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INDICTMENT.

STATE OF NEW JERSEY, }
COUNTY OF CAPE MAY, } *ss.*

Be it remembered that at a Court of Oyer & Terminer holden at Cape May Court House in and for the County of Cape May on the second Tuesday in December, in the year of our Lord, one thousand nine hundred and twenty-three, by the Honorable Charles C. Black, a Justice of the Supreme Court of Judicature, of the State of New Jersey, and holding the said Court of Oyer and Terminer, in and for the County of Cape May, New Jersey, by the oath of Clarence Eldredge, Charles Mixner, Ralph Carll, W. P. Haines, John McNamee, J. S. Eisenhauer, J. Allen Wales, David Goff, Frank C. Barnes, E. Z. Fox, Otis M. Townsend, Otto Huff, Ephraim Chamberlain, Frank Gallagher, George Nichols, Harry Greaves, James H. Clark, William R. Hughes, Sr., William H. Hand, William Neill, Hollis McPherson, H. H. Hoffman, Walter H. Kuehn, good and lawful men of the said County of Cape May, duly commissioned and then and there charged to inquire in behalf of the State of New Jersey in and for the said County of Cape May, it is presented in manner and form following, to wit:

CAPE MAY COUNTY, to wit:

The Grand Inquest of the State of New Jersey, and for the body of the County of Cape May, upon their respective oath and affirmation, those who affirmed having first alleged themselves conscientiously scrupulous of taking an oath, present that Anthony J. Bullock and Mary Bullock, late of the Borough of Wildwood Crest, in the said County

of Cape May, on the twenty-first day of February in the year of our Lord one thousand nine hundred and twenty-three at the Borough of Wildwood Crest aforesaid, in the County of Cape May aforesaid, and within the jurisdiction of this Court, with force and arms did have carnal knowledge of a woman, to wit: one Eleanor E. Mishler forcibly against her will. Contrary to the form of the statute in such case made and provided, and against the peace of this state, the government and dignity of the same. And the Grand Inquest aforesaid, upon their oath and affirmation aforesaid, do further present, that the said Anthony J. Bullock and Mary Bullock, on the twenty-first day of February in the year of our Lord one thousand nine hundred and twenty-three, at the place aforesaid, in the County of Cape May aforesaid, and within the jurisdiction of this Court, with force and arms, in and upon one Eleanor E. Mishler, in the peace of God and of this state, then and there being a felonious assault did make, in attempting to have carnal knowledge of the said Eleanor E. Mishler, a woman, forcibly against her will and other wrongs to the said Eleanor E. Mishler, then and there did, to the great damage of the said Eleanor E. Mishler. To the evil example of all others in like case offending, contrary to the form of the statute in such case made and provided, and against the peace of this state, the government and dignity of the same.

LINWOOD W. ERRICKSON,
Prosecutor of the Pleas.

Which said indictment, with sundry other indictments were, to wit: on the twelfth day of December in the year of our Lord one thousand nine hundred and twenty-three, at a Court of Quarter Sessions holden at Cape May Court House, in and for the

County of Cape May, before the Honorable Henry H. Eldredge, Judge of the said Court of Quarter Sessions and of the Court of Common Pleas of said county, no Justice of the Supreme Court of the State of New Jersey being present in the court house and the grand jury being desirous of making presentment of sundry bills of indictment according to the form of the statute in such case made and provided duly delivered here in court by the grand jurors aforesaid, in and by said presentment, in due form of law to be determined.

And afterwards, that is to say, on the twenty-sixth day of December, A. D. nineteen hundred and twenty-three at a Court of Quarter Sessions, holden at Cape May Court House in and for the County of Cape May, before the Honorable Henry H. Eldredge, Judge of the said Court of Quarter Sessions, the said defendants, Anthony J. Bullock and Mary Bullock, being brought before the bar in their own proper persons and forthwith being demanded of and concerning the premises in the above indictment specified and charged upon them, how they would acquit themselves thereof, both say that they are not guilty thereof, and therefore for good and evil they put themselves upon the Court, &c., and Linwood W. Erickson, Prosecutor of the Pleas of said state, for said County of Cape May, in this behalf doth the like.

And afterwards, that is to say, of the twenty-fourth day of January, A. D. nineteen hundred and twenty-four, to which day the trial of the aforesaid indictment was postponed, at the same Court of Quarter Sessions holden before the Honorable Henry H. Eldredge, Judge of the said Court of Quarter Sessions comes the said Linwood W. Erickson, who prosecutes as aforesaid, assisted by John

W. Wescott, Ralph Wescott, Simon Regan, and the said Anthony J. Bullock and Mary Bullock were set to the bar and being ready for trial, the trial of the said indictment was moved by Linwood W. Erickson, Prosecutor of the Pleas. The sheriff, George A. Redding, was then ordered to return a panel of jurors, who on motion to the Court, were ordered to be sworn by the clerk of the court as they were called, on their *voire dire,* and the following jurors not being challenged, were duly sworn:

Somers Sack, John Yanks, Alder Vastine, Augustus Wittkamp, Freeman Douglass, Harry Young, E. A. Stratton, Charles Carlisle, Luther Cresse, Harry Stites, Jr., Henry A. Wittkamp, Jr., Walter Davis, upon that jury, who to speak the truth of and concerning the premises and thereupon the trial of said issue was commenced and continued until the first day of February, A. D. nineteen hundred and twenty-four, when the jury returned into court in charge of the officer sworn to attend them, and then and there in the presence of the Honorable Henry H. Eldredge, Judge of the Court of Quarter Sessions, do say upon their oath, they find the said defendant, Mary Bullock, not guilty and that they find the said defendant, Anthony J. Bullock, guilty in the manner and form as charged upon this indictment, and so they say all.

Judgment signed February, 1924.
Henry H. Eldredge
Judge.

Whereupon all and singular, the premises being seen and by the Court now here fully understood, it is on this thirteenth day of February, A. D. nineteen hundred and twenty-four, ordered and adjudged that the said Anthony J.

Bullock be committed to the state prison of this state for a term of not less than five years and not more than ten years at hard labor upon this conviction, and pay a fine of one thousand dollars, together with the costs to be taxed, which said costs are taxed by the clerk at the sum of two hundred and ten dollars and one cent. And that he stand committed until the same are fully paid.

RETURN TO WRIT.

STATE OF NEW JERSEY, }
COUNTY OF CAPE MAY, } *ss.*

I, Henry H. Eldredge, Judge of the Court of Quarter Sessions, Cape May County, New Jersey, do hereby certify and return to the Supreme Court of Judicature of the State of New Jersey the indictment, judgment record and proceedings, together with the entire record of the proceedings had at the trial, and all things touching and concerning the same as by the written writ to me directed, I am commanded.

In Witness Whereof, I have hereunto set my hand and the official seal of said court
(Seal) at Cape May Court House, N. J., this 27th day of February, A. D. 1924.

HENRY H. ELDREDGE,
Judge of the Court of Quarter Sessions, Cape May County, N. J.

WRIT OF ERROR.

(Filed Mar. 28, 1924.)

NEW JERSEY, *ss*:

(Seal) THE STATE OF NEW JERSEY to our Judge of our Court of the Inferior Court of Common Pleas of the County of Cape May, constituting the Court of General Quarter Sessions in and for the County of Cape May, GREETING:

Because in the record and proceedings and also in the giving of judgment upon a certain indictment in the name of the State of New Jersey against Anthony N. Bullock (named therein Anthony J. Bullock) and Mary Bullock for having carnal knowledge of one Eleanor E. Mishler, forcibly, against her will and for a felonious assault, in attempting to have carnal knowledge of said Eleanor E. Mishler forcibly against her will, in the Borough of Wildwood Crest, in said County of Cape May, found in our Court of Oyer and Terminer, in and for said county (but tried in the Court of General Quarter Sessions, in and for said county), heard and determined, manifest error hath intervened to the great damage of him, the said Anthony N. Bullock, as from his complaint we have received information.

We being willing in this behalf to correct the error in due manner, if any there shall be, and that speedy justice may be done to him, the said Anthony N. Bullock, do command you that if judgment be thereupon given, that then you do send the record and the proceedings aforesaid, with all things touching

and concerning the same to us under your seal distinctly and openly, and this writ, so that we may have them before our Supreme Court of Judicature, at Trenton, on the first day of March next, that inspecting the record and proceedings aforesaid we may further cause to be done thereupon for correcting that error, that which of right and according to law shall be fit to be done.

Witness, WILLIAM S. GUMMERE, Chief Justice of our Supreme Court at Trenton, this eleventh day of February, nineteen hundred and twenty-four.

EDWARD J. KELLEHER,
Clerk.

JAMES M. E. HILDRETH,
Attorney.

Presented in open court this thirteenth day of February, nineteen hundred and twenty-four.

HENRY H. ELDREDGE,
Judge.

Bail: Ten thousand dollars ($10,000).

[ENDORSED]

Returnable March 1st, 1924.
James M. E. Hildreth, Atty. of Deft.,
#214 Ocean Street,
Cape May, N. J.

TESTIMONY.

CAPE MAY COUNTY COURT OF GENERAL QUARTER SESSIONS.

The State v. Anthony J. Bullock and Mary Bullock.	On Indictment for Rape.

January 24, 25, 28, 29, 30, 31, 1924.

Appearances:

For the State:

Linwood W. Erickson, Esq., Prosecutor of the Pleas.

John W. Wescott, Esq., and Ralph W. Wescott, Esq., of Wescott & Weaver.

Simon C. Raken, Esq., of the Pennsylvania Bar.

For the Defense:

Harry L. Stout, Esq., of Katzenbach & Hunt.

James M. E. Hildreth, Esq.

John M. Broomall, Esq., of the Pennsylvania Bar.

Frank B. Rhodes, Esq., of the Pennsylvania Bar.

TESTIMONY.

Before Eldredge, J., and a jury.

Mr. Hildreth: I desire that Mr. Rhodes and Mr. Broomall, of the Pennsylvania Bar, be admitted for the purpose of practicing in this case.

Mr. Erickson: I am ready to move the indictment against Anthony J. Bullock and Mary Bullock, in indictment for rape.

The Court: Draw a jury, Sheriff. The defendants are ready.

Mr. Wescott: It has been suggested that the jurors be sworn individually upon their *voire dire.*

The Court: Well, is that your request in the matter?

Mr. Erickson: That is perfectly satisfactory to me. This is rather an important case, and there is some question of whether or not some of these jurors may have been waited upon in this matter.

(A jury being empanelled and found satisfactory, they were sworn.)

(Mr. John W. Wescott opens the case to the jury for the State.)

Mr. Wescott: If your Honor please, the witnesses, most of them in this case, come from another State, and they are here under circumstances and considerable embarrassment. I think, with your Honor's permission, we will present the case, not in its chronological order, but to accommodate some of these witnesses, unless you insist upon it; call them out of the natural order.

The Court: I cannot insist upon anything, Judge. Of course, if there is objection to any of the testimony on the part of the defense at the time it is offered, I will have to rule upon it. It is immaterial to the Court, the order in which it is presented.

HENRY T. DIAS, sworn.

By Mr. Wescott:

Q. Mr. Dias, where do you live?
A. Why, I lived at 760 South 51st; now I am living at 5039 Baltimore Avenue.
Q. Philadelphia?
A. Yes, sir.

The Court: Speak aloud; speak so the jury can hear you.

Q. What is your business?
A. I work for the P. R. T., Philadelphia.
Q. Motorman?
A. Yes, sir.
Q. How are you related to Eleanor Mishler?
A. I am her stepfather.
Q. How many years have you known her?
A. Ever since she was a little tot, four years old, anyway. When she was four years old.
Q. Have you had something to do with bringing her up?
A. Yes, I support her and help bring her up.
Q. From the time she was a little girl four years of age, a little tot, as you said, up to the present, what has been the course of her life in Philadelphia —if that question is intelligent to you?

A. You mean like going out?
Q. How was she reared?
A. Oh, she was trained right.
Q. What?
A. You mean like training her?
Q. How did she live, what was her daily life?
A. Her daily life was she went to school and all that. Sent her to church and Sunday school.
Q. Yes, and what did she do through the weeks?
A. Well, she just stayed around and helped her mother, went out an hour or two and played, and went to the moving pictures with her mother, or her mother and me.
Q. Did she go to Sunday school?
A. Yes, sir.
Q. Regularly?
A. Oh, yes, every Sunday.
Q. And to church?
A. Yes, Sunday morning.
Q. Do you know what school she went to?
A. Well, she went to the 43rd and Ogden Street, I don't know what the name of the school is there, public school, and then she went to the Catholic Sunday school.
Q. Catholic Sunday school?
A. Yes, church, and through the week she went to the public school.
Q. And then to the public school. Was she a strong, vigorous girl?
A. No, she was not strong.
Q. Let me ask you whether or not she was a wayward girl, difficult to control and manage?

Mr. Stout: I would submit, if it please the Court, this is a rather leading question. This man lived with the girl. Let him describe how she lived.

The Court: The question is leading.

Q. Well, what kind of a disposition had this girl?
A. Well, she was jolly, good natured, and all like that.
Q. Did you have to punish her much?
A. No. I never punished her much, there was no reason for it, anyway. She always minded her mother, didn't keep no great hours, or nothing. Even growing up in age, she didn't keep no late hours. She didn't stay out late at nights or nothing else.
Q. How many constituted the family? How many were in the family?
A. Five of us.
Q. Last February?
A. In the family there was six of us.
Q. About six of you?
A. Yes.
Q. Do you remember the occasion of her going down to Wildwood to visit the defendants in this case?
A. Yes, that was in February.
Q. That was last February?
A. Yes, sir. She had got a letter from this Mary Bullock claiming that she had knowed her very well——

Mr. Stout: I object.

The Court: The answer is not responsive.

Q. You remember the occasion of her going?
A. Oh, yes.
Q. Created a little flutter in the family?
A. When she came home she did.

Mr. Stout: I submit that is incompetent.

The Court: It is immaterial.

Mr. Stout: It is certainly incompetent.

The Court: I will sustain the objection.

Q. What did you say?
A. When she returned the visit, we got up in the air about it.
Q. You knew that she was going, did you?
A. Oh, yes.
Q. Do you know whether special preparations were made to send her?
A. I don't know anything about that. She had visited them before.
Q. You don't know of any special preparations to send her down there?
A. No.
Q. Do you know when she went?
A. It was in February, a Sunday. I went to work in the morning. I expected to see her coming home in the morning. When I got home, she was home yet. I got home at twelve o'clock.
Q. When did she go, in the afternoon?
A. In the afternoon, on the four something train, I think it is.
Q. Had you any knowledge as to how long she was going to stay?
A. Well, she didn't, when she first got the letter, she was only going to stay the day.

Mr. Stout: I submit if he gained the knowledge from the plaintiff in this case, it would not be competent against the defendant. It would be hearsay. She went, that is sufficient. How long would make no difference so far as this witness is concerned.

Q. Now, when did she come back?

A. Wednesday evening, about six o'clock, I think it was. We was eating supper.

Q. Did you see her when she came back?

A. Yes, me and my wife was the only ones home at the time.

Q. Did you see her when she came back?

A. Just got a glance, that is all. She walked right out of the room, went upstairs and sat her suitcase down. Another time, she would stay and tell you about the trip and things like that.

Mr. Stout: I object to that.

The Court: Sustained. What did she do?

Mr. Stout: I would like to have that part of the answer stricken out.

Mr. Wescott: Strike it out. We don't want a thing in the case that isn't right.

The Court: Go ahead, Judge.

Q. Well, did you notice her as she went up the steps?

A. No, I didn't notice her, because the stairway comes in from the front door, see?

Q. When did you next see her?

A. That was Thursday afternoon when I came home from work. That is the next time I seen her, because I go out early in the morning, four o'clock.

Q. When you saw her the next Thursday afternoon, what did you notice, if anything, about her?

A. Well, I noticed her acting funny. I said, "What is the matter, is she sick yet"——

Mr. Stout: I object to any conversation between her and her father.

The Court: What did you notice?

The Witness: I just noticed——

The Court: What you saw.

The Witness: I noticed her in the bed room yet, and wasn't dressed or nothing; didn't care to go out. Another time, she would want to go out and would tell you about the trip.

Mr. Stout: I object to that, and ask it be stricken out.

The Court: Strike it out.

Q. Then she had nothing to say?
A. Nothing to say.
Q. And where was she when you saw her the next day?
A. You mean Friday?
Q. Yes.
A. Friday she was setting downstairs in the front room talking with my wife and her sister.
Q. What did you notice about her then, if anything?
A. Well, I noticed her walking funny. I said, "What is the matter, has she got a sore foot?"

Mr. Stout: I object.

Q. What did you notice about her movements?
A. I noticed her looking bad, looking like sick look-

ing. I knew there was something wrong that day, too. I knew she was sick.

Q. Well, what led you to know that she was sick? Why did you think she was sick?

A. The way she acted, like. Other times, she would tell you about the trip and everything else. This time she had nothing to say, tried to shudder you, didn't face you, or nothing like that.

Q. Quiet, and didn't want to face you?

A. Yes.

Q. Did you talk to her?

A. No, my wife talked to her. I didn't talk to her at that time.

Q. When did you first hear of this story, experience, that she had been through? How long after she came home?

A. Over three or four weeks before I heard it afterwards.

Q. Three or four weeks?

A. Yes. See, my wife told me about it.

Q. Your wife told you about it?

A. Yes, what had happened. I never dreamed of such a thing.

Q. Well, how long after she came home did you hear of this?

A. About three weeks, anyway, I will say.

Q. Three weeks.

A. Yes.

Q. And what did you do then?

A. Well, I wanted right along to go right down there.

Mr. Stout: The question was what did you do?

The Court: What did you do?

The Witness: I started fighting and hollering

around there, telling her it was an awful thing. I didn't hardly believe it.

Q. Did you make any efforts to go down to Wildwood?

A. Yes, I made efforts, but my wife stopped me. She said her attorney advised her not to tell me at the time, and when I did find out to tell her I had an attorney, so that is what kept me back, brushed the thing over.

Q. What does this little girl do now?

A. Why, she was a telephone operator. She is working in a real estate office now.

Q. Where?

A. West Philadelphia. I think it is Walnut Street, 52nd and Walnut.

Q. Had she learned the telephone business before she went down to Wildwood on this visit?

A. Yes, she was a telephone operator at that time.

Q. She was a telephone operator at that time?

A. Yes.

Q. How old was she?

A. 16 or 17, around that. I couldn't say for sure. She was about that.

Q. Do you happen to know whether she had been down to visit these defendants on any prior occasion?

A. Private occasion, you mean, like?

Q. Yes?

A. No. She never went without her mother knowing it.

Q. Had she been down there before?

A. Oh, yes, she had been down there on visits before. She was down there before on visits when she was younger.

Q. How long did she stay, have you any idea?

A. She would stay a week at a time. She would stay three or four weeks, something like that.

Q. Did you notice any change in the expression of this little girl after she came home?

A. Yes, just as I say, she was acting funny. She wouldn't talk to nobody.

Q. She wouldn't talk?

A. No, she was trying to hide herself, ashamed, like. Another time, she would come home and tell you about the trip and everything else. This time she was entirely different.

Q. How did she act when she came home from prior trips, former trips down there?

A. She would tell her mother and everybody else all about the trip.

Q. This time she was silent?

A. This time she didn't want to tell nothing, didn't want to talk to you about it.

Mr. Wescott: Cross-examine.

Cross-examination.

By Mr. Stout:

Q. Now, who do you work for?

A. P. R. T.

Q. You say you have known this little girl since she was a little tot?

A. Yes.

Q. How old was she when you were married?

A. That is the time I knew her. She was four years old.

Q. You knew her before you were married?

A. Yes.

Q. How old was she when you married her mother?

A. I am married fourteen years now. She is about eighteen now.

Q. She is about 18 now?

A. Yes.

Q. What makes you think she is about 18 now? Did you know her age at the time you married her mother?

A. I never bothered asking her age.

Q. You know nothing about her age?

A. I know about.

Q. Did her mother ever tell you how old she was?

A. I never had that conversation.

Q. Haven't you inquired of the members of your family as to the age of this girl since the occurrence?

A. No.

Q. Haven't you talked that over?

A. No, I haven't talked that over.

Q. Nothing has been said to you as to how old Eleanor was?

A. No.

Q. Or how old she was when you married her mother?

A. No, I knew she was young.

Q. You knew she was young?

A. Yes.

Q. Well, when did she quit going to school?

A. About 14, 15, I don't know.

Q. About 14 or 15?

A. Yes.

Q. Did she graduate from the high school, or did she stop when she finished the course in the grammar school?

A. Grammar school she stopped.

Q. Then she went to work, didn't she?

A. Didn't work steady, just off and on.

Q. She went to work whether steady or off and on. She had to go to work?

A. Not right away, she didn't.

Q. How soon after she quit school?

A. She stayed home, I guess, pretty near a year after that.

Q. When she did go to work, who did she go to work for?

A. I don't know what the first job she did go to. I think it was something like an office job.

Q. In a detective's office, wasn't it?

A. That wasn't the first job.

Q. That wasn't the first job?

A. I don't think it was.

Q. Did she go to work afterwards in a detective's office?

A. Yes, she was only there a short time.

Q. I didn't ask you that. She did go to work in a detective's office?

A. Yes.

Q. How old was she then?

A. About 16, or past, maybe.

Q. 16. How long before she made the trip to Wildwood was it that she worked in the detective's office?

A. I am mistaken about the age. She must have been 17 then.

Q. You think it was before she went to visit the Bullocks in Wildwood in February that she worked in the detective's office?

A. I should say about five or six months.

Q. Do you know the name of that detective agency?

A. Yes, sir.

Q. What was it?

A. Porter.

Q. And where was that agency located?

A. Broad and South Penn Square, there.

Q. How long did she continue in the employ of that agency?

A. Not long. She only took her brother's place.

Q. I asked you how long she remained in the employ of that agency?

A. About three or four weeks, around that.

Q. Three or four weeks only?

A. About that.

Q. What had she been doing prior to that?

A. You mean beside that?

Q. Before she went in the detective's office?

A. Something like office work.

Q. Where?

A. I don't know just what place. I never bothered much where she worked.

Q. You didn't bother much with her?

A. I knew she was working.

Q. Don't you know where she worked before she was 17 years old?

A. Not exactly all the places.

Q. She quit school at 14?

A. Yes, sir.

Q. She was home a year?

A. Yes.

Q. Now, don't you know for whom she worked during those two years?

A. I don't know. She wouldn't stay at no place.

Q. She worked at different places? What do you mean to say she wouldn't stay to places? What do you mean by that?

A. She seemed to like to lie in bed mornings.

Q. Still you were rearing this girl in the way she would go?

A. We wasn't forcing her.

Q. Still, you were rearing this girl in the way she would go?

A. Yes, sir.

Q. She didn't like to work but liked to lie in bed, is that right?

A. Yes.

Q. In the mornings, and didn't get up?

A. Yes.

Q. Did you ever call her mornings and she refused to get up?

A. My wife calls her.

Q. Did you hear your wife call her?

A. No, I went out.

Q. How do you know your wife called her?

A. When I would come home, I would see her there and say, "What is the matter with the job?"

Q. What time did you come home?

A. About three o'clock in the afternoon.

Q. What time do you go to work?

A. Four in the morning.

Q. When you came home from work at three o'clock in the afternoon, would you find her in bed?

A. No.

Q. Where would she be?

A. Around the house.

Q. Were you home from three o'clock in the afternoon until four the next morning?

A. Yes, sir.

Q. You had knowledge of what the actions of Mary—or Eleanor, and her mother were, where they would go?

A. Yes. I generally went with them.

Q. Did Mary go out at night—Eleanor go out at night?

A. Only with her mother.

Q. Or you?

A. She would go out with her sisters sometimes, sister and husband.

Q. Now, can't you tell this Court and jury for

whom she worked prior to going into the detective's office?

A. Who she worked for?

Q. Yes.

A. Before she went to the detective's office?

Q. Yes.

A. Just as I say, office like.

Q. You don't know whose office?

A. No.

Q. Nor how many offices she worked in?

A. She worked in different offices.

Q. You don't know how many different offices?

A. No. One or two.

Q. Do you know what she was earning?

A. About seven or eight dollars a week.

Q. Did you know what she was earning?

A. Only what they told me.

Q. She never told you?

A. No.

Q. Well, after she left the detective's office, where did she go to work?

A. Bell Telephone.

Q. How long did she remain there?

A. Well, she stayed there until she got this letter from Wildwood.

Q. Did you see this letter?

A. Yes, I seen it.

Q. You did see it?

A. Yes.

Q. Who had it?

A. My wife had it.

Q. Did you read it?

A. No.

Q. Did you not read the letter?

A. No.

Q. Was the letter ever read to you?

A. Yes.

Q. Who read it to you?
A. My wife; daughter.
Q. And when was that?
A. That was just about the time, about February.
Q. You are sure of that?
A. Yes.
Q. Can be no mistake about it?
A. No.
Q. Did your daughter Mary tell you that she had answered that letter—Eleanor—did your daughter Eleanor tell you that she had answered that letter?
A. She didn't tell me she had answered it.
Q. Did you know that she did?
A. Yes, I knew she did afterwards.
Q. Did she answer it?
A. Yes.
Q. Are you sure of that?
A. Yes, because I seen her answer it.
Q. You saw her answer it?
A. I saw her mail the letter.
Q. Did you see it addressed? Did you see the address on the envelop?
A. No, I didn't look at the letter that way. I seen her write a letter. She said she sent it down there.
Q. Did she read it to you?
A. No.
Q. Did she tell you what was in it?
A. No.
Q. You merely took her word that she had written a letter? Do you remember when that was?
A. That was after she had gotten this other letter from Wildwood.
Q. When was that?
A. February.
Q. What time in February?
A. 8th or 9th, around there, I think it was.
Q. 8th or 9th?

A. Somewhere in between there.

Q. What makes you think it was the 8th or 9th?

A. I don't remember the exact date.

Q. Do you know whether it was in February at all that she got this letter?

A. I am sure it was in February.

Q. What makes you sure about it?

A. I just can't remember the date she got the letter or what day she sent the letter.

Q. When did you first discuss the question of Eleanor getting a letter from Miss Bullock?

A. My wife and step-daughter told me about the letter, and showed it to me. I didn't read it; just told me about it.

Q. When did you discuss the question of the receipt of this letter after the visit?

A. After the visit?

Q. After she sent the letter?

A. Yes.

Q. Never talked about it since?

A. No.

Q. What makes you think it was in February that she got a letter?

A. Because I know it was that time.

Q. What makes you know it? What was there unusual about it?

A. I can remember the month of it.

Q. You can?

A. Yes.

Q. Do you remember when she worked for the Bell Telephone Company?

A. Yes.

Q. What month was it?

A. Latter part of January.

Q. Of the same year?

A. Yes.

Q. It was only a few days before?

A. Yes, a few days before.

Q. Was she in the employ of the Bell Telephone Company when she went to Wildwood?

A. Yes.

Q. She was?

A. Yes.

Q. And still she went down to make a prolonged visit?

A. Not a long visit, only for the day.

Q. She only went down to stay the day?

A. Sunday.

Q. That was the extent——

A. She missed the excursion train.

Q. She didn't go until night, did she?

A. After she got a 'phone call. After she missed the train, she had no intention of going down. Then she got a 'phone call.

Q. How do you know she did, who told you?

A. I seen her run in next door to the 'phone.

Q. You don't know what took place over the telephone. What time did she leave home on this day?

A. Four something.

Q. Well, she hadn't worked that day, had she?

A. No, this was Sunday.

Q. This was on Sunday. Did you see her pack her grip?

A. Yes.

Q. Did that look as though she merely meant to spend the day?

A. In the afternoon she was going to stay longer.

Q. What word, if any, did she leave to tell her employer that she wouldn't return?

A. She didn't leave any word. She just left her job and went on down there. She intended only to take Sunday and go back to her job Monday morning, but she got this 'phone call Monday afternoon to go over here.

Q. She just left and said nothing to her employer about it?

A. She got this telephone from Wildwood to come down on the afternoon train, told her to stay and make a long visit there. Then she came home and packed her clothes there.

Q. Do you know she was going to make a long visit?

A. I did then in the afternoon, but not Sunday morning.

Q. You say Mary went to Sunday school?

A. Eleanor.

Q. Eleanor went to Sunday school?

A. Yes.

Q. She went to church?

A. Yes.

Q. You say that you never reprimanded her?

A. No.

Q. For anything she did?

A. No.

Q. You left that entirely to her mother, didn't you?

A. Yes.

Q. You took no particular interest in Eleanor, did you?

A. I didn't have no occasion. She wasn't a bad girl.

Q. The rearing of the girl was left entirely in the hands of your wife, wasn't it?

A. Yes.

Q. She was the one that told her what to do, wasn't she?

A. I had to say a little bit.

Q. What did you say?

A. I said there was no occasion.

Q. You say you had a say. What did you say?

A. Well, I had a say of training her.

Q. Did you direct how she should be trained?
A. Yes.
Q. What did you say as to that? What did you say as to that?
A. What do you mean.
Q. How she should be trained and brought up?
A. She could go to the movies or something with us, that is all. Nothing to do to train her about it. She wasn't wild or nothing.
Q. What was the condition of her health?
A. Well, it was delicate. She wasn't strong. She growed up good looking.
Q. But she was delicate?
A. Yes.
Q. Couldn't do hard work?
A. Oh, no. That is all she could do, was light office work.
Q. Did she do any housework?
A. Not much. Washed dishes or something like that.
Q. Make the beds?
A. Something like that.
Q. Hadn't a liking for that kind of work, house work?
A. Heavy work, yes.
Q. And she wanted to do something like office work?
A. Yes.
Q. Better adapted to that?
A. Yes.
Q. Did she give you any trouble in the household for disobedience?
A. No.
Q. She minded well, did she?
A. Oh, yes.
Q. No fault to find with her?
A. Not with me.

Q. You said she had visited the Bullocks before this? When?

A. When she was about 12.

Q. About how many years prior to this?

A. The first I knowed she visited, I guess she was about 12 years old.

Q. That would be about five or six years before this visit?

A. Yes.

Q. Do you know how she came to visit on those occasions?

A. Her grandmother and this Mrs. Bullock was great friends.

Q. Her grandmother was living at the Bullocks, wasn't she, at that time?

A. Yes, she was a companion there.

Q. She was a companion to old Mrs. Bullock?

A. Yes.

Q. And your daughter went down to visit her grandmother, didn't she?

A. Yes.

Q. She didn't go to visit Bullocks at all on those occasions?

A. She went to visit her grandmother.

Q. And her grandmother was the companion of Mrs. Bullock?

A. Yes.

Q. She hadn't been the Bullock family—in the Bullock family from the time that her grandmother left, which was five or six years ago, until this time that she went in answer to a letter?

A. Well, she had been there several times before that—I mean after that—but her grandmother was there with her.

Q. I asked you since. She had not been there since, had she?

A. What do you mean?

Q. Since the grandmother left five or six years ago, ceased to be the companion of old Mrs. Bullock?

A. No, she hasn't been there since.

Q. Until this time last year?

A. No.

Q. So far as you know, there had been no communication between the Bullock family and your daughter?

A. No, sir.

Q. You said that there was a difference in her demeanor when she came home on this occasion and the former occasion?

A. Yes.

Q. What do you mean by that?

A. I mean she was backward and wouldn't talk or nothing, tell us about the trip.

Q. Did you refer to the trips she made to the Bullocks when you saw the difference?

A. No, I didn't bother.

Q. Or did you refer to the trips that she made to the Bullocks when you saw the difference in her actions?

A. Not right away, because I thought she came home sick.

Q. Did you understand my question?

A. No.

Q. Why didn't you say so? Don't try to answer something you don't know. I mean, when you said there was a difference in her action when she came home on this occasion?

A. Yes, I did.

Q. And other occasions, did you mean the other visits to the Bullock home? Is that what you mean?

A. Mean the other visits?

Q. Yes.

A. Yes.

Q. When she was eleven or twelve years of age?

A. Yes.

Q. She, in her childish glee, told what her visits were to her grandmother?

A. Yes.

Q. And what her grandmother said to her?

A. Yes.

Q. And was happy because she had had a visit?

A. Yes.

Q. She has made other visits besides the Bullocks?

A. No.

Q. That is the only place she has been?

A. Yes.

Q. That is the only family she has been that she stayed with over night?

A. Yes.

Q. Since she visited her grandmother five or six years ago?

A. Yes.

Q. Wouldn't you naturally expect there would be a difference upon the return of a girl 17 years old and a child who had been on a pretty long jaunt to her grandmother, would you expect that anyhow?

A. Expect this thing to happen?

Q. Would you expect her to be more reticent and not talk so much as she had when she was a little girl?

A. Not exactly.

Q. She never came home and told you all about it except when she was a little tot 11 or 12 years of age?

A. Yes.

Q. And then you don't think that the age would make any difference as to her glee and her happiness as to what occurred?

A. No, because that ain't been that long since she has been; over five years, I said, she has visited before.

Q. The last visit I am talking about.

A. You are talking about the last visit of five years?

Q. What?

A. You mean when this happened about five years ago?

Q. Has she been there during the five years?

A. She has been there on different other occasions, yes.

Q. Before that?

A. Not between them.

Q. Between the five years?

A. Yes, she has, when her grandmother was there.

Q. Her grandmother has been companion to Mrs. Bullock for five years?

A. The grandmother visited there.

Q. Visited there?

A. Yes.

Q. And then would the child go down to see her grandmother when she was at Bullock's?

A. She would go with her.

Q. When the grandmother would visit there?

A. Yes.

Q. Then she went with her grandmother from home?

A. Her grandmother was living at Ocean City the last two years.

Q. And she would take her over there with her?

A. Yes.

Q. How would you know?

A. She always used to tell me about it.

Q. She was living with her grandmother in Ocean City, wasn't she?

A. Yes.

Q. When she came home from her grandmother's you don't know how she acted?

A. No.

Q. When she came up to Philadelphia, then you know how she acted?

A. This wasn't from there that this thing happened, at Ocean City. She had left Philadelphia to go to Wildwood that time. I am talking about the other visits she had.

Q. That is the way you make your comparison as to the way she felt?

A. Yes. This time she was altogether different.

Q. How long had she been home when you got information that something had happened at the Bullock family?

A. About three or four weeks.

Q. Did she go to work after she came back from the Bullock family?

A. She stayed at home. She wasn't able to work.

Q. During that three or four weeks?

A. No, she was sick yet.

Q. Did they have the doctor to call on her?

A. They had the family doctor.

Q. How many visits did he make, if you know?

A. Well, I can't say that.

Q. Who paid for those visits?

A. I did.

Q. How much did you pay?

A. Why, I ain't paid for it yet.

Q. Have you had a bill for it?

A. Not yet.

Q. Did he come more than once?

A. Oh, yes.

Q. Did he come to the house?

A. My wife visited him too, took the daughter there.

Q. You haven't received a bill yet?

A. No.

Q. And this is over a year ago, about a year ago. Haven't received a bill?

A. No.
Q. What was the doctor's name?
A. I can't think of his name.
Q. Where did he have his office?
A. On Locust St., 15th and Locust, 15 something Locust.
Q. Was he your family doctor?
A. Yes.
Q. How long had he been your family doctor?
A. Last two or three years.
Q. And you don't know his name?
A. Well, I am never sick. I never visited him.
Q. You paid the bills?
A. Yes.
Q. Did you ever see him?
A. Yes.
Q. Is he here today?
A. Yes.
Q. Still you don't know his name, eh?
A. No.
Q. Do you mean that?
A. Yes.
Q. Did you have more than one doctor to attend her?
A. Yes, they had a physician.
Q. What was his name? You had a doctor and a physician?
A. A physician, I think was Fisco.
Q. How often did he come?
A. She went to the office that time.
Q. Did you go with her?
A. No, my wife went with her. I was working.
Q. Did you ever pay for that?
A. No.
Q. Do you know how many times she went there?
A. No, I don't.
Q. Was that before you had been informed of

something that had happened at the Bullock family or after?

A. This was before.

Q. Never told you what happened before?

A. No.

Q. Now, who told you not to make any fuss about this?

A. My wife did.

Q. She did tell you that?

A. Yes. She told me she had an attorney, there was no use of bothering.

Q. She had an attorney?

A. Yes. She said I would get the worst of it.

Q. Did she tell you what she had the attorney for?

A. Yes, for this case.

Q. For what purpose?

A. For Eleanor.

Q. To get what?

A. What do you mean, to get?

Q. To get money?

A. No.

Q. She didn't tell you that?

A. No.

Q. She didn't tell you she had a lawyer to sue the Bullocks to collect money from them?

A. No, sir, we wanted to have them arrested.

Q. I am asking you if she didn't tell you that?

A. No.

Q. She told you she had an attorney?

A. Yes.

Q. Did she tell you who it was?

A. Yes.

Q. Who?

A. Rakin.

Q. Who is Rakin?

A. Lawyer Rakin.

Q. Is he in Court?
A. Yes.
Q. Where does he have an office?
A. Land Title Building.
Q. Philadelphia?
A. Philadelphia.
Q. But she said you shouldn't get excited about it?
A. Yes.
Q. And you shouldn't attempt to make any scene about it?
A. Yes.
Q. And you should stay in Philadelphia?
A. Yes.
Q. That she had a lawyer?
A. Yes.
Q. And the lawyer told her he would take care of her?
A. Yes.
Q. That is what she told you, that?
A. Yes.
Q. When she told you that, you got over your excitement very quickly, didn't you?
A. Yes.

Mr. Stout: That is all.

Mr. Wescott: That is all.

The Court: Gentlemen, I want to caution you. After the care with which you have been selected, this matter is not to be discussed during the noon recess. We will now take a recess until 1.30.

(At this point, a recess was taken until 1.30 P. M.)

MRS. CATHERINE CARLIN, sworn.

By the Prosecutor:

Q. Where do you live, Mrs. Carlin?
A. 6215 Market Street.
Q. You don't live with your mother at this time?
A. Not now, no.
Q. Did you in February last?
A. I did.
Q. Where did you live then?
A. 7050 South 51st Street.
Q. Who constituted your houshold?
A. My father, mother, sister, brother, my husband, myself and two children.
Q. Had you since your marriage continuously lived at your mother's house?
A. No, not continuously.
Q. How long had you been living at your mother's house prior to February last?
A. About three years.
Q. Then you had lived continuously with your parents for three years preceding February last?
A. Yes.
Q. Had your sister Eleanor continuously resided there?
A. With my mother, yes.
Q. With your mother?
A. Yes.
Q. Did the family know of an anticipated visit of Eleanor to a place in Cape May County?
A. You mean to Mr. Bullock's residence?
Q. To Mr. Bullock's residence.
A. Well, she had received a letter from, I believe, Mr. Bullock's daughter, to come to make a visit there.

Q. And were arrangements made for her to go?

A. Yes, I believe she answered the letter to go.

Q. That was your information?

A. Yes, she answered—that is what I know. I didn't see it, but I——

Q. What was to be the extent of her visit?

Mr. Stout: I object to the extent of her visit. Where did she get this information from? I suppose the fact that she had information that she anticipated a visit to the Bullock's is sufficient, but as to being informed by the complainant in this case as to how long she was to go, wouldn't be competent. The mere fact that she went is sufficient corroboration—

The Court: It would be hearsay unless she knew of her own knowledge.

Q. Were arrangements made for her to make an extended visit to the Bullocks?

A. The way I understood it was she was to go down for the day. She missed the train, and when she didn't go down on the train she received a 'phone message next door.

Q. How do you know that she received a 'phone message next door?

A. I was there when she received it.

Q. You were there when she was called to the 'phone?

A. I certainly was.

Q. Did you go to the telephone with her?

A. I did not.

Q. Did she go to a telephone?

A. She did.

Q. After going to the telephone, did she come back to your house?

A. Yes.

Q. What did she then do?

A. She said that it was Mr. Bullock——

Q. That is not responsive. If you will just answer my question we will probably eliminate the objection of counsel on the other side.

The Court: Not what did she say, but what did she do?

Q. After she had returned to your residence from a telephone call, or from what you understood to be a telephone call, what did she then do?

A. She came in the house.

Q. And what did she next do?

A. She told us about it.

Q. She told you about the telephone call?

A. Yes, and who it was.

Q. Then did she later take a train and go somewhere?

A. She did.

Q. How do you know that?

A. Why, I saw her. I helped her pack the clothes.

Q. What did she do in reference to packing the clothes?

A. Well, she put in a few things to stay awhile, a few pair of shoes, a few night clothes, a few dresses and things. I just can't describe the things now.

Q. What was her spirits at that time?

A. Why, all right, only that she had been home with a nervous breakdown, you know, from her work, and that is why she had gone. Mother thought it would do her a lot of good if she went down there.

Q. In what container, or how did she take her clothes with her?

A. In a suitcase.

Q. In a suitcase. Who went to the train with her?

A. Why, she and a young boy that was living at our house, carried her grip for her.

Q. Where had she been working prior to this?

A. Bell Telephone Company.

Q. Was she employed at the Bell Telephone Company at that time?

A. Yes, she was employed there.

Q. When had been the last time that she had been to the Bell Telephone Company in the course of her employment?

A. Oh, I don't remember that exactly.

Q. Well, when was it, or what day of the week, if you know, that she left Philadelphia presumably to go to Bullock's?

A. On a Sunday.

Q. When, now, preceding Sunday, had she been to work at the Bell Telephone office?

A. Well, I just don't know whether it was a week or two days, or how long it was.

Q. Then she had not been there on a Saturday?

A. The day before?

Q. Yes.

A. No.

Q. Why had she not been there on Saturday?

A. To work?

Q. Why had she not been to work on Saturday?

A. Because she had been home sick.

Q. What was the cause of her sickness?

A. The nervous strain of the telephone.

Q. Then she was already off from work?

A. Oh, yes.

Q. And there was no occasion for her giving a notice that she would not be in on Monday?

A. No.

Q. What kind of a girl was Eleanor?

A. Well, she was a home girl.

Q. What had been her home training?

A. Well, she had a good home training.

Q. Well, suppose you tell us just what her daily habits were, or the way she had been brought up, or what she did?

A. Well, I don't know how to explain that.

Q. Well, did she go to school?

A. Why, certainly.

Q. How far did she get in school, if you know?

A. Sixth or seventh grade, I don't just know which.

Q. And then she quit school?

A. She did.

Q. To go to work?

A. Well, she didn't go to work exactly after she quit.

Q. She didn't go to work. What was her religious training, if any?

A. She was very good. She went to church every Sunday. She is a Catholic. She made her first Holy Communion, and Confirmation.

Q. Attended church regularly?

A. Regularly.

Q. Go to Sunday school?

A. Well, the Catholic Church doesn't have Sunday school like the Protestant churches.

Q. But she was a regular attendant at church?

A. Yes.

Q. Was she a good girl morally?

A. Positively.

Q. Did she ever attend the parochial school?

A. The Catholic school? Yes, she did.

Q. How did she attend the parochial school?

A. She went there when she was going under instructions for Communion.

Q. Then she was educated in the public schools?

A. Yes, sir.

Q. Was she a girl who went out nights?

A. No, she did not.

Q. Well, what was her habits? Can't you tell us?

A. No, I didn't keep track of her habits. I had enough of my own to do.

Q. Well, if she had been a bad girl you would have known it?

Mr. Stout: I object to that.

The Court: Objection sustained:

Q. Did you associate with your sister?

A. At home. I never went out with her.

Q. Well, when she would go out nights, who would go with her?

A. Why, my mother would go.

Q. Did you ever go with her?

A. Well, maybe to a movie, that is all, around the corner.

Q. What would be her conduct when she would go to the movie?

A. Why, she would sit and look at the picture like anyone else.

Q. What would be her conduct on the street, would she be fresh?

Mr. Stout: I object to the explanation.

Q. Can't you tell us?

A. No. She never said anything after she came out, or anything about it. She just sat there.

Q. What was her associations from the masculine standpoint?

A. I don't know. I never saw her with anybody. She never did bother much with young men.

Q. Then she didn't go out nights with young men?

A. No.

Q. Very much of a home body?

A. Very much.

Q. What was her general demeanor around the house, high spirited? Jolly?

A. Yes, she was jolly. She was always jolly and lively around the house.

Q. Was she a girl that ever went away from home any?

A. No. She had been away before two visits.

Q. Well, during the past four or five years preceding her visit to Cape May in February, had she made any visits anywhere else away from home?

A. Yes.

Q. Where?

A. She had been twice to see Mr. Bullock in Wildwood, two summers in succession.

Q. Was that within five years preceding this?

A. Yes.

Q. Can you tell us when those visits were made?

A. They were both in the summer time. My grandmother was residing there at the time. I guess one was about five years and the other four.

Q. Well, then, for a matter of four years in between the time that she went to the Bullock's the last time preceding the February visit, had she made any other visits away from home?

A. Yes.

Q. Where?

A. She was with my husband and I to visit my grandmother to Ocean City.

Q. On how many occasions?

A. Just for one week.

Q. And when was that?

A. That was in July or August.

Q. Of what year?

A. This past year, 1923.

Q. That has been since the Bullock——

A. Yes.

Q. Now, in between the time she was at Bullock's four years previous to the time she was at Bullock's last February, had she been away from home?

A. No. That is, not to my knowledge.

Q. What seemed to be her state of mind preceding her visit to the Bullocks in February of 1923?

A. She was the way she always was.

Q. Well, what does that mean, jolly or sullen?

A. It was all right. There was nothing the matter with her.

Q. Well, when you say there was nothing the matter with her, what do you mean?

A. Well, we had no reason to fight with her. She was sociable, and natural; her normal self.

Q. And what is her normal self, sociable?

A. Yes.

Q. What else?

A. I don't know how to answer that question. I am not a physician, I can't tell people's——

Q. All right. Now, you believe that she made a visit, do you not, to the Bullocks?

A. I don't believe it, I know it.

Q. How do you know it?

A. Because I know it.

Q. Well, when she—when did she return from the Bullock's?

A. She returned three days after she left.

Q. And when was that; what day of the week?

A. On a Wednesday.

Q. It was on a Wednesday. Were you home?

A. I was not.

Q. How long after Eleanor had arrived home, if you know, was it when you came home?

A. Why, she was in bed. I didn't see her until the next day.

Q. You didn't go up to see her that day?

A. No.
Q. When did you see her?
A. I saw her the next evening to talk to her. I saw her around the house all day the next day.
Q. She came home on Wednesday evening?
A. She came home on a Wednesday evening.
Q. And you came home later on Wednesday evening?
A. I came home and she was in bed.
Q. You didn't go to see her?
A. No.
Q. When did she next get out of bed?
A. The next morning; Thursday morning.
Q. Did you see her Thursday morning?
A. I did.
Q. Did you have a talk with her?
A. Well, just asked her how she enjoyed herself.
Q. What did she say?
A. She said, "All right."

Mr. Stout: I object. I don't care what she said. It is not competent testimony as to what she told this witness.

The Court: No.

Q. What was her conduct?
A. Well, I can't really explain how she acted. She acted as though she wanted to avoid everybody. She was nervous and she—we knew something was the matter, but we couldn't tell what it was. She was different from herself altogether, but I can't explain her condition, just that she was nervous.
Q. You say she was different from herself altogether?
A. Yes.
Q. You mean her deportment that she was differ-

ent from what you had seen her the preceding Sunday?

A. Why, positively. She looked different.

Q. Now, just describe to the jury the difference in her appearance as you saw it between Sunday and Thursday when you next saw her.

A. Well, when she went away, she took great pains in fixing herself up. She was stout, she looked well, she was fine when she went away, in high spirits, and when she came back she was a nervous wreck. She was shaky; she wouldn't talk to anybody; she would avoid everyone; she was white; she just looked as though somebody had attempted kill her.

Q. Now, was there any difference in her nervous disposition?

A. Quite a difference.

Q. You said she had been suffering from a nervous breakdown?

A. That didn't show on her, only that she was nervous, that is all. She couldn't work. The work was getting too hard for her and we had to let her have a rest.

