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**Notice and Reasons.**

## NEW JERSEY SUPREME COURT.

OVERSEER OF THE POOR OF THE  
TOWN OF MONTCLAIR, *et als.*,  
Respondent-Appellees,

vs.

CHARLES W. MASON,  
Prosecutor-Appellant.

On Certiorari. 10  
Notice on Ap-  
peal and reasons.

To MESSRS. HARTSHORNE, INSLEY & LEAKE,  
Attorneys of Respondent-Appellee.

TAKE NOTICE that the appellant appeals to the 20  
Court of Errors and Appeals in the last resort  
in all causes in New Jersey from the whole of  
the judgment entered in the above cause on the  
following grounds:

1. Because the Supreme Court affirmed the  
judgment of the Essex County Quarter Sessions,  
whereas it should have reversed the same.

2. Because the Supreme Court did not reverse 30  
the judgment of the Essex County Quarter Ses-  
sions.

3. Because the Supreme Court erroneously found  
that there was a valid conviction against the Ap-  
pellant.

4. Because the Supreme Court erroneously found  
that there was a valid judgment against the Ap-  
pellant, although there was error in doing so. 40

*Notice and Reasons*

5. Because the Supreme Court failed to find that the evidence of the mother of the child was not corroborated, as required by law.

10 6. Because, while the Supreme Court found that there was no order of filiation, yet they affirmed the judgment of the Essex Quarter Sessions, and remitted the record to the Essex County Quarter Sessions so that a proper order might be made.

7. Because the Supreme Court failed to find that the Overseer of the Poor of the Town of Montclair, at the close of his side of the case, should have been non-suited.

20 8. Because the Supreme Court failed to find that the judge of the Essex County Quarter Sessions erroneously charged the jury when he said, "that the Town of Montclair only had to prove its case by a preponderance of evidence and not beyond a reasonable doubt."

9. Because the Town of Montclair did not prove its case by a preponderance of evidence.

30 10. Because the Judge at the Essex County Quarter Sessions refused to charge the jury the following, as requested by the Attorney of the Prosecutor:

"That evidence of good character is evidence which must be considered, and if in the judgment of the jury that good character does raise a doubt against positive evidence they have a right to entertain that doubt and the defendant must have the benefit of it."

*Notice and Reasons*

11. Because the Judge at the Essex County Quarter Sessions refused to charge the jury the following, as requested by the Attorney of the Prosecutor:

“That evidence of good character is not a mere make-weight thrown in to assist in the production of a result that would happen at all events, but is positive evidence, and may of itself by the creation of a reasonable doubt, produce an acquittal.” 10

12. Because the Judge at the Essex County Quarter Sessions refused to charge the jury the following, as requested by the Attorney of the Prosecutor:

“That evidence of good character may of itself create a reasonable doubt where otherwise no reasonable doubt would exist.” 20

13. Because the Judge at the Essex County Quarter Sessions refused to charge the jury the following, as requested by the Attorney of the Prosecutor:

“That the defendant having introduced evidence of good character, the jury are to consider it with the other evidence in the case, and it is to be considered irrespective of the fact that the jury have a doubt as to the offence being committed by the defendant.” 30

14. Because the judge at the Essex County Quarter Sessions charged the jury that this case, not being a criminal one, they were not to be satisfied beyond a reasonable doubt.

*Notice and Reasons*

15. Because no order against any person alleged to be the father of a bastard child can be made by any Court of Quarter Sessions, unless the evidence of the mother of the bastard child is corroborated in some particular to the satisfaction of the said court.

10

16. Because when there is doubt of defendant's guilt and evidence of good character of defendant is introduced, then the Court should charge the jury, that in order to convict the defendant they must be satisfied beyond a reasonable doubt of his guilt.

Because the finding of the Sureme Court is in other respects irregular, unjust and oppressive to the said Prosecutor.

20

WILLIAM R. WILSON,  
Attorney of Prosecutor-Appellant.

30

40

**Rule Affirming Proceedings Below.**

This cause having come on for argument at the June (1917) term of this court, and the Court having inspected the transcript and proceedings of the Essex County Court of Quarter Sessions returned with the writ of certiorari in this cause, and also the reasons for reversing the judgment below, and having heard the argument of counsel and read their briefs, and having duly considered the same; 10

IT IS HEREBY ORDERED that the proceedings, including the judgment of the Essex County Court of Quarter Sessions, be affirmed;

And it is further ordered that the record be remitted to the Essex County Court of Quarter Sessions, so that a proper order of filiation may be made. No costs are allowed to either party in this court. 20

Entered September 14, 1917.

On motion of

HARTSHORNE, INSLEY & LEAKE,  
Attorneys for Respondents.

**Certificate.**

I, WILLIAM C. GEBHARDT, Clerk of the Supreme Court of the State of New Jersey, do certify that the foregoing is a true copy of the notice of appeal filed and also the rule entered in the minutes of the court in the above stated cause. 30

In testimony whereof I have set my hand and the seal of said Court at Trenton, this twenty-eighth day of December, A. D. nineteen hundred and seventeen.

(L. S.)

WM. C. GEBHARDT,  
Clerk.

**Opinion.**

Before Justices SWAYZE, BERGEN AND BLACK.  
*Per Curiam:*

10 The certiorari in this case brings before the Court the trial and conviction of Charles W. Eason in the Essex County Quarter Sessions in which he was found guilty with being the father of a child born to Alice Witter. We find no error in the record of the Sessions which will lead to a reversal, under the writ ~~the~~ testimony taken in the Sessions is returned with it and the full record is before us. The order made by the judge of the Sessions follows the provisions of Section 16, p. 188, 1 Comp. St. P. L. 1900, p. 338, but this is not an order of affiliation. The Sessions do not act as a Court of Error but must render an independent judgment and not one of affirmance or reversal merely. They must retry the cause and make such order as the evidence and the exigencies of the case may warrant. *Dunn v. South Amboy*, 32 N. J. L. 275; *Hurff v. Camden*, 38 *ib.* 289. Let the judgment below be affirmed and let the record be remitted to the Essex County Quarter Sessions, so that a proper order of affiliation may be made. No costs on certiorari allowed.

30

40

**Writ.**

NEW JERSEY, SS.:



The State of New Jersey to Harry V. Osborne, Judge of the Court of Quarter Sessions for the County of Essex and the Clerk of the Court of Quarter Sessions of the County of Essex and Overseer of the Poor of the Township of Montclair, GREETING: 10

We being willing for certain reasons, appearing by affidavit filed in this cause to be certified of a certain verdict in favor of the Overseer of the Poor of the Town of Montclair, in a trial by jury in a certain cause in the Court of Quarter Sessions of the County of Essex on the twentieth day of September, A. D. nineteen hundred and sixteen, on appeal by Charles W. Eason from the verdict of a jury, and judgment thereon in favor of the said Overseer of the Poor of the Town of Montclair, in an action brought by him against said Charles Eason, under an act entitled, "An act for the maintenance of bastard children" (Rev. of 1898), Pamphlet Laws of 1898, page 959, and tried before Henry L. Yost, Recorder of the Town of Montclair, and a jury. 20 30

We command you that the affidavit, complaint, examination, order, the evidence and charge of the Court in the Court of Quarter Sessions, the verdict of said jury and judgment thereon, together with all things touching and concerning the same as fully and as entirely as before you they remain; you do certify and send under your seals to our Justices of our Supreme Court of Judicature at Trenton on the thirtieth day of April inst., to 40

*Writ*

gether with this writ, that may be done thereon what of right and according to the laws of this State ought to be done.

10 WITNESS William S. Gummere, Chief Justice of our Supreme Court, this twelfth day of April, A. D. nineteen hundred and seventeen.

WM. C. GEBHARDT,  
Clerk.

WILLIAM R. WILSON,  
Attorney.

This writ is allowed. Let it be sealed.

J. J. BERGEN,  
*Jus. Sup. Ct.*

20 STATE OF NEW JERSEY, }  
COUNTY OF ESSEX. } ss. :

30 I, HARRY V. OSBORNE, Judge of the Quarter Sessions, and JOSEPH McDONOUGH, Clerk of the Quarter Sessions Court in and for Essex County, New Jersey, do hereby certify and return to the Supreme Court of Judicature of the State of New Jersey all the pleadings to proceedings had before Henry L. Yost, Recorder of the Town of Montclair, together with the proceedings and Judgment of the Court of Quarter Sessions, Essex County, New Jersey, and all other things touching and concerning the same as by the within writ to us directed we are commanded, together with the entire record.

IN WITNESS WHEREOF we have hereunto set our hands and the official seal of said County and Court this 23d day of April, 1917.

40 [SEAL] HARRY V. OSBORNE,  
JOSEPH McDONOUGH,  
Clerk.

### Bond on Appeal.

Be it remembered that on the second day of April, A. D. nineteen hundred and seventeen, Charles Eason of the City of Elizabeth, and Leon Jones of the Town of Montclair, County of Essex and State of New Jersey, personally appeared before me, a Supreme Court Commissioner, and did severally acknowledged themselves to be indebted to the State of New Jersey in the sum of one hundred and fifty dollars, to be made and levied of their respective goods and chattels, land, tenements and hereditaments and real estate, if default be made in the following condition. 10

The condition of the above obligation is such that, whereas Charles Eason is about to prosecute out of the Supreme Court of the State of New Jersey a writ of certiorari to remove before the said Supreme Court a certain complaint in writing, trial, charge of the Court, verdict of the jury and judgment thereon in favor of the Overseer of the Poor of the Town of Montclair in a certain cause trial tried on September twentieth, 1916, in the Court of Quarter Sessions of the County of Essex, and State of New Jersey, on appeal by said Charles Eason from the verdict of a jury on a trial held before Henry L. Yost, Recorder of the Town of Montclair, in the County of Essex, and judgment thereon, in an action instituted by the Overseer of the Poor of the Town of Montclair against said Charles Eason under an act entitled, "An Act for the maintenance of bastard children" (Revision pamphlet laws of 1898), page 959. 20 30

Now, if the said Charles Eason shall prosecute the same to effect without delay and shall perform such judgment or order as the said Supreme Court shall give or make thereon, with costs of suit if 40

*Bond on Appeal*

costs be awarded, then this recognizance to be void,  
otherwise to remain in full force and virtue.

CHARLES W. EASON, [L. S.]  
LEON JONES, [SEAL]

10 Taken and acknowledged before me }  
this 2d day of April, A. D. 1917. }

CLARENCE D. MEYER,  
Supreme Court Commissioner,  
Master in Chancery of N. J.

