregnant—it is charged—by another man, and that she concealed that fact from him" (p. 268, l. 35). This suit of the husband was discontinued and another suit was begun by bill, for the same purpose, alleging the same charges (p. 269, l. 6). An answer was filed by the wife denying the charges. These charges were reiterated by the husband in his several affidavits filed in these cases (Exhibits P-1 and P-2).

The Advisory Master found "that the husband had no reasonable ground whatever for his belief that she (his wife) was pregnant by another person at the time of their marriage" (p. 270, l. 1-4), and that the husband's grounds for this belief were all "pitiably insufficient (p. 270, l. 7). He also says that the husband's suit for annulment "was brought without reasonable cause, was a very cruel act on his part" (p. 270, l. 25), that "there is evidence of impaired health from his conduct" (p. 271, l. 5), and that the acts of cruelty proceeded from a "delusion" of the husband (p. 271, l. 21).

While his suit for annulment was still pending, the husband requested the wife to resume their marital relations, which she declined to do. The Advisory Master apparently fell into the error of

assuming that this request was made after the husband had discontinued his suit for annulment (p. 269, l. 12), which is incorrect, as will appear from Exhibit P-1.

The Master considered it improbable that the husband would be guilty of any future acts of cruelty and "to give him an opportunity to prove that he was sincere," advised the decree that the petition be dismissed, without prejudice (p. 271, l. 30).

The finding by the Advisory Master of extreme cruelty is fully sustained by the evidence of the petitioner, corroborated by the testimony of her mother, Mary Licht, and her sister, Amelia Licht, both of whom resided in the same house with the petitioner and her husband from the time of the marriage until he left her on January 12, 1912. The testimony of these witnesses shows a course of extremely cruel and abusive conduct on the part of the defendant toward the petitioner, which resulted in the serious impairment of her health and consisted in the persistent exhibition of ill-feeling accompanied by opprobrious epithets, curses and charges of immoral and criminal conduct, with physical violence which endangered the health of the petitioner and rendered her life one of great discomfort and wretchedness.

The parties resided at East Rutherford, Bergen County (p. 19, l. 31), from the date of the marriage, October 14th, 1911, until January 12th, 1912 (p. 20, l. 1-10; p. 154, l. 35). Their relations appear to have been pleasant for about one month (p. 20, l. 15; p. 150, l. 15), when the defendant began to accuse the petitioner of infidelity to her marriage vows (p. 20, l. 17).

These accusations were made by him at frequent intervals (p. 21, l. 16, 31; p. 22, l. 11; p. 29, l. 35; p. 31, l. 28; p. 32, l. 22; p. 62, l. 5), and in the presence and hearing of the mother and the sister

of the petitioner (p. 98, l. 30; p. 104, l. 21; p. 117, l. 5; p. 126, l. 23; p. 129, l. 1), and the charges of infidelity were accompanied with curses and profanity (p. 33, l. 25-40; p. 28, l. 21; p. 29, l. 29; testimony of Mary Licht, p. 99, l. 10; p. 101, l. 30; p. 115, l. 24-40; p. 102, l. 30, to p. 103, l. 30; testimony of Amelia Licht, p. 125, l. 30; p. 131, l. 30).

The petitioner became pregnant shortly after the marriage and the defendant denied, and persisted in the denial of his paternity of the child (p. 21, l. 18; p. 29, l. 20; p. 31, l. 28; p. 63, l. 1; testimony of Mary Licht, p. 121, l. 20; testimony of Amelia Licht, p. 126, l. 28; p. 129, l. 15; p. 130, l. 1-15). The defendant says that his wife, the petitioner, told him about two weeks after the marriage, that she "thought she was in the family way" and that he answered, "It cannot be possible that you are at such an early period after our marriage" (p. 145, l. 34).

Defendant admitted that he was never told by anyone that his wife "did anything wrong" (p. 175, l. 15), and that he based his charges on the fact that she had attended a dance (p. 183, l. 6) which took place a few weeks prior to the marriage, contrary to his wishes (p. 175, l. 10). This "dance" was a picnic which has been held annually, for about twenty-five years, by the farmers of that section (p. 225, l. 25; p. 228, l. 10). Petitioner denied that she had promised the defendant before their marriage that she would not attend this dance or picnic, or that they had discussed it (p. 257, l. 10-20), defendant's witness Roth testified that her conduct there was above reproach (p. 228, l. 35) and there is not the slightest intimation of any proof in the case that the petitioner's conduct was, at any time, in the slightest degree improper.