Q. And a condition did show on her when she returned?

A. She was white and drawn looking like.

Q. Yes. Was she talkative at all?

A. No, sir, she was not.

Q. Did you attempt to engage her in conversation at all?

A. No, not at that time.

Q. Did you attempt to find out what was the matter with her?

A. Not right then when I first saw her.

Q. When did you attempt to find out what was the matter with her?

A. She went upstairs later in the afternoon after she had some lunch.

Q. What time would you suppose it was when she went upstairs?

A. Oh, I guess it was between two—after two o'clock, and before dinner time. We had time.

Q. Now, then you later went upstairs?

A. Yes, I did.

Q. Approximately what time was it when you went upstairs?

A. I couldn't tell you the exact time.

Q. Was it before dinner?

A. Yes, it was before dinner.

Q. When you went upstairs before dinner what did you find?

A. I found her laying on the bed crying.

Q. And did you then engage her in conversation?

A. I certainly did.

Q. And as a result of that conversation what did you do?

A. I went down and told my mother what she told me.

Q. And to your knowledge did your mother later have a conversation with her?

A. Yes, she went right upstairs after that.

Q. Did you go up with her?

A. No. I finished getting dinner. Mother was getting dinner, and when she went upstairs, I finished getting dinner.

Q. When you say she went upstairs at two o'clock, did she go to bed?

A. Well, I don't know whether she did or not.

Q. Where was she when you went up?

A. On the bed; laying across the bed.

Q. Had she taken off her outer clothing?

A. No, sir, she had not. She had them on.

Mr. Wescott: And she was crying?

Mr. Stout: She didn't say that.

The Court: Yes, she did: "She was crying." That is in the testimony.

Q. What was her movements of her body, if any, as you observed them on Sunday, as you observed them before she went to Bullock's?

A. Quick.

Q. Active?

A. Active.

Q. And what was the condition, if you observed them, after she returned?

A. Just the opposite.

Q. On Thursday?

A. Just the opposite.

Q. Well, describe them, if you will, to the jury?

A. Why, draggy.

Q. Was that dragginess confined to any portion of her body?

A. Oh, I didn't notice that.

Q. Well, when you say she was draggy, would you mean that she slowed to work with her hands or her feet?

A. No. She just dragged along the house, her hands or her feet, just her whole body.

Q. When she was walking she wasn't sure or active?

A. She wasn't active.

Q. Had that excited your curiosity at all?

Mr. Stout: I object to that. She can describe the condition that she saw, which wouldn't make any difference whether it excited her curiosity or not.

The Court: I think that is immaterial, Mr. Erickson.

Mr. Erickson: I think it has a material bearing on her case. That may be the basis for a subsequent conversation.

The Court: I will sustain the objection.

Q. How long did she appear to walk or act that way?

A. Well, all day until she went upstairs, every time we saw her.

Q. Now, when after your mother had had a talk with her, what did they do, if you know?

A. What did they do?

Q. Yes.

A. The doctor came after that.

Q. What doctor was that?

A. Doctor Bender.

Q Doctor Bender?

A Yes, sir.

Q. Did he come to the house?

A. He did.

Q. What day did Doctor Bender come to the house?

A. On Thursday evening, Thursday night after office hours.

Q. Were you present when an examination was made, if there was one?

A. No.

Q. Did Doctor Bender made an examination?

A. I don't believe he did. I can't tell you whether he did or not.

Q. Did your mother afterward take her to another doctor, do you know?

A. Well, our family physician.

Q. Who was that?

A. Doctor Rubinsohn.

Q. Is Doctor Rubinsohn here?

A. Yes, he is here.

Q. Did you go with them?

A. No, I did not.

Q. When was she taken to Doctor Rubinsohn's, if you know?

A. I believe it was on a Sunday.

Q. Sunday following the Thursday?

A. Yes. They tried to get Doctor Rubinsohn on the 'phone Thursday night, and we couldn't get him, so my husband recommended my doctor, Doctor Bender. He is our doctor. Then he came down and prescribed for her nerves, and that was all, and he made an appointment for my mother and my sister to go up to his office, and after that I don't know.

Q. How long was it, if you can say, before your sister appeared normal again, after this?

A. I don't know. I moved away after that. I have been away.

Q. How long after this—after her return was it that you moved away?

A. Oh, I don't know that. I can't remember. I think it was April. Two months.

Q. Then you stayed there from February until April?

A. Yes.

Q. Had your sister gone back to work when you left in April?

A. No.

Q. In your conversation with your sister, did she complain of pain and suffering?

A. Yes.

Q. Where?

A. In the lower part of her body.

Mr. Erickson: Cross-examine.

Cross-examination.

By Mr. Stout:

Q. She does yet, doesn't she?
A. Well, I don't know. I did not ask her.
Q. Is she working now?
A. No.
Q. She has not worked since this?
A. I don't know. I have not been home since April.
Q. Where do you live?
A. Where do I live? 6215 Market.
Q. You live in the same city, don't you?
A. Yes.
Q. Visit home occasionally?
A. Yes.
Q. Sundays or week days?
A. Different times, different days.
Q. Well, when you visited, would your sister be home?
A. Yes.
Q. Well, didn't you ascertain—weren't you informed as to whether she was working or not?
A. No.
Q. Wasn't interested?
A. No.
Q. Did she tell you how she felt?
A. No, I never asked her that.
Q. Not since this time?
A. No.
Q. Not since the examination?
A. No.
Q. Very much wrought up over this at the time, weren't you?
A. What?

Q. Very much wrought up over this at the time, weren't you?

A. I was?

Q. Yes.

A. Well, I suppose we all were.

Q. I am speaking to you. You were excited about it, weren't you?

A. Yes, when she told me, I was.

Q. And you remember her condition when she went away and you remember her condition when she came back?

A. Yes.

Q. And you found the condition in the bed—on the bed?

A. Positively.

Q. And you immediately reported it to your mother?

A. Positively.

Q. And you were excited about it?

A. Yes.

Q. When did you lose that excitement

A. Well, I don't know when. I couldn't tell you exactly when I lost it.

Q. About when?

A. I don't know about when.

Q. Well, did you lose it before the two months were up?

A. I don't know whether I did or not.

Q. You don't know?

A. No.

Q. You never inquired about your sister's welfare after that, did you?

A. No.

Q. You didn't inquire as to whether she was working or not, did you?

A. No.

Q. But you did know before you went away that

somebody had instituted suit for your sister against somebody to collect money?

Mr. Erickson: I object. That has nothing to do with this case.

Mr. Stout: I think it has a very great deal to do with this case. I think that this woman testifies as to the condition. If there was anything that allayed her feelings in reference to this, I have a right to ascertain what it was, and if she had knowledge before she left home and she doesn't seem to be solicitous as to the condition of her sister, I have a right to know if that was the cause of that easy feeling about her.

Mr. Erickson: Whether or not there has been a civil suit or any other kind of a suit has nothing to do with whether there has been a crime committed in Cape May County.

The Court: I sustain the objection.

Mr. Stout: I pray an exception.

The Court: You may have an exception, Mr. Stout.

(Exception noted for the defendant.)

Q. Now, how many children has your mother?
A. Four.
Q. And who is the oldest?
A. What?
Q. And who is the oldest?
A. My sister.
Q. What is her name?

A. Anna.
Q. Do you know how old she is?
A. 24—she is 25.
Q. And who is next?
A. I am the next.
Q. And what is your age, please?
A. What?
Q. What is your age?
A. 23.
Q. And who is next?
A. My brother.
Q. And what is his name?
A. 20.

The Court: His name?

The Witness: Oh—William.

Q. And who is next, Eleanor?
A. Eleanor.
Q. Do you know how old Eleanor is?
A. Eleanor will be 19 in August.
Q. 19, this coming August?
A. She was 19 last August, or will be; I can't—— Will be 20 this coming August.
Q. 20 this coming August?
A. I guess that is what it is.
Q. You didn't keep very much track of your sister or your sister's government, did you?
A. No, I did not.
Q. She went at will, didn't she?
A. Went where at will?
Q. Anywhere?
A. No, my mother kept track of her.
Q. How do you know?
A. She kept track of me. She did the same with my sister.

Q. You are saying she kept track of your sister because she kept track of you?

A. I know, because I was in the house and saw the care she kept of my sister.

Q. Did she ever go out alone?

A. She might have went out alone.

Q. Did she have any girl companions?

A. I never saw any.

Q. Did any girls call at the house?

A. No.

Q. Did she call on any girls?

A. No.

Q. Were there any young men called at the house?

A. No.

Q. Did you see her in company with any young men?

A. No, I did not.

Q. Then she lived practically her life with the members of the family?

A. Yes.

Q. She had no associates?

A. None that I know of.

Q. No intimates?

A. Not that I know of.

Q. She played with boys and girls when she went to school, didn't she?

A. Maybe she did, I don't know.

Q. You don't know that?

A. No, I don't know anything.

Q. Well she quit school when she was how old?

A. 14.

Q. How long did she remain home?

A. That I can't tell you.

Q. Did you know why she ceased school at 14?

Mr. Erickson: I can't see that that has any relevancy in this case. I object to the question.

The Court: I will overrule the objection. That is not the question of her age of quitting school and has been brought out in the examination-in-chief by the Prosecutor.

Mr. Erickson: Not from this witness, and it is improper cross-examination.

The Court: I will permit the question.

Q. I understood you to state to the Prosecutor a while ago that when she quit school she didn't do anything for a while?

A. Yes.

Q. You answered that question?

A. Yes.

Q. I am asking you the reason why?

A. I don't know the reason why.

Q. Do you know her age when she quit school?

A. Fourteen.

Q. Who did she first go to work for?

A. Why, Schiff.

Q. And what was that?

A. I don't know when it was.

Q. What were her duties?

A. Why, stock girl.

Q. Well, she continued to work at various places, didn't she?

A. No, she didn't work various places.

Q. Did she retain——

A. She had three positions to my knowledge.

Q. From the time she was how old?

A. Fourteen.

Q. To when?

A. Until now.

Q. But she didn't go to work when she was fourteen?

A. No.
Q. She went to work when she was fifteen?
A. I don't know.
Q. You said she was home about a year?
A. She may have.
Q. And she had a nervous breakdown, didn't she?
A. Not a nervous breakdown, no.
Q. She got so she couldn't work?
A. Her nerves were bad, yes.
Q. Was she taken to a doctor about that?
A. I don't know. I believe my mother did take her to the doctor.
Q. Didn't the doctor advise that she should have a rest?
A. Yes.
Q. You understood that to be so, didn't you?
A. She had to have a rest, yes.
Q. And that was just prior to the time that she went to Wildwood to visit Bullocks?
A. Yes.
Q. How soon after she had been to the doctor's and the doctor had advised a rest because of her nervous condition?
A. Well——
Q. Wait a minute. Was it that she got this letter from Mary Bullock inviting her there?
A. What?
Q. How long was it after the doctor advised the rest?
A. I couldn't tell you.
Q. It was while she was resting that she got that letter?
A. Yes.
Q. The letter was received—did you read it?
A. No.
Q. Was it read to you?
A. No.

Q. Did you know that she answered it?

A. Yes.

Q. The letter from Mary came first, did it?

A. Yes.

Q. And it happened to come just at the time that the doctor had advised a rest for your sister?

A. I don't know whether it came just at the time, but she was taking the rest when the letter came.

Q. It was after she had been to see the doctor?

A. Yes.

Q. And she was in such a condition that the doctor didn't think it was advisable for her to continue her work?

A. I think she was going to go back to work on Monday.

Q. And what doctor was that?

A. Dr. Rubinsohn.

Q. Rubinsohn?

A. Yes.

Q. And he is here today?

A. He is here today.

Q. Well, Mary expected to go to the Bullocks on the morning train, didn't she?

A. Yes, excursion train.

The Court: Eleanor.

Q. Eleanor, I mean. But she missed that train?

A. She missed that train.

Q. She afterwards went down in response to a telephone?

A. Yes, she did.

Q. She went down prepared to stay for some time?

A. After being asked to do so, yes.

Q. Do you know whether or not the letter that invited her down fixed a time that she should come?

A. Why, I don't know.

Q. You never knew Eleanor to visit the Bullocks before this time in the absence of her grandmother, did you?

A. No, she never did.

Q. Whenever she went to the Bullocks on prior occasions, she either went with or went to see her grandmother who was in the employ of the Bullocks?

A. Well, yes.

Q. And she hadn't been to the Bullocks prior to this time for four or five years?

A. About four years.

Q. Was there a little amazement upon the receipt of this letter from Mary Bullock asking your sister to come down and visit her? Were you surprised?

A. No.

Q. Weren't surprised?

A. Well, we thought it was kind of funny to write a letter, because she had never met my sister before, but her father, I guess, told her about it.

Q. Your sister had never met Mary Bullock?

A. Never.

Q. And Eleanor had told you she never met Mary Bullock?

A. She didn't have to tell me. I knew it.

Q. Didn't you think in your house that it was rather peculiar for your sister Eleanor to get a letter from a girl that she never saw or never knew inviting her to come down and visit her?

A. No, that never entered my mind.

Q. Does it now?

A. Well, it does seem strange now.

Q. It does seem rather peculiar?

A. Of course, my grandmother——

Q. And didn't it seem rather peculiar that she should just get that letter at the time the doctor had said your sister should not work?

A. No.

Q. That didn't enter your mind?

A. No.

Q. Does it now?

A. No.

Q. It isn't strange, is it?

A. No, that isn't strange.

Q. Did Doctor Rubinsohn, after advising quiet and rest for your sister, did he visit your house prior to her going down to Wildwood?

A. Why, I don't know whether he visited her for that or not, but he has been to our house.

Q. There was nothing else the matter with her except that, was there?

A. He is the family physician, if you understand that.

Q. And her physical condition was such that your mother took her to see the doctor, and the doctor advised rest, is that correct?

A. I guess it is.

Q. Well, don't you know?

A. Yes, I know. Yes. I told you before.

Q. Well, then, don't guess.

Mr. Wescott: Don't you get mad. Let him get mad.

Q. Now, I asked you, after the doctor had advised rest for your sister, whether or not the doctor came to your house to treat your sister?

A. Not while I was there, no.

Q. Not while you were there. Could you tell the Court and jury approximately the time that this Doctor Rubinsohn advised rest for your sister?

A. No, I can't tell the Court or jury that.

Q. You said to the Prosecutor that when your sister left on this Sunday that she was perfectly well and all right when she left. Did you mean that?

A. I did.

Q. And that she had been sick and not working?

A. She had been previous to that day. She was going to work on that Monday. She was going down for that day on that excursion train.

Q. She had recovered?

A. There wasn't anything radically wrong with her. She was just upset and nervous. She wasn't dying.

Q. She is still alive, isn't she?

A. Yes, very much.

Q. Well, you said a while ago, in answer to the Prosecutor's question, that your mother thought it would be a good idea for your sister Eleanor to visit the Bullock's because of her nervous breakdown?

A. She said it would be very nice to go down there for the day.

Q. Did you think that one day on an excursion, a crowded excursion train, would be of benefit to your sister?

A. After she got down there.

Q. And to come back in the evening, one day's excursion to Wildwood would be of benefit?

A. I didn't do any thinking at all.

Q. That is what it was to be?

A. I said my mother said it would do her good.

Q. What did you mean a while ago when you stated that your sister was having, at the time she went to Wildwood, a nervous breakdown?

A. Was having one?

Q. That is the language you used, "My sister was having a nervous breakdown."

A. I said my sister had a nervous spell.

Q. You used "spell" instead of breakdown?

A. Yes, that is a different thing entirely.

Q. It is?

A. It is.

Q. Well, what is the difference?

A. Why, with a nervous breakdown, you go to bed.

Q. And when you have a nervous spell, what do you do?

A. You don't necessarily have to go to bed.

Mr. Wescott: People have got nervous spells now, haven't they?

The Witness: They will have one in a minute.

Q. Now, you noticed a great difference when your sister came back, didn't you?

A. Yes, I did.

Q. Now, just describe the condition. She had a nervous spell before she went. What did she have when she came back?

A. That is hard to tell.

Q. What did you notice?

A. All kinds of things.

Q. When did you first see her?

A. The next morning after she came back

Q. She was in bed when you returned that night?

A. She was in bed.

Q. What time in the morning did you see her?

A. About half-past eight or nine o'clock.

Q. Did you talk with her?

A. I asked her how she enjoyed herself.

Q. What did she say?

A. "All right."

Q. Fine. Had a good time?

Mr. Wescott: She didn't say that. You said that.

The Court: That is the testimony of counsel, not of the witness.

Mr. Stout: I ask that what I said be stricken out.

Mr. Wescott: We concur.

The Court: I am glad to have counsel agree.

Q. Did you notice anything while she was lying in bed of an unusual character about her?
A. She was crying when I saw her in bed.
Q. Eight o'clock in the morning?
A. You said she was in bed.
Q. When she said she had enjoyed herself, did you notice anything unusual about her?
A. What?
Q. When you saw her in bed she said she had enjoyed herself?

The Court: That is not the testimony, Mr. Stout. The testimony was she saw her the next morning at eight o'clock.

Q. Didn't I understand you to say you saw her the next evening in her bed?
A. The next morning, I saw her downstairs. We were eating breakfast when she came back.
Q. What did she say to you about her trip, in the morning?
A. That is all she said, "All right." She didn't seem to want to answer at all.
Q. She did answer?
A. She answered, "All right."
Q. Nothing unusual happened during the day, did there?
A. What do you mean?

Q. You didn't notice anything unusual about her during the day?

A. She was unusual then. She didn't want to answer anybody. She just drank a cup of coffee and went upstairs again.

Q. Will you tell me a question she didn't answer?

A. She didn't want to.

Q. Was she asked a question she didn't answer?

A. She answered my question.

Q. Did anybody ask her a question she didn't answer?

A. She told me.

Q. If she was asked any question, what do you mean?

A. When I asked her a question, she answered.

Q. Did anybody else ask her a question that she didn't answer?

A. You are asking me what I know about it, aren't you?

Q. Yes.

A. Well, I am telling you about it.

Q. What do you mean, she said——

A. I wasn't listening what they were saying or when they were answering them.

Q. Why did you say she didn't want to answer a question?

A. Because she just says, "All right," like that, and got up and went upstairs. She had just finished a cup of coffee.

Q. What time did you find her lying across the bed in the afternoon?

A. It was myself, not we. I went upstairs and found her laying across the foot of the bed with her clothes on crying. I guess it was after three.

Q. What time did the doctor come?

A. He came after eight o'clock that night.

Q. And what did you say his name was?

A. Doctor Bender.
Q. Who went for the doctor?
A. We called him on the telephone.
Q. When he came, who talked with him?
A. My mother.
Q. Did you hear what your mother said?
A. No, I did not.
Q. You told your mother what Eleanor had told you, hadn't you?
A. Yes.
Q. And after Eleanor had told you, you suspected what the trouble was, didn't you?
A. Why, certainly. She told me what the trouble was. I didn't have to suspect.
Q. And you called the doctor for that purpose, didn't you?
A. I didn't call the doctor. Mother called the doctor.
Q. Because of Mary's condition?
A. Because of Eleanor's condition.
Q. And did I understand you to say that the doctor made no examination?
A. Not to my knowledge; I wasn't there.
Q. And he gave her some medicine because of her nerves?
A. Gave her a prescription.
Q. And afterward, Doctor Rubinsohn was called, or she was taken to Rubinsohn's office?
A. Yes.
Q. And he was your family physician?
A. He was my mother's family physician.
Q. I see. You didn't read any of those letters, did you?
A. No, I did not.
Q. Were you home on Friday—your sister Mary came on Wednesday?

A. I wasn't home, no.
Q. Were you away all day?
A. No, I wasn't away all day.
Q. Were you home about six o'clock?
A. No.
Q. Were you home at two o'clock in the afternoon?
A. Yes.
Q. Were you?
A. Yes.
Q. What time did you leave home that day?
A. I don't know what time. I went out with my husband some time that day.
Q. Do you know whether or not your sister Eleanor called the Bullock family up on the telephone?
A. No, she did not.
Q. You don't know?
A. That is, I don't know.

Mr. Stout: That is all.

DR. SAMUEL LEWIS RUBINSOHN, sworn.

By Mr. Erickson:

Q. Doctor, you are a practicing physician where?
A. Philadelphia.
Q. Of what college are you a graduate?
A. University.
Q. University of what?
A. Pittsburg.
Q. How long have you been practicing at your profession?
A. 15 years.
Q. How long have you been practicing in Philadelphia?

A. 15—about 15 years.

Q. Where are you now located?

A. 1530 Locust.

Q. Where were you located on February last?

A. 1530 Locust.

Q. Have you been connected with any institution or followed any particular line of medicine?

A. I am connected with pretty near every institution in Philadelphia, worth while. Pennsylvania, Jefferson, Jewish Hospital, Mount Sinai, Saint Agnes.

Q. Have you specialized on any particular branch?

A. I have done quite a lot of work, but I have been doing in the last ten years diseases of men and women. That is, proctology.

Q. Do you know Eleanor Mishler?

A. Examined her.

Q. Have you ever treated Eleanor?

A. No, never.

Q. Never?

A. Never.

Q. Then you have made an examination of Eleanor Mishler?

A. Yes.

Q. When?

A. Sometime in February, between the 20th and the 24th. I don't know exactly now the date, but I can look it up, I suppose.

Q. Refresh your memory.

A. I don't know that I can even tell you the date, but I think you have a letter there from me in reference to it and the date.

Q. I have a paper here which was just handed to me. I don't know what it is. Will you look at it and see if you can tell?

A. I can tell better by the day of the week than

I can by the date. The date doesn't mean anything to me, because I knew distinctly when it was.

Q. When was it?

A. On a Sunday evening. I had been away from town and I came back. I had to examine her at my home. I had no office hours at my office down town and they came out to my home.

Q. Who was present at the examination?

A. Her mother.

Q. Anyone else?

A. Just myself.

Q. What part of her body particularly did you examine?

A. Her vaginal tract.

Q. And what was the result of that examination?

A. Well, from the results of that examination, I saw that there was recent injury to the labia minora, majora, and that the hymen had been ruptured.

Q. Of course, you don't know what was the cause of it?

A. Well, I might presume what the cause was, particularly after hearing the history. That doesn't mean anything. I only know the parts were as I told you. I don't know anything about——

Q. Could you tell how recent they had been?

A. Well, I wouldn't like to tell you how recent, but it looked like within three or four days. I don't think there would be much more evidence left in another week or so.

Q. What was the apearance of the parts?

A. Well, there was an excoriation—you know what that is—just a removal of the lining membrane of the labium minorum, same as brushed or scratched, and the rupture of the hymen, which is a thin skin covering the hymen.

Q. And from your examination, you say that had the appearance of having been recent?

A. Yes.

Q. Was there any discoloration?

A. Well, it isn't exactly a discoloration. An excoriation, you can see the skin has been removed. The top layer, the membrane has been removed. Just like a scratch which doesn't give any great discoloration, just the same as you would see in a bruise around the eye.

Q. Were there other bruises about her body anywhere?

A. Well, the inner sides of her thighs looked as though they had a little discoloration, but I wouldn't like to say that anything in particular was the cause of that. It may have been coincident, may have been corset stays, may have been anything. I don't know.

Q. Was your examination painful to the girl?

A. To her, yes. The digital examination was painful, painful and hard. I mean, difficult for me to make.

Q. What was her conduct during the examination?

A. Well, it is the same conduct with any other girl. She came in with her mother for an examination of her genital organs. She was nervous, crying, irritable and squirmed around.

Q. Did she appear very sensitive?

A. She was very sensitive.

Q. Could you say that there had been or not been any material amount of force used which has caused the conditions which you have related?

A. Well, there is no question of force being used, but I wouldn't like to say how much force was used. I have no way of telling that. There is no way I could tell you that.

Q. Did you later make another examination?

A. Yes, I asked her to come to my in-town office the following day, at which time I had another gen-

tleman who is connected with me at Jefferson make another examination.

Q. Do you know where Doctor Fist is now?

A. He is in California now. I have his note here. I don't want to read it unless the attorney want me to.

Mr. Wescott: I would like to have you read it.

Mr. Stout: He said he wouldn't read it unless we wanted it.

The Witness: Would you like to read it first?

Mr. Stout: No.

Mr. Wescott: Show it to him.

Mr. Stout: We don't care anything about your private communications, Doctor.

The Witness: I didn't suppose you did, but I thought out of courtesy to the profession, I would show you something.

Q. Who was present the following day when the examination was made?

A. Doctor Fist, mother and daughter.

Q. Was the same general examination made?

A. Same examination.

Q. By whom was the examination made?

A. By both.

Q. Did or did not you and Doctor Fist concur in the examination?

A. Yes, we did.

Q. And was there any different conclusions ar-

rived at by you and Doctor Fist from those arrived at by you the following day?

A. No, that is very simple. There is not much to talk about anyway. You either have it or haven't it.

Mr. Wescott: You could see with the naked eye, could you, Doctor?

The Witness: You have to use more than the naked eye. Only on separation you could see what happened. You have to use digital examination. The naked eye would not disclose it, because the folds enclose it.

Q. Was there any external evidence of irritation, except on the thighs?

A. I didn't mention about the thighs, except on your examination. On the labia minora, that is where the irritation is. The linear scratches show that the thin membrane has been ruptured.

Q. What part, if any, did the mother have in this examination?

A. Well, we tried to show the mother, as she was in the room, we had her right beside us. We were directly in front of the patient, and the mother was over our shoulder.

Q. Then the mother had a view of the injuries as well as yourself?

A. Well, I don't know that she can interpret as we can, and what she saw I don't know. What her interpretation of the injuries that we showed, I don't know.

Mr. Erickson: Cross-examine.

Cross-examination.

By Mr. Stout:

Q. Doctor, what evidence was there to give you an idea as to when this injury ocurred?

A. Well, we have certain definite time for inflammation of any kind to subside, and if inflammation exists at that time, we know it was in a certain period. If an inflammation was to subside in about seventy-two hours and we still saw evidence of this inflammation at the time of the examination, we would realize that the examination had happened in three days or four.

Mr. Wescott: The injury.

The Witness: The injury.

Q. You are talking about general cases?

A. Any kind of cases.

Q. I am asking you the question of what evidence was there of this girl that enabled you to fix any definite time or approximate the time when this injury occurred?

A. By the signs of inflammation still remaining at the time of the examination. Now, ordinarily——

Q. Now, Doctor, let me ask you, if you please.

A. All right, sir.

Q. The inflammation created in such conditions and circumstances would vary, wouldn't they? They would depend on the penetration and the mode of penetration?

A. Would depend on the violence. Then when——

Q. You have answered my question. Please.

A. All right.

Q. You had nothing that would give you any information as to the amount of violence used in this case, did you?

A. Not to the amount of violence, no.

Q. Could you tell the amount of violence used from what you saw four or five days after this alleged occurrence?

A. I could not.

Q. Then I ask you the question what evidence there was in this girl's condition that you are warranted in saying that this occurred three or four days or four or five days before you made the examination?

A. Why the inflammatory regions that were still remaining.

Q. Might not that have been of a shorter duration and might that not have occurred during a shorter period that the time you say it did?

A. Well, it might have, yes.

Q. Doctor, you fixed your diagnosis from the history, didn't you?

A. I don't think so. I wouldn't say that. I fixed it from the experience I have had.

Q. You fixed the time of this occurrence from the time that the girl or someone imparted to you that it occurred?

A. I would rather say I was influenced by that, rather than that I fixed it on account of that.

Q. That really is what fixed in your mind that what you saw had occurred four or five days before.

A. I think that would help me to agree with myself.

Q. There is no evidence?

A. Yes, there was evidence.

Q. Outside of that evidence would——

A. That is sufficient evidence.

Q. It might have been, Doctor, with you.

A. That's right. That's what I am talking about.

Q. You are speaking from a selfish standpoint?

A. Only from a selfish standpoint.

Q. From the physical examination that you made, could you have told when that hymen was destroyed and inflammation caused, in the absence of being informed as to when?

A. Approximately. I could guess.

Q. How near could you come to it?

A. Within a week.

Q. That is what I thought.

Mr. Wescott: You and Doctor agree now.

Mr. Stout: Well, very seldom the doctors and lawyers agree.

Q. Were there any lacerations in this girl?

A. Well, if you call a rupture of the hymen a laceration. I consider it the same thing. After all, that is the only thing we have to go by. It isn't a very difficult case.

Q. Were there any lacerations of the vagina?

A. That is the laceration I am speaking of. There is no laceration of that. It wasn't intended for that purpose.

Q. What effect, Doctor, as to bleeding, does the laceration of the hymen have?

A. It varies in different individuals. May bleed profusely, may bleed very little, may bleed less than very little.

Q. What is the cause of the difference between them?

A. Sometimes a full-blooded individual, sometimes a thick hymen, sometimes a very thin hymen. It is a very thin membrane, like tissue paper, and it de-

pends on the blood supply and the nourishment. There isn't much vessels there, only little capillaries, but they may bleed profusely.

Q. Are those conditions always present?

A. Which conditions have you reference to?

Q. The condition of the blood spots?

A. Well, you know how much chance I have of observing a lot of hymens. I don't know what happens in a lot of individuals. I only know of one.

Q. Doctor, there are several things that cause the loss of the hymen, aren't there?

A. Surely, surely. I don't profess to say——

Q. You have answered my question. Could you tell from your examination when this hymen was destroyed?

A. Well, now, I told you approximately. Now, that is as near as I can tell you.

Q. There are a great many things that destroy a hymen?

A. Positively.

Q. It might be done by the girl herself?

A. Positively.

Q. By some other person fooling with her?

A. Yes, sir.

Q. By the use of the finger or any other instrument?

A. Yes, sir. Any number of things.

Q. And you could not tell, could you, from your examination, how this hymen was destroyed?

A. No.

Q. Or by what means?

A. No.

Mr. Stout: That is all.

Mr. Wescott: Are you willing that the doctor

should use his associate's conclusion? Are you willing that it be used?

Mr. Stout: We have said no. We are not going to let evidence self-made be used against us or for us.

MRS. ELIZABETH C. DIAZ, sworn.

By Mr. Wescott:

Q. Mrs. Diaz, where do you live, please?
A. 5039 Baltimore Avenue.
Q. In Philadelphia?
A. Yes.
Q. And your husband was the gentleman who was on the stand this morning?
A. Yes.
Q. And the lady was your daughter?
A. Yes.
Q. How are you related to Eleanor Messhler?
A. How am I related?
Q. Yes.
A. I am her mother.
Q. What is her age?
A. Forty-four.
Q. What is her age?
A. Eighteen. She will be nineteen next August.
Q. You have known this little girl, I suppose, Eleanor, from the time of her birth, have you?
A. Yes.
Q. How did you bring her up?
A. Well, I have tried to bring her up as good as I could. She went to school and church and Sunday school.

Q. What kind of a girl was she about the house?

A. Well, all right for a home girl. She didn't go out very much. She didn't care to run around or anything.

Q. Now, did you know the Bullocks?

A. Yes.

Q. How long had you known them?

A. Seven years.

Q. How did you get acquainted with them?

A. Through my mother.

Q. Your mother is still living?

A. Yes.

Q. What was the relation between your mother and the Bullocks?

A. Why, my mother was a companion to Mrs. Bullock.

Q. The mother of the defendant?

A. Yes.

Q. Do you happen to know whether your daughter Eleanor ever visited the Bullocks?

A. Yes.

Q. How old was she when she first visited them?

A. When she first visited them, then she visited Media. Then Mr. Bullock was godfather to Mrs. Carlin's daughter. That was the first time I met Mr. Bullock.

Q. When was that?

A. It would be in August. Six years ago last August.

Q. And that was in Media, Pennsylvania?

A. Yes.

Q. When did your little daughter Eleanor next visit the Bullocks?

A. Well, Mr. Bullock came to my home. He visited my home twice.

Q. Where?

A. Well, in West Philadelphia and Philadelphia.

Q. Can you recall when he did that?

A. Well, shortly after that. I think it was the same year, in the summer time.

Q. And he came to your home in Philadelphia twice?

A. Yes.

Q. Did he see your little daughter Eleanor there?

A. Yes.

Q. Do you know whether or not she ever visited the Bullocks after that?

A. Yes. She made two visits to Wildwood.

Q. Now, when did she make those visits to Wildwood?

A. Well, it was in the summertime. The first visit I think was five years ago, and the next I think was four, the year after that.

Q. That is your best recollection about it?

A. Yes.

Q. About how long a period of time did she spend at the Bullocks on these two last visits?

A. I think the last visit was made in August. She stayed there nine weeks

Q. And that was four years ago?

A. Yes.

Q. Did you visit them?

A. Never in Wildwood. In Media, I have.

Q. But not in Wildwood. What did your daughter Eleanor do? What kind of work did she do?

A. Well, she has done general office work, and telephone, telephone operator. She just went into the company to learn that.

Q. Do you remember when she went into the company to learn that?

A. Yes. I think she was in there six months. Last February was when she left.

Q. Taking your mind off that now, let me ask you how much that little girl went to school?

A. Well, she didn't go through school. She went to school, I think, up to the eighth grade, into the eighth grade. That is the grammar school, and that was in June. The following August she visited Mr. Bullock in Wildwood. She went through school up until that summer and then she visited Mr. Bullock. Then when she came back she had the "flu." She didn't go back to school. After the flu she had an abscess on her neck. Then she couldn't go through high school; I couldn't afford to go through high school. She had to take a position, and she took an office position with Mr. Schick, a milliner.

Q. Are you poor people?

Mr. Stout: I object to that. It doesn't make any difference about these people's circumstances.

Q. Are you poor?

Mr. Stout: I submit that that doesn't make any difference to this case as to whether they are poverty stricken, or wealthy, or what not.

The Court: The question is irrelevant entirely.

Q. Very well, sir. I bow with great respect to the Court. Now, I understood you to say you couldn't afford to send her to school?

A. No, I could not. I couldn't send her through high school.

Q. Did she go to church?

A. Yes.

Q. How often? How regularly?

A. Every Sunday.

Q. Can you tell us anything about the habits of your daughter as to waywardness?

A. No, she never was wayward.

Q. Now, what kind of a girl was she about the house?

A. Well, she was quiet. I don't know as I could —She never was a girl was running out or running around any place. She liked to go to the moving pictures, like any young girls. She was fond of music and singing.

Q. You kept a mother's eye on her all the time?

A. Yes.

Q. As you did with all your children?

A. Yes.

Q. Do you happen to know Mary Bullock?

A. No, I never met her.

Q. Do you recall a letter coming from Mary Bullock, or somebody by the name of Mary Bullock, addressed to your daughter?

A. Yes.

Q. Can you see it that distance? (holding up letter.)

A. Yes.

Q. Is that the letter?

A. Yes.

Q. Did you read the letter?

A. Yes, I did.

Q. Now, in consequence of that letter—before I put that question: Just before your daughter went down to the Bullock's this last winter, was she working?

A. Yes, she had been in the telephone, but she had been home.

Q. How long had she been away from the telephone?

A. Well, if I can recall that, I think she was home two weeks at that time.

Q. What was the matter with her?

A. Well, just from the operating was very hard

on girls when they were learning, and she was very nervous, and then the doctor from the telephone gave her a paper not to come back until she felt better.

Q. The doctor from the telephone?

A. From the Bell Telephone.

Q. Told her not to come back until she felt better?

A. Yes.

Q. Well, when she got this letter and you read it, did it result in your persuading her to go down there?

A. Well, she wanted to go, and then she said she didn't care to go, because she said she had never met Mary Bullock.

Q. Yes.

A. I thought if she went down, the change might do her good, because when she was there before they had treated her so nice, Mr. Bullock and his mother.

Q. Was there any telephone communication with the Bullocks after the letter was received?

A. After the letter?

Q. Yes.

A. Yes. She had—she was going down on an excursion train. I believe how she came to get this letter from Mary Bullock, my mother had been on a trip with Mr. Bullock and his mother and daughter. She wrote me a letter that she had been on a trip with Mr. Bullock, and his mother and daughter, and they had such a nice time, and they were anxious to see Eleanor, and Mr. Bullock had seen Eleanor's picture over in Ocean City. He said, "I haven't seen Eleanor since she was a little girl. I would like my daughter Mary to meet her." Then my mother told me in the letter, "Tell Eleanor to sit down and write Mrs. Bullock a nice long letter," and I persuaded her to do that, and she did.

Q. Did she write the letter?

A. Yes, she wrote to Mrs. Bullock.

Q. Did you see the letter?

A. Yes, I did.

Q. Well, in consequence of all that, you thought it was a good thing for your daughter to go down there, did you?

A. Yes.

Q. Now, I was asking you about a telephone communication after this letter was received.

A. Well, then Mary answered the letter for her grandmother. This is the letter. She answered to my daughter and said she would like to meet her, if I can repeat the letter right, that she had heard so many nice things about her. Then my daughter answered this letter and told her she would be down.

Q. This letter here that is in the hands of counsel?

A. Yes. She told her she would go down on the excursion train.

Q. Now, your daughter arranged to go on what day?

A. Sunday.

Q. What time on Sunday?

A. I think the train left seven o'clock on Sunday morning.

Q. Why didn't she go?

A. She missed the train.

Q. How did she happen to miss the train?

A. I called her and she didn't feel as though she would go down. When she missed the train I told her to write a letter and "explain to Mrs. Bullock that you missed the train and will be down again." The next afternoon we got a telephone from the neighbor next door—we haven't any telephone—that Wildwood was calling long distance for Eleanor, to come right in, it was Mr. Bullock on the 'phone. This neighbor knew Mr. Bullock. She had met Mr. Bullock at my home. Mrs. Slack.

Q. Mrs. Slack?

A. No, Miss.

Q. Where is she?

A. She is in Germany. She sailed last June.

Q. Now, did you daughter go and answer this telephone?

A. She went right in and answered it.

Q. As a result of that, what did your daughter do?

A. She put the receiver down and came in and told us——

Q. What did she do?

A. Why, I am going to tell you that. She told me it was Mr. Bullock on the 'phone——

Mr. Stout: I object.

Q. You see, you are running right into trouble when you repeat the conversation. Now, she went to the receiver, had the telephone communication, and then came back into the house. Then what was done?

A. Then she told me——

Q. Don't tell me what she told you. What was done?

A. She asked me if she could go down that afternoon; they wanted her to go down on the three something train.

Q. Did she get ready to go?

A. Not right away.

Q. Did she get ready that afternoon?

A. She got ready after she went back to the telephone.

Q. You helped her, did you?

A. Yes.

Q. You helped her get ready?

A. Yes.

Q. Now, tell these gentlemen sitting here what you and your daughter did to get ready to go down to Bullock's?

A. We helped her pack her suitcase. She said——

Q. Not what she said.

A. We helped her pack her suitcase. She said—— a couple of pair of slippers, bed room slippers, kimona, night gown, and I think she had another change of dress.

Q. And were you, as her mother, quite interested in the proposed trip?

A. Yes.

Q. Did you help her get the train?

A. No. My son and a young boy that was staying with us from Wilmington, carried her suitcase.

Q. Did you furnish the money for her to go?

A. Yes. I gave her five dollars going away.

Q. And you had any understanding about how long she was to stay?

A. Well, she said she would write me a letter and let me know when she was coming home.

Q. Did you have any understanding?

A. No. I knew she was going down to pay a visit.

Q. Was there any understanding between you and your daughter Eleanor about you going down there to bring her home?

A. She said she would write and let me know a day ahead, and we could go down with the machine, my son-in-law, and his wife, little girl and myself, and we would bring her home.

Q. Well, she went Sunday afternoon?

A. Yes.

Q. At what hour?

A. Well, I think the train went around three or four o'clock. I know she told me it was dark when she got down there.

Q. Now, when did you next see her?

A. Well, she came home Wednesday evening around the same time. I think she took the same train back. She left Wildwood around three or four o'clock. I was in the kitchen getting supper. My husband was in the dining room reading the "Bulletin." She just came in the doorway and sat the suitcase down. I didn't know until I heard her voice. I said, "What brought you home so soon?" She said, "I don't feel well." That is all she said. She went upstairs to lay down.

Q. Did you see her go upstairs?

A. I seen her go out of the dining room into the hall.

Q. Did you notice anything that attracted your attention?

A. She didn't tell me she had enjoyed herself like the other times when she was there.

Q. And she went upstairs?

A. Yes.

Q. When did you next see her?

A. Well, I guess around about eight o'clock.

Q. That evening?

A. Yes.

Q. Where did you see her then?

A. She was lying on the bed with her clothes on and a quilt thrown over her.

Q. Did you have any conversation with her?

A. Yes.

Q. Did you attempt to learn from her then what the trouble was?

A. No. I asked her how she enjoyed herself.

Q. I didn't ask what you asked her. I asked you if you made any attempt to find out anything.

A. No, I did not.

Q. You just saw her and you didn't say a word and she didn't say a word?

A. I asked her what was the matter with her and she said she had a headache.

Q. Then you made an attempt, didn't you, to find out something?

A. Yes.

Q. Well, what did you learn?

A. That is all she told me that night, that she had a headache.

Q. So you learned nothing that night?

A. No.

Q. And that evening did you daughter come to the table and eat with the family?

A. No.

Q. Did she get anything to eat that evening?

A. She didn't want anything. I wanted to bring her up a cup of tea, and she didn't want it.

Q. That was Wednesday evening?

A. Wednesday night.

Q. And the next morning when you went up to see her she was lying on the bed then?

A. No, I didn't go up. She came down herself the next morning.

Q. She came downstairs the next morning?

A. Yes.

Q. About what time?

A. About half-past eight.

Q. What, if anything, did you notice about her appearance when she came downstairs?

A. Well, I noticed that she wasn't the same, and there was something wrong, but I couldn't tell just what it was.

Q. How did she look?

A. She just looked worried, and sort of melancholy.

Q. Did you notice anything about her movements, her physical movements?

A. No, I didn't pay any attention to her. I just went on with my work the same as I always did.

Q. That was in the morning?

A. That was Thursday morning.

Q. Now, what did she do that day, Thursday, about the house?

A. She didn't do anything. She was upstairs the best part of the day lying down.

Q. Did you go up to see her?

A. I was up. I clean the upstairs always on Thursdays.

Q. And when you went upstairs Thursday, where was she and what was she doing?

A. In her own room lying on her bed.

Q. Did you have any conversation with her?

A. Just asked her how she felt; how she enjoyed her trip.

Q. You asked her some questions?

A. Yes.

Q. Did you learn by that time what the trouble was?

A. No, I did not.

Q. Very well. Now that day, Thursday was she at the supper table?

A. Yes, I think she came down to the supper table that evening.

Q. Did she eat anything?

A. I can't remember that.

Q. Was she out of the house on Thursday?

A. No.

Q. Stayed in the house?

A. Yes.

Q. And Thursday night did you see her?

A. Yes.

Q. Where?

A. Upstairs in the room.

Q. What was she doing there?

A. She was lying on the bed, the same as she was before.

Q. Did you learn anything then about her trouble?

A. No.

Q. Now, Friday, when did you first see her on Friday?

A. Friday morning.

Q. Where did you see her?

A. Downstairs at the breakfast table.

Q. How did she look and act then?

A. Just about the same.

Q. Did she eat anything?

A. Well, I really can't recall that. I don't know.

Q. Had you learned by that time?

A. No, not yet.

Q. Anything about it?

A. No.

Q. Well, that day, Friday, how was that day passed?

A. Well, my daughter, we were cleaning, and my daughter told me.

Q. I am referring now to Eleanor. How did she pass the Friday, do you know?

A. Well, I think about the same. She was just up and down?

Q. Up and down?

A. Yes.

Q. And did you notice anything about her that arrested your attention on Friday?

A. No. I just asked her what was the matter with her that she didn't tell us about her trip; why she acted the way she did, and then she said, she spoke up and said she never met such people. I said, "What do you mean?" She said, "Nothing."

Q. Well now, this was Friday?

A. Friday.

Q. And did you learn from any other source on that Friday what had happened to your daughter?

A. My married daughter.

Q. Your married daughter told you?

A. Yes.

Q. What time on Friday?

A. I think it was somewhere around—it was before supper time, because I was in the kitchen getting supper when my married daughter came down.

Q. And she told you what had happened?

A. Yes, she told me.

Q. Then what did you do?

A. I went upstairs to her and asked her. She wouldn't tell me. She buried her head in the pillow and she started to cry. She said, "I wish you hadn't sent me down there. You don't know what I went through there at Bullock's." She said, "Mr. Bullock and his daughter was terrible. I never met such bad people." I asked her if it was so what she had told Catherine. I said, "I will go to the 'phone——

Mr. Stout: I object.

A. I went out to the 'phone and tried to get Doctor Rubinsohn on the 'phone, and his wife answered the 'phone——

Q. Don't tell us what she said to you. You tried to get him on the 'phone and failed?

A. Yes.

Q. What did you next do?

A. Then I came back home and my son-in-law said, "Call up Doctor Bender and tell him I told you to call him up."

Q. Did you get Doctor Bender?

A. Yes, he came right down.

Q. What did he do?

A. I had gas—he said he would have to make an examination, and we had no electric in the house, we had gas. They were just wiring the house with electric and they just left one gas jet in each room. He said, "The light is very poor here. If she is able——"

Q. What did he do?

A. Why, he prescribed for her. He left a prescription for her nerves.

Q. That was what day of the week, Saturday?

A. No, that was Friday.

Q. You are right. Friday night. Now, what happened Saturday?

A. Why, I took her up to his office, Doctor Bender's office. He told me to bring her up there if she was able to go up.

Q. Yes. Did your daughter on Saturday complain any to you of pain?

A. No, she wouldn't tell me nothing. She wouldn't even answer me when I would ask her for anything.

Q. Now, Saturday you took her to the doctor?

A. To Doctor Bender's office.

Q. And what happened there?

A. Then he asked me about my family doctor, and I said he was out of town——

Q. Don't tell us what he said. He asked about your family doctor. Who was it?

A. Doctor Rubinsohn.

Q. And as a result of your conversation with the doctor, did you get Rubinsohn?

A. On Sunday.

Q. On Sunday. And did you take your daughter to him on Sunday?

A. Yes.

Q. Did you see the examination?

A. Yes.

Q. And after that examination, did your daughter undergo another examination?

A. Yes.

Q. At whose hands?

A. Doctor Fiske and Doctor Rubinsohn, 1530 Locust Street.

Q. Were you present?

A. Yes.

Q. Did you see what happened?

A. Yes.

Q. How close to these gentlemen were you when they were examining this child?

A. Well, I was right close to her.

Q. Have you good eyesight?

A. Yes.

Q. Did you see? Did you see?

A. Yes.

Q. Now did you notice the sexual organs of this child of yours?

A. Well, I could see they were red and inflamed. That is all.

Q. I asked you if you noticed?

A. Yes.

Q. What was their appearance?

A. Why, red.

Q. Was there any evidence of inflammation?

A. Well, that is what it looked like to me.

Q. Red and inflamed?

A. Yes.

Q. Did you notice whether the examination at the hands of these two doctors caused the child any suffering?

A. Yes. She said they hurt her. She cried and said the doctors hurt her.

Q. Fiske is the physician who has gone to California?

A. Yes.

Q. Well, you took your child home then, did you?

A. Yes.

Q. Where has she been since?

A. Well, she had been home, she had been employed a little while in a real estate office, but for a short time.

Q. How long had she been in the real estate office?

A. Just off and on for a couple of months, I guess.

Q. Mrs. Diaz, after your girl came home from the Bullock's, do you know whether or not there were any telephone communications from the Bullock's at Wildwood?

A. Yes.

Q. How do you know that?

A. Well, they called the same neighbor next door after Eleanor had come home and she wasn't home. They couldn't get any answer. So when she came home, she has a gentleman rooming in the house, and he told her there was a long distance 'phone call to Wildwood. She said, "I guess that must not have been for me. It must have been for Mrs. Diaz." That same evening the boy came over from the drug-store on the corner that there had been long distance calling for Eleanor.

Q. Well, did you answer the 'phone?

A. The next day after that there was another telephone call come.

Q. Did you answer that?

A. Yes, I went in Miss Slack's house and answered that 'phone myself.

Q. Will you tell who was on the 'phone?

A. Well, they gave their name as Mary Bullock.

Q. And did you converse over the 'phone with this person?

A. I did.

Q. Did the person at the Wildwood end know with whom she was talking?

A. No. She thought she was talking to Eleanor.

Q. What did she say?

Mr. Stout: Well, wait.

The Court: Just a moment.

Mr. Stout: Unless this witness can identify that the person on the other end was Mary Bullock, either by knowing her voice, why, I would think that the conversation would not be admissible as against the defendant.

The Court: What have you to say, Judge?

Mr. Wescott: Well, if the gentlemen object, I won't press it.

The Court: Objection sustained.

Q. But you did have a telephone communication from somebody at Wildwood?

A. Yes.

Q. Who called herself Mary Bullock?

A. Yes.

Q. Was it a female voice?

A. Yes.

Q. Now, you will hear something about that afterwards. Was it a young voice or an old voice?

A. It sounded like a young voice to me.

Q. What was the subject matter of the conversation over this 'phone?

Mr. Stout: I object to that. The court has ruled that the conversation, or the subject, whatever they call it, and they have identified and said it was Mary Bullock, and she is a defendant in this suit——

The Court: Objection sustained for the same reason.

Q. Now, after your daughter came home from this trip to the Bullocks, do you know whether or not as a matter of fact there were detectives around your house?