STATE OF NEW JERSEY, }  
COUNTY OF UNION. } ss.:

20 LEON JONES, of full age, being duly sworn according to law, on his oath says that he is the surety named in the within bond and that he resides at No. 169 Christopher Street, in the Town of Montclair, County of Essex, New Jersey.

Deponent further says that he is a freeholder of the County of Union and worth the sum of Three Hundred Dollars (\$300.00) after all his debts are paid; that he owns property No. 728 Union Avenue in the Township of Cranford, Union County, New  
30 Jersey, by deed of record in his individual capacity, which is valued at the sum of Twenty-five hundred dollars (\$2,500.00), upon which there is a mortgage of Four hundred dollars (\$400.00).

LEON JONES.

Sworn and subscribed to before me }  
this 11th day of April, A. D. 1917. }

CLARENCE D. MEYER,  
Master in Chancery of New Jersey.

40 Filed April 14/17.

*Application of Overseer to Recorder*

I approve within Bonds. Surety, Leon Jones,  
169 Christopher Street, Montclair, N. J. Affidavit  
attached.

CLARENCE D. MEYER,  
*Supreme Court Commissioner.*

10

**Application of Overseer to Recorder.**

STATE OF NEW JERSEY, }  
TOWN OF MONTCLAIR, } SS. :  
ESSEX COUNTY. }

To Henry L. Yost, Recorder :

20

Alice Witter, a single woman of the Town of  
Montclair, having declared to me, David H. Mabey,  
Overseer of the Poor of said Town, that she is preg-  
nant of a child likely to be born a bastard, and to  
become chargeable to said Town; and that one  
Charles Easton, 8 West Jersey Street, Elizabeth,  
N. J., is the father of same,

I do hereby apply to you, the said Recorder, to  
make inquiry into the facts and circumstances of  
the case, according to the statute in such case made  
and provided.

30

Witness my hand this third day of June, nine-  
teen hundred and fifteen.

DAVID H. MABEY,  
Overseer of the Poor of  
the Town of Montclair.

40

**Complaint.**

## RECORDER'S COURT, TOWN OF MONTCLAIR

STATE OF NEW JERSEY, }  
 COUNTY OF ESSEX. } ss. :

10 Examination of Mother or Woman Pregnant in  
 Case of Bastardy.

Alice Witter of the Town of Montclair, County  
 of Essex, State of New Jersey, a single woman,  
 being sworn according to law before me, Henry L.  
 Yost, Recorder of the Town of Montclair, upon her  
 oath saith: That she is now with child, and that  
 the said child is likely to be born a bastard, and  
 is likely to become chargeable to the Town of  
 20 Montclair, in said County, and that Charles Easton  
 of 8 West Jersey Street, Elizabeth, N. J., in the  
 County of \_\_\_\_\_, is the father of said  
 child.

Her  
 ALICE (X) WITTER.  
 Mark

Sworn and subscribed before me }  
 this 3d day of June, 1915. }  
 30 HENRY L. YOST,  
 Recorder.

January 7, 1916.

These papers are amended by consent of counsels  
 to apply to a male child born September 21st, 1915,  
 and that the defendant's name is Eason, not  
 Easton.

HENRY L. YOST,  
 Recorder.

**Warrant to Apprehend Putative Father.**

STATE OF NEW JERSEY, }  
 TOWN OF MONTCLAIR, } SS.:  
 ESSEX COUNTY. }

To any Policeman or Constable of Montclair:

Whereas, Alice Witter of the Town of Montclair,  
 County of Essex, State of New Jersey, a single  
 woman, hath by her voluntary examination, taken  
 in writing, upon oath, before me, Henry L. Yost,  
 Recorder of said Town, this 3d day of June, 1915,  
 declared that she is now with child and that the  
 said child is likely to be born a bastard and that  
 such bastard child is likely to be chargeable to the  
 Town of Montclair, in said County, and that  
 Charles Easton, No. 8 West Jersey Street, Eliza-  
 beth, is the father of the said bastard child;

10

20

And Whereas, David H. Mabey, Overseer of the  
 Poor of the said Town, in order to indemnify the  
 said Town in the premises, hath applied to me to  
 issue my warrant for the apprehending of said  
 Charles Easton, 8 West Jersey Street, Elizabeth,  
 I do hereby command you, or one of you, to imme-  
 diately apprehend the said Charles Easton and to  
 bring him before me, the said Recorder, to be dealt  
 with according to an Act entitled, "An Act for the  
 maintenance of bastard children," approved June  
 14, 1898.

30

HENRY L. YOST,

Recorder. [SEAL]

40

**Transcript of Docket.**

RECORDER'S COURT, MONTCLAIR, N. J.

STATE OF NEW JERSEY, }  
COUNTY OF ESSEX. } ss.:

10

DAVID H. MABEY, Overseer of the Poor as Prosecutor for Alice Witter,	}	Bastardy.
vs.		

CHARLES EASON, No. 8 West Jersey Street, Elizabeth, N. J.	}	Bastardy.

20

30

40

Whereas, David H. Mabey, Overseer of the Poor of the Town of Montclair, made complaint before me that one Alice Witter a single woman, was about to give birth, and did give birth, to a male child, on September 21st, 1915, desiring me to examine into the facts and circumstances of the above cause as well as upon the examination of the said Alice Witter, warrant being issued for the apprehension of the said Charles Eason he having been brought before me, said complaint being read to him. he pleaded not guilty. The defendant gave bond in the sum of \$200 cash for trial, which was set for Friday, January 7, 1916, at 10 o'clock, before a jury of 12 men. On the 7th day of January, 1916, I proceeded to hear the said cause, the jury being sworn, the following witnesses being sworn for the Prosecution: Alice Witter, David H. Mabey, and for the defence, Charles Eason, Niel McCloud. Dept. County Clerk of Union, Capt. Murphy, William Fisher, 28 Wessol Place, Elizabeth;

*Order of Filiation and Sustenance Made Before Birth*

Jerrey Williams, waiter, Farrance Street, Newark; Edith Gibbs, 132 Prince Street, Elizabeth. After hearing the evidence the jury brought in a verdict of guilty, whereupon I made the following order of filiation: That the said Charles Eason shall pay, or cause to be paid, to the David H. Mabey, Overseer of the Poor, the sum of \$3.00 per week and the sum of twenty-five dollars for the confinement of the said Alice Witter, secured by a bond in the sum of five hundred dollars. 10

Motion made by the defendant counsel to appear, which was granted. Following papers were filed:

Application of the Overseer, Examination of Mother, Venire, Bond of Appeal, Appeal of Notice, Copy of Transcript. 20

**Order of Filiation and Sustenance Made Before Birth.**

STATE OF NEW JERSEY, }  
MONTCLAIR, ESSEX COUNTY. } ss. :

The order of Henry L. Yost, Recorder of the Town of Montclair, in and for said County, make the 7th day of January, A. D. one thousand nine hundred and fifteen, concerning the support of a child born a bastard of the body of Alice Witter of the Town of Montclair, in said County, single woman, and the sustenance of the said Alice Witter. 30

[SEAL]

Whereas, it hath appeared unto me, the said Recorder, as well upon the complaint of David H. 40

*Order of Filiation and Sustenance Made Before  
Birth*

10 Mabey, Overseer of the Poor of the Town of Montclair, in the said County, as upon the oath of Alice Witter of the said Town of Montclair, single woman, that she, the said Alice Witter, birth of a child likely to be a bastard, and to become charge-  
able to the said Town of Montclair; and, further, that the said Alice Witter is in indigent circumstances; and further, that Charles Eason of the City of Elizabeth, of the County of Union, is the father of the said child born a bastard; and, where-  
as, the said Charles Eason being brought before me hath not shown any sufficient cause why he, the said, should not be adjudged the father of the said child born a bastard; I therefore, upon the  
20 examination of the matter, of and concerning the premises, as well upon oath of the said Alice Witter, as otherwise, do hereby adjudge him, the said Charles Eason, to be the father of the said child born a bastard, of the body of the said Alice Witter, and do hereby adjudge that the said Alice Witter is in indigent circumstances.

I, therefore, do order, in accordance with the statute in such case made and provided, that the said Charles Eason shall and do forthwith, upon  
30 notice of this, my order, pay or cause to be paid to David H. Mabey, Overseer of the Poor of the Town of Montclair, aforesaid, the sum of

, which we hereby certify to be the reasonable expenses of apprehending the said Charles Eason, and of the trial, and of this order of filiation and sustenance, and I do also hereby further order that the said Charles Eason shall pay, or cause to be paid, to the said Overseer of the Poor of the Town of Montclair, or to his successors in  
40 office, for and toward the support of the said child

*Notice of Appeal to Quarter Sessions*

born a bastard, the sum of three dollars, to be paid weekly and every week, secured by a bond of five hundred dollars, from the date of birth of said child born a bastard, for such period as the same shall be chargeable to the said Town of Montclair or other town of New Jersey, and I do also hereby further order that the said Charles Eason shall pay, or cause to be paid, to the said Overseer of the Poor of the Town of Montclair, or to his successors in office, for and towards the sustenance of the said Alice Witter, during the period of her confinement, the sum of twenty-five dollars. 10

Given under my hand and seal the day and year first above written.

HENRY L. YOST, 20  
Recorder. [SEAL]

**Notice of Appeal to Quarter Sessions.**

To Henry L. Yost, Recorder of the Township of Montclair:

Please take notice, that I hereby appeal to the Court of Quarter Sessions of the County of Essex, from an order of filiation made by you against me on the seventh day of January, A. D. nineteen hundred and sixteen, whereby I was directed to pay to the Overseer of the Poor of the Township of Montclair or his successor in office, the sum of twenty-five dollars for and towards the confinement of one Alice Witter, and also the sum of three dollars per week from the twenty-first day of September, A. D. 1915, for the support of the said 30 40

*Bond of Appeal to Quarter Sessions*

bastard child, during so long a time as the said bastard child shall be chargeable to the said Township, and the sum of four dollars for the appeal charges.

Dated, January 11, 1916.

10

CHARLES EASON,  
WILLIAM R. WILSON,  
Atty. for Charles Eason.