The picnic or "dance" took place the latter part of August, 1911 (p. 227, l. 4). The defendant was

away from home from August 12th (p. 142, l. 34) until the latter part of September (p. 143, l. 20), and the marriage took place on October 14th, 1911 (p. 267, l. 6), and he says that he based his charges that she was pregnant, by another man, on the fact that she attended that dance (p. 156, l. 13), and yet in his affidavits (Exhibits P-1 and P-2) he charged that she became pregnant, to the best of his belief, in June or July before the marriage (p. 183, l. 5).

Defendant testified that his suspicions were aroused because his wife told him about two weeks after the marriage that she thought she was pregnant, but that he continued to occupy the same bed with her until the month of January following, and that he left her on January 12th (p. 156, l. 6), three months after the marriage.

The Master interrogated the defendant particularly as to the reasons for his conduct, but was unable to get a statement of any reasonable grounds for the belief which he pretended to hold (p. 156, l. 12; p. 157, l. 18). The Master characterizes these grounds as "pitifully insufficient" (p. 270, l. 7) and as a "delusion" (p. 271, l. 21). Defendant says that his counsel proposed the suit for annulment (p. 211, l. 18) and, without any reason whatever, he brought his suit charging his wife with criminal conduct, fraud and deceit which, the Master finds, was "very cruel" and unwarranted.

Even after the defendant had the benefit of the examination and report of Dr. Dickinson (Exhibit P-2) and must have known that he could not expect to succeed in his suit, he still persisted in his pretended belief and refused to withdraw his charges.

Throughout this three months' period of vituperation and abuse, from October until January, the wife suffered in silence and continued her

efforts to win the defendant over (p. 101, l. 1; p. 114, l. 26; p. 116, l. 10).

Her mother also warned him to desist (p. 117, l. 38). All efforts were without effect, and shortly before he left the home he added personal assaults and violence to his groundless charges of infidelity. On January 4th, 1912, when his wife had reached that period of pregnancy where any violence was likely to have serious results, the defendant had a violent outbreak of his uncontrollable temper, and, without any known cause, he took his wife roughly by the arm, "shoved her aside" and pushed her into the hall and against the staircase, and hurt her back (p. 90, l. 30). She escaped further injury by running upstairs to her bedroom (p. 76, l. 22). Her arm showed blue marks as a result of this injury and assault (p. 76, l. 29). The defendant gave further vent to his temper by burning and destroying the sheet music of his wife and her sister (p. 78, l. 10; p. 151, l. 20).

Four days later, on January 8th, the defendant again assaulted his wife (p. 31, l. 25-40; p. 101, l. 40, to p. 102, l. 2), and she again escaped by going up to her room (p. 32, l. 15). He repeated the assault on January 11th (p. 32, l. 39), and on the following evening he threatened her (p. 34, l. 30). He also said that "he would buy a revolver and end it all" (p. 34, l. 4). From the time these assaults commenced, on January 4th, the petitioner was in great fear of physical injury (p. 31, l. 15; p. 32, l. 21), and as a result of this extremely cruel and abusive treatment, the petitioner, who, before her marriage was in good health (p. 105, l. 20), and was never sick (p. 42, l. 29; p. 44, l. 10; p. 45, l. 22), became ill and suffered great distress (p. 43, l. 5-30; p. 44, l. 20; p. 106, l. 10; p. 127, l. 23). Her weight was reduced from 140 pounds, her normal condition, to 109 pounds (p. 42, l. 24-26; p. 106, l. 5-12).

The defendant, after leaving his wife on January 12th, brought the suits against her for annulment of the marriage, as above set forth, without any just or reasonable cause (p. 270, l. 2), thereby putting on perpetual record and spreading broadcast, his unfounded charges of criminal misconduct against his wife, and persisted in maintaining his unjust and cruel litigation against his wife for many months, until August, 1912. On July 23rd, when he, for the first time, made a showing of pretended repentance, which consisted in sending a letter, by registered mail to his wife, while she was pressing him to provide the support to which she was entitled, in which letter he requested her to resume marital relations (p. 84, l. 10). This letter was sent to her at the time of her confinement, when he had every reason to believe that by reason of the birth of the child, the amount he would be called upon to pay would be increased. A copy of this letter was read in evidence by the defendant (p. 273). It makes no mention of the then pending suit for annulment, nor does it contain any withdrawal of the false and cruel charges of unchastity and was sent by registered mail with a demand for a return receipt and a copy was preserved (p. 84, l. 20). The petitioner says of this letter that it "did not seem like his words to me" (p. 85, l. 16), and it is unreasonable to suppose that the defendant intended it as an honest repentance. A week later, on August 2nd, the defendant called upon his wife with the witness, Cole (p. 165, l. 17). This witness admitted that his relations with the wife were unpleasant (p. 237, l. 16), and the defendant gives no reason for selecting this particular man, whom he had reason to believe was hostile to his wife, for this mission, except that he wanted "to speak to her in the presence of my friend" (p. 166, l. 21);

and he says that he wanted protection (p. 165, l. 28).