A. Yes.

Q. Inquiring about the character and life and conduct of your daughter?

A. Yes, I do know.

Q. They were?

A. Yes.

Q. Do you remember when these detectives about your house in that neightborhood——

A. No——

Q. That your daughter Eleanor was called up on the 'phone for the purpose of making a date with some man?

A. Yes.

Q. Did that happen?

A. Yes.

Q. Did Eleanor keep that date?

A. No.

Mr. Stout: I object to that and ask that the answer and the former question be stricken out because it is not relevant to the case. She has no knowledge about that . What have we to do with telephone messages from men outside of this case. I think the Judge knows that is not competent testimony.

And what does she know about a detective, or who a detective is? Might have been somebody about her house. How can she say it was a detective?

Mr. Wescott: Some people know a detective.

Mr. Stout: I understand, Judge, and you probably do.

The Court: Is your objection directed toward the whole line of testimony, or the telephone call.

Mr. Stout: The telephone call, and whether she met this man afterwards——

Mr. Wescott: Your objection comes too late.

The Court: What about the last question?

Mr. Wescott: If they object to it, we won't press it.

The Court: Sustained then. Proceed.

(Witness is shown an envelope containing a letter.)

A. Yes, that is the letter.

Mr. Wescott: I will offer the letter.

Mr. Stout: We don't object to the letter.

(Letter received in evidence and marked Exhibit S1.)

Q. You spoke of Mr. Bullock standing as godfather for one of your grandchildren?

A. Yes.

Q. At what time do you recall whether or not he presented a photograph of himself to you?

A. No. He sent it to my granddaughter.

Q. Is that the photograph?

A. Yes, that is it.

Mr. Wescott: I offer that in evidence.

Mr. Stout: We object to that. Suppose he sent it to anybody? He can send anybody a photograph of himself. What has that got to do with this particular crime; eight or nine years ago he was godfather to her youngest child?

Mr. Wescott: Yes, I understand. I understand.

The Court: What is your purpose, Judge?

Mr. Wescott: It only shows the relation that existed between these people.

The Court: And when was this sent, according to the testimony?

Mr. Stout: 1917.

The Court: Sustain the objection.

Mr. Wescott: May I read this letter now, if your Honor please? Or will you do it, Mr. Prosecutor? I want the jury to hear it.

Mr. Erickson: Envelope containing a letter, is postmarked, "Wildwood, February 13, 4 P. M., 1923,

N. J." Addressed to, "Miss Eleanor E. Messhler, 760 So. 51st St., West Philadelphia, Penna." The letter: "7013 Pacific Avenue, Wildwood, N. J. Dear Miss Eleanor: 'Bonne Mere' received your thoughtful letter, and hearing so many nice things about you I feel as though I know you by this time. We would be pleased to have you come down to see us. We rather expect to be home this Sunday. Father keeps us more or less on the go. We spent Lincoln's Birthday at Atlantic City. The hotels were all filled. We happened to be fortunate enough to get rooms at the Hotel Ambassador. If you should decide to come down Sunday, it will be well to write me a line. Hoping to hear from you, Sincerely,

Mary Antoinette Bullock."

P. S. If you should arrange to come down Saturday try and do so, but let us know, as the train runs very early on Sunday morning."

Mr. Wescott: Cross-examine.

Cross-examination.

By Mr. Stout:

Q. Now, madam, Eleanor had visited the Bullocks on prior occasions, hadn't she?

A. Yes.

Q. Her grandmother, your mother, was in the employ of the Bullocks?

A. Yes.

Q. And when your granddaughter went to the Bullocks, she went for the purpose of visiting your mother or her grandmother?

A. She went for the purpose of visiting Mr. and Mrs. Bullock and my mother. They always sent for her to go down.

Q. There was no time when she visited there that Mary Bullock, the daughter, was home?

A. She didn't live there at that time.

Q. Your daughter Eleanor was not feeling very well when she went down to Wildwood, was she?

A. She had not been.

Q. For how long a time had she been feeling——

A. About two weeks.

Q. Had she been working during those two weeks?

A. No, she was home.

Q. Was she treated by a doctor?

A. Well, she had to go to the telephone doctor first, and then he said that when she went——

Q. Did she got to a doctor?

A. Yes, after that. After she came home.

Q. Did she got to your family doctor?

A. Not Doctor Rubinsohn.

Q. Did she got to the telephone doctor?

A. Yes.

Q. Did he treat her?

A. Yes.

Q. She was lying down on the bed most of the time during that two weeks, wasn't she, off and on?

A. No, she was up around the house.

Q. She was around and up, too, wasn't she? Lying down resting, wasn't she?

A. Not at all. She went to the moving pictures.

Q. But she needed rest?

A. Yes, she was sent home by the telephone doctor.

Q. You felt that she was not well?

A. I know she wasn't well.

Q. You could see that there was a difference in her appearance, couldn't you?

A. No, she wasn't changed in her appearance.

Q. What was there about her that you noticed different?

A. Well, there was a lady sent from the telephone office.

Q. I asked you what you noticed that was different about your daughter?

A. I didn't notice anything.

Q. You couldn't see that there was anything wrong?

A. Well, she was sent home from work with her nerves.

Q. Well, did you notice anything about her that would indicate that she was nervous?

A. No.

Q. Was her appetite as good as formerly?

A. Yes.

Q. Slept as well?

A. Yes.

Q. Kept the same hours?

A. Yes.

Q. Did you think she needed a rest?

A. No, I didn't think anything about the rest.

Q. You didn't think that?

A. No.

Q. But it was during the time that the doctor had told her that she should cease work, that this letter was received from Mary Bullock?

A. No, I got a letter from my mother first.

Q. I don't care about the letter from your mother. I asked you whether it was during the time that Mary was not working that—Eleanor was not working that she received this letter from Mary Bullock?

A. I think it was, if I can recall right.

Q. And that is the first you had heard from the Bullocks for some time?

A. No, I have heard right along of the Bullocks.

Q. There never was another letter came to Eleanor from the Bullocks, was there?

A. No.

Q. Nor especially from Mary?
A. No.
Q. They were strangers?
A. Yes.
Q. They had never met?
A. Never met.
Q. Your daughter Eleanor had not written a letter to Mary, had she?
A. No, to Mary's grandmother, Mrs. Bullock.
Q. She had before that?
A. Yes.
Q. Did you see that letter?
A. Yes.
Q. At whose suggestion did she write that letter?
A. At my suggestion.
Q. At your suggestion?
A. Yes.
Q. Well, why did you want her to go down to Bullock's?
A. I didn't want her to go down; I didn't send her down to Bullock's.
Q. Well, why did you suggest that she should write to Bullock's?
A. Why, my mother asked me to ask her to write to Mrs. Bullock, that she wanted to hear from her.
Q. And didn't you think when this letter was written to the Bullock's that a rest there might do her good?
A. I didn't say anything at all about it. I knowed they always treated her nice before when she was down there.
Q. She was a young miss when she was there before?
A. Yes.
Q. This time she was 18 years old?
A. Yes.
Q. That time she was 13 years old?

A. Yes.

Q. There had been no communications between your family and the Bullock family during that interim?

A. Yes, Mr. Bullock visited my mother about twice a month.

Q. I mean your family?

A. Yes.

Q. There had been no communication between your family and the Bullock family during that five years when this letter was received?

A. Four years.

Q. Four years, if you please, until Eleanor wrote this letter to the Bullocks?

A. No.

Q. Do you know whether or not Eleanor in that letter invited herself to visit the Bullocks?

A. No, she did not.

Q. She didn't?

A. No.

Q. Did you read the letter?

A. Well, I read the letter, yes.

Q. Before it was sent?

A. Yes.

Q. Before it was put in the mail? And it was after that letter had been mailed to the Bullocks that this letter which is now in evidence and marked Exhibit S1 was received?

A. Yes.

Q. And it was upon this invitation that she went down?

A. Yes.

Q. There wasn't anything stated in this letter that she should come down on Sunday, was there?

A. In which letter?

Q. In the letter from Mary?

A. It said in that letter that she should make arrangements to come down on Saturday.

Q. But you say that Eleanor had arranged to go on a Sunday?

A. I don't recall whether she was to go down on Saturday or Sunday. I don't know.

Q. You stated in your direct examination that she was to go down on an excursion, is that right?

A. Yes, sir.

Q. That was a daily excursion?

A. Yes, sir.

Q. Did she expect to pay a visit to the Bullocks by that day excursion?

A. She did until she got that telephone call in the afternoon.

Q. And then the plans were changed, were they?

A. Yes.

Q. Did you think that one day's excursion would do your daughter very much good?

A. I didn't think anything about it.

Q. I show you a letter and ask you whether that is your daughter's handwriting?

A. Yes, that is my daughter's writing.

Q. And I show you an envelope and ask you whether or not your daughter's handwriting is on the envelope?

A. Yes.

Q. I ask you now whether that is the letter that you read which your daughter sent to the Bullocks?

A. No, I don't know, unless I read it over.

Q. Read it?

A. (Witness reads letter.) Yes.

Q. That is the letter, is it?

A. That is the letter.

Q. Then it was because your daughter Eleanor had written the letter to Mrs. Bullock, the grandmother of Mary, inviting herself to pay a visit at

Wildwood, was the reason this letter marked S1 for the State was mailed to your daughter from the Bullocks, is that correct?

A. No, she didn't invite herself down there.

Q. That letter didn't invite herself?

A. She didn't invite herself there.

Q. Well, it was in response to the letter that your daughter wrote?

A. I think that is the answer to this letter.

Mr. Wescott: Introduce it in evidence.

Mr. Stout: I am going to introduce it.

(Letter received in evidence and marked Exhibit D1.)

Mr. Stout: This is an envelope which is marked in evidence, postmarked "Philadelphia, February 12, 12.30 A. M., 1923." Addressed to Mrs. F. M. Bullock, 400 Pennsylvania Avenue, Wildwood. The letter says: "My dear Mrs. Bullock"——

Mr. Wescott: Mrs. or Miss?

Mr. Stout: "My dear Mrs. Bullock"—This is a letter to the grandmother. "I received word from my grandmother that you were to see her and what a lovely trip you have had together. I have often thought of you and Mr. Bullock and would have loved to have come and saw you, but on account of Miss Jones, I knew I would not be welcome. I would have written to you before, only I knew you would not have received my letters. Grandmother told me you had your granddaughter with you. I would love to meet her. I will close now. Hoping to hear

from you soon, with love to all, Eleanor E. Mishler, 6053 South 15th Street, Philadelphia."

Q. Then it was in answer to that letter that your daughter wrote, the other letter?
A. Yes.

(Question and answer read by the stenographer.)

Mr. Wescott: May I ask counsel what he means?

Q. Was it in answer to that letter that Miss Bullock sent this letter which is in evidence on your side, the letter inviting her down?
A. Yes.
Q. Now, did you notice anything wrong with your daughter when she came home?
A. The first time I seen her, when she came home.
Q. She did tell you she had a good time?
A. She said she enjoyed herself.
Q. What time of the day did she get home?
A. She got home around evening, some time. It was dark when she got home.
Q. She made no complaint to you?
A. Not right away, no.
Q. She never did make any complaint to you?
A. No, not until I asked her.
Q. When you asked her she didn't make any complaint to you, did she?
A. I asked her was it true what she told my daughter.
Q. But she didn't make any complaint to you of the conduct——
A. No, she was ashamed to tell me.

Mr. Stout: Now, I ask that that be stricken out.

Mr. Erickson: I don't know why it should be stricken out.

Mr. Stout: How does she know she was ashamed?

Mr. Erickson: It is in response to your question.

Mr. Stout: My question was did she ever make any complaint to her.

The Court: The answer is no. The remainder will be stricken out.

Q. You didn't tell your husband for some time after that, did you?
A. No.
Q. Who did you first speak to outside of the family about it?
A. My next door neighbor.
Q. Man or woman?
A. Woman.
Q. Did you go to see a lawyer before she was examined by the doctor?
A. No.
Q. You went afterwards, did you?
A. Yes.
Q. Was it after that that you consulted the lawyer and a suit was brought against——

Mr. Erickson: I object.

The Court: Sustained.

Q. When was it you say you saw people that were detectives about your house?
A. I never seen the detectives. I only know what the druggist told me at the corner.

Q. I understood you to say to Judge Wescott that there were people there, detectives around your house, after this?

A. I only know what the neighbors and the druggist told me.

Q. You don't know anything about it?

A. No.

Q. You didn't see them, did you?

A. No. I had one man pointed out to me on the corner.

Q. You don't know whether they were detectives or not?

A. No, I did not.

Q. Why did you tell Judge Wescott that they were detectives around your house?

A. Because I was told that.

Q. But you don't know it. Don't you know that you cannot tell what you were told?

A. I don't know that.

Q. Well, the Court has ruled out a half dozen times things that you have——

Mr. Erickson: I object to that.

A. This is my first experience in the Court room.

The Court: Ask the next question.

Q. Well, your daughter worked in a detective agency, didn't she?

A. She did. So did my son.

Q. You didn't see any strange men about the house, around the house, did you?

A. On the corner, I did.

Q. How many?

A. I saw one.

Q. One?

A. I couldn't tell you just one. He used to stand on the corner at night and the day, and the druggist knew he was a detective.

Q. I didn't ask you about the druggist. Did your daughter eat her meals regularly after she came back from Bullock's?

A. No.

Q. She ate her breakfast every morning?

A. She just had a cup of coffee. She didn't eat breakfast.

Q. Did she eat her dinner, mid-day meal?

A. No.

Q. Did she eat her supper?

A. A cup of tea.

Q. Complained of headaches, didn't she?

A. Yes.

Q. Complained of headaches before she went down there, didn't she?

A. No.

Q. You say that there was a 'phone call that you answered on Saturday after Mary came home, or Eleanor?

A. I don't know how long after. It was Friday or Saturday.

Q. You don't know how long?

A. No.

Q. You had no knowledge of your daughter Eleanor calling up on Friday?

A. She wasn't out of the house Friday.

Q. She wasn't out of the house Friday?

A. No.

Q. Are you sure?

A. I am positive.

Q. When did you first call the doctor?

A. Why, Friday night.

Q. She was home all day Friday?
A. Yes.
Q. But she was out Saturday?
A. With me.

Mr. Stout: That is all.

By Mr. Wescott:

Q. Do you know who this Miss Jones is, referred to in this letter?
A. Yes, I believe she was Mr. Bullock's friend.
Q. Where did she live?
A. She lived with Mr. Bullock in Wildwood and in Media and on Carpenter Street, West Philadelphia.
Q. Do you know where she is now?
A. Yes. She is in West Philadelphia, I believe.
Q. Married or single?
A. Single.
Q. Do you know how long she lived with Mr. Bullock?
A. Well, she lived with Mr. Bullock before I met Mr. Bullock.
Q. How old a woman is she?
A. I judge she a a woman about my age, 44 or 45.

Mr. Wescott: That is all.

By Mr. Stout:

Q. Mr. Bullock's mother was living with him, wasn't she, at the time Miss Jones was there?
A. Yes.
Q. And your mother was there part of the time?
A. Not all of the time.

Q. Part of the time?
A. Yes.

JAMES J. CARLIN, sworn.

By Mr. Erickson:

Q. Mr. Carlin, where do you live?
A. 6215 Market Street, Philadelphia.
Q. Where did you live February last?
A. 7050 South 51st Street, with my mother-in-law.
Q. How long had you been living with your mother-in-law?
A. I guess off and on about three years.
Q. Who constituted the household?
A. Well, my mother-in-law, father-in-law, sister-in-law, brother-in-law, my wife and my two children.
Q. How long have you known Eleanor Mishler?
A. About eight years.
Q. You married a sister?
A. Yes.
Q. How long have you been married to the sister?
A. Seven years.
Q. And you spent part of your time in that seven years at the home of your mother-in-law?
A. Half of it.
Q. And at the home of Eleanor Mishler?
A. Same thing.
Q. You know Eleanor Mishler, then?
A. Yes.
Q. Do you remember February of last year, when Eleanor Mishler left her home?
A. Yes, sir.
Q. Knowing Eleanor Mishler as you do, what

could you say in reference to her life and habits before February last?

A. Well, I knew she was a good little girl. She went to church on Sunday, and she used to go to confession on Saturday afternoon.

Mr. Stout: Where?

The Witness: Confession, and she used to ask me to go along down with her. I was her brother-in- law then. She used to kid me about going along with her.

Q. Was she a jolly girl?

A. Always.

Q. Good spirits?

A. Fine.

Q. What was her condition of health, do you know?

A. Well, she never was a stout girl, but she was always full of life and full of fun.

Q. Where did she last work prior to February?

A. Well, I don't know nothing about her working.

Q. That is, you mean you only know what you were told?

A. That is right.

Q. Was she working on or about the 20th or 18th of February last?

A. Well, according to the story in here, she must have been. That is all I know. I don't know anything about her working.

Q. What do you know, if anything, about her leaving Philadelphia to make a visit to the Bullocks?

A. I knew they were fussed about an invitation she had for a visit to Bullock's. I knew she had made a visit before some time ago. I was there myself

in Media and I thought it was great for her to go down to the shore and spend the week down there and have nothing to do but go in bathing and things like that.

The Court: In February?

The Witness: Well, they go in swimming down there. They go in bathing in the winter time down there.

Mr. Wescott: That is your idea of the sea shore, is it?

Q. Have you ever been down to the sea shore in February?
A. No.
Q. That would explain it. You have been there in the summer time?
A. Yes.
Q. At Wildwood?
A. Yes. I was down to Wildwood once.
Q. Did you see anybody in bathing?
A. When I was down there? Sure, I was in myself.

The Court: I don't think that is relevant.

Mr. Erickson: I don't hear any objection from the defense.

The Court: Well, the Court will have to object.

Q. What is your business?
A. Mechanic.
Q. What kind of a mechanic?

A. Automobile mechanic.

Q. When or what hours do you work or did you work last February?

A. Well, last February I think I owned a truck. I was in long distance hauling for myself, connected with the Red Ball Transfer Company, I think. I am not sure.

Q. Do you remember the Sunday in question when Eleanor went to the Bullocks or left Philadelphia to go to the Bullocks?

A. Well, I was home; yes.

Q. Do you know anything about what preparation was made for this visit?

A. I know that she didn't get up to make the train. She missed the train.

Q. That is, she missed the excursion train?

A. Yes, and I heard them saying she received a call.

Q. Do you know of your own knowledge whether or not she went next door?

A. No, I was out when she received a call, but when I came back, I said, "Did El go?"——

Mr. Stout: I object.

Q. When you came back, what was she doing?

A. She had gone to Bullock's.

Q. Then she had already packed up and gone?

A. Yes.

Q. What time did you get back?

A. Well, I got back about six o'clock, I guess.

Q. When did you next see Eleanor Mishler?

A. I seen her the morning after she came home. I guess that was Thursday morning.

Q. Where did you see her?

A. I was downstairs eating my breakfast and she

came down and she took a cup of coffee in the dining room and when I came in the dining room to sit down to talk to her, she got up and walked away. She didn't want to talk to me.

Q. Did you endeavor to engage in conversation with her?

A. Sure, I always ask her when she comes home—

Mr. Stout: Wait.

Q. Did you endeavor to engage in conversation with her?

A. Yes.

Q. What were her actions?

A. She avoided me.

Q. Did you have anything at all to say to her?

A. Yes.

Q. What?

A. I asked her how she enjoyed the trip.

Mr. Stout: I object to what he said to her.

Q. What was her general demeanor?

A. Well, she wanted to avoid me. She wouldn't look me in the face at all. When I looked at her, she got up and walked out of the room right away.

Q. Did you notice anything peculiar about her walking?

A. Well, she was slow.

Q. Well, now, describe to the jury what her general actions were?

A. Well——

Q. Physically and mentally?

A. I went down to eat my breakfast and she came down and she went in to drink a cup of coffee and I was eating my breakfast in the kitchen and she took

her coffee into the dining room. It looked like she just gulped down her coffee and got out to avoid me. I thought there was something funny——

Mr. Stout: I object to what he thought.

Q. Now, what else did she do or what other actions did she have which aroused your suspicions, if they did?

A. Well, you couldn't—any time before that, if you talked to her, she would have some answer for you, even if it was in a joking way, but when I spoke to her when she came home from Wildwood, she wouldn't have nothing to say to me at all.

Q. Then didn't she leave and go back somewhere?

A. She went upstairs.

Q. When did you next see her?

A. I didn't see her then until, I guess, the next day.

Q. What time during the next day did you see her, the next morning, or when?

A. Well, that night, I think it was Thursday night, I was talking to my wife. We were talking about the funny actions——

Mr. Stout: I object to what you and your wife thought.

The Witness: I saw her the next morning.

Q. All right.

A. After she came home from Doctor Bender.

Q. Yes.

A. And I asked them what the doctor had to say?

Q. What did she do or say which appeared to you

to be funny or materially different from her actions previous?

A. Well the way she slunk around the house.

Q. Seemed nervous?

A. She was all upset about something, shook up, or something.

Q. Downhearted?

Mr. Stout: I object to that.

The Court: Sustained. The question is leading.

Mr. Erickson: Cross-examine.

Cross-examination.

By Mr. Stout:

Q. Well, you said a while ago that she seemed to avoid you. You hadn't done anything to her, had you?

(Question read by the stenographer.)

A. Well, of anything like that happened to me, I might like to avoid everybody, too.

The Court: Had you or had you not done anything to her?

The Witness: Certainly not.

Q. There was no reason why she should avoid you on account of anything that took place between you, was there?

Mr. Erickson: I object to that, because of any-

thing that took place between you and she. He said he hadn't done anything to her.

Mr. Wescott: "He did to her," he ought to have said.

The Court: Let us have order now, please.

Q. Were you——

The Court: Was that question answered?

Mr. Erickson: I object to that.

The Court: Are you pressing the question, Mr. Stout?

Mr. Stout: No, I think not.

The Court: Question withdrawn. Ask the next question.

Q. Did Eleanor make you her confidant?
A. What do you mean by that?
Q. Tell you what she did and where she had been and what happened?
A. Well, she used to tell me if she had a good time. She would tell the whole family.
Q. But not you individually?
A. If I was the only one setting there, if I asked a question, more likely she would answer it. Naturally, if she went to the house and went to the seashore, I would ask her what kind of a time did you have.
Q. Did you ask her that?
A. I tried to?

Q. Did you ask her that?

A. Yes.

Q. What do you mean when you say you tried it?

A. She walked away from me.

Q. That didn't prevent you from asking the question?

A. I asked her.

Q. You did ask her?

A. Yes.

Q. She made no reply?

A. Yes.

Q. You thought that was strange?

A. I thought it was.

Q. Is that the only strange thing that she did?

A. When?

Q. After she came back, that you noticed?

A. Well, her whole doings were strange.

Q. What did she do that was strange?

A. She was so quiet.

Q. She was quiet before she went away?

A. Not to my knowledge.

Q. She was sick before she went away, wasn't she?

A. She had some trouble at the telephone, the telephone work, supposed to get in on her hearing, or something, and made her nervous.

Q. She was home because she was nervous, wasn't she?

A. Well, I don't know nothing about that.

Q. Well, she wasn't working for two weeks before she went to Wildwood, was she?

A. What do I know about that?

Q. You lived in the family?

A. I had a truck and was away a month at a time, a week at a time.

Q. You went away, but you just happened to be home when she came back from Wildwood?

A. I was in Philadelphia at that time.

Q. When did you go away?

A. I was always off and on, go to Boston, Detroit.

Q. When did you come back?

A. I don't know. I can get the exact dates.

Q. Were you home before she went to Wildwood?

A. Yes.

Q. How long before?

A. Well, I don't know, to be exact.

Q. A week?

A. I don't know.

Q. Two days?

A. I have no idea. I might have been there a week, I might have been there a month.

Q. You were there long enough to know she was sick?

A. I knew she had complained about the work at the telephone company.

Q. And there was something the matter with her nerves?

A. I don't know what was the matter with her.

Q. Did you say that?

A. Not exactly. I knew she had some complaint to make about the telephone company.

Q. She made the complaint, did she?

A. Well, I knew she came home from work.

Q. Well, was her conduct in the house after she quit her work in the telephone office the same as it had been previous to working in the telephone office?

A. Well, she might have been a little nervous, but she was always humming or something around the house.

Q. Was she talkative when she was nervous?

A. Talkative?

Q. Or didn't talk so much?
A. That caused her to talk more, I guess.
Q. Well, did she talk more when she was nervous?
A. Well, I don't know.
Q. You don't know?
A. To be exact.
Q. But she answered all your questions?
A. When she came back?
Q. Before she went?
A. Well, I guess she did.
Q. Do you know whether she did or not?
A. Well, I am not saying certain, but I suppose she did.
Q. But you only asked her one question when she came back?
A. I tried to ask her a couple, but when I saw she didn't try to answer me——
Q. What was the second question you asked her?
A. "What is the matter?" or something like that.
Q. What did she say?
A. "What kind of a time did you have?"
Q. What did she say?
A "Don't bother me," or something, and she would beat it away.
Q. Now, just on two occasions made no reply to two questions you asked?
A. She didn't want to talk to me.
Q. How is she now?
A. What do you mean?
Q. Does she talk now to you?
A. I don't think she will ever look the same ever since.

(Laughter.)

The Court: I must have order, or I am going to clear the Court room. This hilarity must cease.

Q. Does she talk to you now?

A. Surely.

Q. When did she commence to talk to you?

A. Why, right after my wife had a talk with her.

Q. Right after that she began to talk to you?

A. Sure.

Q. And talked to you ever since?

A. Yes.

Q. You didn't remain there very long after she had a talk with your wife? You didn't live there very long after that, at your father-in-law's?

A. I don't know. I know we don't live there now. Haven't been there for the last four months.

Q. You say you saw her on Friday after she came home from Doctor Bender's. Is that right?

A. Yes, I was anxious to find out——

Q. I didn't ask you about the anxiousness. I asked you whether that was correct that you saw her on Friday when she came back from Doctor Bender's?

A. Yes, sir, I guess it did.

Q. You said she seemed to be all shook up. What did you mean by that?

A. She was all nervous. She didn't want to go to the doctor's.

Q. How do you know she didn't?

A. Because her mother told me.

Q. Her mother told you. You don't know anything about that?

A. I didn't go in and ask her any of those personal questions.

Q. You don't know whether she wanted to go or whether she didn't except what somebody told you?

A. That is all.

Q. That is all. Well, and why did you know something if somebody else told you? When you said

she was all shook up, you had not knowledge about that, did, you, of your own personal knowledge?

A. Well, I could see it in her actions.

Q. What did you notice about her being shook up? What did you mean?

A. She was all nervous and pale and white.

Q. Well, wasn't she before she went away?

A. No, there was some color to her.

Q. Well, I understood you to say a while ago that your sister-in-law was always a good girl?

A. As far as my knowledge goes.

Q. And she went to church, is that correct?

A. Yes.

Q. And you added to that that she always went to confession every week?

A. I didn't say she went to confession always every week. I said she went to confession on Saturdays.

Q. But she attended to her regular religious duties, did she?

A. Yes, as far as I know.

Q. Seemed to be a good girl? Didn't have any companions at the house, either male or female, no associations?

A. Oh, when she went to school. When I first knew her, she was going to public school.

Q. After she quit school?

A. Not that I know of.

Q. Her life was spent among the members of the family entirely?

A. Well, I wouldn't say that. She might know people and go out with people I don't know nothing about.

Mr. Stout: That is all.

Mr. Erickson: That is all.

The Court: Just another word of caution, gentlemen. The case being tried is exceedingly important, and you will not discuss it with anyone over night, and if you are approached in any way whatever, place it before the Court. We will now take a recess until ten o'clock tomorrow morning.

(At this point, the trial of the cause was adjourned until January 25th, 1924, at ten o'clock, A.M.)

Cape May Court House, N. J., January 25, 1924.

(Trial of the cause resumed on the above date, at 10.30 A. M., pursuant to adjournment, in the presence of counsel and the defendants.)

ELEANOR E. MISHLER, sworn.

By Mr. John W. Wescott:

Q. What is your name?
A. Eleanor E. Mishler.
Q. How old are you?
A. 18.
Q. When were you 18?
A. 31st of August.
Q. How much do you weigh?
A. 109.
Q. How much?
A. 109 pounds.
Q. 109 pounds. Your mother was on the witness stand yesterday?
A. Yes.
Q. Your stepfather?
A. Yes.
Q. Your sister?
A. Yes.
Q. Where were you brought up?
A. In Philadelphia.
Q. Ever go to school any?
A. I didn't graduate from the grammar school. I went to the eighth grade.
Q. You did go to school?

A. Yes.

Q. About how many years?

A. I started when I was six, and I was fourteen when I graduated. I went to school eight years.

Q. Now, what kind of schools did you go to?

A. Public school, and then I went to the Catholic school.

Q. How long did you go to the Catholic school?

A. I just went to the Catholic school one term.

Q. And did you go to church?

A. Yes.

Q. What church?

A. St. Francis de Sales.

Q. Did you go to church and Sunday school ever?

A. Yes. I went to Sunday school up until I left school.

Q. And church, how much did you go to church?

A. I am still going to church.

Q. Still go to church? Have any beaux?

A. No.

Q. Were you accustomed to running around at nights?

A. I wasn't allowed.

Q. Did you work any in the home, your mother's house?

A. Done housework.

Q. What kind of housework did you do?

A. Done the dishes, scrubbed the kitchen floor, done the errands.

Q. Have you always been a strong healthy girl?

A. No, I haven't ever been strong.

Q. Ever have any physical troubles of any sort?

A. Only nervousness, and then I had an abscess on my neck, a tubercular gland.

Q. Where?

A. On the side of my neck.

Q. Is that scar there?
A. Yes.
Q. What is your grandmother's name?
A. Katharine C. Guinane.
Q. Where does she live?
A. 5434 Ridgeway Street, now.
Q. In Philadelphia?
A. West Philadelphia, Ridgewood.
Q. Do you know an old lady by the name of Bullock, of whom your aunt had social relations, your grandmother, I mean, had social relations?
A. Yes.
Q. Have you ever met Mrs. Bullock?
A. Yes.
Q. Where did you first meet her?
A. Why, out in Media.
Q. In Pennsylvania?
A. Yes.
Q. How long ago was that, Miss Mishler?
A. About six years ago.
Q. About three years ago?
A. Six years.
Q. How?
A. Six years ago.
Q. Six years ago. How did you happen to meet her out in Media about six years ago?
A. Through my grandmother.
Q. Did you grandmother take you there?
A. No, my aunt took me there.
Q. Who is your aunt?
A. My mother's sister. Went out to see my grandmother.
Q. And how long did that visit continue?
A. We just went out for the day, that time.
Q. Did you, on that occasion, see Mr. Bullock, the defendant in this case?

A. Yes.

Q. Did you see any other members of the Bullock family?

A. Mrs. Bullock.

Q. Who?

A. Mrs. Bullock.

Q Mrs. Bullock. Who is Mrs. Bullock?

A. His mother

Q. His mother. The old lady?

A. Yes.

Q. Did you meet any other members of his family?

A. No.

Q. Now, that is your first relationship with these people, is it?

A. Yes.

Q. When did you next meet any of the Bullocks?

A. Then we went out one time before—after that, and stayed three weeks.

Q. Now, when you say "we," who did you mean?

A. My sister and brother-in-law and my sister's baby.

Q. Where did you go then?

A. To Media.

Q. And you stayed there three weeks?

A. Three weeks.

Q. Was Mr. Bullock there?

A. Yes.

Q And who else?

A. And his mother and my grandmother. And then my mother came out. She didn't go with me, but she came out there, and the baby.

Q. And the baby. And is that all?

A. And my mother's sister came out, and my stepfather and my brother.

Q. Now, you stayed there three weeks. How long did any other members of the family stay?

A. My mother was there about two weeks, and my sister stayed as long as I did.

Q. And was your sister the lady who was on the witness stand yesterday?

A. Yes.

Q. Now, during that visit—when was that visit, let me ask you? Can you tell about when it was?

A. Around 1917.

Q. 1917. Now, during that visit, did you have anything to say to Mr. Bullock, or he to you?

A. No. He talked to me about nothing important that I know.

Q. Did he make you any presents, or anything of that sort?

A. No.

Q. Was he there every day?

A. Yes.

Q. During this visit. And his mother was there?

A. Yes.

Q. Now, that was in 1917. When did you next come in contact with Mr. Bullock?

A. Well, Mr. Bullock came to our house after that.

Q. Where?

A. Then we were out there after that when he stood for my sister's baby.

Q. Now, tell the gentlemen about that. When was that?

A. I believe that was during our three weeks' stay there he stood for my sister's baby.

Q. That was during, you think, your three weeks' stay.

A. Yes.

Q. Did you get a post-card then with a picture of him?

A. No, my sister got that from Wildwood.

Q. Just a minute. We want to get the exact proof as nearly as you can remember. By the way, I want you to be as truthful as you can and answer every question that is put to you. Now, you say he came to your house. Where was that?

A. We were living at 43rd and Westminster Avenue.

Q. Under what circumstances did he come to your house?

A. He stopped with my mother's brother, my uncle.

Q. How long did they stay?

A. They just spent the evening.

Q. Can you tell me when that was?

A. It was during the same year, I believe.

Q. Well, was there anything happened then that you can remember?

A. No.

Q. When did you next see——

A. Well, then he stopped again before he took my grandmother to Virginia.

Q. Stopped at your house?

A. Yes, my grandmother said goodbye to us.

Q. How long did he stay?

A. Why, they only stayed a few minutes.

Q. Now, you say he took your grandmother to Virginia?

A. Yes.

Q. When was that?

A. That was the following winter.

Q. How long did your grandmother stay away, have you any idea?

A. Two months, anyway. I know it was after Thanksgiving, because they sent us a turkey from Virginia, a wild turkey.

Q. A wild turkey sent to your parents?

A. Yes.

Q. Well, now, when did you next see Mr. Bullock?

A. I didn't see him again until I went down to Wildwood.

Q. That was in February last?

A. Oh, no, before that. That was when I was 12 years old.

Q. What?

A. When I was 12 years old.

Q. Well, was that before these visits you described or after these visits?

A. After.

Q. Very well. Now, you went down to Wildwood then. And how old were you then?

A. About 12.

Q. How did you happen to go to Wildwood on that occasion when you were twelve years of age?

A. Well, through my grandmother and Mr. Bullock. Mr. Bullock asked my grandmother to have me come down.

Q. And you went through your—the suggestions of your grandmother?

A. Yes.

Q. How long did you stay on that trip?

A. Three weeks.

Q. Three weeks. Can you fix that in point of time, approximately, tell us when it was?

A. Around August, I think.

Q. What?

A. Around August.

Q. What year?

A. No, I don't remember the year.

Q. But you were a young girl then?

A. Yes.

Q. And you stayed three weeks?

A. Yes.

Q. Now, who did you see in the Bullock house at Wildwood, when you stayed those three weeks?

A. There was my grandmother, and Mr. Bullock, and Mrs. Bullock, Miss Jones, and some friends of Miss Jones and myself.

Q. Did you get well acquainted with Miss Jones then or have anything to do with her?

A. Yes.

Q. What was Miss Jones doing there?

A. Why, she was Mr. Bullock's housekeeper.

Q. What sort of a looking woman was she?

A. Well, she was not what you would call heavy built, not that time, and then she had auburn hair.

Q. Well, during that three weeks visit, how were you treated in the Bullock house?

A. Well, I was treated very nice by all but Miss Jones.

Q. By all but Miss Jones. How did she treat you?

A. She didn't treat me what you would call nice. She was very sarcastic.

Q. Have you any idea why she was sarcastic?

A. No, I have not.

Q. Now, how did Miss Jones dress?

Mr. Stout: I cannot see that that is material. I object to that. It is irrelevant, as to what the dress of a man's housekeeper might appear to a little girl twelve years old. I cannot see the importance of that, or how it is related to the case.

The Court: What have you to say, Judge?

Mr. Wescott: If the other side object, I yield. All I want is the truth.

The Court: Objection sustained.

Q. Well, what sort of a house did you stay in during that three weeks trip?

A. What do you mean?

Q. Well, was it a barn, or a shed, or what?

A. No, it was a very nice house.

Q. Where was it located?

A. 2400 Pennsylvania Avenue.

Q. Wildwood?

A. North Wildwood.

Q. What part of the house did you sleep in during that three weeks trip?

A. Why, it was on the second floor in the back room.

Q. And you told us of every member of the household at that time, have you?

A. All but the servant girl.

Q. How?

A. The servant girl.

Q. Did they have an automobile?

A. No.

Q. When did you next come in contact with the Bullocks?

A. Then I went down the summer after that.

Q. How long did you stay then?

A. The first summer I was down there, Mr. Bullock had bought me a ring for my birthday.

Q. That was this three weeks trip?

A. Yes.

Q. He bought you a ring for your birthday. Have you that ring?

A. No, I have not.

Q. What became of it?

A. I don't know. It got lost.

Q. Did he give you anything else?

A. I believe a hair ribbon.

Q. Well, now, we are through, unless you can re-

call something you want to state that happened during that three weeks trip. We are through with the trip. Now, let us come to the next summer. You went down again, did you?

A. Yes.

Q. How did you happen to go there the next summer?

A. I was invited down through Mr. Bullock.

Q. Why do you say that, that you were invited down through Mr. Bullock?

A. He had my grandmother write and ask me down.

Q. And how long did you stay that time?

A. Nine weeks.

Q. And when was that?

A. That was the following summer.

Q. The summer following. Can you give us the year?

A. No, I cannot.

Q. You cannot. It was the summer following the first three weeks trip when you got the ring?

A. Yes.

Q. And you stayed how long that time?

A. Nine weeks.

Q. And who did you see then in the Bullock household?

A. The same people, only they had a different servant girl then.

Q. Was Miss Jones there?

A. Yes, she was still there.

Q. How did Miss Jones treat you on that occasion?

A. Well, worse than the first time.

Q. Worse than the first time. Did you—your mother visited you when you were down there that trip?

A. No, my mother was never down. My brother was.

Q. Your brother came. Now, when was the next time you saw the Bullocks?

A. Not until last February.

Q. Not until last February. That was about how long a period of time between last February and the last visit?

A. I guess about four years.

Q. About four years. Have you been invited to come down there during that interim of four years?

A. No.

Q. Now, how happened you to go down there last February?

A. Well, Mr. Bullock, and I believe his daughter, and mother, went over to my grandmother's house in Ocean City, and they took my grandmother on a trip.

Q. Yes.

Mr. Stout: Well, I submit, may it please the Court, unless this witness knows from her actual knowledge that it is a fact, that it is hearsay, I don't want her to tell it. If it is some information that has been imparted to ber by her grandmother about the trip, I object to it.

The Court: It is objectionable, unless she knows of her own knowledge. Do you know that of your own knowledge, or is it what someone told you?

The Witness: Yes, my grandmother wrote to us and told us about it.

The Court: It is objectionable, it is hearsay.

Mr. Wescott: You object to it?

Mr. Stout: Certainly.

Mr. Wescott: Then we yield.

Mr. Stout: I should think you would, when the Court rules against you.

Mr. Wescott: We yield in the interest of the truth.

Q. At any rate, you went down there, didn't you?
A. Yes.

Mr. Wescott: Will you let us see the letter, gentlemen, that was introduced here yesterday.

(Letter produced by counsel for the defendants.)

Q. (Witness being shown Exhibit D1.) Is that your handwriting?
A. Yes.
Q. The envelope addressed by you?
A. I didn't go over it like that. It is went over in lead pencil. The envelope. I didn't go over the envelope in lead pencil.
Q. The address on that envelope, is it in ink?
A. Yes.
Q. Did you write that?
A. Yes.
Q. Now, who is the letter addressed to?
A. Mrs. F. M. Bullock.
Q. Who is she?
A. Mr. Bullock's mother.
Q. How did you happen to write that letter?
A. Well, my grandmother asked me to.
Q. Yes. You wrote that letter in response to a request from your grandmother?
A. From my grandmother.

Q. Will you read that letter, please?

A. "Dear Mrs. Bullock: I received word from Grandma that you were to see her and what a lovely trip you have had together. I have often thought of you and Mr. Bullock and would have loved to have come to see you, but on account of Miss Jones I knew I would not be welcome. I would have written to you before, but I knew you would not have received my letters. Grandma told me you had the granddaughter with you. I would love to meet her. I will close now. Hoping to hear from you soon, with love to all."

Q. Signed by you?

A. Yes.

Q. Why did you make that reference to Miss Jones?

A. The last summer I had been down there, Miss Jones came to me and told me she didn't want me down there any more, and whenever there was any mail she would always destroy any letters that came there at all. She would always get the mail and destroy it because my mother had written to me several times and I never got the letters while I was there.

Q. So it was because of Miss Jones' conduct—treatment of you, and her destruction of letters that you made that reference to Miss Jones?

A. Yes.

Q. Did you keep any—what is the date of that letter please?

A. February 12th.

Q. What year?

A. 1923.

Q. 1923. Did you get an answer to that?

A. Yes.

Q. (Witness is shown Exhibit S1.) Is that the answer you received?

A. Yes.

Q. Do you know who wrote that letter, from your own knowledge?

A. No, only that it is signed by——

Q. Who signed it? What name is signed to it?

A. It is signed "Mary Antoinette Bullock."

Q. Had you ever seen——Mary M., You say?

A. Mary Antoinette.

Q. Had you ever seen Mary Antoinette Bullock?

A. No, I had not.

Q. Had you ever heard of her?

A. Yes, I had heard of her when I was down there that summer, and she had wrote to her father and asked if she could come down, and Miss Jones would not have her. Miss Jones said she would leave if she came down.

Q. Did you hear that yourself?

A. Yes, I was there.

Q. And if Mary came Miss Jones would leave?

A. Yes.

Q. Now, when you got that letter of invitation—what is the date of that letter?

A. February 13th.

Q. February 13th. That is the postmark, is it, on the letter, February 13th?

A. "Wildwood, Febuary 13th."

Q. That is the date of the letter?

A. Yes.

Q. And what is the date of the postmark?

A. The postmark is February 13. The letter isn't dated.

Q. The letter isn't dated?

A. No.

Q. Now, when you got that letter, what did you do?

A. I answered the letter.

Q. You answered that letter?

Mr. Wescott: Will you let us have that answer, gentlemen?

Mr. Stout: We haven't it, Judge.

Q. Haven't that. What did you say—have you a copy of the answer?

A. I just told her I would be down for the day, I would come down on the excursion. She asked me in this letter would I come down for the week-end and I wrote and told her I would come down for the day.

Q. On the excursion?

A. On the excursion train.

Q. And what day were you going?

A. On a Sunday.

Q. On Sunday. What was the condition of your health at that time?

A. Well, I had been working for the Bell Telephone and I was home. I couldn't stand the work.

Q. How long had you worked for the Bell Telephone?

A. Why about five months.

Q. About five months. How long had you been away from the Bell Telephone when you got this letter?

A. About two weeks.

Q. Well, did you take the morning train?

A. No, I missed that train.

Q. How?

A. I missed the train.

Q. How did you happen to miss it?

A. Well, I wasn't over-anxious to go.

Q. Why weren't you anxious to go?

A. Oh, I was at first, and then I didn't want to go because I felt kind of strange, I didn't know his daughter.

Q. Didn't know his daughter. Well, how happened you to go if you were disinclined to go?

A. Well, I had a 'phone call around twelve o'clock, I guess, in the afternoon.

Q. From where?

A. From Wildwood.

Q. Did you receive that 'phone call?

A. Yes.

Q. Who made the 'phone call, if you know?

A. Mr. Bullock.

Q. What did he say in that 'phone call?

A. He told me that he had gone to the train, he went down to meet the excursion train, and I wasn't on it and he was greatly disappointed and his daughter was disappointed, and he wanted to know if I couldn't come down on the later train. And he told me he had called up my grandmother and got the 'phone number next door, so I told him I didn't know what time the next train left. He told me to hang up and he would call the station and find out what time the next train came down and he would call me down again. I hung up and sat in there talking to the woman until he called me back. He called me back and told me I could catch the four something train, I don't just remember what time.

Q. What did you say to him?

A. I told him all right, and he told me to bring some things down and to prepare for a visit. He didn't say any definite time.

Q. How was that?

A. He didn't say any length of time. He just said, "Bring enough things down to stay."

Q. Did you communicate that message to your mother?

A. Yes.

Q. And in consequence of that message and the

request for you to come prepared to stay, what did you do?

A. Why, my mother helped me get my things ready.

Q. And what did you put your things in?

A. A suitcase.

Q. How big a suitcase was it?

A. Well, ordinary size suitcase.

Q. Well, what things did you put in the suitcase?

A. I took a couple of dresses with me. I took, I think, two pair of shoes and a pair of bedroom slippers, a couple of nightgowns, kimono, toothbrush, towels, different things.

Q. And who helped you to the train?

A. My brother and a boy friend of his.

Q. Did your mother say anything to you about going down there?

A. She thought it would do me good.

Q. And so stated to you. And the consequence was that you prepared and went?

A. Yes.

Q. You got down there to Wildwood about what time?

A. It was dark, I guess around six-thirty.

Q. And did anybody meet you at the depot?

A. Mr. Bullock and the chauffeur.

Q. Mr. Bullock and the chauffeur? Well, did they have anything?

A. What do you mean?

Q. Well, did you walk from the depot?

A. No, they had an automobile.

Q. What kind of an automobile was it?

A. It was a sedan.

Q. And did you get in the automobile?

A. Yes.

Q. With whom?

A. With Mr. Bullock and the chauffeur.

Q. Who drove the automobile?

A. The chauffeur.

Q. Did Mr. Bullock have anything to say to you?

A. No, he was just surprised how big I had got.

Q. How was it?

A. He was surprised at how big I had got since the last time he saw me. He made a fuss over me, glad to see me.

Q. Well, were you very big?

A. As big as I am now.

Q. How long a drive was it from the depot to his house?

A. About ten minutes.

Q. And the chauffeur drove the machine?

A. Yes.

Q. Well, when you got to Mr. Bullock's house, where was it, where was his house?

A. 7013 Pacific Avenue.

Q. Same house that you visited before?

A. No.

Q. How big was this house that you visited in February?

A. Well, it wasn't quite as large as the other.

Q. Can you give the jury a general idea of the appearance of that house, whether it was a small house or big house?

A. It was a big house.

Q. It was a big house. How was it furnished?

A. It was furnished beautifully.

Q. Never mind. I understand why you are fingering the letter. You are in a terrible situation. Other people would finger things if they were in your place. Now, then, was this house well furnished?

A. Yes.

Q. Whom did you see when you got there?

A. His daughter and mother and Mr. Bullock.
Q. Anybody else?
A. No.
Q. Any servants?
A. No.
Q. Didn't see any servants?
A. No.
Q. Who introduced you to Mary?
A. Mr. Bullock.
Q. Was that the first time you had ever seen Mary?
A. Yes.
Q. Well, after you got to Mr. Bullock's house, where were you taken, where were your things taken?
A. Why, they were—the chauffeur took my suitcase upstairs.
Q. Yes. And what did you do?
A. Took my hat and coat off and laid it there at the side of the living room.
Q. Then what did you do?
A. Mary invited me out into the kitchen. She was getting her grandmother's supper ready.
Q. Did you talk to Mary or she to you?
A. Yes, she asked me about Miss Jones and if I had known her. I told her yes, I had met her down at her father's place, and she told me not to mention Miss Jones, please, in front of her father, that she didn't want him to ever hear tell of her, that she was going to take Miss Jones' place.
Q. What did you say to that?
A. I didn't say anything. I promised that I wouldn't mention her name in front of her father.
Q. And you kept your promise?
A. Yes.
Q. Had you any idea why she didn't want you to mention——

Mr. Broomall: If the Court please, how is her idea——

Mr. Wescott: If you object——

Mr. Broomall: Well, we won't object.