---

**Bond on Appeal to Quarter Sessions.**

Know all men by these presents, that we, Charles  
20 W. Eason of the City of Elizabeth, Union County  
and State of New Jersey, and Leon Jones of the  
Township of Cranford, in the County of Union and  
State of New Jersey, held and firmly bound unto  
the State of New Jersey in the sum of five hundred  
dollars (\$500.00), lawful money of the United  
States of America, to be paid to the said State of  
New Jersey or to its assigns; to which payment  
well and truly to be made we bind ourselves, and  
each of us, jointly and severally, our and each of  
30 our heirs, executors and administrators, firmly by  
these presents. Sealed with our seals and dated  
the            day of January, in the year of our Lord  
one thousand nine hundred and sixteen.

The condition of this obligation is such that,  
whereas, Henry L. Yost, Recorder of the Town of  
Montclair, did on the seventh day of January, A. D.  
nineteen hundred and sixteen, make an order of  
filiation, requiring the said Charles W. Eason,  
among other things, to pay to the Overseer of the  
40 Poor of the Township of Montclair, the sum of

*Bond of Appeal to Quarter Sessions*

three dollars each and every week from the twenty-first day of September, A. D. nineteen hundred and fifteen, for and towards the keeping, sustenance and maintenance of a male bastard child begotten by him, the said Charles W. Eason, on the body of Alice Witter of Montclair, now living, for and during so long a time as the said bastard child shall be chargeable to the said Township of Montclair, and further, to pay to the said Overseer of the Poor the sum of twenty-five dollars for and towards the support and sustenance of the said Alice Witter during her confinement. 10

Now if the said Charles W. Eason shall appear at the next Court of Quarter Sessions, in the said County of Essex, and shall not depart the Court without leave, then this obligation to be void, else to be and remain in full force and virtue. 20

CHARLIE M. EASON, [L. S.]

LEON JONES, [L. S.]

Signed, sealed and delivered }  
in the presence of }

WILLIAM R. WILSON, 30

STATE OF NEW JERSEY, }  
COUNTY OF UNION. } ss. :

LEON M. JONES, being duly sworn according to law, on his oath deposes and says: That he is the surety in the foregoing bond named and that he is a resident and freeholder in the County of Union 40

*Bond of Appeal to Quarter Sessions*

and State of New Jersey, and that he is worth in  
 real estate in the County of Union and State of  
 New Jersey, in his own name and right in fee, the  
 sum of one thousand dollars over and above all en-  
 cumbrances and liens on the said real estate and  
 10 over and above all his just debts and obligations  
 and property exempt by law from execution.

LEON JONES.

Sworn and subscribed to before me }  
 this 13th day of Jan., A. D. 1916. }

WILLIAM R. WILSON,  
 Master in Chancery of New Jersey.

20

Approved January 13, 1916.

HENRY L. YOST,  
 Recorder.

30

40

**Demand for Jury.**

**ESSEX COUNTY QUARTER SESSIONS.**

DAVID H. MABEY, Overseer of  
the Poor of the Town of  
Montclair,

Appellee,

vs.

CHARLES EASON,  
Appellant.

On Appeal.

10

The appellant hereby demands a trial by jury in  
the above case, at the September Term, 1916, of  
said Essex Quarter Sessions.

20

August 30, 1916.

WILLIAM R. WILSON,

Atty. of Appellant.

30

40

**Judgment.**

## ESSEX COUNTY QUARTER SESSIONS.

On Appeal from Henry L. Yost, Recorder.

10

CHARLES EASON,  
Appellant,

vs.

DAVID H. MABEY, Overseer of  
the Poor of Town of Mont-  
clair,  
Appellee.

After Verdict.  
Entered Sept.  
20, 1916.  
Costs, \$10.58.

20

HARTSHORNE, INSLEY & LEAKE, Attorneys  
for Appellee, by WM. E. DECKER, ESQ.

30

Judgment after verdict in the above entitled action. An appeal was rendered on the twentieth day of September, A. D. nineteen hundred and sixteen, in favor of the said appellee, David H. Mabey, Overseer of the Poor, of the Town of Montclair, and find the appellant, Charles Eason, guilty, together with costs of suit.

Judgment entered and signed September 20, 1916, Book No. 1, Quarter Sessions Minutes, page 10.

40



*Minutes of Quarter Sessions, Page 196*

For Appellee:  
Hartshorne, Insley &  
Leake, by Wm. E.  
Decker, Esq.,

Evidence:  
10 Alice Witter,  
David H. Mabey.

For Appellant:  
Wm. R. Wilson.

Evidence:  
Charles Eason,  
Samuel Murphy,  
Neil McLeod, Jr.,  
Ida Gibbs,  
Charles H. Branch,  
Charles W. Fisher,  
Jeremiah Williams.

The evidence being closed, the jury retired to  
consider of their verdict, an officer being sworn to  
attend them; when, having returned into Court,  
they say they have agreed upon their verdict and  
by their foreman say they find the defendant-appel-  
20 lant Guilty, and so they say all.

The Court ordered that the Clerk receive the  
verdict of the jury in open Court in the absence  
of the Judge, and that Court remain open for that  
purpose.

30

40

**Order for Defendant to Enter into  
Bond, Etc.**

ESSEX COUNTY QUARTER SESSIONS.

DAVID H. MABEY, Overseer-of-  
the-Poor of the Town of  
Montclair in the County of  
Essex,

Respondent,

vs.

CHARLES EASON,  
Appellant.

10

} On Appeal.

20

The trial of the above named case having been had on the appeal of Charles Eason from the finding of the jury in the Recorder's Court of the Town of Montclair in the County of Essex, that he (the said Charles Eason) was the father of a bastard child born to Alice Witter in the Town of Montclair on the seventh day of January, 1916, and the jury in this court having returned its finding that said Charles Eason is the father of said child:

30

It is ORDERED that the appellant, Charles Eason, do forthwith pay the costs of the trial in this court to be taxed by the Clerk hereof;

And it is FURTHER ORDERED that said Charles Eason do forthwith enter into bond to the State of New Jersey in the sum of five hundred dollars with good and sufficient sureties to be approved by this court, conditioned that said Charles Eason will obey the order of filiation made against him by Henry L.

40

*Reasons*

10 Yost, Recorder of the Town of Montclair in the County of Essex, on the seventh day of January, 1916, and further conditioned that he, the said Eason, will indemnify the Town of Montclair in the County of Essex, and each and every township of this state which may have incurred any costs or expense for the support of such bastard, or from any proceeding arising therefrom.

H. V. OSBORNE,  
J.

A true copy.

JOSEPH McDONOUGH,  
Clerk.

20

**Reasons.**

The said Prosecutor, by William R. Wilson, his attorney, comes and prays that the conviction and judgment against him may be set aside, reversed and for nothing holden for the following reasons:

- 30 1. Because there is no valid conviction against him.
2. Because there is no valid judgment against him.
3. Because the verdict is against the weight of evidence.
- 40 4. Because there is no valid order of filiation against him and the order made in this case is merely an affirmance of an order of one Henry L. Yost, Recorder of Montclair, and is not an original order of the Quarter Sessions as required by law.

*Reasons*

5. Because the evidence of the mother is not corroborated as required by law.

6. Because the Overseer of the Poor of the Town of Montclair, the plaintiff below, at the close of his case should have been non-suited.

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7. Because the trial judge charged the jury that the Town of Montclair only had to prove its case by a preponderance of the evidence and not beyond a reasonable doubt, as required by law.

8. Because the Town of Montclair did not prove its case by a preponderance of evidence.

9. Because the trial judge refused to charge the jury the following as requested by the attorney of the Prosecutor:

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“That evidence of good character is evidence which must be considered, and if in the judgment of the jury that good character does raise a doubt against positive evidence they have a right to entertain that doubt and the defendant must have the benefit of it.”

10. Because the trial judge refused to charge the jury the following as requested by the Attorney of the Prosecutor:

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“That evidence of good character is not a mere make-weight thrown in to assist in the production of a result that would happen at all events, but is positive evidence, and may of itself by the creation of a reasonable doubt, produce an acquittal.”

11. Because the trial judge refused to charge the jury the following as requested by the Attorney of Prosecutor:

40

*Reasons*

“That evidence of good character may of itself create a reasonable doubt where otherwise no reasonable doubt would exist.”

10 12. Because the trial judge refused to charge the following as requested by the Attorney of the Prosecutor:

“That the defendant having introduced evidence of good character, the jury are to consider it with the other evidence in the case, and it is to be considered irrespective of the fact that the jury have a doubt as to the offense being committed by the defendant.”

20 13. Because the Court charged the jury that this case not being a criminal one, they were not to be satisfied beyond a reasonable doubt.

14. Because no order against any person alleged to be the father of a bastard child can be made by any Court of Quarter Sessions, unless the evidence of the mother of the bastard child is corroborated in some particular to the satisfaction of the said Court.

30 15. Because when there is doubt of defendant's guilt and evidence of good character of defendant is introduced, then the Court should charge the jury that in order to convict the defendant they must be satisfied beyond a reasonable doubt of his guilt.

Because said proceedings are in other respects irregular, unjust and oppressive to the said Prosecutor.

WILLIAM R. WILSON,  
Attorney of Prosecutor.

*Alice Witter—Direct*

ESSEX COUNTY COURT OF QUARTER  
SESSIONS.

Wednesday, September 20, 1916.

<p>CHARLES EASON, Appellant,</p> <p style="text-align: center;"><i>vs.</i></p> <p>DAVID H. MABEY, Overseer of the Poor of the Town of Montclair, Appellee.</p>	<p>10</p> <p>On Appeal.</p>
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Before HON. HARRY V. OSBORNE, Judge, and a  
Jury. 20

For the appellant appears WILLIAM R.  
WILSON, ESQ.

For the appellee appears Messrs. HART-  
SHORNE, INSLEY & LEAKE, by MR.  
DECKER.

Mr. Decker opens for the appellee. 30

Mr. Wilson opens for the appellant.

ALICE WITTER sworn in behalf of appellee.