He made no pretense of any affection for his wife on this visit. His own version of this interview shows that his manner was brusque and overbearing. He said, "I went up to her and I said, 'Florence, I have ordered my attorney to discontinue my case (the annulment suit) ; I want you to come and live with me and take baby. I will take care of you' " (p. 159, l. 28).

There was no intimation of repentance, no expression of regret, no promise of amendment and no apology for his actions.

The refusal of his wife to comply with his demand did not change his attitude and he left the house. The petitioner refused to comply with his demand because she was afraid of him (p. 259, l. 10). After this visit the husband made no further expression of a willingness to mend his conduct and did not try to communicate with his wife.

The decision and decree are erroneous in the following particulars:

(1) The decree is erroneous in that it is decreed that the petitioner's petition be dismissed without prejudice to the petitioner proving in another suit the acts of cruelty and abuse alleged in this cause, if the defendant, her husband, shall commit any further acts of cruelty against her, whereas it should have decreed that the petitioner and defendant be separated from bed and board as prayed in the petitioner's petition (p. 16, l. 34).

(2) The Advisory Master erroneously refused to advise a decree granting the prayer of the petitioner for a separation from bed and board, and erroneously advised a decree dismissing the petition (p. 271, l. 34).

(3) The Advisory Master erroneously decided that the letter of the defendant to the petitioner (p. 273) was written in good faith (p. 269, l. 12).

(4) The Advisory Master erroneously decided that there was not sufficient evidence that the petitioner is in danger of future cruelty on the part of the defendant (p. 271, l. 17).

(5) The Advisory Master erroneously decided that the conduct of the husband makes it improbable that he would be guilty of future acts of cruelty (p. 271, l. 24).

(6) The Advisory Master erroneously decided that the defendant should be given a further opportunity to prove that he was sincere in his demand for a reconciliation (p. 271, l. 30).

(7) The Advisory Master erroneously advised that a decree be made dismissing the petition (p. 271, l. 35).

(8) The Advisory Master erroneously decided that the decision in the case of English vs. English is authority for dismissing the petition under the facts proved in this cause.

POINTS.

I.

The acts of the defendant constituted extreme cruelty within the terms of the statute.

As is more particularly pointed out above, the husband, for a period of nearly three months following the marriage, and during the pregnancy of his wife, continually swore at her, called her vile names and without any reason, charged her with unchastity and with being pregnant by another man,

and during all this time she bore his abuse with meekness. This was followed by his repeated assaults and violence with physical injury, and he then left her without support, and, without any justification, he brought suit against her for an annulment of the marriage, charging that she was pregnant by another man at the time of the marriage, which treatment impaired her health.

This Court, in *Smith v. Smith*, 40 Eq., 566, 594, said: "The case of *Close v. Close*, in this Court, clearly established the rule that extreme cruelty, as used in our statute, may be directed either to the safety of the person or to the health of the aggrieved party, and it is not necessary that it be actually inflicted; it is sufficient if it be reasonably apprehended; that no rigid rule can be prescribed to define it, and each case as it arises must be determined by the sound discretion of the Court, according to the circumstances that surround it."

In that case this Court quoted from the opinion in *Bray v. Bray*, where it appeared that a man had accused his wife of incest with her uncle, in which it was said: "It is not possible to conceive cruelty of a more grievous character (except perhaps great personal violence) than the accusation made by this husband against his wife."

In *Smith v. Smith*, *supra*, this Court held that "two acts of violence, although not very hurtful, and not of much weight in themselves, yet taken in connection with the foul charge he had made, and the evident malice he was bearing against her and their son, assume the proportions of legal cruelty" (p. 598).

In the present case, the Advisory Master found that "there is evidence of impaired health from his conduct" (p. 271, l. 5).