Q. Had you any idea why she didn't want you to mention Miss Jones' name?

A. No.

Q. Not the remotest idea?

A. No.

Q. Very well. Now, was the supper prepared for the old lady?

A. Yes.

Q. Where did you eat your supper?

A. With Mr. Bullock and his mother and Mary.

Q. Out in the kitchen?

A. No, in the dining room.

Q. And the four of you were at the table together?

A. Yes.

Q. Waited on by a servant?

A. No, by Mary.

Q. What?

A. By Mary.

Q. By Mary. Now, when you got through with your supper, this was a Sunday night, was it?

A. Yes.

Q. What did you do?

A. Well, I helped her clear off the table, and then we went upstairs.

Q. Whereabouts upstairs?

A. In Mr. Bullock's room.

Q. And where was his room?

A. At the top of the stairs.

Q. What kind of a room was it?

A. It was a great big room.

Q. Sitting room, bedroom, or what?

A. It was a bedroom.

Q. At the head of the stairs?

A. Some sitting room furniture in it. It didn't have all bedroom furniture in it.

Q. Was it a living room?

A. No, it was a sitting room and bedroom combined.

Q. Well, now, you went in Mr. Bullock's room?

A. Yes.

Q. Who was there then?

A. Why, Mary and her father.

Q. Anybody else beside you and Mary and her father?

A. No.

Q. About what time in the evening was that, can you tell?

A. It was around eight o'clock.

Q. About eight o'clock. How long a time did you spend in that room, so far as you can recollect?

A. I don't know exactly.

Q. No, I know you don't. Any considerable time or a short time?

A. I guess about an hour.

Q. And while you were in that room, what was said between you and Mary and her father?

A. Well, they started telling fortunes with some kind of a thing he had gotten from California, and then Mary's father offered—offered us cigarettes. Mary took one but I didn't.

Q. How?

A. Her father offered cigarettes and she took one. She asked me if I smoked and I said no.

Q. Did Mary smoke?

A. Yes.

Q. Did her father smoke?

A. Yes, I believe he did.

Q. Well, now, how long—how did they tell fortunes?

A. Well, some kind of bamboo sticks. I don't know just what it was.

Q. Did you understand it at all?

A. Why, there was a book there to read from.

Q. Was your fortune told?

A. Yes.

Q. Did they tell their fortunes, too?

A. Yes.

Q. Well, now, after the fortunes were told, what happened?

A. Well, we were just talking, nothing in particular.

Q. Can you remember any instance or any conversations after the fortunes were told?

A. No, he just showed me a picture that he had taken from my aunt; I had sent my aunt a picture, and he admired it, and he took it from her.

Q. He showed you that picture?

A. Yes.

Q. Did he say anything when he showed you the picture?

A. No, he just told me that he had admired it.

Q. Well, can you remember anything else?

A. No.

Q. Now, what time did you go to bed that night?

A. Around 9.30.

Q. Around 9.30. Tell the jury and his Honor, if you please, what was said, if anything, about where you should sleep that night, Sunday night?

A. Well, they told me they had prepared a room for me on the third floor, but on account of it being so cold, I would have to sleep with Mary.

Q. What did you say to that?

A. Well, I didn't think anything of it. I always slept by myself at home, but I thought on account of conditions it would be all right.

Q. Well, you went to bed, you think, Sunday night, about 9.30?

A. Yes.

Q. Did you have a good sleep?

A. Yes.

Q. Now, when you went to bed, where was Mary's room in which you slept with Mary, in relation to her father's room?

A. Why, they communicated.

Q. Did you notice anything about the doors, what was done with them when you went to bed?

A. Well, the doors leading into the hall were locked, but the door leading into the two rooms was left open.

Q. The door between Mary's room and her father's room was left open?

A. Was left open.

Q. Did that make any impression on your mind of any sort?

A. No, I didn't think anything of it.

Q. You had a good refreshing sleep?

A. Yes.

Q. What time did you get up Monday morning?

A. Around 8.30.

Q. And did Mary get up with you?

A. Yes.

Q. Did you see Mr. Bullock during the night?

A. No.

Q. Did you see him that morning?

A. After he had come downstairs.

Q. After you came downstairs. Now, where did you have breakfast?

A. In the dining room.

Q. Who was present at the breakfast?

A. Mr. Bullock, Mrs. Bullock, Mary and myself.

Q. Any special conversation at the breakfast table that you recall?

A. No, they just asked me how I had slept.

Q. Yes. And after breakfast, what did you do?

A. Why, Mary got the things ready for the laundry and then we took her to the music teacher's.

Q. What?

A. We took her to the music teacher's.

Q. Who took her to the music teacher's?

A. Mr. Bullock and the chauffeur and myself.

Q. Did you go in the automobile?

A. Yes.

Q. Where was the music teacher?

A. I don't know what avenue it was on.

Q. Somewhere in Wildwood?

A. About five squares from their house.

Q. After Mary went to the music teacher's, can you tell about what time that was?

A. It was before lunch, I think.

Q. Before noon. Well, between the breakfast hour and the time you took Mary to the music teacher, did anything happen that you recall?

A. No, I sat there reading a book and talking to Mrs. Bullock.

Q. Talking with whom?

A. Mrs. Bullock.

Q. And you were reading a book. Do you remember what book it was?

A. No, I wasn't reading it. I was just glancing over it.

Q. And then was it announced that they were to take Mary to the music teacher?

A. Yes.

Q. Were you asked to go along?

A. Yes.

Q. And you went?

A. Oh, I called my grandmother up that morning, too.

Q. How?

A. I called my grandmother up that morning, too.

Q. This Monday morning?

A. Yes.

Q. Where did you call your grandmother up at?

A. At Ocean City.

Q. By 'phone?

A. Yes.

Q. To tell her you were at the Bullock's?

A. Yes, and then Mr. Bullock got on and he talked to her and he told her he had met me and that he expected me to pay them a nice long visit, and that he would bring me over to see her while I was there.

Q. Well, now, you got down to the circumstance of having taken Mary to the music teacher. What did you do after Mary got out of the machine and went into the music teacher's room?

A. Mr. Bullock went on some errands. I believe he went down to the blacksmith or coal place, I don't remember which.

Q. Yes. And what did you do?

A. I stayed in the machine.

Q. About how long did you stay there?

A. Why, I guess about an hour, and then we went back after her.

Q. You went back to the music teacher?

A. Yes.

Q. Did you drive with Bullock down to the blacksmith's place or whatever it was?

A. Yes.

Q. Well, you went back for Mary. Did you get her?

A. Yes.

Q. Then what did you do?

A. We came home.

Q. And after you got home, what did you do; the first thing you did?

A. We had lunch.

Q. In the dining room or kitchen?

A. Dining room.

Q. And who was at that lunch?

A. Just Mrs. Bullock and Mr. Bullock and Mary.

Q. And yourself?

A. And myself.

Q. Was there anything said at that lunch which you remember?

A. No.

Q. Just ordinary conversation?

A. That is all.

Q. Now, when did you get through with the lunch, about?

A. I guess in about a half hour's time.

Q. After getting through with the lunch, what did you do?

A. We didn't do anything in particular.

Q. Go anywheres or stay in the house, if you can recall?

A. No. Mary went down to pay some bills and when we got there the place was closed and she had to postpone it to the next day.

Q. Did you go with Mary to pay the bills?

A. And Mr. Bullock and Mrs. Bullock and Mr. Bullock and Mary went in the store to buy a hat, and I guess they were in there about and hour and a half; it was dark when they came out.

Q. Where were you?

A. In the machine with Mrs. Bullock.

Q. With the old lady?

A. Yes.

Q. Very well. Now, when you came out from the purchase of the hat, where did you go?

A. Back to the house.
Q. Did you have supper?
A. Yes.
Q. Anything happen at the supper table?
A. No.
Q. Now, after supper what did you do, Miss Mishler?
A. We didn't do anything. We didn't go anywheres.
Q. Didn't go out of the house?
A. No, we just sat there talking.
Q. Do you remember how you passed the evening?
A. No, I don't.
Q. Do you remember anything that was said on that evening, or done by anybody?
A. No. Mary didn't sleep with me that evening.
Q. What?
A. Mary didn't sleep with me that evening.
Q. Well, this was what evening?
A. Monday.
Q. Monday evening. What time did you go to bed?
A. Yes, she did. It was on Tuesday that she didn't.
Q. Now, what time did you go to bed Monday evening?
A. Huh?
Q. What time did you go to bed Monday evening?
A. I guess aroynd 9.30. Oh, later than that. I don't remember just what time it was.
Q. And did Mary and you sleep together Monday night?
A. No, Mary didn't sleep with me that night. She came in the room and she went out again.
Q. Where did she go?
A. She went through her father's room. And then

she closed the doors. I don't know whether she stayed in there or not.

Q. She went from your room into ner father's room and closed the door?

A. Yes.

Q. Were you in bed then?

A. Yes.

Q. Did you hear anything?

A. I heard them talking, but I didn't pay any attention to what they had to say.

Q. Can you tell whether when Mary left your room and went into her father's room how she was dressed?

A. In her nightgown.

Q. She had her nightgown on?

A. Yes.

Q. Had she been in bed with you before she went into her father's room?

A. No.

Q. But she undressed, as I understand, in your room?

A. Yes.

Q. And was in her nightshirt?

A. She didn't have a nightgown on, she had her father's undershirt on.

Q. What?

A. She had her father's undershirt on. She didn't have a nightgown on. Her nightclothes were in the laundry.

Q. How do you know that?

A. She told me they were, and that is why she put her father's undershirt on.

Q. Did she undress before you?

A. Yes.

Q. Light burning?

A. Yes.

Q. And she put her father's undershirt on?

A. Yes.
Q. And with that on went into her father's room?
A. Yes.
Q. Are you sure of that?
A. Positive.
Q. And the door was closed by her?
A. Yes.
Q. Then you heard them talking in his room?
A. Yes. They weren't talking loud, and I didn't pay any attention to what they were saying.
Q. Did you go to sleep then?
A. Yes.
Q. Did you sleep alone that night?
A. Yes.
Q. Mary didn't sleep with you?
A. When I woke up, she wasn't there.
Q. She wasn't there when you woke up?
A. No.
Q. This was what morning now?
A. That was Tuesday morning.
Q. What time did you get up Tuesday morning?
A. About the same time.
Q. Have breakfast together?
A. Yes.
Q. Anything said at the breakfast table that you remember?
A. No. I believe they expected the dressmaker and she didn't show up.
Q. Well, after breakfast what did you do?
A. Why, we took Mary's hat back. She didn't like it, the hat she had bought, she didn't like it, and we took it back.
Q. By machine?
A. Yes.
Q. How long did that take you?
A. Why, I don't know, and then we stopped and paid the bills.

Q. Who was in the machine?
A. Just Mary and myself.
Q. Any driver?
A. And the chauffeur.
Q. Bullock didn't go?
A. No.
Q. Now, when did you get back home from paying the bills and taking the hat back?
A. I guess around lunch time.
Q. Did you have lunch?
A. Yes.
Q. Who sat at the table?
A. Just Mary and her father and grandmother and myself.
Q. Now, after dinner, what did you do?
A. We didn't do anything, I don't believe. I can't remember anything.
Q. Don't remember how you passed the afternoon?
A. No.
Q. Go riding?
A. No, we didn't go out.
Q. Didn't go out. Anything happen that afternoon that arrested your attention, that you can recall?
A. No. That Sunday evening when I got there, there was a 'phone call and they asked me to answer it, and it was from Mary's people, and they told me to say that nobody was home, and I told them nobody was home, and the operator told me when they came in to have them call the Chester operator. They said they didn't want to talk to her people.
Q. That was Sunday?
A. That was the first night I was there.
Q. One thing you forgot.
A. Yes.
Q. Well, now, we have got down to Tuesday after

dinner. Will you try to fix your attention and memory on that afternoon and tell us if anything occurred that you can remember?

A. I can't remember anything.

Q. Can't remember anything. You don't remember how you spent the afternoon?

A. Why, spent it around the house, but I don't remember what I did.

Q. Well, now, if you can't remember what happened that afternoon, can you remember whether you all ate together at the supper time on Tuesday?

A. I think it was in the afternoon when we went down with the hat, because I know it was around supper time when we got back.

Q. Very well. Who was at supper then?

A. Just Mrs. Bullock and Mr. Bullock and Mary and myself.

Q. Were any purchases made for you during Monday or Tuesday in the shape of magazines or books or anything of that sort?

A. Tuesday evening.

Q. Well, after you got your supper what happened Tuesday evening?

A. Well, we were sitting at the supper table and Mr. Bullock jumped up and was all excited, and he said he had a brain headache and he went upstairs, and one of the servant girls made a mustard plaster and went up to him, and we went on eating our supper, and after we got through Mary went up, and then she called me upstairs and he asked me would I like to go to the show that evening, that they had not taken me any place since I had been there. So he told me to go down and tell the chauffeur to stay, that he wanted to use the machine that night, so I went down and told the chauffeur, and when we got all prepared to go, Mary wouldn't go. She said she had letters to write, and so Mr. Bullock and Mrs.

Bullock and I decided that we would go, so we got in the machine and went down and he wanted me to go over to the moving picture place to see what was playing. I did. And I came back and told him it was a physical culture show, and he said he had thought it was a fashion show and he didn't care to see the physical culture show, so he said, "We will go buy some magazines and go back to the house again."

Q. Did you go down and make this investigation by means of the machine?

A. Yes.

Q. And who went in the machine with you?

A. Mrs. Bullock and Mr. Bullock and the chauffeur and myself.

Q. Then you came back to the house. About what time did you get back?

A. I guess around 7.30.

Q. About what?

A. 7.30.

Q. And that was after supper?

A. Yes. It might have been later, I don't know.

Q. Then how did you spend the evening, what happened during the evening?

A. Well, he bought us all a magazine and we went upstairs, and I went into Mary's room and was sitting on the chair, and Mr. Bullock came in and threw himself across the bed and he opened the magazine and picked out the story and asked me to read it and I read it to him, and then we sat there talking, and Mary was sitting out writing letters, I guess. When she came in, it was real late, I don't remember what time it was, and Mrs. Bullock was in her own room reading a magazine. Then Mary came in and told her father she had called up a friend of hers to come down and take her home. And then her father went through the house like a mad person, that

he was going to have the wires cut on the telephone, that she had to do all the sneak work around the house. Then she started crying and her father wouldn't leave her go home, and that she had got letters from her doctors and brothers that her mother was dying, and her father wouldn't leave her go home. I asked her if she hadn't got any money, and she said her father gave her $100 a month. I asked her why she didn't go home and she said she was afraid of her father.

Q. Can you recall anything else?

A. Oh, well, they fought and called Mrs. Bullock in. Mrs. Bullock was in her nightgown and her bathrobe. She came in and they told her all about it.

Q. Who told her about it?

A. Mr. Bullock.

Q. What did he tell her?

A. He told her that Mary had called up somebody when they were out to come down and take her home, and Mrs. Bullock said that she thought that Mary had treated her father very mean after all he had done for her, to do that when he was not in the house, and that was her intentions when she didn't want to go to the show what she had intended to do, when she didn't want to go to the show with us.

Q. About what time in the night did this occur?

A. Oh, it was real late. I don't know just what time.

Q. How long did this dispute continue?

A. Well, they fought for about three hours.

Q. About three hours?

A. Yes.

Q. And where was this dispute held? Where were these people?

A. In Mr. Bullock's room.

Q. In his bedroom?

A. Yes.

Q. Now, can you recall anything else that happened that evening before you went to bed?

A. Yes. Mr. Bullock had told Mary to go in to get some pictures that he had bought her, and she went in her father's room and brought them in and showed them to me.

Q. What were those pictures?

A. They were a small picture.

Q. What?

A. They were pictures of naked people.

Q. How many of them were there?

A. I don't know. There was quite a few.

Q. What did you do when Bullock requested his daughter to get those pictures and bring them in and show them to you?

A. I didn't know what they were when he told her to go get them, but after she had showed them to me, I was surprised.

Q. Did you say anything?

A. No. She just passed them—she didn't hand them to me.

Q. What?

A. She just let me glance at them and handed them back to her father.

Q. What motions did she go through for you to see those nude pictures?

A. Put them in front of me.

Q. How big were those pictures?

A. Postal card size. Postal cards.

Q. Did you make any remarks about it?

A. No. I told her I thought they were terrible.

Q. Yes. Did they make any remarks about the pictures?

A. No, she laughed over them. She thought they were grand.

Q. Grand?

A. Yes.

Q. Can you tell about what time of the night that was?

A. That was before the argument had started.

Q. Well, that was before the argument had started. How did the argument end, have you any idea, any recollection?

A. She promised her father that she would call this man up, I don't know who he was, and tell him in the morning that she had decided not to go.

Q. What effect did that have on Bullock?

A. Then he calmed down a little.

Q. And can you recall anything else about that dispute?

A. Then she came into the room to me, and she took out some letters that she had gotten from her mother's doctor. She read me letters, and her brother, she was crying, and carried on, because her father wouldn't leave her go home to see her mother.

Q. What did she say?

A. She said that he was afraid that she wouldn't come back to him again.

Q. Now, where did she show you these letters

A. In her bed room. I was in bed, and she came in to me.

Q. You were already in bed. Did you have your night dress on?

A. Yes.

Q. One of those that you took down with you when you went on the visit?

A. Yes.

Q. Well, about what time of the night was that, Miss Mishler?

A. It was in the morning, around two o'clock, I guess.

Q. Well, after she showed you these letters and

read them to you, and telegrams, what was the next thing that happened?

A. She got into bed with me. She got undressed.

Q. And you and she got in bed. Did you notice whether the doors were locked or unlocked or open or unopened?

A. The doors leading into the hall were locked.

Q. How about the door leading into her father's room?

A. That was open.

Q. During the time of reading these telegrams and letters, did you see Bullock himself?

A. He was in his room.

Q. How do you know he was in his room?

A. I saw him in there.

Q. Were you in his room at all?

A. Yes. Then I went in and went to bed.

Q. What were you doing in his room?

A. They called me in. They were arguing in there, and he called me in.

Q. Yes. What part did you take in the argument when he called you in?

A. I didn't say anything.

Q. Did he say anything to you when he called you in?

A. No, he just asked me if I didn't think Mary was very mean to do a trick like that.

Q. Yes.

A. After all he had done for her.

Q. Yes. Well, now, after the argument, do you remember anything about a diamond ring?

A. Her father had given her a diamond ring for a birthday present?

Q. When did you hear about that?

A. She showed me that when I first went down.

Q. How big a ring was it?

A. It had three stones in it.

Q. Three stones in it. Did Mary say anything about the value of that ring?

A. Yes, she said her grandmother had gotten it on the other side.

Q. Did she say anything about the cost of it?

A. Why, she said something about it being worth a thousand dollars so many years ago. I don't know just how many years ago it was.

Q. Now, let us go back to the letters and telegrams. You were in bed with your night shirt on?

A. Yes.

Q. How was Mary dressed?

A. She had her father's undershirt on.

Q. The same as on the night before?

A. Yes.

Q. And she was in bed when she read these telegrams and letters to you?

A. She got them out of the drawer and then got back in the bed.

Q. Now, after the telegrams and letters were read, have you any idea of what time of night it was?

A. It was early in the morning.

Q. What did you do then?

A. Well, I laid down and I was just dozing off to sleep when I heard someone talking, and I thought I was dreaming at first, and I woke up and I glanced over and I saw Mr. Bullock on the side of the bed with Mary.

Q. Yes.

A. Then I heard him talking to her.

(At this time, the witness broke down and a ten minute recess was taken.)

Q. Now, Miss Mishler, let me call your mind back to an incident, if you remember it. Did you have any conversation with Mary about Miss Jones?

A. In the kitchen that Sunday night.

Q. Yes. Have you given us all the conversation between you and Mary that you can recall?

A. Only that she didn't want Miss Jones' name mentioned, that she was going to take Miss Jones' place.

Q. Very well. Now, come back to this night or early morning. You say after the letters and telegrams had been read to you by Mary, you began to doze off. When you were awakened, Mr. Bullock got in the bed alongside of Mary?

A. Yes.

Q. Now, tell these gentlemen and his Honor here, as quietly as you can, though it is distressing, the series of events, just what happened, what was said and what was done?

A. I heard Mr. Bullock asking Mary—Mary was menstruating at the time, and he asked her——

Q. Just a minute. I want these gentlemen to hear you. That is more important than the stenographer.

A. He asked her why she was so long, that she wasn't so long before. I thought it was kind of funny for him asking her anything like that. I started getting up out of the bed, and when I did, Mr. Bullock leaned over Mary and grabbed me by the back of the nightgown and pulled me back into the bed.

Q. Let me stop you right there. Can you recall what Mary said to her father's comments on her menstruation?

A. She told him that she was going to be better the next day.

Q. Now, when this conversation occurred, you say you undertook to get out of bed?

A. Yes.

Q. And what happened then?

A. And he leaned over Mary and pulled me back into bed.

Q. How did he pull you back?

A. By the back of the nightgown.

Q. Then what happened?

A. He pulled me back and he told Mary that—I was kicking and trying to get out of the bed, and he told Mary to hold me down. He told Mary to put her hand—(Witness breaks down.) He told Mary to put her hand down on me and try to find a nerve, and if she finds that nerve, I wouldn't be able to resist her.

Q. What did Mary do?

A. Mary told her father that she couldn't, she couldn't find it on anybody else like she could on herself.

Q. Yes.

A. Then he told Mary to put her hand on my mouth so I couldn't holler, and she leaned on me. And he leaned over on me and he stooped down. He stooped down and kissed me there.

Q. Was Mary holding you then?

A. Yes, she was holding my shoulders down, my arms.

Q. Holding your shoulders and arms. And he stooped down and did what?

A. He kissed me there.

Q. Where did he put his face?

A. Down on me.

Q. What effort were you making to escape?

A. I couldn't. I couldn't move.

Q. Then what happened?

(Witness breaks down.)

Q. Did he put his face between your legs?

A. Yes.

Q. Well, after that what happened?

A. Then he got all the way over on me then.

Q. Yes. And then what?
A. I could feel him going in me.
Q. You could feel him going in you?
A. Yes.
Q. Did it cause you pain?
A. Yes. I felt him and then I saw everything was getting black in front of me. I don't remember anything more.

(Answer repeated by stenographer.)

Q. Did you lose consciousness?
A. Yes.
Q. Well, when you recovered consciouness, what time of the day was it?
A. It was breaking day.
Q. It was getting day. Where were you then?
A. I was still in the bed.
Q. Anybody in bed with you?
A. Just Mary.
Q. Just Mary. Well, when you recovered consciousness, what did you do, Miss Mishler?
A. I got up—I sat up in bed. I was dizzy. I had pain.
Q. What?
A. I sat up in the bed and my head was dizzy. I had pains. I didn't really know what I had gone through, and I got up and Mary told me to wait a minute, and she went back in the bathroom and she came back with a glass of water and a tablet and gave it to me.
Q. Did you take it?
A. Yes.
Q. What was the next thing that you can remember?
A. Then I got up and my nightgown and the bed was all full of blood. I took my nightgown off and

put a kimona on and went over in the bathroom. When I came back, Mr. Bullock was in the bed with Mary and Mary had taken the bottom sheet off and had taken my nightgown from the bed, and he was in bed with her, and he said to me—there was a table down at the foot of the bed. He said to me, "Take off your kimona and get up on that table and dance for us, and you will be the show and we will be the audience."

Q. What did you say to that?

A. I didn't answer him. I got my clothes and went out of the room, and I got dressed and I came back, I had forgotten my sweater, I came back to get my sweater, and Mr. Bullock told Mary to go in his room and muss up the bed, and she opened the doors—as if he had laid in the bed.

Q. Do you know who took care of Bullock's bed, his room?

A. Mary did.

Q. Mary. Did she say anything to you about that?

A. Why, no, she always made the beds, and Mrs. Bullock made her own.

Q. Mrs. Bullock, the old lady, made her own bed and Mary made her father's bed. How many servants did they have at that time?

A. Two girls and the chauffeur.

Q. Colored girls?

A. Yes.

Q. Well, what did you do when you went out of the room?

A. I went downstairs after I got dressed. I wasn't down there very long before the chauffeur came and made the fires.

Q. Made the fire?

A. Yes.

Q. Then what did you do?

A. I sat down in the living room and Mary came down and her father.

Q. Yes. And what was said?

A. They didn't say anything to me, only Mary asked me how I felt.

Q. How did you feel?

A. I felt terrible. I had a pain, I had a headache, I just didn't know how I felt. I couldn't hardly walk.

Q. You could hardly walk. Well, what did you do next after Mary came down and asked you how you felt?

A. Why, then the two colored girls came and then I believe the dressmaker came, and then the girls got breakfast, and I sat down at the table, but I didn't eat anything. I took about a half cup of coffee.

Q. And then what happened next?

A. After the dressmaker finished eating her breakfast, she went upstairs to do some sewing, and Mr. Bullock was at the bottom of the stairs and she run upstairs and Mr. Bullock after her and he run his hand up under her clothes. She got up to the top of the stairs and she laughed. She said, "I always have to go upstairs backwards on account of Mr. Bullock."

Q. And what time did that happen?

A. That was in the morning.

Q. What did you do after that?

A. I told Mr. Bullock that I wanted to go home and he told me he would take me home on the afternoon train, but not to say anything to anybody, and I promised him I wouldn't. I didn't have any money to go home.

Q. Did he give you the money to go home?

A. He bought my ticket.

Q. And you went home?

A. Yes.

Q. How did you feel on the train?

A. I felt terrible. I kept up the best I could.

Q. Did you see anybody on the train that you knew?

A. No.

Q. Well, how did you get home from the ferry?

A. I took the elevated train.

Q. Took the elevated train. Where to?

A. To 52nd and Market.

Q. What time did you get home?

A. I guess around six-thirty or seven o'clock.

Q. When you got home, what did you do?

A. I went in. I sat my suitcase down in the hall and my mother—my father was at the table. My mother was out in the kitchen and my father asked me why I had gotten home so soon——

Mr. Stout: I object to that.

Q. Well, leave that out. What did you do?

A. I just stood at the dining room door.

Q. Then what? What did you do then?

A. Why, after I talked to my father, I went upstairs.

Q. Then what did you do upstairs?

A. I laid down.

Q. Why?

A. Because I felt—I didn't feel good. I had pains.

Q. Where did you have pain?

A. Down in the lower part of my stomach and my sides and my back ached, and my legs hurt me.

Q. When did you first tell this and whom did you tell it to?

A. I told it to my sister.

Q. Do you remember being examined by doctors?

A. Yes.

Q. Who were the doctors that examined you?

A. Why, I was examined by Dr. Fist and Dr. Rubinsohn.

Q. Was your mother there?

A. Yes.

Q. When they examined you, did it hurt you any?

A. Yes. When Doctor Fist examined me, Doctor Rubinsohn held my legs.

Q. Now, after that, did you get any communications from the Bullocks?

A. Yes I did.

Q. What?

A. I believe it was the next day Mr. Bullock called me up next door and I answered the 'phone and he asked me how I was feeling, and he told me that Mary had wrote to a girl friend of hers to come down and the girl had sent him a telegram and said she couldn't come, and he was glad, because he didn't want this girl to cut me out.

Q. Didn't want this girl to cut you out? Did you get any other communications from him?

A. Yes. Then I had another 'phone call from Mary, I believe—yes, it was Mary—and then there was two at the drug store, and they said it was Wildwood calling, but they left different names. They didn't leave their right name.

Q. Was there anything said in these two communications about your coming down to Wildwood?

A. Yes, they wanted me to come down again.

Q. What was said in regard to that matter?

A. They wanted me——

Mr. Stout: By whom? You say "they."

A. By Mr. Bullock. He wanted me to come down the next day again.

Q. What did you say?

A. I told him I would leave him know.

Q. You would let him know. Now, did Mary—you say Mary took your nightshirt that had blood on it?

A. She told me she would have it laundered and send it to me.

Q. Did she ever send it to you?

A. No, and I didn't get my slippers, either.

Q. Did you communicate to them about your nightshirt and slippers?

A. Well, when I was talking to Mr. Bullock on the 'phone, I asked him and he said Mary would attend to that, that was all.

Q. Did you write him any letters about it?

A. No.

Q. You never got your nightshirt or slippers?

A. No.

Q. Do you remember any incident about a fur coat?

A. That was when I was going home. He came up in the room and told me not to say anything to anybody, that they were going to California—Florida—and he would take me with them, and anything he would buy Mary he would buy me. Buy me a fur coat and different things to promise not to say anything.

Q. Where did that conversation occur?

A. Why, in Mary's bed room.

Q. What time?

A. Well, when I was getting ready to go home, I don't know just what time the train left. We were about two hours earlier for the train and we rode around until the train came in.

Q. Was there anything said by Bullock or his daughter about your going home that Wednesday morning or Wednesday?

A. Well they didn't want me to go.

Q. What did they say about it?

A. They told me to stay, that they had something there that nothing would happen to me, that they had something there that I could wash with.

Q. Who said that?

A. Mr. Bullock.

Q. Can you recall any remark that was made by Mary in the bed about your getting hurt?

A. Oh, she told me not to holler or make any noise, that her father wouldn't hurt me, that he didn't hurt her.

Q. Now, when was that said, what part of the performance?

A. Well, that was when she started to hold me.

Mr. Wescott: Oh, when she started to hold you.

Cross-examine.

Cross-examination.

By Mr. Stout.

Q. Eleanor, you have told this just exactly as it occurred, have you?

A. Yes.

Q. From the very start of your acquaintance with the Bullocks?

A. Yes.

Q. To the day that you left Wildwood in February?

A. Yes.

Q. How old were you when you first met the Bullocks?

A. I guess about twelve.

Q. Twelve. And where were you living?

A. 4320 Westminster Avenue.

Q. And the Bullocks were then living at Media, you say?

A. Media.

Q. Who went with you to the Bullocks then?

A. My sister and my brother-in-law and the baby.

Q. Your grandmother was living there then, wasn't she?

A. Yes. She went with them when they were on Carpenter Street, before they went out to Media.

Q. She had been living with them before they moved to Media?

A. Yes, sir.

Q. Did you visit Bullock's when they lived on Carpenter Street?

A. No, I did not.

Q. Your mother was employed to look after Mrs. Bullock, wasn't she?

A. My grandmother.

Q. Your grandmother employed to look after Mrs. Bullock?

A. Yes.

Q. You didn't see Mary on that visit, did you?

A. No.

Q. And you were just a school girl then, weren't you?

A. Yes.

Q. Do you remember what time of the year it was that you went there?

A. Went to Media? It was in the summer time.

Q. Was it during the vacation season?

A. It was during July.

Q. There was nothing said or done to you that would not be done to any child?

A. No.

Q. You were used properly, weren't you?

A. Yes.

Q. You didn't visit the Bullocks again until quite later, did you?

A. No, I don't know whether it was a year. I know it was after they came back from Virginia, the summer after they came back.

Q. You have a distinct recollection of when it was, do you?

A. Well, I think it was then. I am almost sure.

Q. How old were you when you made this visit?

A. I believe that was during the same year.

Q. The same year.

A. Yes.

Q. That must have been in the winter, wasn't it?

A. No, it was not. It was in the summer time when I went to Wildwood. Are you talking when I went to Wildwood?

Q. The second visit that you made, was it Media or Wildwood?

A. I was at Media in the winter time, too.

Q. The first time you say you visited there you were twelve years old?

A. Yes.

Q. I want to know when your second visit was, whether it was Wildwood or whether it was at Media?

A. I was at Media several times.

Q. You were never treated badly by anyone when you were visiting at Media, were you?

A. No.

Q. How old were you when you made your first visit to the Bullocks at Wildwood?

A. About a year later.

Q. How old were you then?

A. About 13.

Q. About 13. Was your grandmother still employed by the Bullocks?

A. Yes.

Q. You went to see your grandmother, didn't you?

A. Yes, through Mr. Bullock's invitation.

Q. He invited you down to see your grandmother, didn't he?

A. He invited me down to see them, not only my grandmother.

Q. To spend a visit with them. But your grandmother was there, wasn't she?

A. Yes.

Q. And you slept with your grandmother, didn't you?

A. No, I slept by myself.

Q. You slept by yourself. Was there anyone else there beside your grandmother when you went to Wildwood?

A. Miss Jones.

Q. And you were about thirteen years old then, were you?

A. Yes.

Q. You said that Miss Jones didn't use you properly?

A. No, she did not.

Q. In what manner?

A. Oh, she was sarcastic.

Q. In what way?

A. Well, in the way she talked to me.

Q. Well, what did she say?

A. I just can't remember what she said, but she wasn't very pleasant.

Q. What did she do?

A. I can't remember what she done.

Q. Can't you recall any unpleasantness?

A. No. She never gave me any civil answers.

Q. About what?

A. Oh, I don't know just what about. I can't remember that.

Q. Anyone else give you uncivil answers?

A. No, the rest treated me very nice.

Q. Miss Jones was the housekeeper, wasn't she?

A. Supposed to be.

Q. Was your grandmother living there then?

A. She was.

Q. Was it because you had done something that displeased Miss Jones that she spoke to you in the manner in which she did?

A. No, she was mad because Mr. Bullock had given me a ring.

Q. Oh, had Mr. Bullock given you a ring?

A. And a hair ribbon for my birthday.

Q. What did she say about that?

A. Well, she hollered to him about it.

Q. Well, what did she say?

A. I don't know just what she said, but she didn't like it.

Q. Well, you say she hollered at him?

A. Well, she fought with him but I don't remember what it was.

Q. Well, what kind of a fight?

A. Well, it was more jealousy; I don't know.

Q. What was done or said that would indicate it was jealously?

A. Oh, I don't know just what it was.

Q. You don't know what it was. But you still have a clear recollection that it was something, don't you?

A. Yes.

Q. And you know it was Miss Jones, don't you?

A. Yes.

Q. And still you were a little girl of thirteen years of age?

A. Yes.

Q. And your recollection is very good about your visits and who were there?

A. Yes.

Q. And still you cannot tell the Court and jury in what manner she was sarcastic toward you or what she said?

A. I can't remember conversations.

Q. Did she appear to be mad at you because you got the ring or was she mad at Bullock because he gave it to you?

A. She seemed to be mad at me becauses I got it.

Q. She was mad at you because you got the ring, but she fought with Bullock for giving it to you, is that what I understand you to say?

A. Yes.

Q. Well, what did she say to you about it?

A. She didn't say anything to me about it.

Q. How long did you stay after you got the ring?

A. Why, I guess about another week.

Q. Was she disagreeable to you during your entire visit?

A. She was never nice to me.

Q. Never nice to you?

A. No.

Q. Well, didn't she invite you out to the table to eat with the family?

A. Well, that wasn't her place. She didn't do any inviting. Mr. Bullock did that.

Q. But she was the housekeeper, wasn't she?

A. I guess so.

Q. She had charge of the meals, didn't she?

A. No, she didn't do anything.

Q. Didn't she serve the people?

A. No, indeed.

Q. Did she tell you that your presence was not desired there?

A. Not the first summer she didn't.

Q. Well, she showed a bad disposition towards you from the very first visit, didn't she?

A. Yes.

Q. And you remember that, don't you?

A. Yes.

Q. But you did go back again, didn't you?

A. I did.

Q. Now, how old were you when you went back to Wildwood?

A. After I had left school.

Q. Huh?

A. After I had left school. I was fourteen.

Q. Is that the time that you stayed nine weeks?

A. Yes.

Q. And Miss Jones was there?

A. Yes.

Q. Was your grandmother there?

A. Yes.

Q. Now, what was Miss Jones' attitude toward you on that occasion?

A. Well, it was no better.

Q. Was it any worse?

A. Yes, a little.

Q. In what way?

A. Well, Mr. Bullock—Mrs. Bullock had her will made while I was there.

Q. How do you know that?

A. I was there.

Q. Well——

Mr. John W. Wescott: Let her answer the question.

Mr. Stout: She said, "I was there."

Mr. John W. Wescott: You ask her a question and when she can't answer it you stop her with another question.

Q. Now, do you know anything about the will being made except what someone told you?

A. I was there when it was made. The attorney was there.

Q. You were present when it was made?

A. I wasn't in the room; it wasn't drawn up in front of me.

Q. You don't know what was in the will?

A. Only what Mr. Bullock told me.

Q. You weren't present when it was read or when it was drawn, were you?

A. No, nobody was but Mrs. Bullock.

Q. Well, was she worse to you or better to you after the will had been drawn?

A. Well, Mr. Bullock had told her that my grandmother and Miss Jones and myself were remembered in the will, and after that she didn't want me there at all.

Q. Did you stay after that?

A. Why, no. Mr. Bullock—then my birthday that year, he gave me a ukelele and a box of candy and she made him go out and buy her the same.

Q. But she treated you all right, didn't she?

A. No, she didn't treat me all right.

Q. You weren't afraid to stay there because of Miss Jones?

A. She told me after that she didn't want me down there.

Q. And that was your last visit?

A. Yes.

Q. When did you find out that Miss Jones had left the employ of the Bullocks?

A. Why, not until last year when my grandmother wrote to us.

Q. When was that?

A. Why, it was before I had gone down there.

Q. How long before you had gone down there?

A. About three weeks or a month.

Q. Who suggested that you should go to the Bullocks?

A. My grandmother.

Q. Your grandmother?

A. Yes.

Q. Did you talk it over with your mother?

A. Yes.

Q. You weren't well at that time, were you?

A. Well, I wasn't—only nervousness.

Q. What is that?

A. Only nervousness. I wasn't sick.

Q. You weren't able to work?

A. On account of my nerves, doing that kind of work.

Q. You weren't able to work?

A. Not that kind of work.

Q. And how long had you been out of work when you got word that Miss Jones was away from the Bullock home?

A. I was still working at that time.

Q. You were?

A. Yes, I heard about a month before.

Q. And who told you, your grandmotner?

A. My grandmother wrote.

Q. But you didn't want to go down there while the Jones woman was there?

A. No, I did not.

Q. She had insulted you?

A. Yes.

Q. Can you tell us how she insulted you?

A. She told me she didn't want me down there.

Q. Well, you know she had been running the house, didn't you?

A. Yes.

Q. And you had gone before on the invitation of Mr. Bullock?

A. Yes, but she had more to say than Mr.. Bullock.

Q. She ran the house?

A. She run Mr. Bullock.

Q. You have heard that discussed in your family a little?

A. I know from being there.

Q. You have heard that question discussed in your family, haven't you, among your grandmother and your mother?

A. I know myself.

Q. And you have heard it discussed also, haven't you?

A. Yes, I have heard it discussed and I know.

Q. And when you learned the Jones woman was away, you thought it was a good time to go down to Bullock's?

A. No.

Q. You didn't?

A. No.

Q. You wrote a letter and said because she had gone you wanted to go down?

A. I didn't say that.

Q. You didn't?

A. I didn't say because she had gone.

Q. You say in this letter that because, or on account of Miss Jones, you knew you would not be welcome?

A. Yes.

Q. "And that I would have written you before * * * "

A. Yes.

Q. And you say you would like to come down? You meant by that you would like to go there because Miss Jones had left?

A. No, I did not.

Q. What other reason did you have for going?

A. My grandmother asked me to write.

Q. Were you to write to go down there?

A. Mrs. Bullock asked my grandmother to ask me.

Q. You don't know about that. You wrote because of something your grandmother had told you?

A. Because I was asked to.

Q. You knew that Miss Jones was not there any more?

A. Yes.

Q. And because Miss Jones was not there, you invited yourself to go down, didn't you?

A. I didn't invite myself.

Q. Didn't you in this letter say you would like to visit them?

A. Yes, but I didn't invite myself.

Q. Didn't you expect them to invite you down when you wrote this letter?

A. Not exactly.

Q. You wrote it for that purpose, didn't you?

A. No, I wrote it on account of Mrs. Bullock asked my grandmother to have me write.

Q. You wrote this letter for the purpose of receiving an invitation to the Bullock home?

A. Because they wanted me.

Q. You hadn't seen the Bullocks to know whether they wanted you or not, had you?

A. No.

Q. It was then a suggestion of your mother, grandmother, that you wrote this letter, because the Jones woman was not there?

A. No, because they asked my grandmother to ask me.

Q. But you don't know that?

Mr. Wescott: Won't you let her answer your question?

Mr. Stout: No, I won't.

Mr. Wescott: Well, go on, then.

A. They told me to write.
Q. You had gone from fourteen years to eighteen years when you wrote this letter?
A. Yes.
Q. And you never thought to go visiting the Bullocks before during that four years, had you?
A. No.
Q. And why not?
A. Because Miss Jones was there.
Q. You knew she was there all the time?
A. Sure. My grandmother had seen them.
Q. Your grandmother was still there, wasn't she?
A. During that four years?
Q. Yes.
A. My grandmother has been away from there about three years, I guess.
Q. She was there a part of the four years?
A. Just about one year.
Q. And you didn't visit her during that year, did you?
A. Why, my mother did. I didn't.
Q. I didn't ask about your mother, I asked you—
A. No, I did not.
Q. Where did you live when you made that second visit to Bullock's at Media?
A. Same place.
Q. Where did you live when you made the first visit to Bullock's at Wildwood?
A. Conestoga Street.
Q. What number?
A. 622.
Q. Where did you live when you made your second visit to Wildwood?

A. Same place.

Q. What month of the year did you go down on your second visit to Wildwood?

A. Summer time.

Q. Huh?

A. In the summer time.

Q. What time in the summer time?

A. Oh, I don't know. Around June, I guess.

Q. Along in June. How long did you stay there?

A. Nine weeks.

Q. You stayed there nine weeks?

A. Yes.

Q. During the month of June, during the month of July——

A. Yes. No, it wasn't June, because it was in September when I came home.

Q. I see. Well, when did you go, do you know?

A. It was after the fifteenth of September when I came home.

Q. And you had been there nine weeks.

A. Yes.

Q. What time of the year did you go for your first visit at Wildwood?

A. In the Summer time.

Q. What time in the summer time?

A. I don't know exactly.

Q. When did you come home?

A. I went down around August because I came home sometime in September.

Q. What time in August?

A. Oh, I don't know just what time.

Q. How long had you been there before you got this ring and ribbon?

A. About two weeks.

Q. What time in August is your birthday?

A. 31st.

Q. You had been there two weeks before?

A. About two weeks. I can't say exactly. I don't remember.

Q. And what did he give you the second visit?

A. A ukelele and a box of candy.

Q. Where is the ukelele?

A. I still have it—I don't think I have it now. I did have it until this past winter.

Q. And where is your ring?

A. The ring I got before?

Q. You never got but one, did you?

A. No.

Q. Where is it?

A. It is gone.

Q. What kind of a ring was it?

A. I don't know. It was only a piece of French jewelry. It came apart.

Q. A little child's ring, wasn't it?

A. Child's ring, yes.

Q. You never knew Mary Bullock, did you?

A. No.

Q. You wanted to meet Mary, didn't you?

A. Well, yes.

Q. That was one of the reasons you wanted to go down there to meet Mary, wasn't it?

A. Not exactly.

Q. Huh?

A. Not exactly.

Q. How long had Mary been living at Wildwood before you wrote this letter, do you know?

A. I don't know.

Q. She had been living there some time before Miss Jones had left, hadn't she?

A. I don't know that.

Q. You didn't know that. You weren't informed of that fact?

A. No.

Q. But you did want to meet Mary, didn't you?

A. Well, yes, and the way they spoke, they wanted me, too.

Q. Well, they didn't speak to you about it, did they?

A. No.

Q. No.

A. But they said——

Q. Wait a minute. I am talking of when they spoke to you. Well, you got a letter from Mary that was read here this morning?

A. Yes.

Q. And after the receipt of that letter, you fixed your own time to come down, didn't you?

A. For the day.

Q. You fixed your own time to come down for the day?

A. Yes.

Q. And to whom did you address that letter?

A. I think I addressed it to Mary.

Q. You told her you would be down on Sunday, the 19th, in the morning, on the excursion, didn't you?

A. On the excursion.

Q. When you wrote this letter on the 12th of February was it thought that a visit to the Bullocks would be of benefit to you because of your nervous condition?

A. Well, no, not just on account of that. They thought the visit would do me good, they had treated me so nice before.

Q. Was that talked over in your family that it would do you good?

A. No.

Q. And your mother expressed herself that she though it would do you good to go there?

A. Yes, my mother did.

Q. At the time you wrote this letter?

A. After that. After I received my grandmother's.

Q. At the time you wrote this letter, was it conceded in the family that because of your nervous condition an outing to the Bullocks would be of benefit to you?

A. Yes.

Q. Was it?

A. I wasn't going for an outing, I was just going for the day.

Q. I didn't ask you that. I asked you if it was talked over that an outing would be of benefit to you when you wrote to Mrs. Bullock?

A. Yes, but not for any time.

Q. Just a minute. You have answered my question, Eleanor. At the time that you wrote this letter and it was discussed in your family that an outing of that kind would be of benefit to you, did you expect to make the trip for the benefit of one day?

A. Yes.

Q. You thought a trip on an excursion to Wildwood in the morning to spend the day——

A. Yes.

Q. And to return in the evening——

A. Yes.

Q. Would benefit your nervous condition, did you?

A. Yes.

Q. How long does it take to ride from your place to Wildwood?

A. About two hours and eight minutes. It isn't crowded.

Q. You mean from Camden?

A. Yes.

Q. How long did it take you to reach the Camden station?

A. About 35 minutes.

Q. Then it would take you nearly two hours and

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three-quarters to go from your home to Wildwood and the same time to return?

A. Yes.

Q. And you would spend that time on the train, an excursion train?

A. Yes.

Q. And spend a few hours in Wildwood you thought would be of benefit to your nervous condition?

A. Not exactly a benefit, just for a visit.

Q. Well, you didn't come down, did you, on that morning?

A. No, I missed the train.

Q. Who telephoned to you about coming down?

A. Mr. Bullock.

Q. Are you sure it was Mr. Bullock?

A. Well, he said it was.

Q. Did it sound like Mr. Bullock's voice?

A. Yes, in a way, it did.

Q. As a mater of fact, wasn't it Mary's voice?

A. Well, I couldn't tell you that, because I hadn't talked to Mary.

Q. Did it sound——were you familiar with Mr. Bullock's voice?

A. Well, I could remember it.

Q. You hadn't heard him talk for four or five years, had you?

A. But I know just the way he talks.

Q. Are you still sure it was Mr. Bullock that called you up that Sunday morning?

A. Well, the way he talked to me, yes.

Q. Are you sure it was a man's voice?

A. It was a man's voice.

Q. You couldn't be mistaken about that?

A. No, it was a man't voice.

Q. You say that it wasn't Mary that called you?

A. No.

The Court: Gentlemen, the same caution that I gave you yesterday applies for today, and we will now take a recess until 1.30.

(At this point a recess was taken until 1.30.)

(Portion of the testimony read by the stenographer.)

Q. When I first asked you as to who called you, you were uncertain as to——

Mr. Wescott: No, no. She was not uncertain. Don't state a thing as a fact.

Mr. Stout: Will you please permit me to ask the question and then you can object. The witness will not answer this question until the Court passes upon it.

Q. When I first asked you who was talking to you of this Sunday, and you were uncertain whether it was Mr. Bullock or Mary Bullock?
A. I said Mr. Bullock.

The Court: Do you object to the question, Judge.

Mr. Wescott: Let him go; I don't care.

Q. You didn't express any uncertainty as to who it was?
A. I said Mr. Bullock called me up.
Q. And you were positive it was Mr. Bullock?
A. Yes, from the way he talked to me.
Q. You hadn't heard his voice for a number of years, had you?
A. No.

Q. You had never talked with him over the telephone before, had you?

A. No, I don't believe I have.

Q. You were met at the station by Mr. Bullock?

A. Yes.

Q. What time did your train arrive?

A. Why, around six-thirty.

Q. Do you recollect whether or not the Bullock family had had their dinner by the time you reached their home?

A. No, I don't think they had; they were waiting for me.

Q. Did you eat your dinner with them on this Sunday night?

A. Yes.

Q. Did you see any servants there that night?

A. No.

Q. Do you know who cooked the meal?

A. No. Mary prepared them. It was only sandwiches.

Q. Only sandwiches?

A. Yes.

Q. Did you go to your room before you had your evening meal?

A. No.

Q. When you did go to your room, where did you find your baggage?

A. In Mary's room.

Q. Do you know who took the baggage up?

A. The chauffeur.

Q. Who directed the chauffeur to take it up?

A. Mr. Bullock.

Q. Mr. Bullock?

A. Yes.

Q. Who directed that it should be placed in Mary's room?

A. Why, I didn't hear him say what room to put it in.

Q. When was it that they told you that they had prepared other sleeping quarters for you?

A. When I was ready to go to bed.

Q. Are you sure you didn't hear the direction given to the chauffeur that it would be taken, your grip should be taken to Mary's room?

A. I didn't hear them say what room.

Q. But you found it there, didn't you?

A. Yes.

Q. Did Mary have a nightdress on Sunday night?

A. Yes.

Q. Did you have more than one nightdress with you?

A. Yes.

Q. What did you do on Monday that was out of the ordinary, if anything?

A. Nothing out of the ordinary.

Q. Did you go out automobile riding?

A. Yes.

Q. And who accompanied you?

A. Why, we took Mary to the music teacher's, Mr. Bullock and the chauffeur and myself and Mary.

Q. Did Mrs. Bullock, his mother, go?

A. No.

Q. Was there any marketing done that day?

A. Why, I think Mary gave the order to a man who came up to the house in the morning.

Q. You think so. Did they go marketing on any day that you were there?

A. No, I believe the second day, on Tuesday, Mary sent the chauffeur into a store down there.

Q. Did they do any marketing on Wednesday?

A. No, not that I know of.

Q. Was that the only time that you were out in

the Bullock automobile, when you went to the music teacher's?