*Direct examination by Mr. Decker:*

Q. Where do you live? A. I live in Montclair.

Q. How long have you lived in Montclair? A. I  
have lived in Montclair two years and four months.

Q. And before that where did you live? A. I  
lived in Jamaica. 40

*Alice Witter—Direct*

Q. In the Island of Jamaica? A. Yes.

Q. Do you know Charles Eason, the man sitting here? A. Yes, sir.

Q. When did you get acquainted with him? A. 1914, in Elizabeth.

10 Q. What time in 1914? A. November.

Q. And where did you get acquainted with him? A. At Mrs. Gibb's house.

Q. Do you remember what part of November it was? A. No, I don't remember what date.

Q. When did you see him after November, 1914? A. I saw him at Mrs. Gibb's house a second time in December.

Q. And what time in December was that? A. I don't know what date I did see him; that was the  
20 second time.

Q. When did you see him the third time? A. The third time was the 24th of December.

Q. That was Christmas Eve? A. That was Christmas Eve—night.

Q. And was that at Mrs. Gibb's house? A. Yes, sir.

Q. Where is Mrs. Gibb's house? A. 41 Race Street, Elizabeth.

Q. Will you tell us what happened on December  
30 24, 1914? A. I went to Elizabeth to see Mrs. Gibbs, and when I went home I met Charlie Eason in the house, Charlie Eason let me in, I said to him, "What are you doing here?" And he said, "Oh, Baby, I just came down to see if you were here." I said, "How do you know I am here?" And he said, "Oh, any time you come here I know it." So I passed by him to go to the kitchen, and I asked Mrs. Gibbs, "Where is Lillie." And she says, "Lillie has gone up to see her husband, but she will be back soon."

40 So I sat down and she gave me some bread and butter, and I was eating it; I was hungry.

*Alice Witter—Direct*

Q. What time was this? A. Around between  
 past five and six o'clock; I couldn't tell you  
 the exact time; I was sitting down. I was sitting  
 down eating bread and butter when Charlie Eason  
 came in the hall and said to me, "Where is your  
 friend? And I said, "My friend didn't come down,  
 because she wasn't feeling well." And he said, 10  
 "Are you going back home"——

The Court: What has all this got to do  
 with the case?

Q. Now, tell us what happened that night?

The Court: Between you and this defend-  
 ant. 20

A. He went away and came back, and we was all in  
 the kitchen, Mrs. Gibbs and Miss Gibbs and myself  
 and him was in the kitchen.

Q. Then what happened? A. And then after-  
 wards Mrs. Gibbs went away and Edie Gibbs went  
 away, and I inquired for her, and Mrs. Gibbs said  
 she was going out too, and Charlie Eason was in  
 the kitchen, and he said, "Come in the next room.  
 "And we sat there talking; he was on one couch  
 and talking and he was constantly asking me to 30  
 come over and keep his company, and I said, "I am  
 keeping your company right there"; and he said,  
 "You come over and sit with me," and in a little  
 while he took me by the arm and took me where I  
 was sitting down and he started to laugh and talk  
 with me and play with me and started to kiss me  
 and hugging me, and he started pushing his hands  
 up my clothes, and I said, "Charlie Eason, what  
 are you doing?" He said, "I am not doing any-  
 thing." And he was still going further, and I said, 40

*Alice Witter—Cross*

“Charlie, what are you doing?” And he said, “I am not doing anything.” And finally, afterwards, he threw me over on the couch, and then I started to wrestle with him, but I couldn’t manage him, he was stronger than I am. I said, “If you don’t let  
10 me go I am going to make a hell of a noise”; and he says, “I don’t give a damn. I wants you and I must have you.”

Q. And then what did he do? A. When I said that to him I was where I couldn’t get away from him; then I gave up myself to him.

Q. Did he have intercourse with you? A. Yes, he had intercourse with me.

Q. And then did you go home? A. No, I didn’t go home; I went upstairs after.

Q. At the time he had intercourse with you who  
20 else was in the house besides yourself and Eason? A. I didn’t see nobody else. Mrs. Gibbs had went out and Edith Gibbs had went out. That is what they tell me.

Q. As a result of that intercourse did you become pregnant? A. Yes, sir.

Q. And when was your child born? A. Last September. The 21st, tomorrow, he will be a year  
old.

Q. September 21, 1915? A. Yes.

Q. This was on Christmas Eve that this hap-  
pened? A. Yes.

Q. On the 24th of December? A. Yes, sir.

*Cross-examination by Mr. Wilson:*

Q. What time of the night did it happen? A. I wasn’t keeping the time.

Q. Was it nine o’clock or so? A. No, it wasn’t  
40 nine o’clock.

*Alice Witter—Cross*

Q. Was it half-past nine? A. Well, I don't know what time—it was later than that time.

Q. Mrs. Gibbs afterwards came in, didn't she?  
A. I didn't know when she came in.

Q. Mr. Eason, after this happened, you say he went away, he went home? A. No, he didn't go home; he slept on Mrs. Gibb's couch that night. 10

Q. Are you sure of that? A. Yes, he slept on Mrs. Gibb's couch that night with a big fur coat thrown over him.

Q. You went upstairs? A. Yes, sir.

Q. Are you sure about that? A. Yes, I went upstairs.

Q. Do you remember being a witness in Montclair in the case at Montclair? A. I was at a trial in Montclair. 20

Q. And you remember your testimony there? A. Yes, sir, that is what I said.

Q. Do you remember saying that on this occasion that Mr. Eason had connection with you in your room upstairs? A. No.

Q. And didn't you say that he had connection with you upstairs in your room? A. No.

Q. And didn't you say that he stayed there all night with you? A. No, he stayed in Mrs. Gibbs's parlor— 30

Q. Didn't you say up there that Mr. Eason stayed all night at Mrs. Gibbs with you? A. No; he stayed all night at Mrs. Gibbs's house on a couch.

Q. That is not the question—that he didn't stay there all night with you? A. He was there all night.

Q. I know, but didn't you testify at the trial in Montclair that Mr. Eason stayed all night at Mrs. Gibbs's house with you? A. I went upstairs afterwards. 40

*Alice Witter—Redirect*

Q. Answer that question. A. I don't know nothing at all about what you say.

Q. Did you say it or not? A. No, I don't remember saying that.

Q. You say you lived at Jamaica? A. Yes.

10 Q. Are you a married woman? A. Yes.

Q. How old are you now? A. I am twenty-seven the 26th of December coming.

Q. And your husband came to New York with you, didn't he? A. My husband is dead.

Q. When did he die? A. He died in Jamaica.

Q. Before you came to New York? A. Yes.

Q. Didn't you say that when you came here that you were a married woman, that your husband was in New York? A. No.

20 Q. Are you sure of that? A. No.

Q. Didn't you tell Miss Gibbs that your husband had come on with you and was in New York? A. No.

Q. And didn't you say that your father had sent you away because you had married this man? A. No.

Q. You didn't say that? A. No.

Q. To no one at all? A. No.

30 *Re-direct examination by Mr. Decker:*

Q. When you said you were married—you are not married now, are you? A. My husband is dead.

Q. When did he die? A. He died a year and a half before I left my home.

Q. Before you came to this country? A. Yes.

Q. Where was this child born? A. Mountain-side Hospital.

40 Mr. Decker: I want to show this baby to the jury.

*David H. Mabey—Direct*

(A child is exhibited to the jury.)

Q. Is this your child here? A. Yes, sir.

Mr. Decker: I want the jury to look at the child and then look at the defendant here. 10

*By Mr. Wilson:*

Q. You made a complaint against Mr. Eason in Elizabeth, didn't you? A. Yes.

Q. And in your affidavit you stated that you were a resident of Elizabeth; isn't that so? A. I wasn't living in Elizabeth.

Q. You were not? A. No.

Q. But you stated that when you made your complaint against him? A. No, I didn't say I was living there. 20

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DAVID H. MABEY sworn in behalf of appellee.

*Direct examination by Mr. Decker:*

Q. You are the Overseer of the Poor of Montclair? A. Yes, sir.

Q. At the time Alice Witter first made this complaint to you, you investigated the case, didn't you? A. Yes, sir. 30

Q. You found the child had been born in Montclair? A. Not at the time that she made the complaint. The child wasn't born until after the complaint was made.

Q. But the child was born later in Montclair? A. Yes, sir.

Q. And did you find that the child was likely to become a public charge? A. Yes, sir. 40

*Charles Eason—Direct*

Mr. Wilson: I object. The complaint must be made by the woman that the child is likely to become a charge.

10 The Court: The objection was not interposed until after the question was answered. Is there any question about it?

Mr. Wilson: No.

## APPELLEE RESTS.

CHARLES EASON sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

20

Q. Mr. Eason, you live where? A. Elizabeth.

Q. How long have you lived there? A. About seventeen years.

Q. What employment are you in now? A. Wholesale grocery.

Q. What is your employment? A. Well, driver and salesman.

Q. And for what firm? A. Hildebrandt, Hirsch & Co.

30 Q. They are the big men in our town? A. And also in Newark.

Q. How long have you been connected with them? A. Nine years.

Q. Your business is that of driver, and then you make sales and collect the money for these people? A. Yes, sir.

Q. Do you know Alice Witter? A. I met her.

Q. Where? A. In Elizabeth.

40 Q. What date was that? A. About the 17th of November.

*Charles Eason—Direct*

Q. And did you meet her afterwards? A. I met her, I think, on the 24th of December, I think it was; I am not sure.

Q. Well, do you know where? A. At Mrs. Gibbs's house.

Q. Do you know whether Mrs. Gibbs at that time was married or not or a widow—her husband hadn't died then, had he? A. No, sir. 10

Q. And what took you over to the Gibbs's house? A. Why, I owed Mrs. Gibbs some money and I went over there to pay her.

Q. In what way. How? A. Well, her husband was a member of the Odd Fellows Lodge and I was on a committee to pay this money to him. He was sick and away at that time.

Q. Did anybody go with you? A. Nobody went with me, but there was other people in the house. 20

Q. When you got there did you make your weekly contribution to Mrs. Gibbs? A. I did. I called her on one side.

Q. Besides Mrs. Gibbs who else was there when you were there? A. Mrs. Gibbs, her niece, and Mr. Fred Wakeman, her cousin.

Q. Did you see Alice Witter there? A. Yes, she was sitting in the kitchen.

Q. When you got through paying the money what did you do then? Just state from that time on? A. I left and went downtown to a barber's shop and from a barber's shop I got on a car and came to Newark. 30

Q. Who went with you? A. A gentleman by the name of Fisher.

Q. How long did you stay in the house that evening? A. About half an hour, I imagine, something like that. I didn't see exactly the time I went in. 40

*Charles Eason—Cross*

Q. What time was it you went there? A. About quarter past eight.

Q. Did Wakeman come out with you? A. No, Wakeman stayed there.

10 Q. And after that where did you go to? A. I came to Newark and did a little shopping and from there I went to another gentleman's house where he had a little sociable that evening, and I stayed there until about half past eleven or twelve o'clock; I can't just say the time.

20 Q. Alice Witter says that on this occasion some time that evening, she doesn't remember the time, that you were alone with her in Mrs. Gibbs's room and you threw her on a couch and by force had connection with her? A. I never did have connection with her.