Vice-Chancellor Van Fleet said, in *Black v. Black*, 30 Eq., 221: "Any husband whose sense of decency

and justice ~~is~~ so completely destroyed as to be able, deliberately to set on foot a scheme to fasten on his wife a false charge of adultery is, in my estimation, capable of doing anything a cruel heart can desire or a brutal mind invent, and any woman whose life must be spent in the seclusion of his home, and whose person is subject to his power, occupies a position of such constant and extreme danger as to have a right to the protection of the law whenever she demands it."

This Court, in *Taylor v. Taylor*, 73 Eq., 745, said: "To justify a decree, actual physical violence need not be proved, but such conduct must be shown as will justify the Court in believing * * * that he (the husband) will render her life one of such extreme discomfort and wretchedness as to incapacitate her to discharge the duties of a wife."

"Vile oaths of the blackest sort denounced by a husband against his wife must wring her very soul with anguish."

Arrowsmith v. Arrowsmith, 71 Atl. Rep., 702.

The leading cases relating to this subject are set forth, by the present Chancellor, in *Arrowsmith v. Arrowsmith*, last above cited.

II.

The delusion of the defendant does not constitute a defense.

The Advisory Master found that the husband had no reasonable ground whatever for his belief that she (his wife) was pregnant by another person at the time of the marriage (p. 270, l. 1) and that all

of his acts of cruelty proceeded from a "delusion" (p. 271, l. 21).

It is not denied that the husband is on all other subjects mentally sound, he is of full age, and this Court has held that the fact that the husband's cruelty proceeded from an insane delusion does not constitute a sufficient reason for denying a decree of divorce.

Smith v. Smith, 40 Eq., 566.

III.

The defendant's alleged efforts to effect a reconciliation were not made in good faith.

The defendant after his suit was commenced sent to his wife, by registered mail, with a demand for a return receipt, a letter requesting a reconciliation. There was reason for the wife to believe that a sincere letter would have been sent other than by registered mail, and at the time this letter was sent the suit of the husband for an annulment of the marriage was pending.

This letter was delivered at the residence of the wife during her confinement, and was not received until some time later. In the meantime, and without discontinuing his suit for annulment, the husband called at his wife's residence with a witness, who admitted that his relations with the wife were hostile and unfriendly, and at this interview the husband made no pretense of affection or repentance, but, as he admits, he, in a brusque manner demanded that his wife resume their marital relations (p. 159, l. 28).

No other effort whatever was made by the defendant to effect a reconciliation.

Vice Chancellor Bird said in *Grant v. Grant*, 36 Eq., 502, 504: "Being in the wrong, the law demands more of him (the husband) than a single sigh of regret or invitation to his home," and that if confession and an expression of sorrow are sure grounds of restoration to confidence and conjugal rights "transgression never need fear punishment, and the injured will appeal to the law in vain."

See also:

O'Neil v. O'Neil, 30 Eq., 119;

Arrowsmith v. Arrowsmith, 71 Atl. Rep., 702.

As was said in the latter case, the defendant was "simply trying to lay a foundation to absolve himself from the payment of alimony."

The Advisory Master found that the defendant's denial on the witness stand of the charges of cruel and abusive treatment of the petitioner was not to be believed (p. 268, l. 6), and that his story of an alleged conversation with his wife was not worthy of belief (p. 270, l. 10-20).

It is submitted that this judicial determination of the veracity of the defendant should render his entire testimony and pretended repentance unworthy of belief.

IV.

The case of *English v. English* considered.

In the case of *English vs. English*, 27 Eq., 579, upon which the Advisory Master based his refusal of the decree of divorce, this Court said, "Our

action is founded on the history of the married life of these parties, the affection this husband has always manifested for his wife, and his repentance for his misconduct." In that case the parties had lived together for about six years, during which time the husband "was always kind and affectionate, with the exception of the matters stated in this complaint. He provided a good home for her, and gave her every reasonable indulgence and allowance, excepting in two or three unimportant particulars, about which there is conflicting testimony. The relatives, friends and servants who have been called as witnesses, all testify that they were fond in their endearments, even in the presence of others, and that they were remarkably affectionate" (p. 583). It appeared that on Sunday, the day following the separation, the husband called on his wife, "asked her forgiveness and begged her to return home with the children. He continued to call afterwards, repeatedly, with the same requests." He also had a clergyman call and endeavor to effect a reconciliation. He wrote at least two letters to his wife asking her to return, and expressing his sincere regret. The first of these letters is described by the Court as "a most tender appeal" and the other as "a most pathetic letter," but said that it "would ordinarily have little or no effect in a cause that had been already commenced" (p. 584). The Court also took into consideration the fact that the acts of cruelty charged became such by reason of the wife's condition of health, which rendered intercourse with her husband painful, but from which she had probably recovered at the time of the decision. From this brief statement of the facts before the Court in the English case, it will be observed that they are very materially different from the facts in the case at bar. The facts in the present case do not disclose

the slightest ground for believing that the husband entertained any affectionate regard for his wife for longer than two weeks after the marriage, and from that time until he left, his conduct was uniformly that of the most aggravated brutality. The only pretended display of affection consists of a letter phrased in extravagant terms and sent by registered mail with a demand for a return receipt. To expect one to consider this letter a genuine evidence of repentance is unreasonable.