A. And Tuesday.

Q. Where did you go Tuesday?

A. Down for Mary to change her hat and to pay some bills.

Q. Was old Mrs. Bullock along?

A. Why, Mrs. Bullock was with us Monday afternoon, later in the afternoon, when Mary bought the hat.

Q. Were you out twice then on Monday?

A. Yes.

Q. The first time in the morning?

A. Yes.

Q. Who prepared the noon meal on Monday?

A. Why, the servant girls.

Q. The servants? There was nothing unusual took place, was there?

A. No.

Q. How many times were you out on Tuesday in the automobile?

A. Why, once, I believe.

Q. Who was along?

A. Why, Mr. Bullock—no, Mary and I went down by ourself to change the hat.

Q. And is that the only time that you went out?

A. Yes.

Q. Did you go to market on Tuesday morning with Mary and her father in the automobile?

A. Not that I can recall.

Q. What time in the day was it that you had your dinner on Tuesday?

A. It was late, I guess around seven o'clock.

Q. Seven o'clock?

A. Yes.

Q. Where had you been that caused the dinner to be served so late?

A. Well, we were down changing her hat.

Q. What time did you leave for that purpose?

A. Well, I don't know just exactly; I know she paid some bills first.

Q. Did you go into the store with her?

A. No.

Q. You don't know what she did, do you?

A. I went in when she changed her hat, but I didn't go in the other stores.

Q. What she did in the other stores you don't know?

A. No.

Q. And she was down there some time, an hour?

A. Yes.

Q. Was Mr. Bullock along on that occasion?

A. No.

Q. Nor his mother?

A. No.

Q. How long after you came back to the Bullock home was it that you had your dinner?

A. Well, I guess about an hour or so.

Q. Was there anything unusual that took place during that hour in the way of conversation or act?

A. No.

Q. When was it that Mary said to you that she didn't want you to speak of Mrs. Jones?

A. That was the first night I went there.

Q. Where were you when she said that?

A. In the kitchen.

Q. After you had had your sandwiches?

A. No, before.

Q. Before. How soon after you arrived there on the Sunday evening was it that you had the sandwiches served?

A. I guess about three-quarters of an hour.

Q. Who invited you in the kitchen?

A. Mary called me out.

Q. What was the first thing she said to you about Miss Jones?

A. She asked me did I know Miss Jones. I told her, "Yes." And she told me not to mention Miss Jones' name in front of her father, that she didn't want her mentioned, that she was going to take the place of Miss J.ones.

Q. Miss Jones was not there, was she?

A. No.

Q. Miss Jones had been away for some time, as you understood it?

A. I didn't know.

Q. You understood that she had been away for some time before you came there?

A. Yes.

Q. You learned that from your grandmother, didn't you?

A. Yes, but I didn't know how long she was away.

Q. And because of the absence of Miss Jones, you wanted to go there, didn't you?

A. No, I did not.

Q. It was because she wasn't there that you did go?

A. No.

Q. You wouldn't have gone if Miss Jones had been there, would you?

A. No.

Q. Then wasn't it because of the absence of Miss Jones that you did go?

A. Miss Jones didn't want anybody there.

Q. I didn't ask you that. Wasn't it because Miss Jones was not there that you did go?

A. I was invited there.

Q. I didn't ask you that.

Mr. Wescott: It isn't the answer you wanted.

Mr. Stout: It isn't in answer to my question.

Q. You had written that Miss Jones was not there?

A. Yes.

Q. And knowing that Miss Jones was not there, that is the reason you wanted to go, wasn't it?

A. No, I wasn't so anxious about going.

Q. You wouldn't have gone if Miss Jones had been there?

A. Well, I guess not.

Q. Miss Jones had told you four years ago that she didn't want you to come there, didn't she?

A. Yes.

Q. And Miss Jones had been very cool to you and sarcastic?

A. Yes.

Q. Because of that fact you didn't want to go to the Bullock's home because Miss Jones was there, is that true?

A. Yes.

Q. And when you learned Miss Jones was not there, you wanted to go?

A. No, I was told to write.

Q. You were told to write whether you could go or not?

A. My grandmother wanted me to write.

Q. You wrote that inasmuch as Miss Jones wasn't there you would now come down?

A. Because Miss Jones didn't want me.

Q. That is it, exactly. Well, why do you think that Mary spoke to you in the kitchen that you should not mention Miss Jones' name?

A. I don't know.

Q. What reply did you make to that?

A. I told her I wouldn't.

Q. You told her you wouldn't. Well, did you?

A. No, I did not. I never mentioned it in front of her father.

Q. Did you mention it to her?

A. No.

Q. Did you mention it to her mother?

A. No, her mother wasn't there.

Q. Did you mention it to any member of the household?

A. No.

Q. After she cautioned you of that, Miss Jones' name was not mentioned, was it?

A. No.

Q. At no time?

A. Her father would speak of her several times, but she would keep her father quiet.

Q. Explain that.

A. Her father would speak of Miss Jones.

Q. What do you mean?

A. He said he had a crystal there and he could look in the crystal and see Miss Jones.

Q. What did the daughter say to that?

A. She told him it was only his imagination.

Q. Well, he talked about Miss Jones but she wouldn't talk about her?

A. No.

Q. You were cautioned not to talk about her?

A. Yes.

Q. And you were called in the kitchen away from the other members of the family and given that caution a few minutes after you had arrived at the Bullock house, is that right?

A. Yes.

Q. When did he first use this ball that you speak of that he could see Miss Jones?

Mr. Wescott: Crystal.

Q. Crystal.

A. Well, I believe it was the next day, and he showed it to me, and asked me to look in it and see if I could see anything.

Q. When did he show it to you?

A. The next day.

Q. You couldn't see anything in it, could you?

A. No.

Q. But he could?

A. He said he could.

Q. I see. Well, can't you describe to the Court and the jury what this ball was?

A. It was a round small crystal. He said he bought it on the boardwalk at Atlantic City off a Hindu man. You lay it on a piece of velvet and you are supposed to stop and concentrate your mind on it. I couldn't see anything.

Q. You couldn't concentrate your mind on anything, but he could?

A. I couldn't see anything.

Q. Where were you when he showed you that?

A. Downstairs.

Q. Who by?

A. What do you mean?

Q. Who was present at that time?

A. Why, Mary was there.

Q. She saw that, too, did she?

A. Yes.

Q. Where was the mother?

A. Why, I believe Mrs. Bullock was sitting in the living room.

Q. What room was it?

A. It was right at the top of the stairs, it is a little room furnished in wicker. It is right at the bottom of the stairs.

Q. The first landing of the steps?

A. Yes.

Q. You mean the room by the first landing and turn to the right which goes in there where the wicker is?

A. Yes.

Q. Where was Mary's room located, on what side of the hall?

A. Well, going through the hall it would be on the right-hand side.

Q. Whose room did you come to first as you got to the second floor?

A. Mr. Bullock's.

Q. Who occupied the room across from Mary's room?

A. Her grandmother.

Q. Are the doors opposite from the grandmother's room to Mary's room?

A. Yes. I don't know whether they are just exactly opposite, but they are right across from one another.

Q. What was there in the lower end of the hall?

A. The writing room.

Q. Is that the room in which Mary was writing on this Tuesday night?

A. Yes.

Q. Did Mr. Bullock talk with you alone any time that you were there?

A. Well, he might have been in the living room with me, but he never said anything.

Q. Did he speak to you in an ungentlemanly way at any time?

A. No, he did not.

Q. Did he express any admiration for you at any time?

A. No.

Q. Did he make any inquiry as to what you were doing?

A. He asked me what I was doing, my grandmother had told him that.

Q. I asked you did he make any inquiry of you?

A. Yes.

Q. Did he make any indecent proposals to you?

A. No, he did not.

Q. Did he make any—offer any suggestions of any kind to you?

A. No, not until——

Q. Did he put his hand on your person in any way?

A. No.

Q. Was his conduct towards you as that of a gentleman toward a lady during your stay?

A. Up until the last time.

Q. I am talking until Tuesday night?

A. Yes.

Q. You rode with him alone in the automobile?

A. Yes.

Q. You sat on the same seat with him?

A. Yes.

Q. His conversation was that of a gentleman?

A. Yes.

Q. Nothing of an insulting character?

A. No.

Q. Was there any conversation between you and Mary that was of an indecent character?

A. No.

Q. Was there anything said of an immoral nature between you and Mary?

A. No.

Q. Your associations were those of two young ladies paying a visit and enjoying yourself as best you could under the circumstances?

A. When I first went down, I thought she was very nice.

Q. And that is the way it happened, wasn't it?

A. Yes.

Q. What time did you get up on Wednesday morning?

A. Why, I was up before anybody. I was down stairs before the chauffeur had got there.

Q. Were you fully dressed?

A. Yes.

Q. What became of the nightgown that you speak of?

A. Mary took it. I don't know where it is now.

Q. What time did Mary come down?

A. Right after I did.

Q. Were the servants about before Mary came down?

A. That I couldn't—I know the chauffeur was, but I don't know about the girls.

Q. Did you know a girl by the name of Georgie was there, a servant by the name of Georgie?

A. I don't remember their names.

Q. Well, there was a cook, wasn't there?

A. Yes.

Q. And there was a laundress?

A. A girl waited on the table.

Q. There was a girl took care of the upstairs part?

A. Not the beds.

Q. Well, there were two colored girls there, weren't there?

A. Yes.

Q. After breakfast, or during the breakfast hour, who sat at the table?

A. Wednesday?

Q. Wednesday morning.

A. There was the dressmaker and Mrs. Bullock, Mr. Bullock, Mary and myself.

Q. And what time did the dressmaker get there?

A. Why, I should judge around eight or eight-thirty, in between that time.

Q. You say you didn't eat much for breakfast?

A. No.

Q. What was the general topic of conversation on Wednesday morning?

A. I don't remember that.

Q. You don't remember. Did you join in the conversation?

A. No. They asked questions. I would answer yes or no, but I didn't start any conversation or get into conversation.

Q. Had you been crying?

A. Yes.

Q. That morning?

A. Yes.

Q. Did you ever see the dressmaker before that day?

A. Well, when I was down about five years ago.

Q. But on this particular visit, Wednesday morning was the first you saw of the dressmaker?

A. Dressmaker, yes.

Q. How long was it before you saw the dressmaker that you had been crying?

A. How soon before?

Q. How long before?

A. Oh, it was before I had gone downstairs.

Q. And how long before that?

A. Why, I wasn't crying in front of the dressmaker.

Q. Had you been crying just before the dressmaker came?

A. Yes.

Q. What was the condition, if you remember, of your eyes when she came?

A. Oh, I don't know. I guess red.

Q. You guess?

A. Well, I don't know what the condition of m eyes were.

Q. Well, when did you begin to cry that morning?

A. Well, when I got up.

Q. You began to cry when you got up?

A. Yes.

Q. And you told me that that was before the chauffeur, that is, the servants, got around?

A. Yes.

Q. Could you tell us about what time of the morning that was?

A. I should judge around six o'clock.

Q. Six o'clock. Did you say anything to Mary the next morning about what had occurred the night before?

A. Yes, I told her I thought it was terrible, and she asked me how I felt, and I told her I felt terrible. She said, "Wait just a minute," and then she got out of bed. She came back with a tablet and a half-glass of water, and she said, "Here, you take this. It will make you feel better."

Q. Well, did it?

A. No, it did not.

Q. And that was before you got up?

A. Yes.

Q. But she didn't speak to you about anything that occurred the night before after that, did she?

A. She told me not to say anything.

Q. She did?

A. Yes.

Q. When did she tell you that?

A. In the bed.

Q. Then you got up?

A. Yes. I was sitting up in the bed.

Q. Just tell us how she came to say that to you?

A. She said, "You don't have to mention what

happened last night. My father will take care of you. Nothing will happen to you."

Q. Mary said that to you?

A. Yes.

Q. And that gave you assurance that nothing would happen?

A. I don't know about that.

Q. Had you threatened to tell anybody what happened?

A. Yes.

Q. What had you said about that?

A. I said I was going to tell his mother.

Q. His mother?

A. Yes.

Q. Did you say you were going to tell your mother?

A. Yes.

Q. Who else were you going to tell?

A. I told him that I wanted to go home.

Q. You did?

A. Yes.

Q. Who did you tell that to?

A. Mr. Bullock.

Q. And when did you tell him that?

A. In the morning.

Q. Before or after breakfast?

A. Before, when he came down the stairs.

Q. Who was present when you told him that?

A. I don't think anybody was.

Q. Had the dressmaker arrived then?

A. No.

Q. Do you remember that on Wednesday morning there was a registered letter came to the house for Mary?

A. Yes.

Q. What time in the morning was that registered letter delivered?

A. I dont remember that. Sometime, I think it was after breakfast, around noon.

Q. Noon or before ten o'clock?

A. Between that time. I can't just tell when.

Q. Did you learn what that letter was about? You can answer my question, yes or no?

A. Yes.

Q. Well, after Mary—— Can you tell the Court and jury what the condition of Mary was after she read that letter?

A. Why, it was another letter——

Q. I didn't ask you if it was another letter. I asked you if you can tell the Court and jury what her condition was after she read that letter?

A. She wanted to go home, and she was excited.

Q. I ask if you can tell the Court and jury what her condition was?

A. She was excited.

Q. Did she cry?

A. Yes, she did cry.

Q. Where did she go?

A. Where did she go?

Q. Yes.

A. I don't know where she went.

Q. Did she go to her bedroom?

A. No, she stayed downstairs.

Q. All the time?

A. No, not until Mr. Bullock, he attacked his mother.

Q. But after Mary got this letter, didn't she go to her room?

A. Well, no, not right away she didn't.

Q. Didn't she begin to cry?

A. Yes, she did cry.

Q. Didn't you put your arms about her and ask her not to cry?

A. No, I did not.

Q. Didn't you tell her, ask her, or say to her, that you wanted to know what you could do for her?

A. No, I did not.

Q. Didn't you say to her that it was too bad?

A. No, I said, "Why won't your father leave you go home?" That is what I said to her.

Q. Did you say to her, "Mary, why don't you go home?"

A. No, I said—— No, I didn't say that.

Q. Do you remember being in the bedroom after the receipt of this letter while Mary was crying that some of the servants came there and found you trying to pacify her?

A. No.

Q. Did you see Mary lie down on the floor in her excitement and worriment over the receipt of this letter?

A. No.

Q. Were you at the house that morning when a telegram arrived?

A. No.

Q. You don't remember that?

A. I don't remember a telegram.

Q. Well, on Tuesday, Mary associated with you, didn't she?

A. Yes.

Q. She was not crying then, was she?

A. No.

Q. You associated with her on Monday, didn't you?

A. Yes.

Q. She wasn't crying then, was she?

A. No. On Tuesday night she cried.

Q. Yes, we will get to Tuesday night. I am speaking now of Monday and Tuesday when you girls and members of the family were associating together. Mary was not crying, was she?

A. No.

Q. And Mary associated with you, didn't she?

A. Yes.

Q. And she went on automobile trips with you, didn't she?

A. Just to the store.

Q. Well, wherever you went, you went with her? Where the automobile went, you went with her, didn't you?

A. Yes.

Q. In the afternoon of this day, Wednesday, when Mary was crying, who did you spend the time with?

A. I was sitting right down in the living room.

Q. Were you up with the dressmaker?

A. No.

Q. Not at all? Spent no time with her?

A. Only down at the breakfast table I seen her.

Q. Did you have a talk with her?

A. No.

Q. When you got ready to go home, did you bid her goodbye?

A. No, I did not. When I was going out the door——

Q. You have answered my question. Did you go in the automobile at all on Wednesday?

A. To the station.

Q. Is that all?

A. Yes, and we were two hours earlier for the train, and we drove around until the train came in.

Q. You didn't go to the market that morning with Mr. Bullock, did you?

A. No, I don't remember.

Q. Did you ever go to the market with any members of the family?

A. I told you when Mary went that time, but I was not inside of the market.

Q. Did you see the market man?

A. No, I did not.

Q. You wouldn't recognize him if you saw him, would you?

A. No, I would not.

Q. What was your state of mind on Wednesday, were you excited?

A. I was excited. I couldn't wait until I got out of there.

Q. Did you inquire when the earliest train would leave Wildwood?

A. He said, "Never mind, I will look after that. I will take you to the station and put you on the train."

Q. Did you have your lunch?

A. No.

Q. Didn't the family have lunch?

A. They sat at the table.

Q. Didn't you eat any lunch?

A. I sat down at the table, but I didn't eat any lunch.

Q. So Mr. Bullock was to look up the trains and let you know?

A. Yes.

Q. His mother was in the house all the time, wasn't she?

A. Yes.

Q. Were you alone with her at any time?

A. No, I don't believe I was.

Q. There was always some member of the family there?

A. Yes, I think there was.

Q. Did you speak to his mother about the occurrence?

A. No, he came over to me and he promised me if I wouldn't tell anybody, he would put me on the

train and send me home, and I promised not to mention it.

Q. You knew there had been a terrible outrage committed on you by the father and the daughter?

A. Yes.

Q. And the mere fact that he should do, as you said, to you, he came up and asked you not to tell, and in consideration of your not telling, he would buy you a ticket and send you home?

A. He would send me home, yes.

Q. That is the reason you didn't tell?

A. I didn't tell down there; I told when I got home.

Q. You didn't tell anybody when you got home until they questioned you quite thoroughly?

A. What do you mean?

Q. You didn't tell your folks until they compelled you practically to tell it?

A. No.

Q. When you left on that Wednesday afternoon, did you tell Mrs. Corson, the dressmaker, that you had had a lovely time and wanted to come soon again?

A. I did not.

Q. Did you tell the cook, who was known as Priscilla—— You recognize that name, don't you?

A. I didn't know either one of the girls by name.

Q. Or Georgia?

A. I didn't know their names.

Q. Would you recognize them if you saw them?

A. Yes.

Q. Georgia, stand up?

(Colored woman stands up in body of court room)

Q. Did you tell that girl when you were about to

eave, that you had had a lovely time and hoped you ould go down again soon?

A. I didn't talk with her all the time I was there.

Q. When you went to the station, who went with you?

A. Mr. Bullock—when we left the house, one of the girls left with us, and he took her home, and then Mr. Bullock and Mrs. Bullock and Mary and myself went to the station. When we got there, we found out the train would not be in for two hours and we rode around.

Q. The girl that went with you was the servant in the house, wasn't she?

A. Yes.

Q. And that is the girl they call Priscilla?

A. I don't know her name.

Mr. Stout: Is Priscilla in the room? Stand up.

(Colored woman stands up in the body of the court room.)

Q. Is that the girl?

A. That is the girl we took home.

Q. They took her home, didn't they?

A. Yes.

Q. Do you remember saying anything to her when she got out of the car?

A. No, I did not.

Q. Didn't you say to Priscilla that you had had a good time?

A. I didn't say anything to her.

Q. And that you hoped that you could come again soon?

A. I did not.

Q. When you got on that train to go to Cape May,

I mean to Camden, did you shake your hand goodbye to the members of the Bullock family?

A. No, I did not.

Q. Eleanor, wasn't the reason that you went away on Wednesday because of the receipt of this letter which unstrung Mary?

A. It was not.

Q. And that old Mrs. Bullock told you that Mary would be compelled, unless otherwise notified, to go to her mother?

A. No, she did not.

Q. And that you should come down some other time?

A. No, she did not.

Q. And wasn't that the reason that you went away on Wednesday?

A. No.

Q. Did you have knowledge of the receipt of another letter by Mary during your stay there?

A. To Mary?

Q. Yes.

A. What she read to me.

Q. When did she read that?

A. Tuesday night.

Q. And who was it from?

A. Why, they were from different members of her family, and a telegram from her doctor.

Q. Then there had been a telegram there on Tuesday night?

A. She showed me these letters and telegrams she had in the bureau drawer. They didn't come Tuesday night.

Q. How long had they been in existence?

A. I don't know that.

Q. Had she received word during your stay, or just prior to your stay, of the condition at her mothers' home?

A. Only that phone call Sunday night, but that didn't tell anything. That was the operator talking.

Q. And you mean to say that the Bullock family told you that in case a telephone should come, that you should say that they were not home?

A. They didn't say in case the phone. All I know, while I was there they told me to answer it, and the party asked for Miss Bullock, and I told them they wanted Miss Bullock, and they said to say she wasn't home.

Q. Did you find out who it was? Did you find out at the time that you gave this information about this telephone message as to who was giving this message?

A. No, I don't know who I was talking to.

Q. And you mean to say to this Court and jury without giving them information as to who was calling on the phone, they told you to tell that party they weren't there?

A. Yes.

Q. Is that the only time that you answered the phone?

A. Well, the Chester operator left word.

Q. Is that the only time you answered the phone while you were there?

A. Yes.

Q. How long had you been there when you answered the 'phone?

A. I was only in there a few minutes.

Q. Was that before you had the conversation with Mary about not mentioning the name of Miss Jones?

A. Yes.

Q. Even before that, eh?

A. Yes.

Q. Who told you to tell the operator, or the person calling on that phone, that they weren't home?

A. Mr. Bullock and Mrs. Bullock both.

Q. That is Mr. Bullock and his mother?
A. And his mother.
Q. And they called for Miss Bullock, had they?
A. Yes.
Q. And they had called up Miss Bullock? And was Miss Bullock there?
A. Yes.
Q. What did she say?
A. She said to tell them the same thing.
Q. But she was crying on Tuesday night, wasn't she?
A. Tuesday night, yes.
Q. You had been there all day Tuesday, hadn't you?
A. Yes.
Q. She had been crying during the day?
A. No.
Q. There was nothing said in your presence about her going away?
A. No.
Q. There was nothing said in your presence about anything unusual at her mother's home?
A. No.
Q. But all of a sudden you found her crying up in this hall on the second floor, did you?
A. No, I didn't say that.
Q. Where did you find her crying?
A. I said after the argument she came into the bed and she got all these letters and the telegram out and read them to me and then cried.
Q. Where was this argument that you speak of?
A. In Mr. Bullock's room.
Q. In Mr. Bullock's room?
A. Yes.
Q. Now, I want you to tell the Court and jury what that argument was?
A. Well, we went out to the show. We didn't go

and we went and got magazines and when we got back Mary was up in that little writing room and she was writing letters. We went in and Mr. Bullock gave his mother a magazine and he had gotten one for Mary and one for me, and he came in Mary's room and he threw himself across the bed, and I was sitting on the chair, and he opened the magazine and found a story and asked me to read it to him, and I read the story and then he called Mary and got Mary to show these pictures. And Mary showed the pictures. And then Mary—— We were sitting there talking, I guess it was around twelve o'clock, and then Mary told she had called up a party, a friend of hers in Chaney to come and take her home. home.

Q. Told her father that at twelve o'clock at night?

A. Yes, and he was coming the next morning to take her home, and her father carried on, and said after all he had done for her that she had to wait until she got everybody out of the house before she done everything. He called his mother over, and she said it was a terrible thing. He said, "After you get Miss Jones out of the house, you want to go and leave me, too."

Q. Did he speak cross to her?

A. Yes, he was cross.

Q. Did he say she couldn't go?

A. Yes.

Q. When did she say she received that telephone?

A. She didn't receive it. She said she had called the party up.

Q. To come and get her?

A. To come and get her.

Q. The relations between she and her father seemed to be cordial, didn't they?

A. When?

Q. Monday and Tuesday?

A. Yes.

Q. They were more than friendly, weren't they?

A. Well, she was sitting around, sitting on his lap all the time and hugging and kissing him.

Q. And she had not undressed at this time, had she?

A. When she told him that?

Q. Yes.

A. No.

Q. Did she cry before or after he said, "You can't go to Chaney?"

A. Yes.

Q. Was it after that that she cried?

A. She didn't cry until after she read the letters.

Q. Did she get the letters before her grandmother came in?

A. No.

Q. She got them afterward, did she?

A. After her grandmother had gone out.

Q. What did she tell you she wanted to go to Chaney for?

A. She didn't say she wanted to go to Chaney. She said he was from Chaney, or whoever it was she had called up.

Q. Where did she say she wanted to go?

A. Home.

Q. Where was her home?

A. I guess it was out around Chester somewhere.

Q. You don't know, do you?

A. No, I don't know where she lived.

Q. Well, she didn't have any knowledge—— She had no knowledge of anything wrong at her home at Chester, or Chaney or anywhere, on Tuesday night?

A. On Tuesday night? Yes, she had told me that her mother was very sick.

Q. She had told you that?

A. Yes.

Q. She told you that?
A. Yes.
Q. When did she tell you that?
A. Oh, during the time I was down there.
Q. Well, was it Monday, or Tuesday, or when?
A. I don't remember just when.
Q. Or Wednesday?
A. I don't remember that.
Q. It was Wednesday, wasn't it?
A. It wasn't Wednesday.
Q. She got a letter on Wednesday saying her mother was very sick?
A. She had got letters before.
Q. I didn't ask you that?
A. Yes.
Q. You knew what was in that letter?
A. No, I didn't read it.
Q. She told you, didn't she?
A. Yes.
Q. She told you her mother was very sick and they wanted her to go home?
A. Yes.
Q. And it was then when she was crying?
A. She cried on Tuesday.
Q. And didn't associate with you Wednesday, because of the receipt of that letter, isn't that correct?
A. No.
Q. Wasn't that the first information that she had during your stay there that her mother was seriously sick?
A. No.
Q. No other letter came, was there?
A. No letter came.
Q. These things that you are talking about on Tuesday night were of a previous occurrence that had come there long before you undertook to make your visit?

The Court: Go a little slower, Mr. Stout. Let us have one question and one answer at a time.

Mr. Wescott: I am glad your Honor intervened.

Q. Well, there was no receipt, no crying, no letters received except on Wednesday that would cause her to cry?

A. There was crying on Tuesday.

Q. It was after the quarrel with her father on Tuesday night?

A. Yes.

Q. I understood you to say that Mary, on Tuesday night, on Monday night, she didn't sleep with you?

A. No, she did not.

Q. You said she went in her father's room?

A. Yes.

Q. How did you say she was dressed?

A. Had her father's undershirt on.

Q. Was there anything said about the reason why she didn't have a nightgown or a dress on?

A. She said her nightgowns were in the laundry.

Q. And that she had no other nightgowns?

A. Well, she said they were all dirty. That is all she told me. I don't know whether she had any more.

Q. You had nightgowns, didn't you?

A. Yes.

Q. Why didn't you offer her one of yours?

A. If it was up to her, if she wanted to wear the undershirt.

Q. Did you tell her you had one she could use?

A. No, I did not.

Q. You didn't think it was quite right for her to run around in her father's nightshirt?

A. It wasn't a nightshirt.

Q. In his undershirt. Did you think that was right?

A. No, I did not.

Q. You say that she stayed out of your room all that night?

A. Yes.

Q. I suppose that you meant to infer that there was something wrong between Mary and her father on that night that she didn't sleep with you, didn't you?

A. I couldn't say that.

Q. That is what you meant?

A. I couldn't say that.

Q. That is what you meant to infer?

A. I didn't mean to infer anything. I didn't know that.

Q. You didn't know that?

A. No, I didn't know where she was.

Q. You didn't know how long she stayed in her father's room?

A. She wasn't there when I woke up in the morning, in my room.

Q. She wasn't there when you went to sleep?

A. No.

Q. Your surmise is she stayed in her father's room?

Mr. Erickson: I object.

Mr. Wescott: Let him go on. That hurts him.

Mr. Stout: If it hurts me, we will have to take it, Judge.

Q. You heard talking in there, didn't you?

A. Yes, but I didn't pay any attention to it.

Q. And that was after they had had this quarrel?

A. That was Monday night.

Q. Monday night? Well, after they had this quarrel on Tuesday night, they seemed to be getting in good humor, didn't they?

A. No, they weren't in humor, but he calmed down when she told him she wouldn't go away the next morning.

Q. And that pacified him, did it?

A. Yes.

Q. And she still on this night had no nightgown?

A. No.

Q. She had her father's undershirt still. How soon after this quarrel that they had was it that she went to bed?

A. Well, right after the quarrel, she came in.

Q. About what time was it?

A. I guess around half-past two in the morning, or later than that.

Q. And what time did they start to quarrel?

A. After twelve, it was.

Q. What were you doing up to twelve o'clock?

A. I was sitting there talking.

Q. Where?

A. In Mary's room.

Q. Who was in there beside you and Mary?

A. Mr. Bullock.

Q. What did you talk about?

A. Why, we were reading the magazines, and then they were showing these pictures.

Q. How long did it take to look at the pictures?

A. I guess about five minutes.

Q. What were they, postal cards?

A. Yes.

Q. That accounts for five minutes of your time. What else did you do up to one or two o'clock?

A. We were sitting there talking.

Q. About what?

A. I don't know what about.
Q. Anything particular?
A. No.
Q. Was Mr. Bullock fully dressed when he was in the room?
A. Yes.
Q. Mary, fully dressed?
A. Yes.
Q. And you?
A. Yes.
Q. How soon after you went to bed was it that Bullock came over in your room?
A. I don't know that.
Q. About what time?
A. Why, I don't know. I was dozing off to sleep when I heard them talking.
Q. After you actually got undressed and got in bed, did you talk about anything?
A. After we got undressed and got in bed, she brought the letters in the bed.
Q. Brought the letters into bed?
A. And the telegram.
Q. Did she read them again?
A. That was the first time she read them.
Q. Well, was that before the quarrel?
A. That was after the quarrel.
Q. Huh?
A. After the quarrel.
Q. She read the letters after the quarrel?
A. Yes.
Q. She read them to you?
A. Yes.
Q. Do you remember what they said?
A. No, I don't remember that.
Q. Do you remember how many there were?
A. Oh, there was a pile of them. They were from

different brothers. I met one of Mary's brothers, and there was one from him.

Q. Did she give you the dates of them?

A. No.

Q. Did she read you the telegram?

A. Yes.

Q. When was that dated?

A. I don't know that.

Q. Who was that from?

A. A doctor.

Q. A doctor. Did you make an outcry on this night?

A. Yes, I started to holler and he told Mary to hold my mouth.

Q. And she did?

A. She did.

Q. Was there a light in the room?

A. No.

Q. Lights out?

A. Yes.

Q. Which side of the bed did you lie on?

A. This side, by the window. (Indicating.)

Q. That would be on the——

A. Right side.

Q. On the right side. And Mary was on this side?

A. Mary was on the side by the door.

Q. Well, I understood you to say that her father was on the outside of the bed?

A. He was.

Q. And Mary was lying between you and her father?

A. Yes.

Q. And when you woke up and found him in the bed, you started to get out?

A. Yes.

Q. Did you draw the covers back off of you?

A. Yes. I had one foot on the floor.

Q. And he reached over Mary and grabbed you, did he?

A. Yes.

Q. Was Mary's face towards you, or don't you know?

A. I don't know that.

Q. Did he crawl over Mary to get to you?

A. He leaned over Mary.

Q. Did he get out of the bed?

A. No.

Q. He pulled you back?

A. Yes.

Q. Did you scream?

A. Yes.

Q. How did you scream?

A. Oh, I don't know just how I screamed.

Q. Pretty loud?

A. Well, it sounded loud.

Q. You thought it was loud?

A. Yes.

Q. You were quite frightened, weren't you?

A. Yes.

Q. Then what did he say to Mary?

A. He told Mary to hold me, and Mary told me, "You don't have to holler or kick like that. My father won't hurt you; he don't hurt me."

Q. And did you kick?

A. Yes.

Q. You were kicking, were you?

A. Yes.

Q. Were you kicking anybody?

A. Yes, I was kicking Mr. Bullock.

Q. Kicking Mr. Bullock?

A. Yes.

Q. Where were you kicking him?

A. I was between them in the middle of the bed then. They had me in the middle and Mary was

on the side of the door and he was on the side of the window.

Q. How did Mary get over in that position?

A. Mary was in that position and when her father crawled over——

Q. Did he walk around the bed to get there?

A. No, he crawled over.

Q. She held your mouth, did she?

A. Yes.

Q. With one hand?

A. Yes, and her body was on me.

Q. What?

A. She leaned her whole body on me.

Q. On your arm?

A. Yes, across me here. (Indicating.)

Q. And by that means could she hold both arms?

A. Yes.

Q. And did hold both arms?

A. Yes.

Q. Just by the weight of the body?

A. Yes.

Q. And her hand was over your mouth?

A. Yes.

The Court: Mr. Stout, one of the defendants has retired for just a moment. I don't think the trial ought to proceed in his absence. I assume he has gone out for a moment.

(At this time a recess was taken.)

Q. And then when you were in that position in the bed, the thing that occurred that you detailed this morning?

A. Yes.

Q. Without asking you to detail that again, I don't

want to get you excited, but you did go to sleep after the occurrence, did you?

A. No, I don't remember anything until it was breaking day.

Q. Became unconscious, you think?

A. Yes.

Q. When you woke up you woke up suddenly and with a headache?

A. Dazed.

Q. And felt bad?

A. Yes.

Q. Now, when you went home, you were asked what kind of a time you had?

A. Yes.

Q. Did you tell them what kind of a time you had?

A. I just said, "All right."

Q. Did your mother ask you what kind of a time you had had?

A. Yes.

Q. Did you tell her you enjoyed yourself?

A. No, I just said I had a nice time. That is all I said.

Q. You and your mother are quite confidential, aren't you, in your relations?

A. Yes.

Q. She is your confidante, isn't she?

A. Yes.

Q. You tell her all that you do?

A. Yes.

Q. And all that happens to you, don't you?

A. Yes.

Q. Well, why didn't you tell your mother?

A. I was afraid.

Q. What for?

A. Because.

Q. What were you afraid of?

A. I never had to tell her anything like that before.

Q. Nothing of that kind had ever occurred to you before?

A. No.

Q. You knew it was bad, didn't you?

A. Yes.

Q. You felt that you were terribly outraged?

A. Yes.

Q. You had gone to your mother with other things because your feelings had been hurt?

A. Yes.

Q. Why didn't you tell your mother that?

A. I was afraid; I was ashamed.

Q. You have no closer friend in this world than your mother, have you?

A. No.

Q. You tell her everything. Will you tell us why you didn't tell your mother?

A. I was afraid to tell her.

Q. Afraid for yourself?

A. Yes.

Q. You were afraid she wouldn't believe the story?

A. No, I was not. I didn't know what she would believe.

Q. You weren't afraid that she wouldn't believe you?

A. I didn't know that.

Q. When did your mother first speak to you about it?

A. After I told my sister.

Q. And what day was that?

A. I think it was Friday.

Q. On Friday?

A. Yes.

Q. Did you have a doctor come to the house?

A. Yes.

Q. Did you tell the doctor what happened?
A. Yes.
Q. Did he give you some medicine?
A. Yes, to make me sleep and to quiet my nerves.
Q. He didn't examine you, did he?
A. He couldn't; there wasn't enough light.
Q. And the next day you did—— The day after that you did go somewhere, didn't you?
A. The next day I went to his office again.
Q. Were you at his office that day?
A. Yes. He told me to come up to his office, there would be more light, and he would examine me there, and then my mother tried to get Doctor Rubinsohn on the phone, and he was out of town.
Q. This doctor that I speak of, the doctor came to your house, didn't he?
A. Yes.
Q. And then he wanted you to come to his office?
A. Yes.
Q. Now, but you didn't go to his office, did you?
A. Yes, I did.
Q. What was his name?
A. Bender.
Q. Doctor Bender. And when did you go to his office?
A. On Saturday morning.
Q. And where is his office?
A. 52nd and Pine.
Q. Did your mother go with you?
A. Yes.
Q. Did he make an examination?
A. No.
Q. Do you know why he didn't?
A. He said he couldn't make an examination on that kind of a case.
Q. He couldn't?
A. No.

Q. Was he an old physician?
A. I couldn't tell that.
Q. Could you tell whether he was an old man or——
A. I couldn't tell that.
Q. Or a young man?
A. He was a middle-aged man.
Q. How did you come to call Dr. Bender?
A. Through my brother-in-law.
Q. He was your brother-in-law's family physician?
A. Yes.
Q. And the reason he didn't examine you was because he couldn't examine that kind of a case?
A. That is what he said.

Mr. Wescott: That is what he said.

Q. Did you go to see anyone else after you went to see this doctor?
A. I went to see Dr. Rubinsohn.
Q. Did you go to see anybody else besides the doctor?
A. No.
Q. You didn't?
A. No.
Q. Before you went to Doctor—— What was his name, that you saw Sunday?
A. Rubinsohn.
Q. Didn't you go to see someone else on Saturday?
A. No.
Q. Did you go to a lawyer's office Saturday?
A. Not that I can remember.
Q. You can't remember?
A. No, I did not.

Q. Do you know this man sitting here with the glasses on? (Indicating Mr. Raken.)
A. Yes.
Q. Did you go to his office Saturday?
A. No.
Q. What day did you go on?
A. I think it was on Monday I went down.
Q. On Monday?
A. Yes.
Q. Was it that you went to his office on Monday before you went to see Rubinsohn and Doctor Fist?
A. No, after.
Q. After that. Are you sure?
A. I went to his office. Then I went to see Dr. Fist, but not before I saw Dr. Rubinsohn.
Q. But you went to his office before you went to Dr. Fist, didn't you?
A. Yes.
Q. And did he advise you to go to Dr. Fist?
A. No, he did not.
Q. He did not. How did you come to go to Dr. Fist?
A. Why, through Dr. Rubinsohn got Dr. Fist.
Q. The first examination was made of you at Dr. Rubinsohn's house, wasn't it?
A. Yes.
Q. Did he use any instruments?
A. Just his fingers.
Q. He used his fingers?
A. Yes.
Q. And when he used his fingers is what caused pain, wasn't it?
A. It hurt me.
Q. That is what hurt you?
A. It hurt me before then, too.
Q. But it hurt more when he used his fingers in you, didn't it?

A. Yes.

Q. So that the first that he done in his examination of you was to insert his finger in your uterus?

A. I don't know; he put me up on the table.

Q. And laid you down?

A. Yes, and he was down at the bottom. He was sitting on a stool or a low chair.

Q. Is that the first thing you remember he done, was to insert his finger, the first you felt?

A. I don't know whether he used instruments or not.

Q. And that is what caused you considerable pain, wasn't it?

A. Yes.

Q. Why did he want you to come to his office after he did that to you on Sunday?

A. I don't know that.

Q. Did he request, after he had done this to you at his house on Sunday, for you to come to his office on Monday?

A. He wanted Dr. Fist to see me.

Q. He wanted Dr. Fist, I thought you said the lawyer wanted Dr. Fist?

A. I didn't say that.

Q. You saw the lawyer before you went to Dr. Fist?

A. Yes, but Dr. Rubinsohn suggested Dr. Fist.

Q. He suggested it?

A. Yes.

Q. Did Dr. Rubinsohn suggest that you go to the lawyer?

A. No.

Q. He didn't. Did your mother go with you when you went to the lawyer?

A. Yes.

Q. Did you know anything about this lawyer before you went to Rubinsohn's?

A. Why, he is a friend of my mother's.
Q. Who is?
A. The lawyer.
Q. And has been for some time?
A. Yes.
Q. Well, when they examined you with Dr. Fist, in the presence of Dr. Fist, did they put you through the same sort of an examination?
A. Yes, and they had an electric bulb right up close.
Q. Did they penetrate you, insert something in you, either finger or something else?
A. They inserted something. I guess it was his finger. He had rubber fingers on.
Q. He had rubbers on his fingers?
A. Yes.
Q. And he did that on Monday as well as Sunday?
A. Yes.
Q. He didn't have any rubbers on Sunday?
A. I think he had.
Q. Do you know whether he did or not?
A. Yes, I think so.
Q. Well, did they cause you as much pain on Monday as it did on Sunday?
A. Yes.
Q. Just the same. You said in your direct examination that when morning came someone suggested that Mary muss up her father's bed?
A. That was that Wednesday morning.
Q. That was Wednesday morning?
A. Yes.
Q. Who suggested that?
A. Mr. Bullock.
Q. What did he say about that?
A. Well, when I came in the room to get my sweater, he said, "Mary, you go in and muss up that bed

as if I was laying in it, so when the servants open the door, they won't suspect anything."

Q. Did I also understand you to say that Mary took care of her father's bed and her own bed?

A. Yes, she does.

Q. If Mary was the chambermaid for those two rooms why do you suppose it was necessary for her to muss the beds so it would look as if it was occupied?

A. The beds wasn't made up after breakfast, and they might pass the rooms.

Q. Nobody would pass it excepting the mother?

A. The servants went upstairs.

Q. They did?

A. Yes.

Q. For what purpose?

A. Why, I don't know; they done the sweeping.

Q. Did they sweep every day?

A. I don't know that.

Q. Well, her father wanted it to appear to somebody that the bed had been occupied?

A. Yes.

Q. And he was making that suggestion to the person who took care of his bed, wasn't he?

A. Yes.

Q. And that is your story, isn't it?

A. He told her to go in and muss up the bed.

Q. Did you look at the bed to see whether it had been occupied or not?

A. No, I did not.

Q. You don't know that he was in your bed all that night, do you?

A. No, I don't.

Q. Now, I want you to tell me what day it was that the dressmaker came there?

A. Wednesday morning.

Q. About what time?

A. I guess around eight or half-past.

Q. And by what door did she enter the house?

A. Front door.

Q. And who was in the living room when she came in?

A. Why, I was there and I think Mary was there.

Q. Did you know the dressmaker before that day?

A. I had seen her down there when I was down the last time about four or five years ago.

Q. But you were a little miss then?

A. Yes.

Q. Do you remember her as the same person that you had seen before?

A. Yes.

Q. Did she remember you?

A. No, she did not.

Q. Were you introduced to her?

A. Yes.

Q. By whom?

A. No, they didn't introduce me. They just said, "This is Eleanor."

Q. Did they tell you who she was?

A. She recognized me after they told her.

Q. Who said, "This is Eleanor?"

A. Mr. Bullock.

Q. Mr. Bullock?

A. Yes.

Q. Did she have any conversation with you?

A. No.

Q. Did she talk to either Mr. Bullock or Mary much?

A. Yes, I believe she was supposed to be there a day or so before, and she didn't get there, and she was telling them why.

Q. And you think this was a Wednesday?

A. This was Wednesday.

Q. Now, then, what happened between Bullock and the dressmaker?

A. Well, after she got done eating her breakfast, she started upstairs. She was going up, you know, to do her sewing. She started up the stairs and Mr. Bullock run after her and he run his hands up her clothes and she hollored, and when she got up the top of the stairs, she said, "I got to go up the stairs backwards on account of Mr. Bullock," and she stood at the top of the stairs laughing.

Q. There is two flights of stairs there. There is one leading up to a platform or landing. Was it those stairs?

A. It was from the platform up. He was standing on that platform.

Q. Did Mrs. Corson make an outcry when he did this?

A. She said she always had to go up the stairs backwards. She said, "Stop.'

Q. She didn't say, "Don't do this?"

A. She said, "Say, don't do that," just for him, not to do it.

Q. Did he seem to follow her right up the stairs?

A. He went half way and then came down to the bottom.

Q. He went half way?

A. And then came down to that landing.

Q. Could you tell from where you were how far he got his hand up under her clothes?

A. No, I could not.

Q. Who saw that beside you?

A. Why, I believe Mary was standing in the doorway between the dining room.

Q. Did she say anything about it?

A. She laughed.

Q. Did you laugh?

A. No, I did not.

Q. You had in your mind what had occurred the night before, hadn't you?

A. Yes.

Q. You didn't feel like laughing?

A. No, I did not.

Q And you are sure that you saw that?

A. Yes, I did see that.

Q. Now, Eleanor, when did you leave your house after you returned? When did you first go out?

A. Why, I went out Saturday morning.

Q. Saturday morning. You weren't out Friday.

A. No.

Q. Did you call Mary Bullock on the telephone Friday?

A. No, I did not.

Q. Are you sure you didn't?

A. No, I didn't.

Q. And you didn't go out of the house until Saturday?

A. No, I did not.

Q. And that is when you went to Dr. Rubinsohn's office?

A. Dr. Bender's.

Q. What time of the day was that?

A. In the morning around—— His office hours, I think, was from 9 to 10.

Q. Did you have a talk with Mary Bullock on the telephone Saturday morning?

A. No. When I came home there was——

Q. You have answered my question.

A. No, I did not

Q. When you left at the station on Wednesday afternoon, did you tell Mary Bullock and Mrs. Bullock that you had had a nice time and that you would write them when you got home?

A. No, I just said goodbye.

Q. Did you tell them you would write them?

A. No.
Q. You did not?
A. No.

Mr. Stout: That is all.

By Mr. Wescott:

Q. You didn't write them, did you?
A. No, I did not.
Q. I want now to find out something about this crystal.

Mr. Stout: The Hindu crystal.

Mr. Wescott: Well, the crystal you introduced into the case.

Mr. Stout: The Hindu crystal.

Q. When did you first see that crystal?
A. Why, I think it was Monday or Tuesday.
Q. Who showed it to you?
A. Mr. Bullock.
Q. Mr. Bullock?
A. Yes.
Q Where was it?
A. I don't know. He brought it down from upstairs.
Q. He brought it down from upstairs?
A. Yes.
Q. Can you remember why he went and got that crystal and brought it from upstairs?
A. No. He told me to go up where this wicker furniture is and pull down all the shades and have the light come in over my shoulders. There was a piece of velvet and he said, "Look at it and con-

centrate your mind on it, and you would see something."

Q. Concentrate your mind?

A. Yes, and anything I wanted to see, I would see it in his crystal.

Q. Well, how long did that take, about, have you any idea?

A. He said to set there from five to ten minutes. I sat there fifteen. I didn't see anything.

Q. Did you concentrate your mind on the crystal?

A. I kept looking into it.

Q. Where was he?

A. He was sitting down at the bottom of the stairs.

Q. How?

A. He was sitting down at the bottom of the stairs in the living room right at the bottom of the stairs.

Q. Did you tell him whether or not you could see anything?

A. He asked me and I told him no, and he said he had seen Miss Jones in the crystal.

Q. Had seen Miss Jones?

A. In the crystal.

Q. Well, did he indicate to you that if you concentrated your mind long enough and looked intently enough you would see Miss Jones?

A. No, he said I would see whatever I concentrated on.

Q. Did he tell you anything further about that or his experiences with the crystal?

A. No, he just told me he had seen Miss Jones. He said, "I seen her as plain as day." He said it would get smoky and then clear and you would see what you were concentrating on.

Q. You are not imagining that; that actually happened?

A. That did happen.

Q. Did you ever experiment with a crystal afterward?

A. No, I didn't bother with it. I got disgusted looking in it. I didn't see anything.

Q. Did he say anything about the crystal afterward?

A. No. He at first had told me he had seen it. I told him I didn't believe in it.

Q. You were asked something about a registered letter. When did that registered letter incident arise?

A. It came sometime Wednesday morning.

Q. When?

A. It came before lunch Wednesday, sometime.

Q. And you weren't permitted to say anything further about that registered letter by the questions put to you. I want to ask you who that letter was addressed to?

A. Why, it must have been addressed to Mary, because she was the one had it. I didn't see the name on the envelope.

Q. Did Mary read you the letter?

A. No, she did not.

Q. Did she tell you what its contents were?

A. She just told me it was from her people

Q. Is that all she said about that letter?

A. Yes, she said it was another letter that she had gotten—— She read me some letters that she got—— She said it was another letter, but she wouldn't be allowed to pay any attention to it. Her people didn't want her to be there, and she said she was twenty-one now and she was her own boss and she could stay there and she wasn't going to pay any attention to them.

Q. She told you her people didn't want her to stay there?

A. Yes.

Q. Was it your understanding that this series of letters was an effort on the part of somebody to get Mary away from there?

A. Yes, the way the letters read, that her mother was sick and the telegram read that her mother was dying, and I thought it was very funny she didn't go home when her mother was dying.

Q. When did that telegram come?

A. I wasn't there when it came. She just read it to me.

Q. What did you say?

A I said I thought it was funny her mother dying and she wasn't going home.

Q. What did she say?

A. She told me her father wouldn't leave her go home.

Q. Her father wouldn't let her go?

A. No.

Q. And she said she was her own boss, some such expression as that?

A. And her people didn't want her to stay there at all.

Q. But she said she was her own boss?

A. Yes, and they had come down—— She had her little brother down, she told me, and they had come down and taken him home, but she wouldn't go.