Q. Are you the father of that child? A. Not at all.

Q. Were you alone with her? A. Not alone. I met her.

Q. All the time you were there Mrs. Gibbs and Mr. Wakeman were all present in the house? A. Yes, sir.

30 Q. And you were present and left them all there and that is all you know about it? A. That is all I know about it.

*Cross-examination by Mr. Decker:*

Q. Who were in the house when you left that night? A. Miss Gibbs, Mrs. Gibbs and Mr. Wakeman.

40 Q. At the last trial of this case you didn't mention Wakeman being present in the house? A. Mr. Wakeman was away; that is why I didn't; I didn't know I would ever see him again.

*Charles Eason—Cross*

Q. Where was he away? A. In Atlantic City or Asbury Park or some place; he left soon after December, I think, some time the first of the year, 1915.

Q. And that is the reason when you testified at the last trial in this case you omitted any reference to him being present at the house? A. I wasn't asked that; I wasn't asked how many people were there. 10

Q. And that is the reason you left it out, because you were not asked? A. Yes. Why wouldn't I?

Q. At the first trial of this case you mentioned nothing about going to Newark that night; isn't that so? A. I wasn't asked that, where did I go.

Q. So you didn't volunteer the information? A. No, I did not. 20

Q. But when the second trial came around then you told all about it? A. Well, naturally I would.

Q. What time did you get there that night? A. Get where?

Q. To Gibbs's house? A. About quarter past eight.

Q. And it was Christmas Eve? A. Yes, sir.

Q. And what time did you leave? A. About half past eight, quarter to nine, something like that.

Q. And you paid some money to Mrs. Gibbs that night? A. I did. 30

Q. How much money was it? A. About four dollars.

Q. You don't live with your wife? A. I certainly do.

Q. Since when? A. For twelve years.

Q. You didn't live with her last summer? A. I did. Never left her.

Q. She had left you, hadn't she? A. She hadn't no more than on a vacation or something like that. 40

*Charles Eason—Redirect*

*Samuel Murphy—Direct*

Q. What time did you get home that night? A. About one o'clock

Q. And you were home to supper were you? A. I was home early in the evening from work. I get home from work about half past six or seven o'clock.

Q. What time did you leave your home? A. About quarter to eight.

Q. When you left the Gibbs's house at quarter after eight Mrs. Gibbs saw you leave? A. Yes, sir, certainly.

*Re-direct examination by Mr. Wilson:*

Q. I forgot to ask you, you live where in Elizabeth? A. 559 Pennsylvania Avenue.

Q. Are you the owner of the house in which you live? A. No, it belongs to the Pennsylvania Railroad.

Q. But you live there? A. Yes, sir.

Q. Live there with your wife? A. One boy and sister-in-law and her little girl.

Q. How long have you lived there? A. About eight years.

30

SAMUEL MURPHY sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

Q. You are a Captain of Police in the City of Elizabeth? A. Yes, sir.

Q. And have been quite some years? A. Captain three years.

Q. And on the force some years before that? A. Twenty-one years.

40

*Samuel Murphy—Cross*

Q. How long have you lived in Elizabeth? A. Thirty years.

Q. And you know Charles Eason? A. Well.

Q. How long have you known him? A. In the neighborhood of fifteen years.

Q. Do you know what his general reputation for chastity, morality and good living in the neighborhood in which he lives is? A. He was always— 10

Q. Do you know? A. Yes.

Q. Is it good or bad? A. Good.

*Cross-examination by Mr. Decker:*

Q. You say that because you don't know anything against him? A. He lived up in that neighborhood and I was city detective for fourteen years. 20

Q. You don't know anything against him? A. No, sir.

Q. Do you keep track of all the fornication cases in Elizabeth? A. No, sir; couldn't do that.

*By the Court:*

Q. Did you ever hear anybody discuss his reputation? A. I always heard he had a good reputation.

Q. Have you heard people speak of his reputation? A. They elected him Justice of the Peace there. 30

Q. I am asking you, did you ever hear anyone speak of his reputation? A. No, I never heard anybody say anything, only he was put down in that neighborhood as good.

Q. Is this your opinion you are giving us or the opinion of other people? A. I never heard his name discussed particularly. 40

*Neil McCloed—Direct*

*Neil McCloed—Cross*

*By Mr. Wilson:*

Q. He was elected a Justice of the Peace in this Ward? A. I heard it discussed then; that is how it was.

10 Q. He was a good man and that is the reason they put him up for Justice.

The Court: How can he tell that?

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NEIL MCCLOED sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

20 Q. Mr. McCloed, how long have you lived in Elizabeth? A. Forty-five years ago—born there.

Q. And at present what is your occupation? A. Clerk.

Q. You are assistant clerk of the county of Union? A. First assistant deputy clerk.

Q. Do you know Charles Eason? A. Yes, sir.

Q. How long have you known him? A. Probably twelve or thirteen years.

30 Q. Do you know what his general reputation for morality, chastity, and good living is in the neighborhood in which he lives? A. Yes.

Q. What is it, good or bad? A. Good.

*Cross-examination by Mr. Decker:*

Q. What is that answer based on, what you know about him or what you have heard about him? A. Both.

40 Q. What do you know about him? A. He has been—

*Edith Gibbs—Direct*

The Court: Is that cross-examination? We are not interested in what he knows about him. The question is what he has heard about him, that is what his reputation is.

10

EDITH GIBBS sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

Q. Miss Gibbs, you live where? A. Elizabeth, New Jersey.

Q. How long have you lived there? A. Nineteen years; born there.

Q. And the Mrs. Gibbs that is spoken of is your aunt by marriage? A. To my uncle. 20

Q. Your uncle was sick for quite a while? A. Yes, sir, he was.

Q. And he finally died? A. Yes, sir.

Q. And he was a member, I understand, of the Odd Fellows? A. Yes, sir.

Q. On the 24th of December, 1914, where were you? A. At home, at 141 Race Street.

Q. That is in Elizabeth? A. Yes, sir.

Q. Do you remember whether Alice Witter was there at that time or not? A. She was. 30

Q. That was the day before Christmas? A. Yes, sir.

Q. And who was there when you met Alice there? A. Mr. Fred Wakeman and my aunt, Mrs. Lillie Gibbs, and Mr. Charles Eason came in; around there the whole evening.

Q. Alice Witter was there when he came in? A. Yes.

Q. What time did Mr. Eason come in? A. It must have been after eight, because my aunt never 40

*Edith Gibbs—Cross*

got home from work until eight o'clock and she was home, so it must have been eight o'clock.

Q. Your aunt had got home when Mr. Eason came there? A. Yes, sir.

Q. Do you know what Mr. Eason's errand was?  
10 A. It was to pay the sick benefit of my uncle to my aunt.

Q. Was that his errand there? A. He took her aside and I suppose that is what he gave her.

Q. When Mr. Eason paid her the money what did he do? A. My aunt introduced him to Miss Witter or Miller—she said her name was Miller.

Q. And then what happened? A. Then Mr. Eason went out.

Q. And when he went away who was left in the house? A. Miss Witter, my aunt and Mr. Wake-  
20 man and myself.

Q. Did Mr. Eason come back that night? A. No.

Q. Was Mr. Eason left alone in the little parlor that night at all? A. I didn't see them all alone.

Q. How long did you and Miss. Witter and your aunt and Wakeman stay there? A. Mr. Wakeman went home about eleven o'clock or something like that, and we went to bed.

Q. Was Alice Witter in the room when Wake-  
30 man was there? A. Yes, sir.

Q. And they were all together? A. Yes, sir.

Q. And she never left the room? A. Only when she went upstairs to bed.

Q. Who went to bed with her? A. Her, my aunt and I.

*Cross-examination by Mr. Decker:*

Q. Did you go out of the house that night? A. Not after I came in.

40 Q. What time did you come in? A. In the afternoon, about five o'clock.

*Charles A. Branch—Direct*

Q. You were there the whole evening? A. Yes, sir.

Q. And did Alice Witter stay there all night? A. She did.

Q. What time did Mr. Eason leave? A. About—well I should judge, about half past eight or nine. 10  
Of course, I don't time people.

Q. You are not sure about that? A. No.

Q. You didn't mention Wakeman being in the house when you testified at the last trial, did you? A. Yes, I did.

*By Mr. Wilson:*

Q. You mentioned Fred Wakeman being the man? A. Yes, sir.

Q. And you heard me say to the Court that he 20  
was a witness I couldn't get? A. Yes.

*By the Court:*

Q. Did you say that this man came there to pay sick benefits? A. Yes.

Q. Was your uncle sick at the time? A. He was burned.

Q. And he later died? A. Yes.

30

CHARLES A. BRANCH sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

Q. You live where? A. 12 Lafayette Street, Newark.

Q. What is your occupation? A. Steward of the Waiters' and Cooks' Union.

Q. Do you know Charles Eason? A. I do.

40

*Charles A. Branch—Direct*

Q. How long have you known him? A. About nine years.

Q. Do you remember the occasion on the night before Christmas, 1914, seeing him? A. I do.

10 Q. Where did you meet him? A. He came to No. 17 Lafayette Street, at the rooms of the Cooks' and Waiters' Union, somewheres between 9 and 11.

Q. What was his errand there? A. He did party jobs at the time.

Q. He was a waiter? A. He did party jobs; he worked for Mr. Russ and Mr. Davis and Day, and I got the men for him for public jobs.

Q. In the daytime he was otherwise occupied? A. Yes, sir.

20 Q. And in the evenings he did this at odd times? A. Yes, sir.

Q. How long did he stay with you? A. I don't know exactly what time he left. He was there between those hours of 9 and 11.

Q. How long did he stay? A. I couldn't tell you how long he stayed. There was quite a number of men there and I don't know when he went out. We were very close friends, and when he came in we always had a cigar or something together.

30 Q. And you remember the date? A. Yes, sir.

Q. What year was it? A. 1914.

Q. Were you there on the 25th of December? A. Yes, sir.

Q. Do you remember who came in there that night? A. The 25th of December?

Q. Yes. A. I remember some of the men that came in.

*Charles W. Fisher—Direct*

CHARLES W. FISHER sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

Q. You live where? A. 28 Westcott Place, Elizabeth.

Q. Do you know Mr. Eason? A. Yes, sir.

10

Q. How long have you known him? A. About three years. Since I have been in Elizabeth.

Q. Do you remember the occasion of the 24th of December, 1914? A. Yes, sir.

Q. Were you in Mr. Eason's company on that evening? A. Yes, sir, we came over to Newark.

Q. What time? A. We close up at nine o'clock, and I was working for Mr. Hokins at that time; he left me off the barber's shop I was working for at that time.