The action of this Court in *English v. English* was said by Chancellor Runyon, in *O'Neil v. O'Neil*, 30 Eq., 119, 123, to be "clearly exceptional," and in the cases where it has been followed, it appears either that both parties acted in a reprehensible manner, as stated in *Coles v. Coles*, 32 Eq., 547, or the wife was the provoking cause, as in *Chadwick v. Chadwick*, 52 Eq., 539, or some like condition prevailed.

V.

The Application for Counsel Fee.

By the order of this Court made on November 18, 1913, the defendant was required to pay the expense of printing the case on appeal, and under that order he has printed the case. He was also required to pay the sum of \$25.00 for preparing and printing the brief on behalf of the appellant, with leave to her to apply on the hearing for a further counsel fee. The amount ordered to be paid for preparing and printing the brief has not been paid, and application is now made for an order requiring

the respondent to pay this sum and a further counsel fee, which it is submitted should be \$100.00. The respondent is also in default in payment of alimony.

VI.

The decree should be reversed and a decree of divorce entered as prayed in the petition.

Respectfully submitted,

LEWIS A. ALLEN,
ANDREW FOULDS, JR.,
Of Counsel with Petitioner-Appellant.

NEW JERSEY

Court of Errors and Appeals

BETWEEN

FLORENCE LOUISE PETTERSON,
Petitioner-Appellant,

AND

FREDERICK H. PETTERSON,
Defendant-Respondent.

} On Appeal.

Brief of Counsel of Respondent.

This suit is brought on petition for limited divorce.

The original petition is not printed because an Amended Petition was allowed to be filed at the time of the trial before the Advisory Master and the Answer already filed stood as the Answer to the Amended Petition. The Amended Petition and Answer have been printed.

These parties were married on the fourteenth day of October, nineteen hundred and eleven, at Hoboken, by a justice of the peace, and they lived together as husband and wife until the twelfth day of January, nineteen hundred and twelve, when the defendant left. The defendant believing at that time that his wife had deceived him in that she was pregnant at the time of their marriage by some other man. They had been living at

the home of the petitioner's father and mother all that time and the defendant left and went to the home of his father and mother.

The petitioner testifies, on pages 19 and 20, that they occupied the same room and bed from the time of their marriage up until the eleventh day of January, nineteen hundred and twelve. An examination of the printed case shows that from about the middle of November, nineteen hundred and eleven, up to the time the husband, the defendant, left, that subject was frequently a matter of controversy between them; the petitioner giving one version of those controversies and the defendant another version of them.

In these controversies she says that he called her vile names. See pages 23 and 29.

On pages 68 and 69 the petitioner testifies that she would have been glad, even after the husband calling her vile names, if he had gone with her to her cousin's.

On page 151 he says that she said she did not know that the child was his.

Page 227, William Roth says he saw the petitioner dance with several young men at Horse Troop picnic.

Page 224, Louisa Roth also saw petitioner dance with several young men at Horse Troop picnic.

On pages 60 and 61, the petitioner admits having gone to the Horse Troop dance and danced with men whom she didn't know the names of.

Page 151, he said she called him a vile name.

Page 152, he says he never struck his wife.

Page 155, never swore at her or called her vile names.

After that the defendant began a suit to annul their marriage in the Court of Chancery.

That suit was discontinued after the birth of child, and after it was discontinued the defendant sent a letter to his wife asking her forgiveness, and asking her to come and live with him. See page 159, copy of letter, page 273. Also went to see her and asked her to come and live with him. See page 159.

On page 44, she testifies that the doctor advised her to go away in August and that when she was away she had to come home on account of the alimony, he (meaning her husband) would not pay it to her mother or her father.

On page 81, the petitioner testifies that she asked her attorney to write to the defendant, and on page 82, she says she authorized him (her attorney) to get her husband to return and provide for her. On the same page, she is asked this question, "Q. Didn't you want him to return and provide for you? A. Yes, sir."