Q. She was going to stay there?

A. Yes.

Q. Did you have any further talk with her on that subject that you recall?

A. No.

Q. You were questioned about a dressmaker there and what was said when you left?

A. Yes.

Q. You were cut short by the other side. Will you tell us just the incident in full?

A. Why, the dressmaker was not there when I

went home. She wasn't downstairs when I went home, and I had gotten all the way down the front steps and Mr. Bullock called me back and told me to say goodbye to the servant girls, and that was all.

Q. Did you have any talk with the dressmaker or she to you?

A. No.

Q. Did you say goodbye to the dressmaker?

A No. I didn't see the dressmaker when I left; she was upstairs.

Q. You didn't see her at all when you left?

A. No.

Q. You said something about Mrs. Bullock being attacked and that was slurred over. Now, just explain that incident fully.

A. Well, when Mary had this letter down in the living room, and was crying over the letter, I heard Mrs. Bullock scream, and then we could hear the heavy footsteps upstairs, and she was screaming to the top of her voice, and the servants run out of the kitchen, and they came in and told Mary, "Why don't you go up and see what is the trouble?" She said, "Oh, it is only my father and my grandmother again. One of these days he will kill her."

Q. Now——

A. She told me, she said, "You go up and ask my father to take me home."

Q. What?

A. She said, "You go up and ask my father to take me home."

Q. What day was this?

A. That was the day the letter came, on Wednesday.

Q. What did you say to that?

A. I told her to go up and ask herself.

Q. Well, there was something said about a tele-

phone incident. You weren't allowed to explain that. Will you tell us about it?

A. Well, when I got in, I was no more than in the door when the phone rang——

Q. In the door where?

A. In Bullock's house, I was no more than in the house——

Q. This was the first day you went there?

A. The first night.

Mr. Stout: I think she fully explained that.

Mr. Wescott: Well, we will have her explain it more fully.

Mr. Stout: She can do it.

A. And the phone rang and he said to me—— They asked me to answer the phone, Mr. Bullock asked me to answer the phone, and there was a woman on the phone, and she asked, was Miss Bullock there, and I said, "Just a minute." I said, "Someone to speak to Miss Bullock." They said, "Tell—" Mr. Bullock and Mrs. Bullock both at the same time said, "Say she is out." I told them Miss Bullock was not home. They said, "Is Mr. Bullock there?" They told me to say he wasn't there. Then she said, "When they come in, will you have them call the Chester operator."

Q. Is that all you know about that incident?

A. Yes, that is all.

Q. Now, have you any knowledge as to Mary's age?

A. Why, she told me she was past twenty-one.

Q. Have you knowledge as to her size and weight?

A. I judge she is around one hundred and thirty-seven pounds.

Q. What?

A. About 137.

Q. Isn't she any bigger than that?

A. Well, I couldn't say her exact weight. She is bigger than I am.

Q. That is your idea of weight?

A. Yes.

Q. Well, how tall is she?

A. Well, I guess she is about my height. I am not sure.

Q. Is she any bigger than you are?

A. Oh, she is stouter than I am.

Q. Have you any idea about the age of Mr. Bullock?

A. No, I have not.

Q. What is his size?

A. Oh, I guess he is about 210, 220, maybe more than that.

Q. Now, comes the most important part of your cross-examination. Do you know what a uterus is?

A. No.

Q. The diligent and truthful counsel who has questioned you got you to say that a finger was inserted in your uterus. Did you mean that?

A. Well, he used a finger, but I don't know about the other part.

Q. Well, when you say he used his finger, the doctor, do you know how he used his finger or what he did?

A. No, I don't know how he used it.

Q. The diligent and truthful counsel on the other side embraced in his question to you the statement that Doctor Rubinsohn had inserted his finger in your private part. Is that so, or isn't it so?

A. He used his finger. I don't know whether he used anything else. He had rubber fingers on.

Q. The diligent and truthful counsel on the other

side got you to say that Dr. Rubinsohn put his rubber closed finger into your private parts, is that so?

A. He had a rubber finger on, but I couldn't—— I was laying down and my legs were up. I couldn't see him. I was covered over with a sheet.

Q. Well, then, you don't know that Rubinsohn was the man that performed this horrible thing on you, do you?

A. What do you mean?

Q. That Rubinsohn was the man that ruptured your hymen, penetrated you, you don't know that, do you?

A. He did not.

Q. Very well, but you said to this truthful gentleman on the other side that he did.

A. Well, I meant when he examined me.

Q. Yes.

A. Well, I didn't mean that.

Q. You don't know what he did with his fingers, do you?

A. No.

Q. Then you were adroitly asked whether after Rubinsohn had ruptured you by inserting a finger in you if you did not go to the other doctor at Rubinsohn's request?

Mr. Stout: I object to that question.

Mr. Wescott: Do you object to it?

Mr. Stout: I never used the word "ruptured" at all.

Mr. Wescott: Isn't that what you meant?

Mr. Stout: Judge, what a man might mean and

what he might say are two different things. I didn't say that at all.

The Court: I didn't think that word was ever used, Judge Wescott.

Mr. Wescott: No, but the idea was used. I knew what he was driving at. This little, innocent child—

Mr. Stout: Now, I suppose that this argument—

Mr. Wescott: Well, we will end it right there.

Mr. Stout: All right.

Q. Have you any idea what use Dr. Rubinsohn made of his fingers when he made the examination?
A. He had his fingers, and when he examined me, it hurt me. I don't know what he used.
Q. Well, did you have the same sensation when he examined you that you had when Bullock forcibly entered your parts in that bed?
A. No, I don't remember all how it felt at first, you know, when he first went in me, but it didn't feel that bad. It hurt.

Mr. Wescott: I think that is all.

By Mr. Stout:

Q. Did you tell Mary how old you were when you were talking about ages?
A. I don't remember doing so.
Q. Didn't you tell Mary that you were twenty?
A. No, I am not twenty.
Q. Did you tell her that?
A. No, I did not.

Q. Didn't you hang your clothes, nightdress, in the closet that morning?

A. I did not.

Q. Did you hang your other clothing in the closet?

A. No, I had nothing in the closet but a pair of shoes. I believe there is shoes in the closet.

Q. Didn't you go up to the dressmaker's room and bid her goodbye before you left?

A. I did not.

Q. I understood you to say, there seemed to be a question—I understood you to say you didn't spend any particular time with the dressmaker that day?

A. No, I did not.

Q. You weren't there at all, were you?

A. What do you mean?

Q. Up with the dressmaker?

A. No.

Mr. Stout: That is all.

Mr. Wescott: That is all.

Mr. Erickson: The State rests.

Mr. Stout: May it please the Court, it is almost within an hour of train time. It is impossible for us to complete this case this afternoon or tomorrow. We have a large number of witnesses, some of which will be quite lengthy, and I understand it will be necessary for this case to go over until Monday. I am now asking the Court and also the consent of counsel on the other side, that we may quit now, and renew the trial of the case on Monday. I am very anxious to get home. I am here by automobile, I have a 160 mile drive, and I have got to make some arrangement in order to get here on Monday,

inasmuch as I have a case set down for trial in the Hunterdon County Courts, and it will require all my time to make arrangements to get loose to get back here Monday, and I think that we may save time by adjourning now rather than take up the matter and have a disconnected condition, inasmuch as we must go over to Monday. Is there any objection on the part of the State to that?

(Further argument.)

(At this point, the trial of the cause was adjourned until Monday, January 28th, 1924, at 10.30 A. M.)

Cape May Court House, N. J.,
January 28th, 1924.

(Trial of the cause resumed on the above date at 10.30 A. M., in the presence of counsel for the respective parties and the defendants.)

THE CASE FOR THE DEFENDANTS.

(Mr. Hildreth opens the case for the defendants to the jury.)

MARY BULLOCK, sworn.

By Mr. Stout:

Q. What is your full name?
A. Mary Antoinette Bullock.
Q. What is the name of your father?
A. Anthony N. Bullock.
Q. And your grandmother?
A. Francoise Bullock.
Q. Where do you live?
A. Woodcrest, N. J.
Q. What does the family consist of?
A. My grandmother, father and myself.
Q. How old are you?
A. 22 years of age.
Q. Do you know Eleanor Mishler?
A. I do.
Q. How long have you known her?
A. I only knew her for the length of time that she was in our house for the three days.

Q. Did you ever see her before she came to your house?

A. No.

Q. Do you recollect how she came there, what occasioned her to come?

A. Why, she wrote a letter to my grandmother inviting herself down.

Q. Showing you a letter marked Exhibit D1, I ask you whether or not that is the letter that you refer to?

A. Yes, that is the letter.

Q. Did you answer the letter?

A. I did.

Q. At whose request?

A. My grandmother's request.

Q. Did you receive a letter from Eleanor in answer to the one that you had sent?

A. Yes.

Q. Where is that letter?

A. I destroyed the letter.

Q. Have you looked for it?

A. No, because I destroy all my mail.

Q. What did she say in that letter?

A. In the first letter?

Q. The second letter. The one in answer to your letter.

A. In the second letter, she said she was coming down on the excursion train on Sunday for the day.

Q. Do you remember what day of the month that was?

A. No, I don't remember.

Q. Was it the Sunday succeeding the posting of the letter to her?

A. Yes.

Q. Did she state in that letter what time that excursion train would arrive?

A. Yes, she did.

Q. Well, did she come on that excursion train?

A. No.

Q. Did or not you go to the station to meet the train?

A. I didn't go. Father——

Q. Did you have someone go?

A. The chauffeur and father went to the station.

Q. When you found that she didn't arrive on that train, what did you do, if anything?

A. I called her up on the telephone.

Q. Do you recollect about what time that was?

A. Around twelve o'clock.

Q. How did you know the telephone number to use?

A. I called up her grandmother in Ocean City.

Q. Before 'phoning——

A. Before calling Philadelphia.

Q. And you got the information from her grandmother?

A. I did.

Q. About what time of the day was it that you called her on the phone?

A. Twelve o'clock.

Q. What conversation did you have with her on the 'phone?

A. I asked her why she didnt come down on the excursion train and she said she had overslept herself, that she would be down on the afternoon train, so I said the chauffeur would be there to meet her at the train. She said she was going to get off at Wildwood station.

Q. When she was invited down was it your purpose to have her spend the day or a longer time?

A. For the day.

Q. Who met her at the station in the afternoon?

A. Father and the chauffeur.

Q. Who was at your house when they arrived?

A. My grandmother and myself.

Q. What kind of luggage did she have?

A. She had a suitcase.

Q. What became of it as she came in the house?

A. Why, I had the chauffeur put it up in my room.

Q. Had your family had their evening meal or dinner?

A. Yes, we had—we had it late in the afternoon.

Q. Did you provide a meal for Eleanor after her arrival?

A. I did.

Q. Who served her the meal?

A. I did.

Q. Did she eat her meal alone?

A. No, I sat down at the table with her and talked.

Q. None of the other members of the family were eating at the time?

A. No.

Q. Eleanor says that shortly after her arrival, and before the meal was served, that you called her into the kitchen and said to her not to mention the name of Miss Jones. Is that true?

A. No.

Q. Was there a telephone call for you on the 'phone after Eleanor had finished her meal?

A. No.

Q. Was there a telephone call for any member of the family that Sunday evening?

A. There was not.

Q. Eleanor says that there was a call came for you and that you instructed her to inform the party on the other end of the wire that you were not at home. Is that true?

A. No, that is not true.

Q. How late did you stay up that evening?

A. Around ten-thirty.

Q. Where had you provided sleeping quarters for Eleanor?

A. In my room.

Q. She says that you had provided other quarters for her but being cold, that you thought it advisable for her to sleep with you. Is that true?

A. No, it is not true.

Q. Was there anything unusual took place on the Monday evening between you and Eleanor or any other members of the household?

A. No, everybody was very pleasant.

Q. What time did you get up the next morning?

A. Around eight o'clock.

Q. What time did you have your breakfast?

A. Half-past eight.

Q. Did Eleanor have breakfast with you?

A. Yes.

Q. What did you do after breakfast?

A. On Monday morning I went to the music teacher.

Q. Who went with you?

A. Eleanor and father and the chauffeur.

Q. What time did you start for the music teacher?

A. About half-past ten.

Q. What time did you get back to your home?

A. Around twelve o'clock.

Q. What did you do in the afternoon?

A. In the afternoon we went out for a drive.

Q. Who?

A. Father and my grandmother, and William, the chauffeur, and myself.

Q. Did Eleanor go with you?

A. Yes, and Eleanor.

Q. What time did you return to the Bullock home?

A. Around five o'clock.

Q. What time did you have your dinner, if you remember?

A. Half-past six.

Q. Eleanor ate with you?

A. Yes.

Q. Anything unusual take place during that evening?

A. Nothing unusual.

Q. What time did you retire?

A. Between ten and half-past ten.

Q. Did Eleanor go to the room with you?

A. Yes.

Q. How were you dressed that night when you went to bed?

A. In my nightgown.

Q. Eleanor says that you had on your father's undershirt.

A. I did not. It wasn't necessary for me to have my father's undershirt on.

Q. Did you wear your father's undershirt at any time that Eleanor was there?

A. No.

Q. Or at any other time?

A. Never.

Q. Did you have plenty of nightgowns?

A. I always have plenty in my drawer.

Q. She says the reason that you gave for wearing your father's nightshirt was that your night dresses were all in the laundry. Is that true?

A. They were not.

Q. Do you have more than one?

A. I do.

Q. How many have you got?

A. Why, I got about ten.

Q. Did you have at that time?

A. I did. I had ones in my drawer that I never had on.

Q. Eleanor says that after you had put on your father's undershirt, shortly after she was in bed,

that you went into your father's room, dressed in that manner and closed the door and she heard loud talking. Did you go in your father's room dressed in that manner that night?

A. I did not.

Q. She says that you didn't occupy the bed with her that night. Is that true?

A. No, that isn't true.

Q. Where did you sleep?

A. I slept in my own bed in my room.

Q. Who with?

A. Eleanor.

Q. What time did you breakfast Tuesday morning?

A. Between half-past eight and a quarter to nine.

Q. What did you do after breakfast?

A. Tuesday? I think we played parcheesi after breakfast on Tuesday.

Mr. Wescott: What?

The Witness: Played parcheesi, a game.

Q. Did you go down town during the day?

A. Yes.

Q. Who went with you?

A. Eleanor.

Q. Anyone else?

A. And my father and grandmother.

Q. What was the purpose of going down in Wildwood?

A. I went down to do the marketing.

Q. When did you get a hat?

A. Tuesday afternoon.

Q. When you had done the marketing and then came back and had your lunch——

A. Yes.

Q. Did Eleanor eat with you?

A. Yes.

Q. Did she have her breakfast on that morning with you?

A. She did.

Q. Who served the table during Eleanor's stay there?

A. Why, Georgie, the cook, served Monday and Tuesday, and Priscilla on Wednesday.

Q. Who went with you when you went after your hat?

A. Eleanor.

Q. Anyone else?

A. No.

Q. What time did you go?

A. We went sometime in the afternoon; I don't remember the time.

Q. How long were you gone?

A. About an hour.

Q. What time did you have your dinner that night?

A. Tuesday night?

Q. Yes?

A. Half-past six.

Q. Had you at that time received any word from any of your relatives living over near Media?

A. No.

Q. Either telegram or letter?

A. No.

Q. What time did you retire?

A. We always retired around 10.30.

Q. This night?

A. 10.30.

Q. Eleanor says that in the evening you were at the writing desk at the rear of the hall on the second floor and that you were crying and that you had some letter or a letter calling attention to the fact

that there was some sickness at your mother's home. Is that true?

A. No.

Q. Did you have such letters at that time?

A. I did not.

Q. She said that you also had a telegram from a doctor requesting your immediate return on this Tuesday night. Did you have such a telegram?

A. No.

Q. She testifies that you wanted to go home and that your father objected to your going home. Did your father object to your going home?

A. No.

Q. Had there been anything said about your going home at that time?

A. No, there wasn't anything said.

Q. Was there any occasion for saying anything about going home at that time?

A. No.

Q. Did you have any knowledge on Tuesday night that your mother was sick?

A. No, I had not.

Q. She says that your father went upstairs into your grandmother's room and insisted that you should not go to your home, and that while there he assaulted your grandmother and that she fell and made a loud noise and she inquired what that was and you said "That was grandmother falling," and "He usually does that." Did you make any such statement as that?

A. I did not.

Q. Did you hear any falling in your grandmother's room?

A. I did not.

Q. Was there any quarrel between your father and your grandmother about your going home on Tuesday night?

A. No.

Q. I want you to state to the Court and the jury at this point the relations that exist between your father and your grandmother, whether they are kindly or otherwise.

A. My father is very devoted to his mother in every way.

Q. What is his manner of speech towards her or to her, pleasant or otherwise?

A. Very pleasant.

Q. What is his habit of attention to his mother?

A. He is very attentive to his mother.

Q. What is his habit of having his mother accompany him on automobile drives or trips?

A. He never goes out without his mother.

Q. Have you ever known an altercation of any kind or character of a disagreeable nature between your grandmother and your father?

A. No.

Q. Are you at home most of the time?

A. Yes, I am.

Q. What time did you retire on Tuesday night?

A. 10.30.

Q. How were you dressed on Tuesday night when you were ready to go to bed?

A. With my night gown on, of course.

Q. Eleanor says you had your father's undershirt on.

A. Well, she lied.

(Laughter)

The Court: Now, I want all of this hilarity to cease at once. Proceed.

Q. Who occupied the bed in your room that night?

A. Eleanor and myself.

Q. Was anybody else there?

A. There was not.

Q. Eleanor said that on Tuesday night, you left the door leading from your room to that of your father open. What have you to say about that?

A. I did not. I closed it. She is liable to say anything.

Q. Now don't. Just answer my question, please. Don't show any feeling. Did your father come in that room that night?

A. He did not.

Q. She says that while you were lying in the bed with her, that your father came in and had a conversation with you about your condition of menstruation. Is that true?

A. I don't quite understand you.

Q. Did your father come into your room and lie down in your bed with you and fight with you because you were menstruating?

A. No.

Q. And that you said to him that it would soon be over, the five days would be up tomorrow?

A. No, I did not.

Q. As a matter of fact, was your father in your room or bed?

A. He was not.

Q. Eleanor says, as she describes it, that she was just falling off into a sleep when she heard that conversation, and immediately afterward, your father asked you to touch her person and see whether you could find a nerve, and if you could that she couldn't resist. Did your father ask you to do that?

A. He did not.

Q. Did you put your hand on her at all?

A. No.

Q. She testified that when you attempted to do that, she got out of bed, or attempted to get out of

bed, and that your father grabbed her by the nightgown and drew her back. Is that true or false?

A. It is false.

Q. That she hollered, she don't know how loud, and that she kicked and that your father asked you to hold her and that you put your hand over her mouth and threw your body, the weight of your body, on her, so she couldn't move. Did you do that?

A. No.

Q. She said that while you held her in that position, your father put his face down on her privates. Did your father do that?

A. He did not.

Q. And that afterward he got on her and that he penetrated her. Was your father on Eleanor?

A. No.

Q. Was he in your bed at all?

A. He was not.

Q. She said that from that instant, she doesn't remember anything until six o'clock in the morning, that she went off into unconsciousness. She came out of the trance at six o'clock in the morning, sat up in bed and had a terrific headache and that you administered a tablet to her. What about that?

A. I did not. I didn't have any occasion to give her any tablet.

Q. What time did you get up in the morning?

A. Eight o'clock.

Q. She said that her nightgown was very bloody, and that you took charge of it and said to her that you would have it laundered and sent to her. What about that?

A. That is not true.

Q. Did you see her nightgown the next morning?

A. Yes, I did.

Q. Was there any blood on it?

A. No.

Q. What did she do with the nightgown?
A. She hung it up in my closet.
Q. What became of the nightgown after that?
A. She took it home with her.
Q. Was there any blood on the sheets in the bed?
A. No, there was not.
Q. Who takes charge of the bed?
A. I do.
Q. Who takes charge of the bed in your father's room?
A. I do.
Q. Who did the laundry work at your home at that time?
A. Priscilla.
Q. Eleanor says that Wednesday morning your father asked you, the person who took care of his bed, to go in the room and muss up the bed, so that it would look as if it had been occupied during the night. Is that true?
A. No, it is not true.
Q. What other members of your household would go to the room besides you?
A. Why I don't know. My father and my grandmother.
Q. Servants?
A. Well, if they had any occasion to, they would.
Q. But you took care of the room, did you not?
A. Yes, I did.
Q. Eleanor says that on this Wednesday morning, after she detailed this story, that your father wanted her to take off her kimono and stand on a table and pose in a nude condition, that you and he could be the audience. Do you know about that?
A. I don't know anything about that.
Q. Was anything of that kind said?
A. No.

Q. Who took care of the fires of your father's house at that time?

A. William, the chauffeur.

Q. Where did William live then?

A. At his home. I think it is on West Burke Avenue.

Q. What hour is fixed for him to start with his duties?

A. Eight o'clock.

Q. Well, did he get around before eight o'clock mornings?

A. No.

Q. Were they the hours that he had during Eleanor's stay?

A. Yes.

Q. When Eleanor went downstairs in the morning, did you go with her?

A. I did.

Q. What time did you go down?

A. About half-past eight.

Q. What time did you breakfast?

A. Between half-past eight and quarter to nine.

Q. Did she eat breakfast with you?

A. She did.

Q. Who served the breakfast?

A. On which morning do you mean?

Q. On Wednesday morning?

A. Priscilla.

Q. Did you notice whether or not Eleanor ate as much as usual?

A. I didn't notice any difference in her eating.

Q. She said she limited her breakfast to a part of a cup of coffee. Do you know anything about that?

A. I don't think she passed anything by.

Q. Did you notice anything unusual about the girl at that time?

A. No, I did not.

Q. Do you remember Mrs. Corson coming to your home that day?

A. Yes.

Q. What time did she come?

A. Half-past eight.

Q. What did she come there for?

A. She was sewing at our place.

Q. She is the dressmaker?

A. Yes.

Q. Where does she live?

A. In Wildwood.

Q. Wildwood. Did she eat breakfast with you that morning?

A. Yes, she did.

Q. Did your father eat breakfast?

A. Yes.

Q. And your grandmother and you and Eleanor and the dressmaker. Did you see Mrs. Corson after she had finished her breakfast?

A. Yes.

Q. Before she went upstairs, where were you?

A. In the living room.

Q. And who was with you?

A. Eleanor and father and my grandmother.

Q. Did you notice her particularly when Mrs. Corson went upstairs?

A. Yes.

Q. Now, in going from your living room upstairs, how many steps do you go up to a landing?

A. About four.

Q. To get upstairs, in what direction do you turn, right or left?

A. To the left.

Q. What is there at the right of the landing?

A. My father's room.

Q. No, I mean——

A. Scandal parlor.

Q. That is the room in which you have your telephone, isn't it?

A. Yes.

Q. Eleanor says that your father stood on that landing when Mrs. Corson went upstairs and that as she proceeded up your father put his hand up her clothing and felt of her person, or some part of it, and that Mrs. Corson exclaimed that she—that he always did that and that she had to go up backwards. Did anything of that kind occur?

A. No.

Q. Was there anything of that kind took place at all?

A. There was not.

Q. Did you receive a letter on that Wednesday morning?

A. I did.

Q. How did it come, by registration, or——

A. By registered mail.

Q. Do you remember who signed for the letter?

A. I signed for it.

Q. Who brought it to you to sign?

A. Georgie, the cook.

Q. What time did that letter arrive?

A. Around nine o'clock.

Q. Where was it from?

A. Cheney, Pennsylvania.

Q. Where is the letter now?

A. I destroyed the letter.

Q. Who lives at Chaney?

A. My brothers and mother.

Q. What did that letter inform you about?

A. Saying that my mother was very sick and to come to see her at once.

Q. What effect, if any, did the receipt of that letter have upon you?

A. Why, I was all broken up about it.

Q. Broken up about it?

A. I was crying after the receipt of the letter.

Q. Did you tell Eleanor what the contents of the letter were?

A. I told her that my mother was very sick.

Q. What did Eleanor say to you, if anything, about that?

A. She tried to pacify me, and she said, "Mary, you should go home and see your mother."

Q. What did she say about your crying?

A. She told me not to cry.

Q. Where was she when she did that?

A. In the living room.

Q. What spot?

A. In the living room.

Q. In the living room?

A. Yes.

Q. Was there anyone present when she did that?

A. Why, my father and grandmother.

Q. Later on in the morning, did she see you again when you were still crying?

A. Yes.

Q. Where?

A. Up in my bedroom.

Q. What did she say to you or do to you then?

A. She told me not to cry. I was still crying up in my bedroom.

Q. Where were you when she spoke to you in that manner?

A. In my bedroom upstairs.

Q. Sitting up or lying down?

A. Sitting on the chair.

Q. Well, just demonstrate to the Court and jury how she came towards you and if she put her hands on you, how or in what manner?

A. She came up to me and put her hands on my

shoulder and told me not to cry any more, tried to pacify me.

Q. After you received that letter, was there any other message that reached your home?

A. There was a telegram.

Q. And who was the telegram from?

A. A doctor.

Q. After this letter was received on this Wednesday morning, was there marketing done for your house?

A. Yes, sir.

Q. Who did the marketing?

A. Father.

Q. Who went with him?

A. William, the chauffeur, and Eleanor.

Q. Eleanor. Did you eat dinner or lunch with the family?

A. Yes.

Q. Did Eleanor eat with the family?

A. She did.

Q. What did you notice about her condition, if anything, different from what it was on Monday or Tuesday or Sunday?

A. I didn't notice anything different.

Q. Did you receive the telegram in the morning or after dinner?

A. It was around twelve o'clock when I received the telegram.

Q. Was there anything said in the presence of Eleanor about your going home, after the telegram was received?

A. Yes.

Q. Was it talked over in the presence of Eleanor as to whether you were to go home in answer to the telegram?

A. Yes.

Q. What was said, if you know, to Eleanor about

your going to Chaney to see your mother and of her cutting her visit short?

A. Why, my grandmother told Eleanor.

Q. What did your grandmother tell her?

A. She said that I had received a telegram saying that I had to go home and that she would have to defer her visit until some other time.

Q. What did Eleanor say in reference to that?

A. She said, "All right, Mrs. Bullock."

Q. And after you received the telegram, did you associate with Eleanor or any other members of the family very much?

A. No, not very much.

Q. Do you know where Eleanor spent the afternoon, or part of the afternoon?

A. She was up with Mrs. Corson, the dressmaker.

Q. How soon after Eleanor was informed by your grandmother that you were likely to be taken to Chaney, was it that Eleanor got ready to go home?

A. Right away, after my grandmother told her.

Q. What train did she leave by?

A. On the 4.08.

Q Who assisted in taking her luggage from the house?

A. We all went to the train with her.

Q. Who took her luggage out to the car?

A. William, the chauffeur.

Q. Was Georgie there?

A. Yes.

Q. Did you hear Eleanor say anything to Georgie as she left the house?

A. I did.

Q. What did you hear her say?

A. She said, "Goodbye, Georgie, I had an awfully nice time. I will come to see you again."

Q. Who went in the car to the station?

A. My grandmother, father and I, and William, the chauffeur, and Priscilla.

Q. Where did you take Priscilla?

A. To her home.

Q. Do you remember anything being said by Eleanor to Priscilla when she got out of the car?

A. She said to Priscilla that she had a nice time.

Q. After letting Priscilla out, where did you go?

A. We drove up as far as Anglesea and drove back to the station.

Q. Did you get out of the car when you were at the station?

A. I didn't.

Q. Who did?

A. Father did.

Q. Did Eleanor remain in your car until the train came in the station?

A. Yes.

Q. How long did you have to wait at the station?

A. About fifteen or twenty minutes.

Q. Just state to the Court and jury what Eleanor said to you or any other members of your family when she got out of the car to take the train?

A. She said, "Goodbye, Mary, I had an awfully nice time," and she said that she would write me a letter, and she said the same to my grandmother and also to my father, and then she got on the train and waved her hand goodbye.

Q. When did you next hear of Eleanor after that?

A. She called up on Friday.

Q. Were you home on Friday?

A. I was home, but I wasn't in at the time she called.

Q. Were you informed that she had called?

A. Yes.

Q. Who gave you that information?

A. Priscilla.

Q. How many times were you called?
A. I was called twice.

Mr. Erickson: I object to that. It is hearsay, presumably.

Mr. Wescott: I wouldn't object to it.

The Court: It is objectionable as hearsay if someone else told her.

Mr. Stout: I think she can say that she was informed a call came for her. I don't think that is hearsay.

The Court: All right.

Mr. Stout: Gentlemen, we are going to stay within the rules of evidence and if it is not competent, we don't want it.

Mr. Wescott: Go on; go on.

The Court: Gentlemen, while we are having this recess, I am going to ask the complaining witness to take a seat over on the bench. I know it is unintentional, but there is a sort of presumption in contradiction on the part of the complaining witness, and that, I think, is improper. I know it is unintentional. I am going to ask that the complaining witness take a seat over on the bench over there. Proceed.

Q. Well, after receiving information as to 'phone calls, for you, on Friday, did you do anything in reference to those calls?
A. I called Eleanor up on Saturday morning.

Q. What time on Saturday morning?

A. About 10 o'clock.

Q. Did she answer the 'phone?

A. She did.

Q. How do you know she did?

A. I know her voice on the telephone.

Q. Are you sure that it was Eleanor that you were talking to?

A. I am sure.

Q. What did she say to you?

A. I said to her, I said, "Eleanor, what did you call me up for Friday?" and she said that she called me up thanking me for the nice time that she had, that she would write to me, and wanted to know when she could come down again. I told her I couldn't plan any other time, that I didn't know what day I would be called away.

Q. Did you ever have a conversation with her on the telephone or personally since that day?

A. No.

Q. What was the next that you heard of Eleanor in reference to this case?

A. Why, the United States Deputy Marshal brought papers from Trenton.

Q. I show you a paper and ask you whether that is the paper that was served upon you, showing that suit was instituted?

A. Yes, that is the paper.

Q. Was that the first that you heard from Eleanor after the telephone conversation?

A. Yes.

Q. Do you recollect when this was served upon you?

A. The 28th day of February.

Q. Served on you the 28th or after the 28th?

A. Well, I don't remember that.

Q. Given to you personally by the officer?

A. Yes.
Q. And where were you when he gave it to you?
A. Why, I was in the machine.
Q. At your home?
A. Yes.
Q. There was one served upon your father at the same time?
A. Yes.
Q. What did you do after the receipt of that paper?
A. Why, I was very much surprised——
Q. I didn't ask you about your surprise. I asked you what you did after you received the paper?
A. Got in touch with our counsel.
Q. And who are your counsel?
A. Mr. Frank B. Rhodes and Mr. John M. Broomall.
Q. That is Mr. Rhodes here? (Indicating.)
A. Yes.
Q. And this is Mr. Broomall? (Indicating.)
A. Yes.
Q. And where do they have their offices?
A. Media, Pennsylvania.
Q. They are your family lawyers?
A. They are.
Q. You have family lawyers as well as family physicians, do you?
A. Yes.
Q. Well, after the receipt of this paper, what next did you hear about Eleanor?
A. What next?
Q. Yes.
A. I didn't hear anything, only the criminal charges.
Q. You heard about that, didn't you?
A. Yes.
Q. Well, when was that?

A. Sometime in December.

Q. And these papers were served on you in February?

A. Yes.

Q. And you were brought before this court, weren't you, and held in bail?

A. Yes.

Q. And you are now under bail, aren't you?

A. Yes.

Q. Mary, did you lay your hands with force or violence on Eleanor Mishler during her stay at your home?

A. No.

Q. Did you assist in the carnal abuse of Eleanor Mishler by your father?

A. No, I did not.

Q. Was there anything of that kind that took place at all while at your home?

A. There was not.

Q. Eleanor states that while she was there that there was some kind of a ball that was used in your presence by your father and she used it, where, if she concentrated her mind on anything, she could see it in that ball. Did anything of that kind occur?

A. I don't remember that, no.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Wescott:

Q. If I understood you correctly, you said that she was liable to say anything?

A. I did.

Q. Why did you say that?

A. Because I did.

Q. But why did you say it?
A. From what she reported.
Q. You furthermore said that she lied?
A. She did.
Q. You heard her testimony here for a whole day on the witness stand, didn't you?
A. I did.
Q. And it was a lie from beginning to end, wasn't it?
A. Yes.
Q. And therefore that little girl created a series of lies that lasted over a whole day, did she?
A. Yes.
Q. Right out of the solid. She did, didn't she?
A. Yes.
Q. How much do you weigh?
A. 138 pounds.
Q. Is that all?
A. That is all the last time I weighed. That was without my coat.
Q. Where were you born?
A. Conshohocken, Pa.
Q. What is your mother's name?
A. Madeline.
Q. How long did you live at Conshohocken?
A. I don't remember how long I lived in Conshohocken.
Q. Can't remember how long you lived in Conshohocken. Did you go to school anywhere?
A. Yes, I went to school, but I didn't go in Conshohocken.
Q. Where did you go?
A. Why, I went to a convent school.
Q. When?
A. When I was about 13.
Q. And for how long?
A. Three years.

Q. Can you tell when that was?
A. That was in 1915.
Q. 1915. Where?
A. Frazier.
Q. Did you go to school after that anywhere?
A. I did.
Q. Where?
A. Sacred Heart.
Q. How long?
A. For a year.
Q. Where is that?
A. 18th and Race, Philadelphia.
Q. Did you go anywhere else?
A. And then I went to the Friends' Select School.
Q. Where?
A. That is 17th and Race.
Q. For how long?
A. Two years.
Q. Then anywhere else?
A. No.
Q. When was it that you went to the Friends' School?
A. In 1919.
Q. After you got through the Friends' School, where did you go?
A. I didn't go any place.
Q. Where did you live?
A. At Chaney.
Q. How long did you live there?
A. At Chaney, I lived there for 14 years.
Q. Until you were how old?
A. Until I was 20.
Q. Then where did you go?
A. I came down to Wildwood.
Q. When?
A. 1920.
Q. Where have you lived since?

A. With my father and grandmother.
Q. In Wildwood?
A. In Wildwood.
Q. And who has constituted the family in Wildwood?
A. My father and grandmother.
Q. And yourself?
A. And myself.
Q. With servants?
A. Yes.
Q. Always keep the same servants?
A. Not always, no.
Q. Now, have you any brothers and sisters?
A. I have six brothers.
Q. Where are they?
A. Chaney, Pa.
Q. Have you any sisters?
A. No.
Q. Is your mother living?
A. Yes.
Q. Where does she live?
A. Chaney.
Q. She doesn't live at Wildwood?

Mr. Stout: I object to that question. It is self evident that she does not.

The Court: Sustained.

Mr. Wescott: How?

The Court: Objection sustained.

Q. With whom does your mother live?

Mr. Stout: I object to that question. She wasn't asked a thing about her mother or where her mother

lived on direct examination. This is cross-examination, and, as I understand, must be confined to those things asked about on direct examination.

The Court: What have you to say, Judge?

Mr. Wescott: I think the question is proper. This witness is under cross-examination, and I think we have a right to inquire into her life and her relationships. It has always been my understanding about the law, and still, I am old enough to be taught.

The Court: I will sustain the objection.

Q. Now, do you know why your mother lives in Chaney and your father lives in Wildwood?

Mr. Stout: I object to that.

The Court: Same ruling.

Q. Has your mother ever visited you at Wildwood?

Mr. Stout: I object to that.

The Court: On what ground, Mr. Stout?

Mr. Stout: Upon the ground she wasn't examined anything about her mother or any visits to her mother. This woman was put on the stand for the purpose of either admitting or denying the truth of the statements as fixed by the State.

The Court: The question is entirely, Judge Wescott, outside of the scope of the examination in chief. I will sustain the objection.

Q. How often do you see your mother?

Mr. Stout: Well, I object to that. I don't care whether she sees her every day, or don't see her at all. It has nothing to do with this case.

The Court: Same ruling.

Q. Why don't you live with your mother?

Mr. Stout: I object to that.

The Court: Just a moment, now.

Mr. Stout: I object to that question as to why she does not live with her mother. What difference does it make? She has got a right to live with whom she pleases. She is 22 years old.

The Court: Same ruling. It is outside of the examination in chief.

Q. Why do you live exclusively with your father?

Mr. Stout: I object to that.

The Court: I want order, please. That is the other side of the question, however, Mr. Stout.

Mr. Stout: Well, what difference does it make why she lives with her father? The fact is she lives there. She has a right to live there.

The Court: No, I think her relationship with her father is proper. I will overrule the objection.

Mr. Stout: Suppose she lives there because her father wants to?

The Court: She will have to answer that. She may answer that question.

Mr. Stout: I will except.

The Court: An exception noted.

(Exception noted for defendants.)

(Question read by stenographer.)

A. I can live with whom I want to live with.
Q. And that being so, you choose your father?
A. I do.
Q. When you got the telegram about your mother's illness, did you go to Chaney?
A. I did not.
Q. Why not?
A. Because I had heard that my mother was a great deal better.
Q. How did you hear that?
A. I telephoned to her.
Q. Where is that telegram?
A. I destroy all my mail and telegrams.
Q. Why do you destroy all your mail and telegrams?
A. I don't know why I do it, but I do.
Q. You do it religiously?
A. I do.
Q. When did you adopt the habit of destroying all your letters and telegrams?
A. I have always done that.
Q. Always?
A. Always.

Q. Well, there was one letter which appeared in this case which seems to have been pretty well preserved. Why?

A. That wasn't written to me. That was written to my grandmother.

Q. That is the reason, because it was written to your grandmother?

A. Yes.

Q. Does your grandmother preserve her letters religiously?

A. She does.

Q. I suppose you got that letter from your grandmother?

A. I did.

Q. Have you seen your mother since this telegram and other communications you have had about her?

Mr. Stout: I object to that. That is not relevant to the case. It is not cross-examination.

The Court: Same ruling.

Q. I understood you to say—correct me, if I am wrong—that Eleanor Mishler was coming down for the Sunday only. Is that correct?

A. She did.

Q. And that she invited herself?

A. She did.

Q. And that when she came, she came with a grip, a suitcase, loaded with attire, didn't she?

A. Yes.

Q. You thought that was rather brash, didn't you, that a girl invited to come down for a Sunday only should come prepared to spend a Sunday with a grip and other preparations, or didn't you think anything about it?

Mr. Stout: I won't object.

A. No, I didn't think anything about it.

Q. And instead of going home Sunday, she stayed Monday and Tuesday and until Wednesday?

A. Yes.

Q. And then she went because you got that word from your mother, about your mother being sick, didn't you?

A. Yes.

Q. Why was that any reason for that little girl going?

A. I didn't care to take her home with me, but I didn't want to leave her at the house?

Q. But you didn't go to see your mother?

A. No, but I was going to see her.

Q. You were going. Now, how soon did you learn that your mother got so much better that there was no necessity of your going to see her?

A. That evening, Wednesday evening.

Q. Too late for you to keep Eleanor?

A. I don't quite understand you.

Q. Too late for you to keep Eleanor. She had gone already, hadn't she?

A. Yes, she had gone.

Q. If she had not gone, I suppose you would have kept her on, wouldn't you?

A. I don't know whether I would or not.

Q. Why not?

A. My grandmother had told her that.

Q. Your grandmother told her to go on account of the sickness of your mother?

A. Yes.

Q. Was Eleanor behaving herself while she was at your house?

A. Yes.

Q. A nice little girl, wasn't she?

A. Seemed to be.
Q. Young?
A. She told me she was 20 years of age.
Q. She told you she was 20?
A. Yes.
Q. Well, didn't you see that she was palpably mistaken about that?
A. Well, she didn't look any younger.
Q. She didn't? Does she look that now?
A. No.
Q. Well, does she look any older now than she did then?
A. I think she does.
Q. You think she does. Well, you asked her how old she was?
A. Yes.
Q. And she told you she was 20?
A. Yes.
Q. Didn't that rather astonish you?
A. No.
Q. You believed it?
A. I hadn't any other reason not to believe her.
Q. Did you associate with her while she was there? there?
A. I did.
Q. Rather an attractive looking little girl, wasn't she?
A. I can't say that she was.
Q. Have you seen her here in court?
A. Yes.
Q. And you cannot say that she is rather an attractive little girl outside of the poverty of her dress?
A. I don't think anything about her dress.
Q. But leave the poverty of her dress out of the question, don't you think she is a pretty interesting looking little girl?

A. No.

Q. You don't? Was she intelligent while she was at your house?

A. Yes, she seemed to be.

Q. Now, you called her up, as I understand. You called this little girl up?

A. I did.

Q. When?

A. On Sunday.

Q. What Sunday?

A. The Sunday that she was supposed to come down to our place.

Q. Now, why did you call her up?

A. Because she hadn't come on the excursion train as she stated in her letter.

Q. Why were you so anxious to get her down there?

A. I wasn't anxious to get her down there. I had never met the girl then.

Q. Well, she had arranged to come down on the morning train and didn't come. Why did you concern yourself about it and call her up by 'phone to see why she hadn't come?

A. I thought that was the only proper thing to do.

Q. Why?

A. To call her up to see why she hadn't come.

Q. She didn't come?

A. I know it.

Q. She was a stranger to you?

A. I didn't know she wasn't coming.

Q. Why did you want to call her up to see whether she hadn't come?

A. Because I thought it was proper.

Q. Did you learn whether she would come or not?

A. I did.

Q. You wrote a letter inviting her down, didn't you?

A. I said to come down on some Sunday.

Q. You wrote a letter inviting her down?

A. I did.

Q. And she was to come Sunday morning. Now, having found that she didn't come, you were so much concerned about that fact that you called her up. What did you ask her about when you called her up?

A. I didn't ask her about anything.

Q. What did you say to her when you called her up?

A. I asked her why she didn't come down on the morning train. She said she had overslept but she would come down on the afternoon train.

Q. What did you say?

A. I said, "Very well."

Q. And then you and your father went to meet her, didn't you?

A. No, I didn't go to meet her. Father did.

Q. Your father did? Very well. Did your father go alone?

A. No, William, the chauffeur, drove.

Q. He and the chauffeur. I understood you to say that he never went without taking his mother with him in the machine?

A. Well, for a short distance. He might go downtown, but he never goes away for any length of time without his mother.

Q. But there was one instance, going for Eleanor, where he didn't take your mother?

A. Yes.

Q. Or his mother?

A. Yes.

Q. Did you think it was rather curious that this little girl who was to come down there for a day,

over Sunday, should bring her grip and stay several days? Didn't you think that was curious?

A. I didn't give it a thought.

Q. Didn't give it a thought. Did you bring to her attention the fact that the engagement was that she was to come down over Sunday for the day and that she had the audacity to stay three days and nights? Did you call her attention to that?

A. I said on a Sunday, and when she wrote to me, she said she would come down and spend the day.

Q. Didn't I understand you correctly to say that that was the limit of her visit, a day?

A. Yes.

Q. Very well. Now, the question is whether this little girl camping on you for three days and nights didn't arrest your attention in that way when she was coming only for the day. What did you think about that?

A. I didn't think anything about it.

Q. Didn't think anything about it. Now, if it had not been for the circumstance of your mother's getting sick and sending telegrams, I suppose she might have stayed for a week or two, mightn't she?

A. Yes, I suppose so.

Q. And you know no reason for her leaving that house except the sickness of your mother and this telegram?

A. That is all.

Q. That is all. And all that she said as a reason for leaving your home is a lie, made right out of the solid, is it?

A. It is.

Q. How many rooms are there in the house where you live with your father and step-mother or grandmother?

A. All through the house?

Q. Yes.

A. Well, there is six on the first floor.

Q. Yes. How many stories?

A. There is three.

Q. Three stories. How many bedrooms on the second floor?

A. Three.

Q. And you had an engineer to make a plan of that, didn't you?

A. Yes.

Q. House heated?

A. Yes, on the two floors.

Q. Only on the two floors? Well, wasn't the plan to have Eleanor sleep on the third floor?

A. No.

Q. Then she lies about that?

A. She does.

Q. The reason she didn't sleep on the third floor was because of the cold, wasn't it?

A. No, I had planned to have her sleep in my room.

Q. When did you plan that?

A. Before she came there.

Q. Now, why did you plan to have her sleep in your room before she came there?

A. Why did I plan it?

Q. Yes.

A. There wasn't any reason why.

Q. You just simply planned that she was to sleep with you?

A. Yes.

Q. And when you saw her and saw what a sweet, attractive little girl she was, you were glad of your plan?

A. No. Why should I be?

Q. I don't know. I am asking whether you were

or not. Then you were entirely indifferent to the situation?

A. Yes.

Q. You just slept with her, that was all?

A. That was all.

Q. And where did your father sleep?

A. In his own bedroom.

Q. How far was that from your bedroom?

A. They are adjoining rooms.

Q. Door between?

A. Yes.

Q. Locked and key in that door?

A. Yes.

Q. Where does your grandmother sleep?

A. Right opposite me.

Q. Lock and key in her door?

A. Yes.

Q. Was there not a special reason for having this little girl sleep with you?

A. Well, the third floor wasn't heated.

Q. How many bedrooms were there on the second floor?

A. Three bedrooms on the second floor.

Q. You occupied one?

A. Yes.

Q. Your father occupied one?

A. Yes.

Q. And your grandmother occupied the other?

A. Yes.

Q. Why didn't you let her sleep with your grandmother?

A. Because my grandmother never has anybody sleep with her.

Q. You never have?

A. When I have girl friends, they always sleep with me.

Q. Who is Miss Jones?

A. Who is she? She is a lady.
Q. A female, is she?
A. Yes.
Q. When did you get acquainted with her?
A. I have known her for a long time.
Q. How long?
A. Oh, I guess six or seven years.
Q. Where did you get acquainted with her?
A. In my father's and grandmother's house.
Q. Where?
A. Wildwood.
Q. When?
A. Whenever I used to come down to see my father and grandmother.
Q. What was Miss Jones doing there?
A. She was the housekeeper.

Mr. Stout: I object to that. It doesn't make any difference what she was doing there. It isn't cross-examination, and I am perfectly willing he should prove the fact that she knew her. It is not a question that the witness was asked about.

Mr. Wescott: Yes, you asked her about Miss Jones.

Mr. Stout: I didn't ask her about Miss Jones at all. My question was "Did you say to Eleanor, as Eleanor says you did, shortly after her arrival, not for her to mention Miss Jones' name?" That was the only question asked about Miss Jones as to who she was or where she lived or how she lived or anything about her.

The Court: Well the present question was answered, Mr. Stout. She was the housekeeper there. Is your motion to strike out that answer?

Mr. Stout: My motion is to strike out as to what Miss Jones was doing at the house.

The Court: Judge Wescott?

Mr. Wescott: Sir, I think it ought to stay there.

The Court: Well, I will overrule the objection to that question. I see no harm, so far.

Q. Do you know when Miss Jones left?

Mr. Stout: I object to that. It makes no difference when she left. It isn't cross-examination.

The Court: What have you to say, Judge Wescott?

Mr. Wescott: I think the cross-examination is proper.

The Court: Well, on what ground?

Mr. Wescott: I have a right to unfold the relations that existed in that house. This lady is a defendant under indictment charged with a very serious offence. This Jones woman is involved in the tragedy. Now, to say on cross-examination that I cannot ask her anything about Miss Jones and her relationships in the house, seems to me to violate—— However, I will do what your Honor thinks.

The Court: I will overrule your objection, Mr. Stout.

Mr. Stout: If it please your Honor, I would like to know how the Jones woman is involved in this

tragedy. Is there any proof she was there? Is there any proof she had any connection with the visit of Eleanor? How is she involved? I would like him to state, if your Honor please, the manner in which this Jones woman is involved. I would be very glad if they would tell us, and tell us instantly and frankly how the Jones woman is involved in this case, tragedy, and this prosecution, but in the absence of anything being present on the part of the defendant as to the Jones woman, it doesn't look to me as if it should proceed any further. If the Jones woman was there at the time of this transaction, I am perfectly content to prove——

The Court: Let us find out. That was the question, when did the Jones woman leave there. I am more certain than ever that I am right in my ruling, so far as this particular question.

Mr. Stout: I would like to have an exception to your Honor's ruling.

The Court: I will permit the question and grant an exception.

(Exception noted for the defendants.)

Q. You have already stated that the household at Wildwood consisted of your grandmother, your father and you, and that you lived there since when?
A. 1920.
Q. 1920. You were 21 when you went there and you are 22 now?
A. I have been there a year and a half. I don't know just when I went there.
Q. Was Miss Jones there during that period of time?