20

Q. And where did you meet Mr. Eason? A. He came over to the shop and got shaved.

Q. He came over to the shop about nine?

The Court: He did not say about nine.

A. He came over to the shop and got shaved.

Q. What time was it? A. It was somewhere around nine o'clock because I asked to get off in the afternoon about nine o'clock.

30

Q. After he got shaved what did he do? A. Well, he say, "Where are you going tonight?" I said, "Well, I am going to buy presents and I am going to take a run over to Newark." And he says, "Well, I come over." I hadn't been long in Elizabeth at that time and I didn't know much about Newark.

Q. Did you and he come over to Newark? A. Yes.

Q. And did you do your shopping? A. Yes, sir.

40

*Charles W. Fisher—Cross*

Q. What did you do after you did your shopping? Where did you go and where did he go? A. We went to some place down in Lafayette Street. I was a stranger at that time and I didn't know.

10 Q. Did you see anybody in Lafayette Street that you would recognize today? A. Sure.

Q. Who? A. The proprietor of the place, that man over there that ran the restaurant downstairs (indicating). There was a lot of fellows around playing pool.

Q. And Mr. Branch, you remember seeing him that night? A. Yes, sir.

Q. And how long did you stay up there? A. Well, I couldn't say, but we left—we was back in Elizabeth around one o'clock.

20 Q. Then you and Mr. Eason remained together from the time you went to Newark until you came back? A. Not the whole time, because I was away from him at the time, but I went back to the club and went with him again.

Q. And then you went home? A. Yes, sir.

*Cross-examination by Mr. Decker:*

30 Q. You say you were away from him during the evening? A. He was upstairs and I came on out. I wasn't right in his presence the whole time that we was over in Newark.

Q. You testified in the last trial of this case? A. Yes, sir.

Q. You didn't testify at the first trial?

*By the Court:*

40 Q. What time was it you said you left Elizabeth? A. I left the shop somewheres around nine o'clock. He was the last man that I shaved.

*Jeremiah Williams—Direct*

JEREMIAH WILLIAMS sworn in behalf of appellant.

*Direct examination by Mr. Wilson:*

Q. Where do you live? A. 11 Lafayette Street.

Q. City of Newark? A. Yes, sir.

Q. What is your business? A. Waiter. I keep  
a restaurant now. 10

Q. You have for some years kept a restaurant?

A. No, I have only been in it for about one year.

Q. In 1914 where were you employed? A. Down  
in Simon Davis', 943 Broad Street.

Q. Did you have any restaurant or eating house  
in your own home? A. Yes, sir, I used to do a  
little cooking. I had a party the night that Mr.  
Eason came there.

Q. In December, 1914, did you have any festive  
occasion that night? A. I had a party that night  
and I gave brother Eason an invitation. 20

Q. Do you remember what time he came there?

A. No, sir; I never time anybody when they come  
in and when they go out.

Q. Do you remember his being there? A. Yes,  
sir.

Q. Was there anybody with him? A. I think  
this colored gentleman was there. I gave an invi-  
tation to him and his wife, but his wife couldn't  
come, but I know that gentleman came with him. 30

Q. And the occasion broke up after a while—

A. Mr. Eason left before my place broke up; just  
about what time I don't know.

Q. You remember the occasion of December 24,  
1914, because that was the day you had this party  
in your house? A. Very well, indeed.

*Jeremiah Williams—Cross  
Charge*

*Cross-examination by Mr. Decker :*

Q. You didn't testify at the first trial of this case, did you? A. No, sir.

10 Q. And Eason is a lodge brother of yours, isn't he? A. Yes.

Q. And what time did he get there? A. Really I couldn't say.

Q. Do you know what time he went out? A. I couldn't say. I never time anybody when they come in and when they go out.

APPELLANT RESTS.

20 Mr. Wilson sums up for appellant.

Mr. Decker sums up for appellee.

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**Charge.**

The Court charged the jury as follows :

30 OSBORNE, J. :

Gentlemen of the Jury—The question presented here for your decision is purely one of fact, and a simple one. By that I do not mean it is an easy one to decide, but that it is merely a question of whether, under the evidence, you are satisfied that this defendant is the father of this child.

The burden is upon the Town of Montclair, who institutes this proceeding on behalf of the com-  
40 munity, to so satisfy you, by a fair preponderance

*Charge*

of the evidence. If this were a criminal case you would have to be satisfied beyond a reasonable doubt, but it is not a criminal case, it is a civil action by the state, acting through the municipality of Montclair, to recover money from the defendant for the support of this bastard child upon the theory that he is its father. 10

If, in your judgment, considering all of the evidence, the Town of Montclair has so satisfied you, then you will bring in a verdict against the defendant. While you may use the term "guilty" in your verdict you do not use it in the same sense that you would in a criminal case; in this case you would use it merely in the sense that the defendant is guilty of being the father of this child, which is the charge laid against him. 20

It seems to me to be unnecessary to go all over this testimony again. It must be very clear in your minds. There is nothing complicated about it. You have the evidence of the woman, which is very positive in its character. You have seen the child, and you have heard the denial of the defendant, corroborated by certain witnesses whom he produced here. You should consider all of the evidence, whether on the side of the state or the side of the defendant, and if, after having done so, you are satisfied that the Town of Montclair has sustained the burden of proving, by a fair preponderance of the testimony, that this man is the father of this child, you should so declare by your verdict. 30

On the question of character, counsel has requested me to charge that evidence of the good character of the defendant should be taken into consideration by you in reaching your verdict in this case, and I do so charge you. A man has a right to offer his good character in evidence, and it 40

is your duty to take that into consideration in determining the result of this case.

I refuse to charge specifically as requested other than as I have charged and because defendant's requests are apparently based on the theory that the rule in criminal cases as to the weight of evidence applies.

10

Mr. Wilson: I except to your Honor's charge.

Exception allowed; let it be sealed, and it is signed and sealed accordingly.

H. V. OSBORNE,  
Judge.

20

Mr. Wilson: I also except to your Honor's refusal to charge as I have requested.

Exception allowed; let it be sealed, and it is signed and sealed accordingly.

H. V. OSBORNE,  
Judge.

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**Defendant's Request to Charge.**

1. That evidence of good character is evidence which must be considered, and if in the judgment of the jury that good character does raise a doubt against positive evidence they have a right to entertain that doubt and the defendant must have the benefit of it.

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2. That evidence of good character is not a mere makeweight thrown in to assist in the production of a result that would happen at all events, but is positive evidence and may of itself by the creation of a reasonable doubt, produce an acquittal.

3. That evidence of good character may of itself create a reasonable doubt where otherwise no reasonable doubt would exist.

20

4. That the defendant having introduced evidence of good character, the jury are to consider it with the other evidence in the case, and it is to be considered irrespective of the fact that the jury have a doubt as to the offence being committed by the defendant.

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## ESSEX COUNTY QUARTER SESSIONS.

DAVID H. MABEY, Overseer, &c.

*vs.*

10

CHARLES W. EASON

I, Harry V. Osborne, Judge of the Essex County Quarter Sessions who held the Court of Quarter Sessions at which the above stated cause was tried do hereby certify that the foregoing is the entire record of the proceedings had upon the trial of said cause.

H. V. OSBORNE.  
Judge.

20

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NEW JERSEY  
Court of Errors and Appeals.

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OVERSEER OF THE POOR OF THE  
TOWN OF MONTCLAIR,  
*Respondent,*

vs.

CHARLES W. EASON,  
*Appellant.*

*Appeal from  
Supreme Court.*

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**Brief for Respondent.**

This appeal is from the judgment of the Supreme Court entered September 14th, 1917, affirming proceedings taken in the Essex Quarter Sessions by the Overseer of the Poor of the Town of Montclair under the statute: "*An Act for the Maintenance of Bastard Children (Revision of 1898)*," resulting in the finding that appellant was the father of a bastard child born to Alice Witter and consequently requiring appellant to support said child.

The child was born September 21st, 1917; both appellant and Alice Witter, the mother, are negroes; complaint was made to the Overseer before the birth of the child and a trial had before the Recorder and a jury, the jury disagreeing; a second trial was had before the Recorder after the birth of the child and the jury found that appellant was its father (*case, page 9, line 3*); appellant appealed to the Essex Quarter Sessions and a new trial was had there, resulting in the jury finding that appellant was the father of the illegitimate child (*case, page 8, line 18*); a writ of certiorari was then allowed by the Supreme Court and by its judgment affirmed the proceedings in the Quarter Sessions (*case, page 5a*.) and from that judgment the appellant appeals to this Court.

## I.

We have examined the reported cases and can find no requirement that the testimony of the mother in a suit by the Overseer of the Poor to compel the support of illegitimate children must be corroborated.

There is no doubt that such suits are civil suits and *not* criminal suits; the sole object being to determine who is the father of the illegitimate child, so he may be compelled to support it.

*State v. Overseer, 43 N. J. L., 406. 7 Corpus Juris, 966.*

Being civil suits, and there being no statute requiring corroboration, the rules governing civil trials apply, and a preponderance of testimony is sufficient.

*7 Corpus Juris, 995, and cases cited.*

The Judge of the Quarter Sessions Court charged the jury in this case as follows:

“The burden is upon the Town of Montclair,  
 “who institutes this proceeding on be-  
 “half of the community to so satisfy you,  
 “by a fair preponderance of the evi-  
 “dence.”

*Case, page 44, line 38.*

This charge, we submit, correctly stated the law.

At the trial of this case the illegitimate child was exhibited to the view of the jury so that its resemblance to appellant could be noted (*case, page 28, line 40*), and if corroboration of the mother's testimony be required the resemblance of the child furnished it.

If appellant means to question the credibility of Alice Witter's testimony before this Court, we submit he is too late, because the rule is that the Supreme Court is bound by the finding of fact in the Quarter Sessions, if there was legal evidence before the latter Court on which a finding could be based.

*South Brunswick v. Cranbury, 52 N. J. L., 298.*

## II.

We fail to find any point in appellant's argument under this heading. There is no doubt that the burden of proof was on the respondent to satisfy the jury that appellant was the father of the illegitimate child and the Quarter Sessions Judge so charged the jury.