And she is asked the question also:

"Q. And that was after he had left you?"

"A. Yes, sir."

On page 83, the petitioner testifies as follows:

"Q. If he hadn't left you on the twelfth of January, nineteen hundred and twelve, and up to the time that those things were in the affidavits, you would have lived with him?"

"A. Yes, sir."

"Q. And you would have been living with him now?"

"A. Yes, sir."

On the same page she testifies that she wrote him a letter, that if he didn't pay alimony she would put him somewhere, where he could not get out.

Now whatever happened between these two people, the petitioner and defendant, happened before the twelfth of January, nineteen hundred and twelve, except the proceedings that were had in Court afterwards, and the letter and visits made by the defendant to the petitioner, a copy of which letter is printed in the Case, on page 273.

In this case there are several admitted facts.

First: That they were married on October fourteenth, nineteen hundred and eleven;

Second: That the defendant left his wife on the morning of January twelfth, nineteen hundred and twelve;

Third: That the child was born on July sixteenth, nineteen hundred and twelve;

Fourth: That the controversies over her being in the family way began about the middle of November, nineteen hundred and eleven;

Fifth: That they lived together as husband and wife up to the time he left on January twelfth, nineteen hundred and twelve;

Sixth: That he wrote her a letter, asking her to come back about July twenty-third, nineteen hundred and twelve;

Seventh: That he went to the home of her father and mother where the petitioner lived and asked her to come and live with him;

Eighth: That was in August, nineteen hundred and twelve, and she refused.

The disputed questions are:

First: Whether his getting the medicine from the doctor was for the purpose of procuring an abortion, as she says, or whether it was to ascertain that she really was in the family ways as he says;

Second: Whether he called her vile names, as she says, which he denies; whether she used vile language to him, which she denies;

Third: Whether he struck her at any time, shook his fist at her or committed an assault upon her, which he denies;

Fourth: Whether in the filing of his suit to annul the marriage and the offering to have his wife come and live with him he has acted in good faith;

Fifth: Whether from all the facts there is any possible danger that any cruelty would happen by the husband to the wife, the petitioner, if she came to live with him again.

The last question was answered by the Advisory Master as follows, on page 271:

"Now I cannot find in this case any evidence to satisfy me that she is in danger of any such future cruelty on the part of her husband. All

of these acts of cruelty charged by her I am satisfied proceeded from this boyish delusion of his that his wife was pregnant by another man at the time of his marriage and had concealed that fact from him. His conduct since the birth of the child makes me think it extremely improbable that he would be guilty of future acts of cruelty."

In connection with this appeal, I desire to cite the following cases:

English v. English, 12 C. E. Green, page 579.

A separation is not decreed as a punishment for past misconduct only, but mainly as a protection against future probable acts of cruelty. Where there is no reasonable apprehension of a continuance of such cruelty such divorce will not be granted.

Burton v. Burton, 7 Dickinson.

In that case the Vice-Chancellor, on page 219, says, divorce on the ground of extreme cruelty is a preventive remedy to protect the life and health of the wife and not for the punishment of the husband.

Weigel v. Weigel, 47 Atlantic Reporter, page 183.

In that case Vice-Chancellor Gray says, on page 187, The cases in this State declare that the remedy by a decree of divorce for extreme cruelty is applicable, not as a punitive, but as a preventive measure, to protect the health or life of the wife in the future from threatened danger; citing there *Burton v. Burton*, 52 N. J. Equity, page 219, and *English v. English*, heretofore cited, and then says, that in this case there is no threatened danger.

And I respectfully submit to your Honors, that the defendant acted in good faith when he left his wife January twelfth, nineteen hundred and twelve, and commenced his suit to annul the marriage, and that after the child was born, July sixteenth, nineteen hundred and twelve, he becoming convinced that he was

mistaken, he not only discontinued his suit, but also sent a letter to his wife, the petitioner, asking her forgiveness and asking her to live with him, which letter she never answered, except by writing him a letter which in effect said she would put him in jail if he did not pay the alimony. He also called on his wife and tried to induce her to live with him, which she refused.

I think the decree of the Advisory Master is correct and should be confirmed, the only mistake in that decree is the part in which the Advisory Master concludes that the defendant was not justified in believing that his wife, the petitioner, had deceived him.

I therefore ask that the appeal be dismissed and the decree below be affirmed.

Respectfully submitted,

PETER W. STAGG,

Counsel with Respondent and Defendant.