A. She was.
Q. For how long?
A. For a year.
Q. A year. She ran the house, or what?
A. She ran the house.
Q. Why did she leave?
A. I don't know.
Q. Haven't you any idea at all? Haven't you the faintest idea why this lady left the house?
A. She and I had——

Mr. Stout: I suppose the question—— The Court permitted the question as to when she left for the purpose of establishing the fact of whether or not this woman Jones was involved in this tragedy at the Bullock house. Now, counsel is going further than that. He has, without establishing the fact as to when she left, he wants to know why she left. What difference does it make if she wasn't there at the time of this occurrence. I submit that as long as you give counsel on the other side, just a little rope, he just takes the whole bale.

Mr. Wescott: Give us the rope, and we will hang ourselves.

Mr. Stout: I think you will, judge.

The Court: I will sustain the objection.

Q. I understood you to say that Eleanor wrote you a line in answer to your statement "If you decide to come down Sunday, it will be well to write me a line?"
A. Yes.
Q. And she did write you a line?
A. She wrote me a letter, yes.
Q. And that letter you destroyed?

A. Yes.

Q. What was in the letter?

A. She said that she would come down on the excursion train Sunday morning and what time the train would arrive.

Q. You and Miss Jones then had some trouble, didn't you?

Mr. Stout: I object to that.

The Court: Objection sustained.

Q. Has she ever been back?

Mr. Stout: I object to that. It doesn't make any difference. She wasn't there at the time of this occurrence. It makes no difference whether she comes or not.

The Court: Sustained.

Q. When did you first hear about this horrible thing?

A. Two weeks after Eleanor had gone home.

Q. Two weeks after she had gone home. Who told you about it?

A. Why, the papers were served on us.

Q. This paper?

A. Yes.

Q. And that is all the information you had is what you got out of this paper?

A. Yes.

Q. Will you point out the information you got from this paper?

A. Well, all I know that she sued us for a hundred thousands dollars.

Q. That is all you know?

A. That is all I know.

Q. Is that all the information you got from that paper was she sued you for a hundred thousand dollars?

Mr. Stout: Read it and see what information you get.

The Court: Do you want the document read, Judge Wescott?

Mr. Wescott: Either that, or she can read it. I suppose they will offer it in evidence.

Mr. Stout: We will offer it in evidence now.

(The summons and complaint in a suit in United States District Court for the District of New Jersey between Eleanor E. Mishler, et al, vs. Anthony J. Bullock and Mary Bullock, defendants, received in evidence and marked Exhibit D-2.)

Mr. Stout: Read it all. All the paper. The first part, everything.

Mr. Wescott: She needn't do that. I want her to read that which informs her about her charge.

Mr. Stout: The first informs her what she has to do.

The Witness: I will read the whole thing.

Q. If you want to read the whole——

A. "United States of America. District of New Jersey, ss. The President of the United States of America to Anthony J. Bullock and Mary A. Bullock. You are summoned to answer the annexed complaint

of Eleanor E. Mishler, by her next friend, Elizabeth C. Dias, in an action at law in the District Court of the United States for the District of New Jersey. And take notice that unless you file your answer to said complaint with the Clerk of the District Court of the United States, for the District of New Jersey, at Trenton, within twenty days after service upon you of this writ and the annexed complaint, the plaintiff may proceed in the suit and judgment may be entered against you. Witness, the Honorable John Rellstab, Judge of said Court, at Trenton, this 28th day of February, A. D. nineteen hundred and twenty-three. George T. Cramer, Clerk, by Robert S. Scheuer, Deputy. District Court of the United States for the District of New Jersey. Eleanor E. Mishler, by her next friend, Elizabeth C. Diaz, Plaintiff, vs. Action at Law, Anthony J. Bullock and Mary A. Bullock, Complaint, Defendants. The plaintiff, Eleanor E. Mishler, by her next friend, Elizabeth C. Diaz, residing in the City and County of Philadelphia and State of Pennsylvania, says: 1. On or about the 20th day of February, 1923, at Wildwood Crest, Cape May County, New Jersey, the defendants seized and held the said Eleanor E. Mishler and, at the same time, the said Anthony J. Bullock forcibly and against the will of the said Eleanor E. Mishler raped and carnally knew her. 2. The plaintiff is a citizen of the State of Pennsylvania and the defendants are citizens of the State of New Jersey. The plaintiff claims damages in the sum of One Hundred Thousand Dollars. Wescott and Weaver, attorneys for plaintiff."

Q. Now, that is all the information you had, wasn't it?

A. Yes.

Q. Did you get any information from any other source?

A. Why, we called up our attorneys.

Q. What?

A. We called up our counsel.

Q. Your counsel?

A. Mr. Rhodes and Mr. Broomall.

Q. Well, they couldn't tell you anything about it. Did you get any information about this story that this little girl has told from any other source than that paper?

A. No.

Q. And that is all that you knew about it, is what that paper stated, wasn't it?

A. That was all.

Q. Did you talk to your father about it?

A. Yes.

Q. And the only information he had is what is in that paper, was it?

A. Yes.

Q. Now, little Eleanor was so much delighted with her visit that on Friday after she got home, she called you up to thank you for the visit. Is that correct?

A. She called up, but I wasn't there on Friday when she called.

Q. Well, she got you didn't she, afterwards?

A. No, I called her up on Saturday.

Q. You called her up on Saturday and then she thanked you for the visit?

A. Yes.

Q. Did she thank you before she left?

A. Yes.

Q. And she thanked you in the presence of all the servants?

A. Yes.

Q. And in the presence of the servants was happy and cheerful and told you what a good time she had had?

A. Yes, she did.

Q. Well, didn't it strike you as rather curious that this little girl, after having been told to leave on account of the sickness of your mother, that she should not only express her happiness to you and your father and before the servants, but the next Friday call you up twice to tell you how happy she was over the visit? Did that strike you as funny?

A. Yes.

Q. Why did it strike you as funny?

A. I thought it was funny that she called up and then after, I received these papers. Anybody would think it funny.

Q. Before you received the papers, didn't you think it was funny that she should go to all of that trouble?

A. No, I didn't think it was funny.

Q. And then invent this story involving a lot of people in the meantime out of nothing. Didn't that seem to you as rather curious?

A. No, I didn't think it was curious.

Q. Did you ever hear of such a genius before as this little girl seems to be?

A. No, I never have.

Q. Who could imagine so many hundreds of circumstances and thousands of circumstances and things, all of them lies, and, at the same time, thank you for your kindness and call you up twice?

A. I can't account for that.

Q. Can't account for that. Unless it is true?

A. It is not true.

Q. Oh, I know it. But, if it was true, you could account for it, couldn't you?

Mr. Stout: I object to that. I think it is a question for the jury to say and not for the opinion——

The Court: It is cross-examination, Mr. Stout. I will permit the question.

Q. If it were true, you could account for it, couldn't you?

A. If it were true, yes.

Q. But not being true, you cannot account for it?

A. No, I cannot.

Q. Have you lived with your father ever since this 19th of last February?

A. Yes.

Q. Who has constituted the household since?

A. Father and my grandmother and myself and the servants.

Q. Then when this little girl said you had letters requesting you to come away from there and you wanted to go and you cried over it and that you and your father and your grandmother had words about it, a dispute, she made that right up out of the solid and the falsehood, hadn't she?

A. It wasn't true.

Q. Then she made it up?

A. She must have made it up, it wasn't true.

Q. Let me ask you this question: You heard Mrs. Diaz say that you called her up on the 'phone, didn't you?

A. I called Eleanor up on the phone.

Q. Didn't you hear Mrs. Diaz say that you called her up and she talked to you?

A. Yes, I heard her say that.

Q. That you called Eleanor and Mrs. Diaz went in Eleanor's place, you heard her say that, didn't you?

A. Yes, but I called Eleanor. What would I want to speak to her mother for when I never met her before.

Q. I cannot answer that question unless this little girl's story is true. Then I can answer the question. But, on the assumption that it is false, I cannot answer——

Mr. Stout: That is argument.

The Court: It is argument, Judge Wescott, so do not argue with the witness. Ask the next question.

Q. Now, didn't the mother, Mrs. Diaz, after hearing your request to have that little girl come down there, right away say to you, "I don't want any further communication with you or have you to say anything further to my daughter?" Didn't she say that?

A. No.

Q. She did not?

A. No.

Q. Then she made that up, too, right out of the solid?

A. Yes.

Q. I understood you to say that you took care of your bed and your father's bed?

A. Yes.

Q. How many servants did you have?

A. Three.

Q. Three servants. What did they do?

A. One does the cooking; the other does the cleaning.

Q. Who takes care of your mother's room?

A. She does, my grandmother does.

Q. Did you ever see a crystal in that house?

A. Yes.

Q. When did that come there?

A. It was there before ever I went there.

Q. Have you seen it used since you went there?

A. I have used it, but I have never seen anything.

Q. Have you seen anybody else use it?

A. Yes.

Q. Who?

A. I have seen father look through it.

Q. Did you see Eleanor look in it?

A. No, I didn't see Eleanor look in it.

Q. Well, did she?

A. I don't know whether she did or not. I didn't see her.

Q. You don't know whether she is lying about that or not?

Mr. Stout: Well, I submit that those remarks of counsel——

Mr. Wescott: Very well, I will withdraw it. I am sorry I said it.

Mr. Stout: Well, I am glad you are sorry for it.

Mr. Wescott: Glad I repent. There is always room for every sinner, no matter how black he is.

Mr. Stout: Your room may be a little short then.

The Court: Counsel is not on trial.

Mr. Wescott: They will be on trial.

The Court: Proceed, Judge

Q. Well, who got you to look in the crystal?
A. Nobody.
Q. How did you happen to do it?
A. Oh, I often look through it just for pastime.
Q. Why?
A. No reason why.
Q. How did you learn about that crystal?
A. How did I learn about it? I have often seen them before.
Q. You have seen them before?
A. Surely. We have one at home.
Q. What are those crystals?
A. I don't know what they are.
Q. What is the composition of them?
A. They are round, like a ball.
Q. Yes. What is the purpose of this crystal?
A. Well, some people, maybe they think they can see people. I don't know. You have to concentrate your mind on different things.
Q. Who told you that?
A. It says so in the directions.
Q. Your father didn't tell you anything about that?
A. No, he did not.
Q. But you have a crystal in your house?
A. We have.
Q. Well, that is the truth, anyhow, isn't it?
A. That is the truth.
Q. Did you ever hear your father say anything about people he could see in that crystal?
A. No, I never heard him say anything.
Q. Didn't hear him mention Miss Jones' name?
A. No.
Q. Or see her in the crystal?
A. I never heard him mention her name.
Q. Never did?
A. Oh, I have heard him mention her name, but

about the crystal, I have never heard him say anything about that.

Q. Didn't you hear him tell Eleanor to look in the crystal?

A. No, I wasn't around then at the time.

Mr. Wescott: That is all.

By Mr. Stout:

Q. Judge Wescott, on the outset of his examination, asked you whether you heard the testimony of Eleanor. You said you did. And you heard it from the start to the finish. And he asked you whether her story as detailed by her on the stand was true or untrue, and you said it was untrue. Did you understand that to include the writing of the letters, the coming on the train, the entertainment at the house and the going home and the reason for her going home, as well as the tragedy that was enacted?

A. No, I did not.

Q. Was the visit true?

A. The visit was true.

Q. The letters true?

A. Yes.

Q. The entertainment true?

A. Yes.

Q. What in her story was untrue?

A. Oh, well, about father coming in my room and such things as that. I don't want to repeat what she said.

Q. Well, what she said in reference to the occurrence on Tuesday night?

A. That is untrue.

Q. And the fact that you were crying on Tuesday night?

A. I was not crying on Tuesday night.

Q. Was that true?
A. No.
Q. Is that what you refer to, anything and everything that took place? You didn't mean that everything she said was untrue, did you?
A. No.
Q. I ask you, Mary. You say that the first thing that you heard about this matter was the information you got in the paper, from the paper, that you now have in your hand. Is that correct?
A. Yes.
Q. After the receipt of that paper, did you go to Trenton for the purpose of trying the case?
A. We did.
Q. Did you have your witnesses there?
A. Yes.
Q. At whose request was it postponed?

Mr. Wescott: I object. I want to object.

A. Judge Wescott's.
Q. Judge Wescott asked to have it postponed, didn't he?
A. Yes.
Q. Did you go to Trenton more than once prepared to try the case?
A. We went to Trenton once.
Q. And it was after the postponement that you were indicted, wasn't it?
A. Yes.

Mr. Stout: That is all.

Mr. Wescott: That is all.

The Court: Gentlemen, the same caution that was expressed last week, of course, applies today with equal force. We will take a recess until 1.30.

(At this point, a recess was taken until 1.30 P. M.)

HARRY E. WEIR, sworn.

By Mr. Hildreth:

Q. Mr. Weir, where do you reside?
A. Wildwood, New Jersey.
Q. How long have you lived there?
A. Seventeen years.
Q. What is your occupation?
A. Civil engineer.
Q. Were you recently called upon to make plans of the interior of the home of Anthony Bullock in Wildwood?
A. I was.
Q. Have you those plans with you?
A. I have.
Q. Will you just produce them?

(Witness produces papers.)

Q. Those are the plans that you made, are they?
A. They are.
Q. And they show what part of the Bullock residence?
A. They show the second floor complete, the sleeping floor complete.
Q. And does it show anything besides the rooms and the hall?
A. It shows the locations of the beds and the bureaus.
Q. And that sketch shows how many bed rooms on the second floor?
A. It shows three bed rooms on the second floor.
Q. And is there another room on the second floor?
A. Yes, sir, there is a writing room on the second floor, and the bath room.

Q. Bath room, writing room and three bed rooms?
A. Yes.
Q. I don't know whether you know or not which rooms were occupied by the Bullocks?
A. I do.
Q. Well, show the jury from the plan which room is occupied by Mary Bullock, just her room.

Mr. Erickson: Before he testifies to that, it had better be proven.

Mr. Hildreth: I offer it in evidence.

(Blue print received in evidence and marked Exhibit D-3.)

A. This house is located on the northeast corner of Primrose Road and Pacific Avenue in the Borough of Wildwood Crest. This is the Pacific Avenue side of the house. This is the Primrose Road side of the house. The hall is located in the center of the house with two bed rooms on the northeasterly side of the house and one bed room on the southwesterly side of the house. Mary Bullock's room is the room on the northeast corner of the property.
Q. Show where her father's room is.
A. Mr. Bullock's room is the room in the rear, back of Mary's room.

The Court: The room with the bay window?

The Witness: Yes, sir.

Q. Show where the room occupied by the grandmother, Mrs. Bullock.
A. On the southwest corner, or the corner of Pacific Avenue and Primrose Road.

Q. Have you those rooms marked that way, showing their rooms?

A. No, I have another plan here which I marked the same thing.

Q. Was this plan prepared by you?

A. Prepared from that tracing, yes.

Mr. Hildreth: I will offer this in evidence, too.

(Blue print received in evidence and marked Exhibit D-4.)

Q. Now, according to the plans, what is the distance across the hall from Marys room to her grandmother's room?

A. Eight foot six.

Mr. Hildreth: Cross-examine.

Cross-examination.

By Mr. Wescott:

Q. Where were the beds and bureaus on the 19th of February last?

A. There is but one place in these rooms——

Q. Where were the beds and bureaus on the 19th of February last?

A. As shown on this plan.

Q. Were you there?

A. Not on that date, no.

Q. How soon after the 19th of February were you there?

A. Two weeks before Christmas.

Q. And then you were there—— Now, let's get that. When was it you were there?

A. Two weeks before this past Christmas.

Q. Tenth or Eleventh of December?
A. Yes.
Q. Last December?
A. Some time in there.
Q. And from what you saw then you are prepared to swear where the beds and bureaus were on the 19th of February previous, are you?
A. Yes, couldn't be any other location.
Q. Are the rooms big enough to hold more than the beds and the bureaus?
A. No, sir, I should say not.
Q. Then the beds and the bureaus occupy the whole room?
A. You have to have a door to get in and out and a window to see out.
Q. And the beds and bureaus occupy the whole rooms?
A. Not the whole room, no, sir.
Q. Why couldn't they be moved?
A. You couldn't get in and out the door.
Q. What is the size of the room?
A. The size of the room is twelve foot by twelve foot three. That is Mary's room. The size of Mr. Bullock's room is thirteen three by eighteen feet and the size of the grandmother's room is twelve foot three by thirteen foot three.
Q. Now, let me get that date fixed carefully when you went there. Can't you give us the date? Haven't you a note of it?
A. The second Sunday before Christmas. I can't give you off-hand the date. That is when I made the measurements of the house. I don't happen to have last year's diary with me.
Q. Now, who got you to do it?
A. Mr. Broomall.
Q. Mr. Who?
A. Mr. Broomall.

Q. One of the attorneys in this case?
A. Yes.
Q. Was he there?
A. Yes, sir.
Q. Anybody else there?
A. Yes, sir.
Q. Who?
A. Mr. Rhodes.
Q. Anybody else?
A. Only the people in the house.
Q. Who were they?
A. Mr. Bullock, Miss Bullock, and Mrs. Bullock.
Q. The servants?
A. Yes.
Q. Now, did you have any talk with Bullock?
A. Not very much.
Q. Did you have any talk with Bullock?
A. Very little, just about the location of the rooms.
Q. Did you have any talk with Bullock?

Mr. Hildreth: I object to this.

The Court: On what ground?

Mr. Hildreth: It isn't cross-examination.

The Court: What have you to say, Judge Wescott?

Mr. Wescott: I say it is so obviously proper that I cannot make any response. Here is a man brought here to make a plan of the building. He has told who was there, whom he talked to. Now, if I cannot ask what was said, then, of course, the State is helpless.

The Court: I will overrule the objection.

Mr. Hildreth: Allow me an exception?

The Court: Exception noted.

(Exception noted for defendants.)

Q. Did Bullock say anything to you?
A. I asked Mr. Bullock the location of the bureau, whether it was exactly the same, and the beds exactly the same, as of the date that the occurrence is supposed to have happened.
Q. Yes. And he told you they were?
A. They couldn't be otherwise from the plans, because there wouldn't be any place to get them in.
Q. He told you they were, didn't he?
A. Yes.
Q. Now, who first saw you about making this plan?
A. Mr. Broomall.
Q. Where?
A. On the corner—he called me on the 'phone. I was home. It was on a Sunday and he asked me to meet him and I got the location of the building wrong, I hadn't any idea what it was about, and I met him at his house on Rambler Road.
Q. Whose house?
A. Mr. Broomall's house on Rambler Road.
Q. He lives there, does he?
A. No, sir.
Q. You met him at a house. You don't know whether it was his house or not?
A. No. His wife—I beg your pardon.
Q. Then he told you what he wanted?
A. Yes, sir.
Q. And you went down to Bullock's house and went upstairs and there you saw Bullock?
A. No, I saw Bullock downstairs. Mr. Bullock

was not upstairs. I had my man with me to assist me in making the measurements.

Q. And you asked him where the beds were?

A. I asked him if that was the exact location of the beds.

Q. And he showed you?

A. He couldn't have shown me anything else.

Q. Did he show you?

A. No, he just pointed to the rooms and showed me the rooms to go in. The house was open.

Q. He told you the beds and the bureaus were in the same condition as they were on the night of this alleged crime?

A. Yes, couldn't be anywhere else.

Q. Did he tell you they were the same?

A. Yes.

Q. You make pretty good special counsel. You argue right away. Well, did you see Miss Bullock there?

A. Yes.

Q. Have anything to say to her or she to you?

A. I didn't talk to her that night at all.

Q. Were you there afterwards?

A. I was there to check up my measurements a couple of times.

Q. When were those times?

A. I couldn't tell you. I don't remember offhand.

Q. Who was there?

A. Mrs. Bullock, Mr. Bullock and the daughter.

Q. Did you have anything to say to Bullock then?

A. Very little.

Q. Did you have anything to say to Bullock then?

A. Very little.

Q. Did you have anything to say to Bullock then?

A. I can't remember anything particular, because I was there professionally, not to talk to him .

Q. Did you have anything to say to Bullock then?
A. I can't remember.
Q. Well, did anybody have anything to say to you then?
A. Not that I know of, no.
Q. Then it was a silent interview. You were there the second or third time, were you?
A. I was there in a professional capacity to make a measurement of the house.
Q. You went there the second time, didn't you?
A. Yes, sir.
Q. And the third time?
A. Yes, sir.
Q. And not a word was said by anybody?
A. There might have been some talk, but there wasn't anything said about the case.
Q. Was there anything said by anybody?
A. Oh, I suppose we talked about things in general, yes.
Q. You suppose that. Now, who pointed out to you in the first instance the room where this crime was supposed to have been committed?
A. Mr. Bullock.
Q. Now, we have got it. Mr. Bullock?
A. Mr. Bullock.
Q. Now, when was it pointed out, that room, to you?
A. That Sunday night I went there to make the plan.
Q. Was Miss Bullock there then?
A. She was downstairs.
Q. Was she there when Bullock, the defendant, pointed out this room where this crime was said to have been committed?
A. The other man with me was Mr. Winterburn.
Q. I didn't ask you that.
A. No, Miss Bullock was not.

Q. She wasn't there?

A. No.

Q. Now, where was Bullock when he pointed out the room to you where this crime was supposed to have been committed?

A. He pointed out to me his room his daughter's room and his mother's room.

Q. Where was he when he pointed it out?

A. In the hall, sitting on the couch in the hall.

Q. Those rooms were upstairs?

A. Yes.

Q. Did he point through the floor?

A. He didn't have to point through the floor.

Q. Didn't point through the floor?

A. No, because——

Q. Didn't point through the floor?

A. No.

Q. You have answered the question. Where did he point?

A. He pointed to the sitting—— The three rooms are right adjoining the hall.

Q. And therefore he had to tell you where that room was, didn't he?

A. He naturally told me where Mary's room was.

Q. He had told you where his room was and Mary's room was?

A. Yes, he did.

Q. And those are the rooms that you measured?

A. Yes, measured the whole second floor, as a matter of fact.

Q. When was that?

A. That was the second Sunday before Christmas.

Q. He then knew where this crime was said to have been committed, didn't he?

A. I don't know.

Q. Well, he pointed the place out?

A. He pointed the rooms out to me, yes.

Q. Did he tell you why he wanted you to measure these rooms?

A. Why, I don't know anything about that.

Q. Did he tell you why he wanted you to measure these rooms?

A. He didn't want me to measure these rooms.

Q. Did he tell you why he wanted you to measure these rooms?

A. He never asked me or said a word to me about those rooms. Mr. Bullock never said a word——

Q. I think you just told these twelve men here that he pointed out the rooms for you to measure?

A. Mr. Broomall told me to measure it.

Q. I thought you told this jury that Mr. Bullock, downstairs, pointed to the bed rooms that he wanted you to measure?

A. Not downstairs, no, sir.

Q. Did he point it out upstairs?

A. He was sitting on the couch upstairs.

Q. Well, then, did Mr. Bullock sit on the couch upstairs and tell you the two rooms he wanted you to measure?

A. He didn't want me to measure any rooms.

Q. Well, did he point out rooms that you were to measure?

A. I measured the whole second floor.

Q. Did he point out the rooms?

A. No particular room, no.

Q. Well, did he tell you to measure every room in the house?

A. I measured the whole second floor as I was ordered to do.

Q. Did you measure every room in the house?

A. No.

Q. Had you any idea what rooms he meant when he pointed?

A. Only hearsay.
Q. Well, what was the hearsay?
A. Oh, lots of things you hear.
Q. Well, what was the hearsay? You are considerable of a talker.
A. That there was a crime committed there. You heard that on the street.

Mr. Hildreth: I object to this. This is mere hearsay anyway. I object to it.

Q. A crime was committed in that room?

Mr. Hildreth: Just a moment. Let us have a ruling on it.

(Question read by stenographer.)

Mr. Hildreth: I object to that.

The Court: What is your answer, Judge Wescott?

Mr. Wescott: The witness has volunteered he knew that through hearsay that he learned that a crime was committed in those rooms. He volunteered that statement. Now, is that to stand without challenge or explanation or a word? I want now to ask him where he got that hearsay about a crime having been committed in those rooms.

The Court: Objection is overruled.

Q. Where did you get that hearsay?
A. Why, from the newspaper. That is the first I heard of it.
Q. What newspaper was it?

A. The "Wildwood Leader."

Q. Did the "Wildwood Leader" say that a crime was alleged to have been committed in those rooms that you measured?

Mr. Hildreth: I object to that.

The Court: On what ground?

Mr. Hildreth: Hearsay, what the paper says, what someone else says.

The Court: That is cross-examination, Judge Hildreth.

Mr. Hildreth: True, it is, but he cannot bring any hearsay evidence now.

The Court: Overruled. Allow an exception.

Mr. Hildreth: Allow an exception?

The Court: Yes, note an exception.

(Exception noted for defendants.)

Q. Did the "Wildwood Leader" say a crime was alleged to have been committed in those rooms that you measured?

A. No particular rooms, no.

Q. Did it say in any of the rooms in the house a crime had been committed?

A. No.

Q. Well, then, how could you have learned from the "Leader" what rooms to measure?

A. I measured the whole second floor, no particular room.

Q. Why didn't you measure the third floor?

A. It wasn't necessary to measure the third floor.

Q. Why wasn't it?

A. Because I did what I was told to do.

Q. You measured the second floor because you were ordered to measure the second floor?

A. I did.

Q. And you are here testifying about the second floor?

A. Yes.

Q. And one of counsel in this case got you to measure the second floor?

A. Yes.

Q. And Mr. Bullock, sitting on the couch, pointed to the two rooms?

A. He pointed to the whole three rooms. He pointed to the whole place.

Q. And Mr. Bullock told you just where the beds and bureaus were?

A. They couldn't be any other wheres.

Q. And Mr. Bullock told you just where the beds and bureaus were, didn't he?

A. Yes.

Q. Now, we are making great progress. We have eliminated the newspaper and we have got only the lawyer and Mr. Bullock pointing out to you certain rooms that were to be measured. That is true, isn't it?

A. That is true, yes.

Q. Now, did Mr. Broomall or Bullock or anybody else tell you anything about the commission of a crime or an alleged crime in those rooms?

A. I wasn't looking for anything like that.

The Court: That wasn't an answer to the question. Did they or didn't they?

The Witness: No.

Q. They didn't?
A. No.
Q. Then you hadn't curiousity enough to ask them why they wanted those bed rooms measured, had you?
A. I measured his whole second floor, as I was ordered to.
Q. You hadn't curiousity enough to know why they wanted those two rooms measured, had you?
A. You don't sometimes look for curiosity when you are ordered to do something.

The Court: Had you or hadn't you? Yes or no. Don't argue with counsel.

The Witness: No.

Q. Then you had no curiousity about it?
A. No.
Q. But you had heard from some source, in the newspaper, some source, that there had been a crime committed in one of those rooms, hadn't you?
A. I had.
Q. Now, what source of information did you have on that subject? Now, that is a stumper. What was the source of your information? Think as hard as you can.
A. I really couldn't tell you, to be honest with you.
Q. Did it come from Bullock?
A. No, it did not.
Q. From Miss Bullock?
A. No.
Q. From counsel?
A. I cannot answer that question, as I don't know.

Q. You don't know?
A. I don't know.
Q. You thought enough to see the danger of answering that question, didn't you?
A. No, I didn't see the danger.
Q. Well, it will appear further on. That is all, sir.

By Mr. Hildreth:

Q. You did this work at the request of Mr. Broomall, one of the attorneys in this case?
A. I did, sir.
Q. And the work was done before or after the bill of indictment was found in this case?
A. I think it was done afterwards.

Mr. Hildreth: That is all.

By Mr. Wescott:

Q. Did you see the bill of indictment?
A. No, sir, I did not.
Q. Do you know what it contains?
A. No, I do not.

Mr. Wescott: That is all. Not so loud; you can't influence this jury or this case by making those remarks.

Mr. Hildreth: What is the trouble, Judge?

Mr. Wescott: You are making trouble.

Mr. Hildreth: You sat there ever since the commencement of this trial, making sarcastic cute remarks, causing laughter——

The Court: Let us proceed, gentlemen.

MRS. EDITH CORSON, sworn.

By Mr. Stout:

Q. What is the full name, Mrs. Corson?
A. Edith E. Corson.
Q. Where do you live?
A. North Wildwood.
Q. Married or single?
A. Married.
Q. Name of your husband?
A. Harry Corson.
Q. You and your husband live together?
A. Positively.
Q. How long have you been married?
A. About 22 years.
Q. Any children?
A. One.
Q. Boy or girl?
A. Girl.
Q. How old?
A. 21.
Q. Live with you?
A. She is not with me at present. She is in Trenton Normal, but she does live with me.
Q. Of what does your family consist?
A. Just the three.
Q. Who?
A. Husband, daughter and myself.
Q. Do you know Anthony Bullock?
A. I do.
Q. Mother?
A. I do.
Q. And Mary Bullock?
A. I do.
Q. And where they live?

A. I do.

Q. What is your business, if you have any?

A. Dressmaking.

Q. How long have you been a dressmaker?

A. Oh, about twenty-five years, I guess.

Q. Were you present at the Bullock home during the month of February, 1923?

A. I was.

Q. At the time that Eleanor Mishler was visiting there?

A. I was.

Q. Did you see Eleanor there?

A. I did.

Q. Do you remember what day of the week you went to the Bullock home?

A. On Tuesday was the first.

Q. Tuesday. What time did you arrive there in the morning?

A. Sometime near around half-past eight.

Q. Did you know at that time that Eleanor was there?

A. Not until I went Tuesday morning.

Q. Did or not you have your breakfast with the Bullock family on that morning?

A. I did.

Q. Who took breakfast at that meal?

A. Mrs. Bullock, Mr. Bullock, Mary, Eleanor and myself.

Q. Were you at the Bullock home the following day?

A. I was.

Q. What time did you get there on that morning?

A. About the same time, around half-past eight.

Q. Was Eleanor there?

A. She was.

Q. Did you have your breakfast?

A. I did.

Q. Who breakfasted with you?

A. Mrs. Bullock, Mr. Bullock, Mary, Eleanor and myself.

Q. Who waited upon the table?

A. That I don't remember, whether it was Georgie or Priscilla, but one. I don't remember which.

Q. Just tell to the Court and jury whether or not on this Wednesday morning you noticed anything of an unusual character about Eleanor?

A. I did not.

Q. She has testified that on that morning she drank nothing but a part of a cup of coffee for her breakfast.

A. She sat beside me, and she didn't pass a thing by.

Q. What part of the house did you occupy for your work?

A. Sewing? Third floor.

Q. After breakfast on Wednesday morning, where did you go?

A. Up in the third floor.

Q. About what time did you finish your breakfast?

A. Oh, I can't tell you that exactly. Anywhere from a half to three-quarters of an hour.

Q. Did or not all persons having breakfast arise from the table at the same time?

A. Yes.

Q. Where did they go?

A. Well, Mrs. Bullock, Mr. Bullock, Mary and Eleanor sat in the living room and I went upstairs.

Q. Were they all in the living room when you went upstairs?

A. They were all in the living room when I went upstairs.

Q. Eleanor said——

Mr. Wescott: I object, if your Honor please. I object to counsel stating what Eleanor said.

Mr. Stout: I have a perfect right to state what Eleanor said. I am on the defense, and I am here for the purpose of rebuttal, and the Court will recall I asked the explicit question of Eleanor where Mr. Bullock was when Mrs. Corson went upstairs. I have a right now to prove by this witness where Mr. Bullock was and what took place by asking the question expressly. I didn't ask Eleanor to detail anything, and if the Court will refer to the record, in every transaction that took place and everything that was testified to by Eleanor, I put an explicit question after her statement made on direct examination, and I did that for the express purpose of laying the foundation for rebuttal. I understand the rule to be that when you lay the foundation in that manner for rebuttal, you have a right to ask a question that can be answered yes or no.

Mr. Wescott: If your Honor please, I have sat here now quite a number of hours and I have kept my mouth shut. I have heard in instance after instance counsel who has just taken his seat say, "Eleanor said" so and so and so and so, and in not a single instance did he state what Eleanor said, not one instance, not one, not one. Now, he is pursuing that game, and I made up my mind to stop it if I can. It is true that he can contradict Eleanor, but he cannot contradict Eleanor by telling the witness on the stand something that Eleanor did not say. If he wants to contradict Eleanor, he has got the record. Let him state exactly what Eleanor said, read it from the record, and then he can contradict. He cannot rely upon his memory of what Eleanor said and say to a witness that Eleanor said this, that or

the other, when she did not. So I object to it, for that reason.

Mr. Stout: I have a perfect right to shape my question as I recall the testimony. The principal of Judge Wescott that you cannot ask the witness did Eleanor say or Eleanor said without referring to the record, why, if that were so, you never could try a case, because you don't always have the record before you. You must rely upon your recollection, if there is any question as to what might arise——

The Court: I think, Mr. Stout, of course, you have a perfect right to repeat the testimony given by a prior witness, but I cannot see ground for the objection in the unreliability, so to speak, of putting in, or yourself putting words, in the mouth of the witness which she may or may not have said. Now, if you want to quote the testimony of Eleanor verbatim, I can see no objection to it, but providing your question is containing the thought expressed by Eleanor, perhaps, it seems to me, is not permissible.

Mr. Stout: I will be glad to ask the witness—if you recall the objection, I don't think I asked the question. Judge Wescott made his objection when I said, "Eleanor said." He didn't give me an opportunity to say what Eleanor said.

The Court: Perhaps you had better ask your question and let me pass on the question.

Mr. Stout: I would think so.

Q. Eleanor said, that as you passed up the stairs

from the living room, Mr. Bullock put his hand under your clothing?

A. She lied.

Q. Wait a minute. And that when you reached the top of the stairs, you turned around and smiled and said "He always does that, unless I go up backwards."

A. She lied.

Q. Just a minute.

The Court: Any objection to that question?

Mr. Wescott: No, not especially, since the witness answered.

Q. Is that true or false?

A. She lied.

Mr. Stout: Now, I have the record, and if it isn't just exactly as I quoted it——

Mr. Wescott: That is near enough to the truth for me to accept it. It is better than it was before.

Mr. Stout: If the Court please, I merely said, "Eleanor said," and he objected.

The Court: Now, gentlemen, we have gotten along reasonably well, so far.

Mr. Stout: We are going to get along reasonably well from now on.

The Court: Well, go ahead, then.

Mr. Stout: Because they see the error of their ways.

Mr. Wescott: We are always willing.

The Court: Ask your next question, Mr. Stout.

Mr. Wescott: You are always right.

Mr. Stout: I couldn't help but be.

Mr. Wescott: No, I know it.

Q. Did you see Eleanor after you went to the sewing room?
A. I did.
Q. Do you recollect on Wednesday of the receipt of a letter concerning the illness of Mary's mother?
A. It was only hearsay. I didn't see it.
Q. Who told you?
A. I think Mary told me about the letter.
Q. Well, after that knowledge was imparted to you, did you see Eleanor?
A. I did.
Q. Where was she?
A. Up in the sewing room.
Q. Was she talking with you?
A. She was.
Q. What have you to say as to her condition compared to what it was the day before?
A. The same thing.
Q. She didn't cry Tuesday, did she?
A. No.
Q. She didn't cry Wednesday, did she?
A. Not to me.
Q. Did she have the appearance of having been crying Wednesday?
A. Not to me, she didn't.
Q. How long was she in the room with you?

A. In the morning, I can't say, but a very short time.

Q. How long in the afternoon?

A. About a half hour.

Q. Did she make any complaint to you about the treatment of her?

A. She did not. She told me she was having a good time.

Q. Did you hear a conversation between Mrs. Bullock and Eleanor about her going away?

A. I heard Mrs. Bullock, but I didn't hear Eleanor's answer.

Q. Well, did you hear Mrs. Bullock speak to Eleanor about her going away?

A. I did.

Q. And what did Mrs. Bullock state to Mary about her leaving—Eleanor?

A. She said that Mary had received a telegram that her mother was very ill, and it was best for Eleanor to go home and come back another time to finish her visit.

Q. Now, what time in the day was that?

A. That was after lunch.

Q. Did she go away that afternoon?

A. She did.

Q. Did or not she bid you goodbye?

A. No, she didn't bid me goodbye.

Q. Have you ever seen her since that day?

A. Never.

Q. Until you saw her in court?

A. Until I saw her in court.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Erickson:

Q. How long have you lived in Wildwood?
A. Seven years in next May.
Q. How long have you been acquainted with the Bullocks?
A. Between—well, ever since they have been here, around six years.
Q. When you say six years, who of the Bullock family have you been acquainted with for six years?
A. Mrs. Bullock and Mr. Bullock.
Q. Mrs. Bullock, that is the mother?
A. That is the mother.
Q. And Mr. Bullock you refer to is Anthony Bullock?
A. Yes.
Q. How long have you known Mary Bullock?
A. About a year and a half.
Q. How long have you worked for the Bullocks?
A. Ever since they have been here.
Q. How often, if you can say, do you go to the Bullocks?
A. About twice a year for six or eight weeks at a time.
Q. And you remember being at the Bullock's that February?
A. I do.
Q. How do you happen to remember that?
A. Well, I remember Eleanor's visit. I thought it was so funny that she was there.
Q. Why did you think it was funny that Eleanor should have been to the Bullocks?
A. Well, I thought it was funny that they had those kind of visitors, if you want to know.
Q. What kind of visitors?

A. Well, I didn't think that Eleanor was in Mr. Bullock's class, that is all.

Q. What kind of class is Mr. Bullock in?

A. Well, as I know him, in a very good, as I have always known him and always found him.

Q. Very good?

A. Yes.

Q. What kind of a class did you think Eleanor was in?

A. Well, I didn't know. By her appearance, I didn't think it was equal.

Q. Just what do you mean by her appearance?

A. Well, I had known her four years ago and from four years ago, I didn't think she was their equal, that is all.

Q. Well, will you just tell us what was there about her appearance that helped you to arrive at your conclusion?

A. I can't tell you that. Generally, you can form an opinion of people.

Q. Then the opinion that you had formed of Eleanor——

A. And from the things that I had heard, too.

Q. What had you heard?

A. Well, it is only hearsay I am telling you.

Q. All right. We are willing to accept hearsay now. What did you hear about Eleanor?

A. I heard that she was a street walker.

Q. And where did you hear that?

A. Miss Jones told me.

Q. Miss Jones told you?

A. Yes.

Q. How long have you known Miss Jones?

A. Ever since the Bullocks have been in Wildwood.

Q. Where is Miss Jones now?

A. That I don't know.

Q. Then your information in reference to Eleanor came from Miss Jones?

A. Yes.

Q. Where did Miss Jones live?

A. Before she came to Bullock's.

Q. Where did Miss Jones live when you got this information from her?

A. At Bullocks.

Q. Now, who else did you ever hear say anything?

A. That is all.

Q. Now, did you ever hear anything about Miss Jones?

A. Never.

Q. Never?

A. Never.

Q. Miss Jones lived at the Bullocks?

A. She did.

Q. You did Miss Jones' dressmaking at the Bullocks?

A. I did.

Q. The same as you did Mrs. Bullock's?

A. I did.

Q. When was Miss Jones last at the Bullocks?

A. That I couldn't tell you. I don't remember exactly.

Q. Well, now, when were you last at the Bullocks?

A. You mean sewing?

Q. Any time?

A. Last night.

Q. Last night?

A. Yes.

Q. What were you there for last night?

A. I just made a social call.

Q. Then are you in Bullock's class, an equal?

A. I think so.

The Court: Just a moment. I want order, please,

and must have it. I don't want to have to be speaking about it continually.

Q. When were you there preceding last night?

A. Just before Christmas.

Q. How long were you there just before Christmas?

A. Just for the evening.

Q. Another social call?

A. Yes.

Q. Mr. Bullock ever return your social calls?

A. Positively.

Q. Alone?

A. Mr. Bullock—I can't tell you, but he is there lots of times.

Q. With your husband home or otherwise?

A. Positively my husband home, and Mrs. Bullock and Mary with him.

Q. Ever come when your husband is away?

A. He never comes without Mrs. Bullock and Mary.

Q. But he is very friendly with the family?

A. With the family, yes.

Q. And does your husband ever go around with you to pay your visits to the Bullock's?

A. Always.

Q. Go with you when you make dresses?

A. I don't pay visits when I sew.

Q. Was he there last night?

A. He was.

Q. Was he there the night before Christmas?

A. He was.

Q. When were you there preceeding just before Christmas?

A. Oh, I can't remember. It is too far gone.

Q. When was the last time you were there as an employee of the Bullocks?

A. That I don't remember.
Q. That you don't remember?
A. No, I don't.
Q. Are you a public dressmaker?
A. Bullocks is about the only place, that is, that I go regular.
Q. Now, when was the last time that you were regularly there?
A. That I don't remember.
Q. How is it you have such a distinct recollection about February?
A. On account of Eleanor being there.
Q. All right. How long were you there in February?
A. About six or eight weeks, I don't know which.
Q. Which was it, six or eight weeks?
A. I don't remember.
Q. When was the first day that you went there in February?
A. That I don't remember, the day.
Q. Was it on this Tuesday in question?
A. No, I had been there the week before.
Q. Had you been there on Monday?
A. Monday I never go.
Q. Then you had been there the week before?
A. I had.
Q. And you were there that week?
A. I was there.
Q. And you were there six or eight weeks?
A. I was.
Q. Which would take you up into the middle of April?
A. I didn't say six or eight weeks after February, but all together.
Q. (Question read by the stenographer.)
A. I don't remember when I went.

The Court: The answer to that is, "I didn't say six weeks in February all together." Ask your next question, Mr. Erickson.

Q. Had you been there previous to the preceding week before Eleanor came?

A. I had, but I don't know how long before.

Q. And you don't know how long before?

A. I don't know.

Q. How long was Eleanor there?

A. She was there Tuesday and Wednesday while I was there. I don't know how long before.

Q. And you were there Thursday?

A. I was.

Q. Friday?

A. I was

Q. Saturday?

A. I never go Saturday.

Q. Then when did you start in the next week?

A. Tuesday.

Q. And you were there Tuesday and Wednesday and Thursday and Friday?

A. Yes.

Q. And then did you go the next week?

A. I don't remember whether I started ahead of that or not. I don't remember.

Q. You don't remember?

A. I don't.

Q. So you were there six or eight weeks, but you don't know when it was?

A. I could tell. It is down on the calendar at home, if I looked it up.

Q. Now, what happened on Tuesday when you were there?

A. Not anything.

Q. Not anything?

A. I didn't see anything happen, no.

Q. You went early in the morning?
A. Around half-past eight.
Q. And had your breakfast there?
A. I did.
Q. Have your dinner there?
A. I did—lunch, not dinner.
Q. That is the noon-day meal?
A. Noon-day meal.
Q. Then did you have your supper or dinner there?
A. No.
Q. Now, who had breakfast that morning?
A. Tuesday morning?
Q. Tuesday morning.
A. Mr. Bullock, Mrs. Bullock, Mary, Eleanor and myself.
Q. What did you have for breakfast?
A. I don't remember what we have to eat. I don't remember that.
Q. Don't remember that?
A. No.
Q. But you remember having breakfast?
A. I always have it.
Q. Now, you had lunch there that day?
A. I did.
Q. What did you have for lunch?
A. I don't remember what we had.
Q. What did you do in the morning?
A. I sewed.
Q. What did you sew on?
A. I can't remember that.
Q. Do you remember for whom you were sewing?
A. What?
Q. Do you remember for whom you were sewing?
A. No, I don't remember that.
Q. Well, now, was Miss Jones there then?
A. No.

Q. How long has it been since Miss Jones has been there?

A. Well, I couldn't tell you that.

Q. Has Miss Jones been there since Mary has been there?

A. Part of the time.

Q. What part of the time?

A. When Mary first came.

Q. For how long a time?

A. That I couldn't tell you.

Q. Very long?

A. I don't remember.

Q. You can give us some idea?

A. Yes, I think she was there quite a while.

Q. How long, approximately?

A. Well, now, I am only guessing at this—three or four months.

Q. And then she went away?

A. She did.

Q. Has she been back since?

A. To Bullock's? Not to my knowledge.

Q. You and she have not been there at the same time?

A. Never been there at the same time.

Q. While Miss Jones was there, did you do about the same amount of sewing for her that you do for the rest of the family?

A. I did.

Q. She seemed to have about the same care and attention that the rest of the family got?

A. Only what she gave herself.

Q. Now, let us get down to Wednesday. You came Wednesday morning?

A. I did.

Q. And you had breakfast?

A. I did.

Q. And what did you have for breakfast?
A. I don't remember.
Q. What was at the table on Wednesday morning?
A. Mrs. Bullock, Mary, Eleanor and myself.
Q. And you said Eleanor did not pass anything by?
A. She did not.
Q. What did she eat?
A. She ate everything I did, and I am a pretty good eater.
Q. What did you eat?
A. I couldn't tell you what we had for breakfast.
Q. You just ate whatever was served you?
A. Yes.
Q. She had the same?
A. She had the same.
Q. How did you happen to notice that?
A. She sat beside me at the table.
Q. What did the others eat?
A. The same, I imagine. They all ate the same.
Q. Did you notice what Mr. Bullock ate?
A. I did not.
Q. Did you notice what Mary ate?
A. I did not.
Q. Did you notice what the mother ate?
A. They all eat about the same thing.
Q. Whatever was served, they ate?
A. Yes.
Q. You likewise?
A. I did.
Q. And Eleanor, you didn't pay any special attention to her?
A. No more than any of the rest.
Q. Whatever the rest ate, she probably ate?
A. She ate, yes.

Q. Now, on Wednesday, what did they eat?

A. I don't remember what they ate.

Q. Where did Eleanor spend Tuesday, if you know?

A. Well, part of it in the sewing room and they were out in the afternoon. In the morning, part of the time, she was in the sewing room.

Q. And where is the sewing room?

A. On the third floor.

Q. Is the sewing room heated?

A. By two oil heaters.

Q. How do you approach that sewing room?

A. How do you get up?

Q. Yes, how do you get to it?

A. Why, by the stairs.

Q. Stairs from the first floor?

A. From the first to the second and from the second to the third.

Q. Now, describe that stairway, if you will, from the first to the second floor?

A. Well, it is four stairs and a landing and then I don't know how many more stairs.

Q. That part of Eleanor's story is true?

A. That is true.

Q. Then she properly described the stairway, didn't she?

A. She did.

Q. She said something about you had to step up from a landing?

A. Yes.

Q. She said that?

A. Yes.

Q. That part of her story is true?

A. Yes.

Q. Did she come up to your sewing room to see you?

A. She did.

Q. Did you talk with her?

A. I did.

Q. Didn't you feel ashamed of yourself to talk to a girl of questionable character?

A. What was you going to do when she was in the room?

Q. Now, when did Miss Jones tell you that Eleanor was a street walker?

A. About four years ago.

Q. How old was Eleanor at that time?

A. Well, from her own—she was about sixteen, from what she told me herself. She compared ages with my daughter, and that would make her about sixteen then.

Q. How old did she look?

A. Well, she looked older then than she does now. She had her hair up and long dresses.

Q. Four years ago?

A. Yes.

Q. Did you believe that story?

A. What?

Q. That Eleanor was a street walker?

Mr. Stout: I object to that.

A. I never thought about it.

Mr. Stout: It isn't a question of what she believed. It is a question of what she was told.

The Court: I think the objection is well taken. Sustained.

Q. Did you discuss this question of Eleanor being a street walker with the rest of the family?

A. I did not. She came to go with my daughter, and that is what Miss Jones told me, not to allow her to go with her.

Q. And from what Miss Jones told you, did you permit your daughter to go with her?

A. I did not.

Q. You didn't?

A. I did not.

Q. So apparently you did believe it?

A. Well, I never thought anything about it.

Q. Had you ever seen Eleanor from that time until the time you saw her at Bullock's last February?

A. No, I did not.

Q. Did you see her at Bullock's in February?

A. I did.

Q. Describe what kind of a looking girl she was as you saw her at Bullock's in February?

A. Well, I didn't recognize her when I first saw her, she had changed so.

Q. In what way do you mean she had changed?

A. Well, she had bobbed hair, and as I remembered it four years ago, she had dark hair, and her hair was light. I didn't recognize her at all.

Q. What was her complexion?

A. Well, she was fair.

Q. Kept up well for walking the streets for four years?

A. Well, I never noticed her that much.

Mr. Stout: I object to that and the remark of the Prosecutor. She didn't say the girl had walked the streets for four years. She said she hadn't seen her for four years.

The Court: Yes, I think the objection is proper, Mr. Stout, and it may be stricken out.