*(Case, page 44, line 38).*

## III.—IV.

As set out above proceedings of this nature are civil and NOT criminal.

The fact that character evidence is admissible on the part of the appellant does not change the nature of the case or require respondent to establish appellant's guilt beyond a reasonable doubt. Character evidence is admitted in civil suits under certain circumstances.

The Quarter Sessions Judge charged that:

“A man has a right to offer his good character in evidence, and it is your duty to take that into consideration in determining the result of this case.”

*(Case, page 45, line 39).*

We can find no reported case requiring the Overseer in bastardy proceedings to establish his case be-

yond a reasonable doubt. If such a rule is established almost all suits to establish the parentage of a child will fail because of the very nature of the case.

## V.

The Quarter Sessions Judge charged the jury on the character evidence as follows (case, p. 45, line 35) :

“On the question of character, counsel has requested me to charge that evidence of “the good character of the defendant “should be taken into consideration by “you in reaching your verdict in this case, “and I do so charge you. A man has a “right to offer his good character in evidence, and it is your duty to take that “into consideration in determining the “result of this case. I refuse to charge “specifically as requested other than as I “have charged and because defendant’s “requests are apparently based on the “theory that the rule in criminal cases as “to the weight of evidence applies.”

We submit that the Court’s charge was correct and its refusal to charge that the jury must be convinced beyond a “reasonable doubt” was correct.

## VI.

The Supreme Court in this case considered that the order of filiation under review (case, p. 19) was not sufficient and stated in its opinion (case, p. 6a, line 15):

“Let the judgment below be affirmed and “let the record be remitted to the Essex “Quarter Sessions, so that a proper order “of affiliation may be made.”

And the rule of the Supreme Court affirming the proceedings provided (*case, p. 5a, line 16*):

“And it is further ordered that the record be  
“remitted to the Essex County Court of  
“Quarter Sessions, so that a proper  
“order of filiation may be made.”

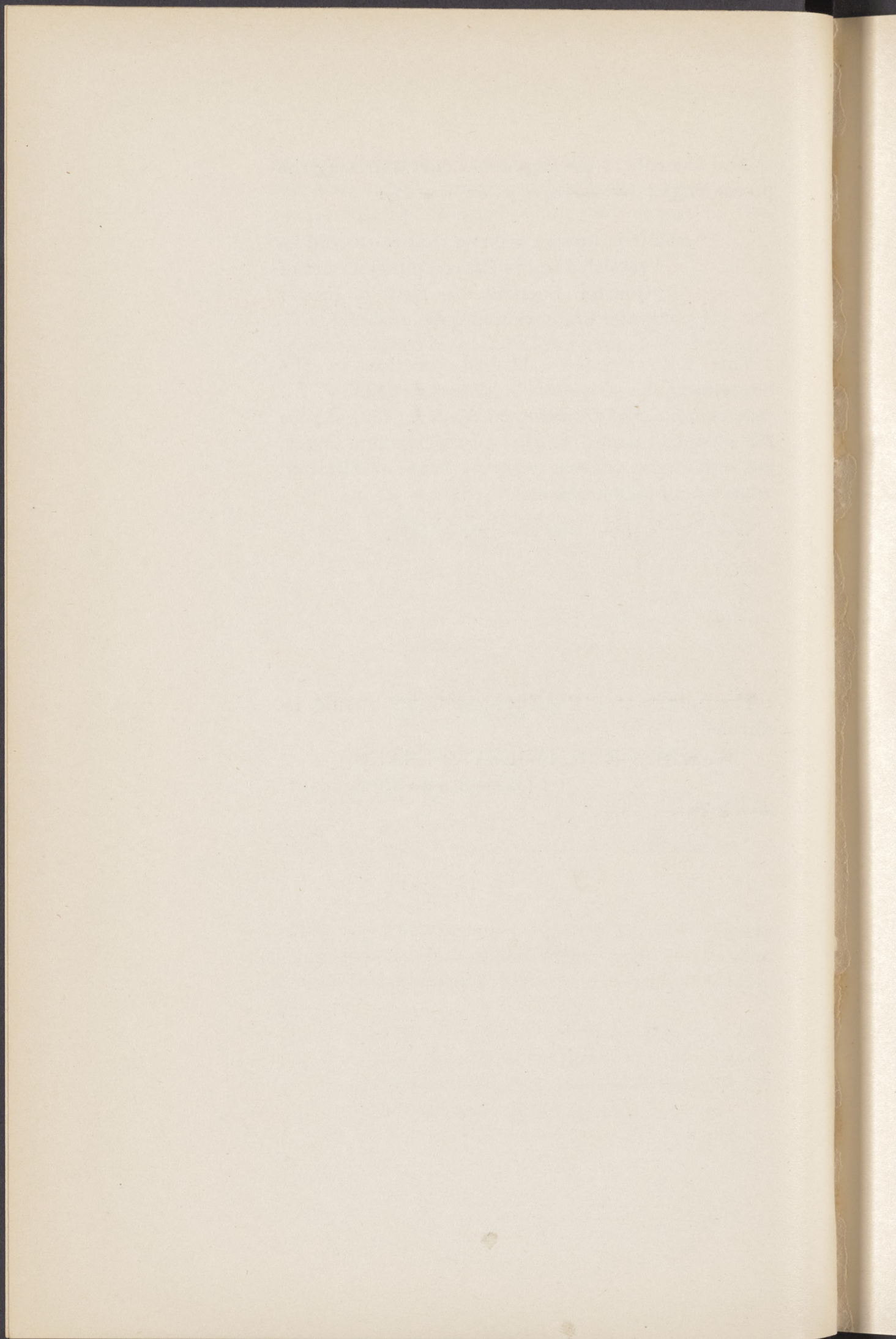
This follows the established practice in the Supreme Court (*Doremus v. Howard, 23 N. J. L., 390, and Hurff v. Overseer, 38 N. J. L., 287, at page 289*); the full record was before the Supreme Court; the only thing lacking was the order of filiation; no new trial was necessary.

We submit there was no error in this.

The judgment of the Supreme Court should be affirmed.

HARTSHORNE, INSLEY & LEAKE,  
Of Counsel with Respondent.

March Term, 1918.



## New Jersey Court of Errors and Appeals

OVERSEER OF THE POOR OF THE  
TOWN OF MONTCLAIR, *et als.*,  
Appellee-Respondent,

vs.

CHARLES W. EASON,  
Prosecutor-Appellant.

On Certiorari.

### BRIEF OF PLAINTIF IN CERTIORARI.

#### Statement of Facts.

Charles W. Eason, the plaintiff below, was charged by one, Alice Witter, a widow, of the town of Montclair, with being the father of her child. David H. Mabe<sup>y</sup> the Overseer of the Poor of Montclair, notified one, Henry L. Yost, the Recorder of the said town, to make inquiry into the facts and circumstances, and the said Yost took the complaint of the said Alice Witter on June 3d, 1915, and issued his warrant, and Eason was arraigned and a trial was had before the said Recorder and a jury, and he was found guilty, and an order of filiation was made on the same day, from which an appeal was taken to the Essex County Quarter Sessions, where the case was tried on September 20,

1916, before a jury, and a verdict of guilty was rendered, and on the same day an order of filiation was made by the Judge of the Essex Sessions, which is found on page 19 of the printed book.

The case is now before this Court by certioari and for the reasons set forth on page 1a and following of the printed book. Under the writ the testimony taken in the Sessions is before this Court under section eleven of the Certiorari Act, Laws 1903, p. 343; chap. 174 being returned with the writ. The contention of the defendant Eason is that there is no valid judgment against him, and that there is not sufficient evidence in the case to warrant the jury in reaching the conclusion it did, and that the evidence of the complainant Witter is not corroborated in any particular, and that the order of filiation is of no effect.

The defendant denies that he ever had intercourse with the complainant and says he is not guilty of the charge, and that he was not with her during the night she says he was, and that nothing of the kind happened as alleged and he is borne out in this by the testimony of Edith Gibbs (on page 37), who says that the defendant left the house shortly after he called, and by the testimony of Branch, Fisher and Williams, as found on pages 49, 41 and 43, respectively, of the printed book.

## I.

### **There should be corroboration of the testimony of the complaining witness.**

Wharton in his book on Evidence at Section 414, says: "In cases of bastardy it is necessary in an action to sustain an order of filiation, that the evidence of the mother should be corroborated in some material particular by other testimony."

In the case before this Court there is no corroboration, merely the testimony of Alice Witter, the complaining witness.

Where there is no corroboration, and where the burden of proof is on the respondent, the Court should examine the testimony, otherwise the Prosecutor will suffer, and a correct conclusion cannot be reached by the Court. If the proof was overwhelming against the Prosecutor, then there might be justification for not examining the record but where there is not the proof required the testimony should be read and considered.

To corroborate is to strengthen; to confirm by additional security; to add strength.

The testimony of complainant must be corroborated. It is said to be corroborated when it is shown to correspond with representation of some other witness or to comport with some facts, otherwise known or established.

*State v. Guild*, 10 N. J. Law, 163.

*People v. Chrisman*, 66 Ill. 162.

*McCoy v. People*, 65 Ill. 439.

What is the testimony of the complainant? She says that on the evening of December 24, 1914, she was at the house of a Mrs. Gibbs in Race Street, Elizabeth, and that defendant had intercourse with her, and that when defendant first came in, Mrs. Gibbs, and Miss Edith Gibbs were there with her, but that they afterwards went out, and that he, defendant, remained all night sleeping on the couch. (See Alice Witter's testimony, pp. 25 and 27 at line 10.)

The defendant denies the charge and says that he called at the house of Mrs. Gibbs on the night in question about 8.15, to pay the sick benefits due her husband, who was a member of the Odd Fel-

lows, and left shortly after to go to a barber shop, to be shaved by a man named Fisher, with whom he went to Newark that same evening about nine o'clock, and returned home from Newark about one o'clock in the morning after visiting the house of one Charles A. Branch, the Steward of the Waiters' and Cooks' Union.

See Eason's testimony, p. 30, printed book.

Edith Gibbs testified (as found at p. 37) that Eason, the defendant, called on the night in question to pay her aunt the sick benefits for her uncle, who was a member of the lodge of Odd Fellows of which Eason was, and that her aunt, one Wakeman, Witter and herself were present when Eason called, and he was introduced to the complainant Witter, and between half past eight and nine left. *That he was never alone with Alice Witter and that Witter with her aunt and herself went to bed together.*

Charles W. Fisher testified that Eason was the last man he shaved and went with him to Newark about 9 o'clock and returned with him, after going to the house of Jeremiah Williams and to the house of Charles A. Branch, two other witnesses in the case.

See testimony, p. 39.

The testimony of Charles A. Branch and Jeremiah Williams is to the effect that Eason was in their places on the evening of December 24, 1914.

No credence should be given to the testimony of Alice Witter the complainant.

## II.

### Burden of Proof.

In the Compiled Statutes, Vol. I, Title Bastards, section 14, states as follows: "The said court to which an appeal shall be made shall have full cognizance of the case, and shall proceed to hear the allegations and proofs of the respective parties, the *burden of proof* being upon the township as it was before said magistrate," etc.

What is the burden of proof? The burden of proof is used in two senses: (1) in the sense of burden of proof of establishing the fact, and (2) the burden of going forward with further evidence to meet your opponent's evidence.

The primary rule is that the man who asserts a fact must establish it. To illustrate one point we compare it with a pair of scales. If after all the evidence is in on both sides and the scales are evenly balanced the party who asserted the fact loses his case because he has not established his fact.

The burden of going forward to meet the evidence of opposing side may be shifted from one party to the other, during the course of the trial, but the burden of establishing never shifts, it always is on the party who asserts.

### III.

#### **The verdict was contrary to law.**

It is the contention of the defendant that a preponderance of evidence is necessary before a conviction can be had.

In *State v. Rogers*, 2 S. E. 142, and also found in 119 N. E. 793, the Court said: "Where in a prosecution for bastardy, the charge of paternity preferred by complaining witness is contradicted by the defendant, the jury must be satisfied of his guilt beyond a reasonable doubt, and an instruction which allows them to convict on testimony that merely satisfies them of mere guilt is reversible error."

The Judge at the Sessions before whom the case was tried, labored under the belief that the rules governing reasonable doubt, and character evidence didn't apply in the case above because it was a civil case. The authorities seem to say that it is quasi-criminal. Therefore the same rules should be applied as in criminal cases.

When evidence of good character is introduced, as is permissible in bastardly cases, then the rule governing reasonable doubt should be applied.

This Court, in deciding *Overseer of the Poor of Clark Township v. Arthur Brunet*, at the November term, 1915, said: "It may be well to observe that we ought not to concede the assumption of prosecutor's counsel, that the guilt of the defendant should be shown beyond a reasonable doubt. We find no direct authority in this State on this point, and a cursory examination appears to indicate the contrary. *What effect a determination of this kind would have on the alleged error in the charge that evidence of good character should be*

*considered when there is already some doubt of the prosecutor's guilt, is a question that we ought not now pass upon.*

One of the requests to charge made by defendant's counsel, was to the following effect: "That evidence of good character may of itself create a reasonable doubt where otherwise no reasonable doubt would exist." This was refused by the Court.

The above case was decided on another point, but there seems to have been in the mind of the Court that evidence of good character ~~did~~ have a bearing. Applying that view ~~to~~ this case it should weigh greatly in behalf of the Prosecutor.

#### IV.

#### **The charge of the Court was contrary to law.**

The Judge at the Sessions charged the jury that this case not being a criminal one, they were not to be satisfied beyond a reasonable doubt. This is made the basis of the 14th reason filed in this Court and following the views set forth in paragraph III above, the Court erred in so charging, and the defendant suffered manifest injury.

This is a quasi-criminal case and the rule of reasonable doubt should be applied. Character is considered. that raises a reasonable doubt, Character is permitted to be submitted to the jury and they must consider with the other evidence in the cause. This frequently raises a doubt, and if it is a reasonable one the Prosecutor should have the benefit of it. How is he to get the benefit of it unless the Judge so charges?

## V.

**The Court erred in not charging as counsel requested with regard to character—as set forth in Reasons 10, 11, 12, and 13.**

The Judge, while he charged with regard to character, didn't state it correctly. He stated it as follows: "On the question of character, counsel has requested me to charge that evidence of the good character of the defendant should be taken into consideration by you in reaching your verdict in this case, and I do so charge you. A man has a right to offer his good character in evidence, and it is your duty to take that into consideration in determining the result of the case."

This charge wasn't in compliance with my requests to charge as found on page 47 of printed book. These requests should have been charged in the language in which they were requested, because later, at the end of the Judge's charge (at page 46), he says: "I refuse to charge specially as requested other than as I have charged and because defendant's requests are apparently based on the theory that the rule in criminal cases as to the weight of evidence applies." Section IV of Title Bastards states that the burden of proof is on the township, etc. Why isn't that the weight of evidence.

Character evidence is admitted on the theory that it may have some weight by which a conclusion may be reached. If then it raises a doubt, which must be a reasonable one, why then shouldn't a defendant have the benefit of it?

In *Hawkins v. State*, 1 Zab. 630, the Court said :

“The offence charged is one which peculiarly puts character in jeopardy, the evidence offered, seems not inconsistent with the general rule, and policy strongly requires its admission. *The purest man in the community might be unable to protect himself from a charge like this, if falsely brought against him, but by his Character Evidence of uniform integrity, and good character, is sometimes the only testimony which a defendant can oppose to suspicious circumstances, and in cases of doubt it is entitled to much weight.*”

## VI.

### **There is no valid order of filiation.**

It is contended by the accused Eason that there is no valid and binding order of filiation, because the evidence of the mother of the said bastard child is not corroborated.

In Stephen's Digest of Evidence, at Article 121, page 567 in the edition of 1904, by George E. Bers, and adapted to the State of New Jersey, it is stated as follows :

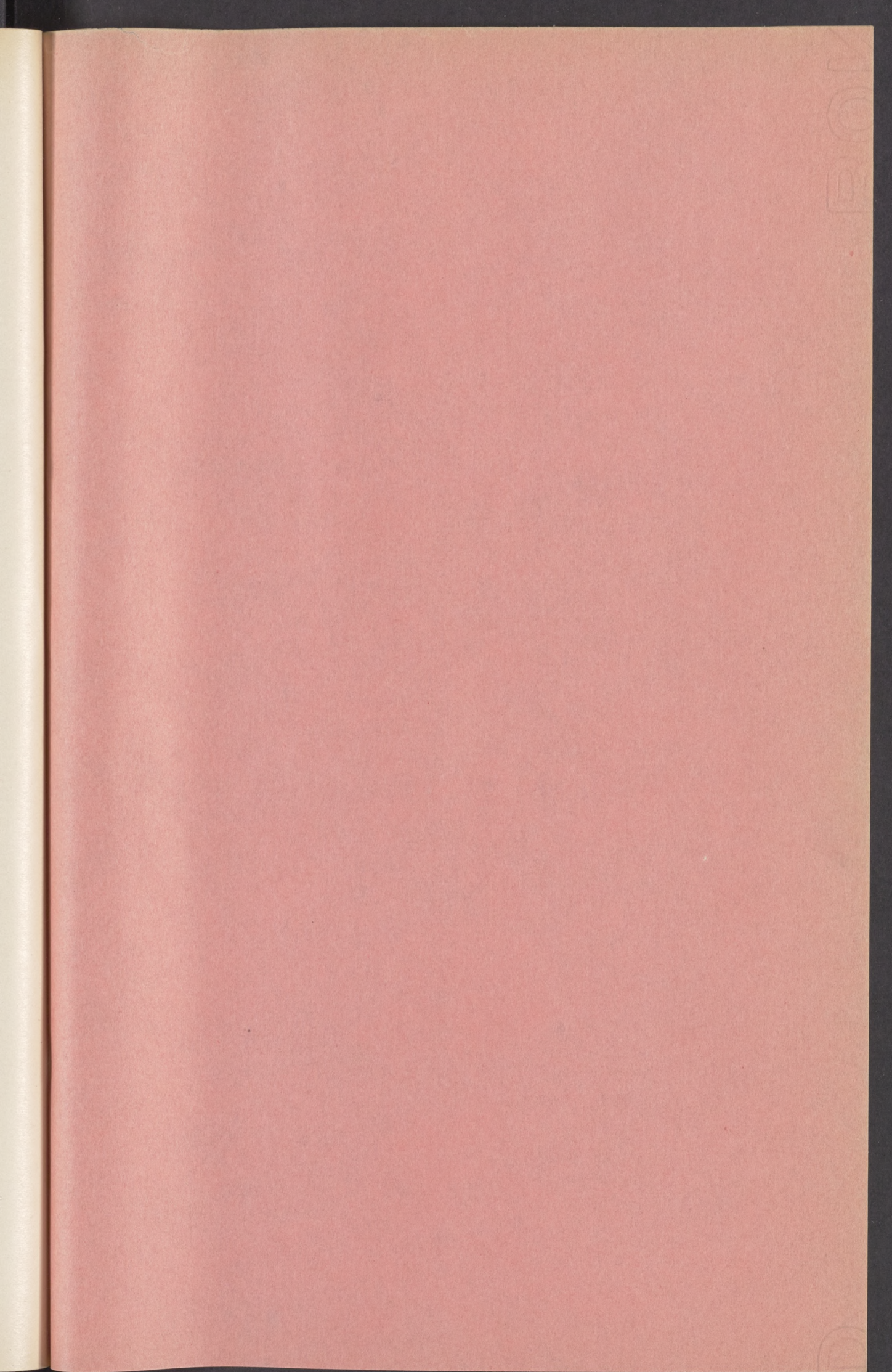
“No order against any person alleged to be the father of a bastard child can be made by any Justice or confirmed on appeal by a Court of Quarter Sessions unless the evidence of the mother of the said bastard child is corroborated in some material particular to the satisfaction of the said Justice or Court respectively.”

The contention of the accused Eason is, that the order of filiation made by the Sessions isn't a proper order, because it recites that he will obey the order of filiation made against him by Henry L. Yost, Recorder of the Town of Montclair, in the County of Essex, on the seventh day of January, 1916. There can be no affirmance of an old order. There is no power given to any one to make such an order and it is of no binding force whatever. The accused, Eason, respectively asks that the proceedings be set aside and a new trial granted.

Respectfully submitted,

WILLIAM R. WILSON,  
Attorney for Plaintiff Certiorari.

[1527]



K  
C  
D

The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting. The names are given in alphabetical order of their surnames. The names of those who have been admitted since the last meeting are given in italics. The names of those who have been re-elected are given in plain type. The names of those who have been expelled are given in bold type. The names of those who have been suspended are given in a different color.

Respectfully,  
Secretary

WILLIAM J. WILSON,  
Secretary for the Year 1901

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