Q. Now, what did Eleanor do on Tuesday afternoon, if you know?

A. If I remember rightly, she went out riding.

Q. With whom?

A. Mr. Bullock, Mrs. Bullock and Mary.

Q. Then she didn't annoy you in the afternoon?

A. She did not.

Q. Do you know of your own knowledge that she went out riding?

A. Yes, because they all went out and they wouldn't leave her home.

Q. Did you speak to the Bullocks in reference to this girl of questionable character that they had there?

A. Well, I think they knew it.

Q. I am asking you a question.

A. No, I didn't speak to them.

Q. You have the highest regard for the Bullocks, do you not?

A. I do.

Q. You talk and are on very friendly terms with the Bullocks?

A. I do.

Q. You have discussed various subjects with the Bullocks?

A. I have.

Q. And having the regards for Mary that you have, why didn't you speak to her about this girl?

A. Well, that was none of my business, who they had as visitors.

Q. And that is your answer to that?

A. Yes.

Q. Now, Wednesday, when you arrived, you had breakfast?

A. I did.

Q. What did Eleanor do Wednesday? What did you do Wednesday?

A. I sewed.
Q. And on what did you sew?
A. I don't remember.
Q. For whom did you sew?
A. I don't remember.
Q. Nothing unusual then?
A. Nothing unusual, no.
Q. Just working in the ordinary course?
A. Ordinary work.
Q. Did Eleanor bother you Wednesday?
A. She was up Wednesday morning. I didn't say she bothered me. She was talking to me Wednesday morning.
Q. For how long a time did she talk to you?
A. About ten or fifteen minutes.
Q. And you saw nothing unusual about her?
A. I did not.
Q. You saw nothing unusual about her at all?
A. No.
Q. She discussed with you no unusual subjects?
A. No.
Q. Now, you had lunch with them?
A. I did.
Q. And did you sit alongside of Eleanor at lunch?
A. I did.
Q. And what did you have for lunch?
A. I don't remember.
Q. What did Eleanor eat for lunch?
A. The same as any of the rest of us.
Q. Who were the rest of you at lunch on Wednesday?
A. Mrs. Bullock, Mr. Bullock, Mary, Eleanor and myself.
Q. After you got through lunch, what did you do?
A. Went upstairs to the sewing room.
Q. To the third floor?

A. To the third floor.

Q. And sometime after that, a letter arrived?

A. Sometime after that, I heard Mary crying.

Q. And where was Mary when you heard her crying?

A. I don't know where she was. In her room, she was, but I heard her crying.

Q. And when you heard Mary crying, what did you do?

A. I did nothing. Eleanor came up a short time after that.

Q. That is Wednesday afternoon?

A. Wednesday afternoon.

Q. So she was up Wednesday morning?

A. Wednesday morning and Wednesday afternoon. I asked her what was the trouble. She said Mary had received a telegram that her mother was very sick.

Q. And was that all the conversation?

A. And she went on to say she was having a nice time. She didn't particularly like Wildwood, but she was having a nice time at the Bullocks, liked to come there.

Q. How did she come to tell you that?

A. She just mentioned it.

Q. Then you engaged in conversation with this prostitute?

Mr. Stout: I object to that.

The Court: Strike it out.

Q. Street walker?

Mr. Stout: Well, there is no evidence that she was a street walker at that time.

The Court: Strike out the question. Ask the next question.

Q. Then you engaged in conversation with this girl?

A. I sat in the sewing room. What else was you to do?

Q. What other subjects did you discuss?

A. Oh, I don't remember exactly, but dresses and different things.

Q. What was the conversation about dresses?

A. Oh, different styles, what any girl would talk about.

Q. Then she appeared as any other girl would appear?

A. She appeared as any other girl.

Q. Did that excite your curiosity at all?

A. What?

Q. Eleanor appearing as any other girl?

A. Why should it?

Q. Well, you had had some experience four years before, hadn't you?

A. Well, why should it excite my curiosity? I didn't care that much.

Q. Did you conclude that she had reformed?

A. I did.

Q. Then you were very much impressed with Eleanor?

A. I was.

Q. She appeared as a lady?

A. The second visit she did.

Q. What did she do on the first visit that made her appear otherwise than a lady?

A. I only told you hearsay.

Q. Then you have never seen Eleanor do anything that would not become a lady?

A. Not myself, no.

Q. So far as you know, she is a lady?
A. As far as I know.
Q. As far as you know?
A. Yes.
Q. Then she is equal to the Bullock's class?
A Well, I am not answering that.
Q. Why not?

The Court: Can you answer that? Can or can't you?

The Witness: I cannot.

The Court: All right. Ask the next question.

Q. Did you discuss with Eleanor the question of Mr. Bullock running his hand up your clothes?
A. No, never.
Q. You didn't discuss that with her?
A. It didn't happen. It was a lie.
Q. You heard what she said about you stopping at the head of the stairs?
A. She lied.
Q. You heard what she said about you stopping at the head of the stairs?
A. I did.
Q. And you heard her say, presumably you heard her testify that you then said you always had to come upstairs backward?
A. And she lied.
Q. Did you say anything at the time?
A. I didn't say anything.
Q. At the time that you went upstairs on the morning——

The Court: Not too fast, Mr. Erickson. Let us get one question and answer at a time.

Q. At the time you went upstairs on Wednesday morning, where was the Bullock family?

A. In the living room.

Q. Where is the living room as compared with the stairway?

A. The living room is down on the first floor and the stairway goes up to the second floor.

Q. The stairway probably starts at the first floor?

A. The first floor, there is four stairs and a landing.

Q. And is the stairway near the living room?

A. Right out of the living room.

Q. Right out of the living room?

A. Yes.

Q. Then the Bullocks were in the living room when you went upstairs?

A. They were in the living room.

Q. And Mr. Bullock was in the living room, not on this landing?

A. He wasn't on this landing. He was in the living room.

Q. And you didn't make those statements?

A. I didn't make those statements.

Q. Have you been to the Bullocks to work since you were there in February?

A. Yes.

Q. When were you there since that time?

A. February of that year, you mean?

Q. February, 1923.

A. Well, I was there in the spring—in the following fall.

Q. Then you were there last fall?

A. I was there last fall.

Q. When did you discuss this case with the Bullocks?

A. Well, I have never discussed it a whole lot with them.

Q. When did you discuss this case with the Bullocks?

A. Oh, I can't remember that.

Q. When did the Bullocks come to see you about this case?

A. Just before Christmas.

Q. Ever say anything to you about it before?

A. When the civil suit started, yes.

Q. Then they came around to check up with you as soon as this civil suit started?

A. To check with me? I don't understand what you mean.

Q. When did they come to question you about a civil suit?

A. On a Sunday, I think it was.

Q. Then you were still employed by the Bullocks?

A. I wasn't there on Saturday and they came to see me Sunday.

Q. Was this Sunday soon after Eleanor had been down there?

A. The following Sunday—the Sunday after the papers were served.

Q. Do you know when the papers were served?

A. Only from hearsay.

Q. Now, let us see if you can find out what Sunday this was when they came to see you?

A. Whenever the papers were served, it was the following Sunday.

Q. Now, you remember when Eleanor was there?

A. I do.

Q. And you remember hearing that Mary got a letter?

A. Yes.

Q. And you were there on the next Thursday?

A. Yes.

Q. Was Mary there then?

A. Yes.

Q. And you were there Friday?

A. Yes.

Q. Was Mary there then?

A. Yes.

Q. And then how long was it after that that the papers were served?

A. As near as I can remember, about two weeks.

Q. About two weeks?

A. As near as I can remember.

Q. Then from the time that Eleanor left until the time Bullocks came to talk to you about this case on a Sunday would probably have been about three weeks?

A. Well, that I am not sure of.

Q. You are not sure of it?

A. No.

Q. All right. When the Bullocks came to talk with you about this case, what did they say to you?

A. They just asked me if I remembered Eleanor being there.

Q. And what did you say?

A. I said yes.

Q. What else did you say?

A. Well, I didn't know then what it was; they didn't tell me.

Q. They didn't tell you?

A. Not that first Sunday. They just wanted to know if I had been there, if I remembered her being there, and I said yes.

Q. And then what did they say to you?

A. Well, there wasn't anything particular said that Sunday. I didn't know what it was about. You see, they wanted to know about my remembering it.

Q. That is what I am trying to find out. What was the next thing that was said to you?

A. It was said on Tuesday when I went back to sew.

Q. Then the only thing that was said on a Saturday, they came to your house to ask you if you remembered Eleanor being there?

A. Yes.

Q. And that was all was said?

A. "Was she all right when she left," if I remembered that.

Q. Now, what was their words and who said it?

A. Who said it?

Q. What was their very words?

A. I don't remember the exact words.

Q. Well, you said they asked you if Eleanor was all right?

A. Yes, if I remembered her being there. What I could, I answered, yes.

Q. Now, what did they mean by asking you if she was all right?

A. Well, I don't know that. I didn't question them.

Q. What did you think they meant?

A. I don't know what I thought.

Q. But you said all right?

A. Surely.

Q What did you mean by saying she was all right?

A. Well, if you ask how anybody was, if anybody asked you, wouldn't you say "all right?"

Q. You saw nothing the matter?

A. Saw nothing the matter with her.

Q. That was all that was said on Sunday?

A. That was all that was said on Sunday.

Q. Now, let us come down to Tuesday?

A. Yes.

Q. How long were they in your house?

A. On Sunday? Short—a short time.

Q. Then this was not a social call?

A. No.

Q. Business?

A. Business, yes.

Q. Now, on Tuesday, they came to see you or you to them?

A. I was there.

Q. You were there in their employ?

A. Yes.

Q. Now, what was said on Tuesday?

A. Well, I naturally asked why they wanted to know about Sunday.

Q. And what did they tell you?

A. And Mary told me about the civil suit.

Q. What did Mary tell you about the civil suit?

A. That Eleanor had arrested them for a hundred thousand dollars.

Q. And what else did she say?

A. Then she told me just what it was about.

Q. That is what I want?

A. She said they had accused her father of rape.

Q. And what else did she tell you about it?

A. That is all.

Q. Did she tell you anything about where it happened?

A. No.

Q. How it happened?

A. I never asked, or it was never told me.

Q. You didn't inquire any further?

A. I thought that was none of my business.

Q. Did she tell you that she likewise had had papers served on her?

A. She did. She told me that.

Q. Did you ask her how she got into it?

A. No, because I thought if she wanted me to know, she would tell me.

Q. Did she tell you?
A. No.
Q. That was all that was said on Tuesday?
A. That was all.
Q. When was this subject next discussed with you?
A. When it was brought up in Trenton.
Q. When was that?
A. That I don't remember when it was, but I think it was sometime in September.
Q. Who talked with you about it at that time?
A. Well, I think it was Mary.
Q. And what did Mary say to you at that time?
A. Asked me if I would go to Trenton with them.
Q. Well, that must have been before you got to Trenton?
A. Yes.
Q. She came to your house?
A. She came to my place.
Q. Now, what did she say?
A. She just told me that the case was coming up, and asked me if I would go to Trenton with them.
Q. What part did she expect you to take in the trial?
A. Just to state that I was in the house on Wednesday, and as far as I know, that Eleanor was all right. That is all.
Q. As far as you know?
A. That Eleanor was all right Wednesday when I was there.
Q. And she was in your room about fifteen minutes?
A. This day?
Q. On Wednesday?
A. In the morning.
Q. Well, she was in your room about fifteen minutes in the morning?
A. Yes.

Q. Now, how long was she there in the afternoon?

A. As near as I can guess, about a half hour.

Q. What was your subject of conversation in the afternoon?

The Court: Mr. Erickson, that has all been over. I don't want to continue this indefinitely. That has all been over at least once, if not more.

Q. What day did Mary leave the Bullock house?

A. Mary?

Q. Eleanor leave the Bullock house.

A. I didn't look at the time.

Q. What time was it when she was in your room in the afternoon?

A. I judge around half-past two. We had lunch very late, and it was after lunch.

Q. When did she pack her clothing, if she did?

A. I don't know that. I wasn't on the second floor.

Q. Now, what was this conversation about the letter? You said something about Eleanor told you about the letter.

A. Eleanor told me that Mary had received a telegram that her mother was very ill.

Q. Yes. Say anything about what Mary was to do?

A. No, she didn't say a word what—Mary was crying when Eleanor came up to me.

Q. Now, where were you when you heard the conversation between Mrs. Bullock and Eleanor?

A. On the third floor, but Mrs. Bullock speaks very loud and very distinct.

Q. Where was she?

A. On the second, at the foot of the stairs right as you get out to the third floor.

Q. What was the conversation?

A. Mr. Bullock called Eleanor down and said that Mrs. Bullock wanted to speak to her, and Mrs. Bullock said that on account Mary had received a letter and telegram that her mother was very ill, and it was best for her to go home and come back and pay her visit another time, that Mary would have to go see her mother.

Q. Did Mary go see her mother?

A. I don't know whether she did or not.

Q. You were there on Thursday?

A. Yes.

Q. Was Mary there?

A. Yes.

Q. You were there on Friday?

A. Yes.

Q. Was Mary there?

A. Yes.

Q. You were there the next Tuesday?

A. Yes.

Q. Was Mary there?

A. Yes.

Q. You were there Wednesday?

A. Yes.

Q. Mary was still there?

A. Yes.

Q. Did Mary leave at all to your knowledge?

A. Not to my knowledge, but she could have left without my knowing it.

Mr. Erickson: That is all.

By Mr. Stout:

Q. You heard what Eleanor testified to on the stand about you, didn't you?

A. She lied.

Q. Wait, wait. You heard what she said?
A. Yes.
Q. After hearing what she testified in reference to you, the Prosecutor asked you a question as to whether you thought she was the equal of the Bullocks. And your reply was that you didn't know. Knowing what she testified to about you and the truth of the statement, what have you to say as to her being equal to the Bullocks?
A. She isn't equal to no one, when she lies that way.

Mr. Stout: That is all.

GEORGIE JONES, sworn.

By Mr. Stout:

Q. What is your full name?
A. Georgie Jones.
Q. Where do you live?
A. I live 4111 Arctic Avenue, Wildwood, New Jersey.
Q. Are you married or single?
A. Single.
Q. Where are you employed now, Georgie?
A. I am employed in Philadelphia, at the Gordon Club, 208 Market Street.
Q. How long have you been employed at the Club?
A. Why, only a couple of weeks, because I only been up there just three weeks.
Q. Were you in the employ of Mr. and Mrs. Bullock in February, 1923?
A. I was.

Q. When did you go to work there?

A. Why, I went there a couple of weeks before Christmas.

Q. 1922?

A. Yes.

Q. How long did you continue to work there?

A. I worked there about six months.

Q. What were your duties at the Bullock household?

A. Cooking.

Q. During the time that you were there, who went to make up the Bullock household?

A. I don't know that.

Q. Well, who lived at the Bullock place?

A. Why, Mr. Bullock, Miss Mary and her grandmother.

Q. Do you remember Eleanor Mishler coming there on a visit?

A. Yes, sir, I do.

Q. Do you remember what day she came of the week?

A. Well, she came there on a Sunday night, but I wasn't there. We was off.

Q. You were off on Sunday?

A. Off on Sunday.

Q. Did you go to work on Monday?

A. Yes, Monday morning.

Q. Did you find her in the household on Monday morning?

A. Yes, I did.

Q. Did you wait upon the table?

A. Yes, Monday and Tuesday.

Q. Who had breakfast that Monday morning?

A. Mrs. Bullock, Miss Bullock, Miss Eleanor, and also Mr. Bullock.

Q. Monday morning, I am speaking of?

A. Monday morning.

Q. Do you know whether or not Eleanor remained at the house during Monday?

A. They went out.

Q. Who went out?

A. Miss Eleanor, and also Miss Mary and Mrs. Bullock, out in the car driving.

Q. Were they home for lunch?

A. Yes.

Q. Did they go anywhere in the afternoon?

A. Yes.

Q. How long were they gone?

A. Why, I don't just remember how long they were gone.

Q. But they were out?

A. They were out.

Q. In what sort of a conveyance did they go, automobile?

A. Yes, automobile, went out in the car.

Q. She was there for dinner Monday?

A. Yes.

Q. What time did you go off duty on Monday night?

A. Why, we got off about half-past seven or quarter to eight.

Q. Did you live at the Bullock house?

A. I did not.

Q. Came mornings and went to your home in the evening, didn't you?

A. Yes.

Q. When you came on Tuesday morning, what time did you come to the Bullock home?

A. I always get to work at eight o'clock or ten minutes after.

Q. What was the time usually for having breakfast?

A. We have breakfast around about half-past

eight. Part of the time for the dressmaker, when she comes.

Q. Did the dressmaker come Tuesday?

A. Yes.

Q. Was there anything happened at the Bullock home of an unusual character or nature on Tuesday?

A. No.

Q. Do you recollect whether or not they remained at home all day?

A. No, they didn't. They went out.

Q. Could you tell the Court and jury how often they went out?

A. Why, they was out in the mornings marketing, Miss Mary, Mr. Bullock and Miss Eleanor would go out in the mornings to make marketing, and come back in. Then they went out again to the music teacher and came back in about twelve o'clock, a few minutes after, and had lunch.

Q. How do you know they went to the music teacher?

A. Miss Mary said she was going to the music teacher's. She always goes.

Q. Was she home for lunch?

A. Yes.

Q. What happened of an unusual character, anything?

A. Not anything, sir.

Q. Did Eleanor and the family remain home Tuesday afternoon?

A. They went out.

Q. Were they all home for dinner?

A. Yes, they were.

Q. Did Mrs. Corson have lunch with you on Tuesday?

A. Yes, she did.

Q. Now, who took care of the fires at the Bullock home that winter while you were there?

A. Why, the chauffeur.

Q. Do you know whether or not—what is the chauffeur's name?

A. His name is William Green.

Q. Is he still in the employ of the Bullocks?

A. He is.

Q. Do you know whether or not during the time that Eleanor was paying this visit that William lived at the Bullock house?

A. He did not.

Q. Do you know where he did live?

A. He lived on Burke Avenue, but I don't just remember, a little house, I think. I am not sure now.

Q. But you know he did not live at the Bullock house?

A. I know he didn't live there.

Q. What knowledge have you as to the habit of William getting around in the morning?

A. Around about 7.30 or eight o'clock.

Q. And what were his duties when he came there?

A. When he came there, when it was cold, he would come up and fix the fire, make the fire, take the car out and wash it.

Q. What time would you reach there?

A. I would reach there around about eight o'clock or ten minutes after, not later than that, in the mornings.

Q. William would reach there the same time you would?

A. Sometimes we would come on the same car.

Q. Now, Georgie, you remember Wednesday, the day that Eleanor went home?

A. I do.

Q. What about the breakfast on Wednesday morning?

A. I didn't wait breakfast that morning, was the

chambermaid's time to wait breakfast on Wednesday.

Q. What was her name?

A. Priscilla. I only wait on Monday and Tuesday.

Q. Did you see Eleanor that morning?

A. I did.

Q. Where did you see her first?

A. I seen her first in the living room.

Q. What time was that?

A. That was around about nine o'clock or a little after when I went to the door to answer the door, to see about a registered letter for Miss Mary Bullock.

Q. You received a registered letter on Wednesday morning?

A. On Wednesday morning, and carried it to Miss Mary to sign.

Q. Did Miss Mary sign in your presence?

A. Yes, in my presence, because I cannot write myself.

Q. Where was Miss Eleanor when the letter was received?

A. She was sitting on the left hand side of Miss Bullock, in the living room, Miss Marry Bullock, near the table.

Q. Was she there when the letter was opened?

A. Yes, she was.

Q. Did you see Miss Mary read the letter?

A. Yes, she read the letter as I was returning from the door, she was reading the letter.

Q. Did you notice what effect, if any, reading that letter had upon Mary?

A. Yes, Miss Mary throwed her head on the table and commenced screaming and crying.

Q. Did she state in the presence of you and Eleanor what the letter was about?

A. Yes, she said that her mother was very sick.

Q. And while she was crying, with her head on the table, what, if anything, did Eleanor do?

A. Why, she was sitting aside of her, and was trying to pacify her. She said, "Mary, don't cry, don't cry. Go home and see your mother." That is the words was replied to Miss Mary, on the left hand side of her, and I was standing on the right hand side of Miss Mary at the double seat in the living room.

Q. After that, Georgie, was there any other message received by Mary that you know of?

A. No more that—I heard that she had got a telegram, but I don't know of that, because I left the room and went out in the kitchen.

Q. Don't tell anything only what you know. Well, how long did Mary, after the receipt of that letter, remain downstairs?

A. Well, she remained downstairs, I guess, all the morning—I am not sure, because I was out in the kitchen preparing my lunch, getting the place straight.

Q. Where did Eleanor remain after the receipt of that letter?

A. I don't know where she remained, but when I see her again, she was passing through the kitchen there, going downstairs to get in the car with Mr. Bullock, going up to make marketing.

Q. Did you see her get in the car?

A. I didn't see her get in the car, but she went in the kitchen to go down the steps to go, but I didn't see her get in, but when the car pulled out from underneath the garage, I seen her sitting in the car.

Q. You couldn't see from where you were the persons that got in and out of the car?

A. No, only when they pulled out of the garage.

Q. But after she had passed through the kitchen

on this Wednesday morning after the receipt of this letter, did you see her in the car?

A. Yes, when the car pulled out of the garage.

Q. Who was in the car?

A. There was Mr. Bullock and Miss Eleanor.

Q. Now, when they came back in the car, did they bring anything?

A. Yes, sir, they brought their marketing for lunch.

Q. Did Eleanor come back in the car?

A. Yes, she did.

Q. Did you see her get out of the car?

A. I won't say she got out—I didn't see her, because I think, if I am not mistaken, they got out in the front part of the house.

Q. How long were they gone to market?

A. Why, they wasn't gone very long, no more than, I suppose, about half an hour, I suppose.

Q. You saw this car come out from under the house with Mr. Bullock and the chauffeur and Eleanor in there. Where did Eleanor sit?

A. Where did she sit?

Q. Yes.

A. She sat in the back of the car with Mr. Bullock and the chauffeur sat in the front.

Q. Did you see Mary in her room that Wednesday afternoon?

A. No, I did not. I didn't go upstairs.

Q. Did you see her in her room in the morning?

A. No, I didn't in the morning. I didn't go upstairs on Wednesday morning at all, only in the living room to receive the letter.

Q. Did you wait on the table for lunch?

A. Wednesday?

Q. Wednesday?

A. I did not.

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Q. Why?

A. Priscilla waits on the table on Wednesday. I don't wait on tables on Wednesdays.

Q. Do you remember Eleanor going away on Wednesday?

A. I do.

Q. Do you know how she came to go away, from anything you heard said to her?

A. Why, I heard that Mrs. Bullock——

Q. Did you hear that yourself?

A. I didn't hear it myself.

Q. Well, you knew that she did go?

A. Yes, I did.

Q. Did you see her go?

A. Yes, I seen her go.

Q. How was she taken from the house?

A. She was taken away on the car. Mrs. Bullock, Mr. Bullock, Miss Mary and also Priscilla and the chauffeur.

Q. What, if anything, did Eleanor say to you when she went away?

A. She bid me goodbye. Eleanor said, "Goodbye, I will see you again."

Q. Is that all she said?

A. Yes, she said, "Goodbye, Georgie, I will see you again."

Q. I want you to tell the Court and jury now whether you noticed anything unusual about Eleanor that day.

A. I didn't notice anything unusual about her. She was just the same on Monday morning when I went there to work as she was on Wednesday. Not any difference at all. When she went, she went cheerfully and bid me goodbye when I went to the door to always put on the day latch on the door when Miss Bullock and everybody leave the house, and

she went down to get in the car, and she said, "Goodbye," and waved her hand. Priscilla, Mr. Bullock, Mrs. Bullock, Miss Mary and the chauffeur all drove away from the door, and that was around about three o'clock or a little after, because she went away early to carry Priscilla up home.

Q. Now, Georgie, did you notice whether Eleanor was talking to Mary at any other time except the occasion you have related downstairs that she told her not to cry?

A. She told her not to cry that morning.

Q. Is that the only time you saw her have a conversation with her?

A. They was laughing and talking when I walked through there to receive the letter at the door.

Q. After the receipt of the letter, did you only see her talking to her on this one occasion?

A. That is the only time, and I went in the kitchen at my work. I didn't go in. I had no cause to go inside again.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Erickson:

Q. Is your home in Wildwood?

A. Yes.

Q. How long have you lived in Wildwood?

A. I guess I have been there now about—how long I lived here? Two years I have had a home here.

Q. Where did you come from before you came to Wildwood?

A. Come from Philadelphia.

Q. How long had you been in Philadelphia?

A. Oh, I guess I had been in Philadelphia about

twenty-five years. I have been coming here for twelve years, but I am speaking about my home I have had for two years.

Q. How long did you live at Bullocks?

A. About six months or a little over.

Q. Six months. When did you go to Bullocks to live?

A. About two weeks before Christmas.

Q. Two weeks before Christmas in 1922?

A. 1922.

Q. And when did you leave Bullocks?

A. Why, I don't remember what day I left Bullocks.

Q. How do you arrive at the conclusion you lived there six months?

A. Two weeks before Christmas up until around the middle of, or last of May.

Q. Then it was around the middle of last May?

A. Why, I say I don't know exactly the time, because I don't know the date.

Q. And during the time that you lived at Bullocks, how many servants did they have?

A. Three.

Q. And you were one of them?

A. Yes.

Q. And who were the others?

A. Chambermaid and the chauffeur.

Q. Did the Bullocks have much company?

A. Quite some company they has.

Q. Mary had some girl friends coming to see her?

A. She had.

Q. How many other girl friends did Mary have come see her while you there the six months?

A. I couldn't tell you how many, because we always had some company. I couldn't tell you.

Q. Can you tell us any?

A. I couldn't tell you, because I never keep any in my mind.

Q. How do you remember Eleanor so well?

A. How come I to remember her so well? Why, I seen her there.

Q. You saw the other ones when they were there?

A. Yes, but you asked me how many. I couldn't tell you how many, so much company.

Q. Can you tell me the name of one?

A. Their names—of one?

Q. Of one of the other girl friends that Mary had while you were living there about six months?

A. There is lots of friends. I couldn't tell you.

Q. Just tell me the name of one?

A. One?

Q. One girl friend that Mary had who came to see her during that six months that you were there?

A. I don't know the names of them. I never have thought about the names.

Q. You never thought about the names. But she had some one there pretty much all the time?

A. Why, pretty much all the time was company there.

Q. But you don't remember any one of their names?

A. Why, I can't—I forget one of the young ladies' name what she had there, and she was there with her mother, and I can't even place her name.

Q. Now, can you tell me when that particular one was there?

A. That was before I left. Friends all the time I was there.

Q. Then that is one that has been there after Eleanor was there, is that right?

A. Yes, she was there.

Q. Now, can you tell me when she was there?

A. I can't tell you.

Q. Can you tell me when she came?

A. I couldn't tell you.

Q. Can you tell me when she went away?

A. I don't keep her on my mind.

Q. How did you come to keep this particular occasion on your mind?

A. How come I to keep it in my mind? I don't know how I come to keep it in my mind. Why?

Q. You don't remember anything about that?

A. I remember that they was want to subpoena me to be at Court.

Q. That is how you happened to remember about this one?

A. Yes.

Q. Now, when did they say that to you?

A. When did they say that to me?

Q. Yes.

A. They said that to me when the case first came up.

Q. When did the case first come up?

A. At Trenton.

Q. When did they first talk with you about this case?

A. When did they first talk with me? Just asked me to go up to Trenton with them.

Q. Tell you what they wanted you to go for?

A. Just say they wanted me for a witness.

Q. What did they say they wanted you as a witness for?

A. They didn't say. They said Eleanor, this girl, had sued them, would I go up to Trenton with them.

Q. That is how you happened to remember about Eleanor?

A. Yes.

Q. Now, do you remember what day of the week

this other girl of which you said you don't remember her name came?

A. I don't remember what week, but the lady is Mrs. Mangle, and her daughter. Two, her and her daughter.

Q. Do you remember Mrs. Mangle and her daughter going out in the automobile? Did they ever go to the market with Mr. Bullock?

A. Why, certainly, they went to the market.

Q. Now, just tell us about one of the occasions that you remember the Mangles going to the market with the Bullocks?

A. They just went out to the market as usual, the same as anyone went to the market.

Q. And Eleanor just went out as usual?

A. Yes, and came back.

Q. Now, you remember very well the Monday that you came back and saw Eleanor there?

A. Yes.

Q. Now, where did you first see Eleanor?

A. Never seen her before until I seen her there.

Q. Where did you first see her on Monday morning?

A. I seen her sitting at the table.

Q. Did you serve the table on Monday morning?

A. Yes.

Q. Eleanor ate her breakfast?

A. Yes.

Q. Seemed to be in good spirits?

A. Yes, indeed she was.

Q. Do you know what Eleanor did Monday morning?

A. They went out in the automobile.

Q. That is all you know?

A. That is all I know of.

Q. Did they come back for lunch?

A. Yes, they came back for lunch.

Q. You prepared the lunch?
A. I did.
Q. You waited on the table?
A. I did.
Q. Eleanor had her lunch?
A. Yes.
Q. Seemed perfectly happy?
A. Yes.
Q. Go out in the afternoon?
A. Yes, go out in the afternoon.
Q. Where did they go to in the afternoon?
A. I don't know where they went in the afternoon.
Q. Come back for dinner?
A. Yes.
Q. Had dinner?
A. Yes.
Q. What time did you leave?
A. We always leaves half-past seven or quarter to eight to get that quarter to eight car.
Q. That is when you got all of your work done?
A. Yes.
Q. You came back on Tuesday?
A. I did.
Q. What did you find when you got back to the house Tuesday morning?
A. I didn't find anything more than usual.
Q. Had a talk with Eleanor?
A. Have a talk with her? I did not.
Q. Who did you have a talk with?
A. I didn't have a talk with anyone, because I went to do my work.
Q. You just went ahead and did your work?
A. Yes.
Q. You got your breakfast?
A. Yes.

Q. Did you wait on the table?

A. On Tuesday.

Q. What did they have for breakfast?

A. I don't know. I don't just remember what they had for breakfast. Usual things is bacon and eggs, but sometimes we used to have chops, but I don't know whether they had bacon and eggs and toast. That is what they usually had.

Q. That was the usual diet for breakfast?

A. Yes.

Q. Did Eleanor go out that morning?

A. Tuesday morning?

Q. Tuesday morning?

A. Yes, she went out Tuesday morning.

Q. Where did she go Tuesday morning?

A. She went out driving.

Q. With whom?

A. Why, Mrs. Bullock and Miss Mary and Mr. Bullock.

Q. That is the morning they went to the market?

A. They went to the market on Wednesday morning.

Q. I am asking you if they did not go to market on Tuesday morning?

A. On Tuesday morning? I don't know whether they went on Tuesday morning. They went out.

Q. You don't know whether they went or not?

A. Oh, they went out.

Q. But you don't know whether they went to the market or not? Do you know whether or not they went to the market on Tuesday morning?

A. I don't remember whether they went to the market on Tuesday morning.

Q. Now, they had lunch, didn't they?

A. Yes, they had lunch.

Q. Who was there for lunch?

A. Why, Mrs. Corson, and Miss Mary and Miss Eleanor, Mrs. Bullock and Mr. Bullock.

Q. How many were there?

A. Miss Eleanor, Mrs. Corson, Mrs. Bullock, Miss Mary and Mr. Bullock.

Q. How do you know Mrs. Corson was there?

A. Why, I waited on her Tuesday.

Q. I see. Was Mrs. Corson there Monday?

A. No, she don't come on Monday.

Q. That is how you know she wasn't there on Monday?

A. Yes. I wait on the table on Mondays.

Q. You wait on the table, don't you?

A. I wait on it Monday and Tuesdays.

Q. And you now reason she wasn't there Monday because she doesn't come on Monday?

A. She don't come on Monday.

Q. Now, Tuesday you had lunch as usual?

A. Yes, we had lunch.

Q. You waited on the table?

A. Yes.

Q. Eleanor was in perfectly good spirits?

A. Yes.

Q. What did they do Tuesday afternoon, if you know?

A. Tuesday afternoon, to my remembrance, they went out to get a hat down town.

Q. Did she come back and show you the hat?

A. No, she didn't come back and show me the hat.

Q. Didn't she ask you how you liked it?

A. No.

Q. Didn't she ask your approval?

A. I wasn't in there. I didn't go in the dining room in the afternoon.

Q. So you didn't see the hat?

A. No, I did not.

Q. You don't know whether she got a hat or not?
A. Only she said she was going to get a hat.
Q. Got lunch Tuesday night?
A. Yes, had dinner Tuesday night.
Q. Did you wait on the table?
A. I did not.
Q. You didn't wait on the dinner table?
A. I don't wait at night. I wait two meals.
Q. You cook the meals?
A. Yes.
Q. Do you remember what you cooked Tuesday night?
A. No, I don't remember what I cooked on Tuesday night.
Q. Do you remember anything about a mustard plaster on Tuesday night?
A. No, I don't remember no mustard plaster.
Q. Then you didn't prepare any mustard plaster for Mr. Bullock Tuesday night?
A. No, I ain't never prepared no mustard plaster for him. I ain't no doctor.
Q. Now, what time did you leave Tuesday night?
A. The same usual, quarter of eight, I catch that quarter of eight car every night.
Q. That is the regular time?
A. Yes, we have dinner at 6.30.
Q. I see. Now, Wednesday morning you came?
A. Yes.
Q. You came Wednesday morning. What did you find?
A. What did I find? Nothing, the same as usual. That is all I know.
Q. Eleanor was up when you came Wednesday morning, wasn't she?
A. Who? Wasn't anyone up, to my knowing, not out in the kitchen, nowhere, when I came Wednesday morning.

Q. You just came in and went to work?

A. Went to work.

Q. Then you don't know whether or not Eleanor was up when you arrived Wednesday morning?

A. I was out in the kitchen.

Q. When did you first see Eleanor on Wednesday?

A. When I went to the door to receive a letter for Miss Mary Bullock, a registered letter, to pass it over to her for her to sign, from her mother.

Q. And what time was that?

A. That was around about nine o'clock; probably a little after. They was shortly through breakfast, sitting in the living room.

Q. And you delivered the letter?

A. I did, to Miss Mary, and she signed for it.

Q. And then what happened?

A. I went back to the door to give the man his pencil. When I was passing out, going back to the kitchen, Miss Mary started to scream and cry, and I turned around and said, "What is the matter, Miss Mary?" and walked back to her on the right hand side. She said, "My mother is very sick," and then Miss Eleanor, on the left hand side, said, "Don't cry, Mary. Don't cry. Go and see your mother."

Q. Now, Mary was very much excited, wasn't she?

A. Yes, she was crying.

Q. Crying hard?

A. Yes, she was crying about her mother.

Q. And then what did you do, if anything?

A. I went on out into the kitchen to my work.

Q. You didn't try to pacify Mary?

A. I stood there and said, "Miss Mary, I am awfully sorry." That is just what I said to her.

Q. Now, when did you next—that is the first you had seen Eleanor?

A. First I have seen her.

Q. Now, when was the next time that you saw Eleanor?

A. When she passed through the kitchen going downstairs.

Q. Now, how do you now tell whether that was Tuesday or Wednesday?

A. This was Wednesday morning.

Q. I am asking you how you tell whether it was Tuesday or Wednesday?

A. How do I tell Tuesday from Wednesday? That was after I had received the letter from the door on Wednesday morning. How I come to answer the door was the maid was downstairs in the laundry.

Q. That is the reason——

A. And I had to answer the door.

Q. And that is how you know it was Wednesday?

A. Wednesday morning.

Q. Now, where did she go when she went out?

A. She was supposed to go to the market.

Q. Do you know where she went?

A. To the market. That is what they said, to go to the market, to get the marketing.

Q. You don't know of your own knowledge where they went?

A. That is what they say. I don't know for sure.

Q. Did you see them when they came back?

A. I am not sure whether I seen them. I think they got out at the front door.

Q. You are a cook, are you not?

A. Yes.

Q. What did they go to the market for?

A. What did they go to the market for? To get something for lunch.

Q. When they came home from the market, who did they deliver them to?

A. The chauffeur brings it around and puts it on the table.

Q. Did the chauffeur do that this morning?

A. Yes.

Q. What did he bring?

A. I didn't take notice what it was. All this time I forget what it was, what kind of meat it was.

Q. Now, did they drive in the garage when they came back?

A. Did they drive into the garage? I am not mighty sure—I think they got out at the front door.

Q. They came in the front door. Then you would not have seen them?

A. No.

Q. Now, when was the next time that you saw Eleanor on Wednesday?

A. I saw her when they were going away.

Q. How long was Eleanor within your sight when she was going out to go to the market?

A. This was in the morning when they went to the market.

Q. How long did you see her, for how long a space of time?

A. How long?

Q. Just as she passed through the kitchen?

A. Yes.

Q. Took no special notice of her?

A. No, I didn't take no special notice of her.

Q. The next time you saw her was when she was going away?

A. Yes.

Q. What time was that?

A. That was around three o'clock, probably a few minutes after three, but I think it was around three o'clock.

Q. Where did you see her then?

A. I seen her in the living room.

Q. Did she go out through the kitchen to get to the garage then?

A. No, they went out through the front.

Q. And they went out, did they?

A. Yes.

Q. And who went?

A. Why, Mrs. Bullock, Miss Mary, her father, Priscilla and the chauffeur.

Q. And Eleanor?

A. And Eleanor, yes.

Q. Did you see them when they left?

A. I did.

Q. Where were you?

A. I was standing right in the living room to fasten the door behind them when they go out.

Q. Did Eleanor go out and then come back to tell you goodbye?

A. She told me goodbye going out the door.

Q. And how long did you see her at that time?

A. How long did I see her? I didn't see her no length of time. That is all, "Goodbye," and they went out to get in the car and drive away, and I went out and closed the door and went on with my work.

Q. Did she seem to be happy?

A. Yes, just the same as she was on Monday or Tuesday.

Q. She just said, "Goodbye," to you?

A. Just said, "Goodbye," she will see me again.

Q. That was all she said to you that day, "Goodbye,"?

A. Goodbye until she sees me again.

Q. Did you hear Mr. Bullock tell her to tell you goodbye?

A. No, she told me goodbye herself.

Q. Now, how long did you work for Bullocks after this? You said to May, didn't you?

A. Yes, to May, around about the middle.

Q. Did Mary go to see her mother?

A. Go to see her mother? I don't know; I couldn't tell you that. I know she went away, but I don't know whether she went to see her mother or not.

Q. Do you know where her mother lives?

A. No, I don't know anything about it.

Q. Do you know where the letter came from?

A. They say it is Chaney, but I can't read writing.

Q. This was on Wednesday?

A. Wednesday morning.

Q. You were there on Thursday?

A. On Thursday? I worked right straight along.

Q. And you were there on Friday?

A. Yes.

Q. And Saturday?

A. Yes.

Q. And Sunday?

A. Yes.

Q. And right up until May, weren't you?

A. Yes.

Q. Now, did Mary go away to see her mother during that time?

Mr. Stout: I submit, may it please the Court, that the witness has answered that question. She said they went away, but she didn't know where they went to.

The Court: The question has been answered, Mr. Erickson, I think.

Q. Do you know whether or not Mr. Bullock ate his supper on this Tuesday night in question?

A. Tuesday night? Why, you would have to find out from the other maid. I didn't wait on the table.

Q. Were you called up into his bedroom on Tuesday night about supper hour?

A. No, I was not.

Q. You never made a mustard plaster for his head?

A. No, I didn't never make no mustard plaster. I wasn't no doctor, and I don't know how to make no mustard plaster.

Q. With whom have you talked about this case?

A. I ain't talked to anybody, because I ain't been here to talk to them. I have been in Philadelphia working.

Q. Did anybody come to see you in Philadelphia about this case?

A. Miss Mary and Mr. Bullock came up there and said I was subpoenaed, would I come down here.

Q. Just recently?

A. Yes.

Q. Did you talk with them there?

A. I didn't have no time. I told them if I could get off from my boss that I would come down, and that is all the talk I had with them.

Q. Didn't tell you a thing about the case?

A. He said would I come down to Wildwood, that the case would come up.

Q. What did they tell you the case was about?

A. I knew what it was about——

Q. How did you know what it was about?

A. How did I know what it was about? Hadn't I been up to Trenton on the same case?

Q. Did you know what you were going up to Trenton for?

A. No, no more than just what was in the paper, what they say. I wasn't there—I didn't stay there that night.

Q. You didn't know what you were going to Trenton for?

A. No.

Q. Didn't you talk with anyone before you went to Trenton?

A. I didn't talk with anyone at all. I was working. When I went up to Trenton, I was working.

Q. Didn't you ever talk with Bullocks about this case at their house?

A. The first time I have been down to Bullocks since I have left there was Saturday.

Q. But you worked for Bullocks until May of last year?

A. Yes.

Q. And this happened in February?

A. And I haven't been down there since Saturday. I left there.

Q. You left Bullocks in May, but you lived at Bullocks from February until May, didn't you?

A. Yes.

Q. And during the time that you lived there, the Bullocks were sued, were they not?

A. Yes.

Q. You knew about that?

A. Yes.

Q. Who told you what they were sued for?

A. I don't know, no more than what I heard it was.

Q. What did they tell you they had been sued for?

A. They just said Eleanor had sued them. That is all I know about it.

Q. So they told you?

A. They didn't tell me anything about it. That is all, this girl had sued them.

Q. Didn't say what for?

A. No, they didn't tell me what for. Just said, "Georgie, don't you think she was treated nice?"

and everything. I said, "Why, certainly, so far as I know."

Q. That is what I want. Now, what did they say to you about Eleanor?

A. She didn't say anything to me about what they was sued, just said she had sued them.

Q. What else did they tell you?

A. That is all they said to me.

Q. That is all they said to you, "Wasn't she treated nice?"

A. "Wasn't she treated nice?"

Q. And you said all right. She said she was treated nice?

A. Certainly, as far as I saw she was treated nice. When she went out she bid goobye and cheerful and everything.

Q. Now, who told you to say that?

A. Nobody told me to say that. No one told me to say that, because I haven't been down there to talk to them.

Q. Didn't they tell you——

A. They didn't tell me nothing like that at all, and I wouldn't sit on this chair and tell a lie.

Q. You knew what you were going to testify to, didn't you?

A. I am just telling you what I know, the truth. When I was there, that is what I come here to tell you, the truth, and I am telling you the truth, and I ain't going to lie.

Q. Now, tell me how it is then that you can remember so much more about Eleanor's visit than you can any one of the many girls who visited the Bullocks?

Mr. Stout: Is there any proof that many girls visited the Bullocks while this woman lived there?

Mr. Erickson: That is her testimony.

The Court: That is her testimony, Mr. Stout.

A. She had company there.

Q. There was company there almost continuously. Now, if you haven't talked with anybody about this case, you tell me and tell this jury how it is you remember so many more of the details of Eleanor's visit than you do of any one of the many other visits?

A. Why, because I have not heard anything from the others. The others, when they went away, there was no suit brought against Mr. Bullock or anything like that to come here to be in court about.

Q. Then they after talked to you about her visit?

A. Only they said they had a subpoena to come here and say that she brought suit against them.

Q. But you don't know whether any of the others sued him or not?

A. Not to my knowing. They went away just as cheerful as she went away.

Q. All of them?

A. Yes.

Q. Now, who were they, if you can tell us?

A. I have told you, as far as I can, Mrs. Mangle and her daughter, they went away. I can't tell you who they were or when they went away. They came there to stay a couple of days and went on away.

Q. How many times were they there in the six months you were there?

A. I can't remember.

Q. Don't remember when any one of them left?

A. No.

Q. Do you remember who took them in an automobile?

A. Why, Mr. Bullock and Mrs. Bullock always take the company away with them.

Q. All of them always?

A. Yes.

Q. Now, what time of day did these people leave there?

A. I don't know what time they left. They leaves in the afternoon pretty much when they leave.

Q. Now, did they leave in the afternoon this time?

A. Why, I guess they did.

Q. And go on the train?

A. Yes, go on the train. Some go on the train and some comes in the car.

Q. Which ones are you talking about now?

A. Mrs. Mangle and her daughter, I think they came in a car.

Q. When they left, they had their own automobile?

A. Yes.

Q. Did they tell you goodbye when they left?

A. Said goodbye cheerfully.

Q. Whenever anybody leaves Bullocks, they leave cheerfully?

A. Cheerful, yes.

Mr. Erickson: That is all.

By Mr. Stout:

Q. Georgie, just a question. You were to Trenton, you say?

A. Yes.

Q. To be a witness?

A. Yes.

Q. In the suit in which they were sued?

A. Yes.

Q. When you were at Trenton, you talked to somebody about this case, didn't you?

A. Talked to someone about it?
Q. Didn't you tell——

Mr. Wescott: Don't, don't. She said she didn't. Now don't get her to say she did.

Mr. Stout: May it please the Court, I have got a right. It is a question to be brought out by the defense. It isn't a matter I didn't inquire in. I have a perfect right to ascertain the true facts about it.

The Court: But not by leading questions. Reframe your question.

(Question read by the stenographer.)

Q. Did you talk to someone at Trenton about this case, what you knew about it?
A. The lawyer.
Q. Well, you did talk to the lawyer, didn't you?
A. Yes.
Q. Mr. Katzenbach, wasn't it?
A. No.
Q. And Mr. Rhodes?
A. I thought Lawyer Rhodes talked to me.
Q. And then it was that your mind was refreshed about the circumstances of Eleanor's visit?
A. Because I had not forgot all about her being there.

Mr. Stout: That is all, Georgie.

(At this point, a recess was taken for ten minutes.)

Mrs. Francoise Bullock, sworn.

By Mr. Stout:

Q. Mrs. Bullock, where do you live?
A. Why, I am living now at Wildwood.
Q. And how long have you lived there?
A. I really don't know. You will have to ask Mr. Bullock that. I don't know. Quite a while.
Q. Who lives with you?
A. Different people.
Q. Who lives with you now?
A. Just two servants.
Q. Well, what members of your family live with you?
A. Mr. Bullock.
Q. And who else?
A. Miss Mary.
Q. And Miss Mary is your granddaughter?
A. Yes.
Q. And your son's name is Anthony, is it?
A. Yes.
Q. And you are the people that comprise your family at this time?
A. Yes.
Q. Who were the members of your family in February, 1923?
A. Don't ask me that. I don't know that. I don't keep account of the time or people very much.
Q. Well, do you remember when a young lady by the name of Eleanor Mishler came to see you?
A. I remember that she was there.
Q. Well——

Dr. Dickinson: Just answer the question yes or no.

Mr. Wescott: Are you a lawyer?

Dr. Dickinson: I am explaining to her the question.

Mr. Wescott: If your Honor please, I would like to have that gentleman removed.

Mr. Stout: He is a physician.

The Court: Doctor, you may remain there but just let her counsel handle the matter.

Q. When Eleanor was there——

(Portion of the testimony read by the stenographer.)

Q. Do you remember when she went away?
A. I think—I ain't sure about the going away part, but it seems to me she came on Saturday or Sunday and she remained to Wednesday. Is that what you mean?
Q. If you remember. What is it?
A. I was so glad when she went.
Q. Eleanor testified——

Mr. Wescott: I object to that. I want Eleanor——

The Court: Ask the question, and I will rule on it when the question is finished.

Q. That your son Anthony, on the day before Eleanor went away, or on that evening, that he assaulted you in your room.
A. That is a lie.

Q. Wait. Wait.

Mr. Stout: Any objection to that?

Mr. Wescott: No. Go on and tell her, if you want to.

Q. Is that true?
A. Why, certainly not. He never hurt me in his life. You understood that, didn't you?
Q. I understand what you say. What has been the——

Mr. Wescott: She didn't say he assaulted this lady, or anything like it.

Mr. Stout: Who didn't?

Mr. Wescott: This little girl here.

Mr. Stout: She didn't?

Mr. Wescott: No, she didn't say anything of the sort.

Mr. Stout: May it please the Court, if I am wrong about it—but my recollection of the testimony was that Eleanor said that Mr. Bullock went upstairs to his mother's room and she heard quarreling, and this woman fell in a noise, and that Mary said—Mary said that it was father assaulting grandmother as he usually does. They are the words that Eleanor used.

The Court: That is somewhat different from the question as originally framed, Mr. Stout, and the

question is not answered. It seems to me it is too late to raise objections now. What objection was made originally was withdrawn by Judge Wescott. Proceed with the next question.

Q. Is your son Anthony in the habit of abusing you?

A. No, he is a devoted son. Devoted in every sense of the word.

Q. Do you remember who requested that Eleanor leave the home?

A. Why, yes, I did.

Q. Where was she?

A. Where was she when I told her? I think she was downstairs and I just said, I said, "Eleanor, make arrangements to leave the house;" get her things.

Q. What was the reason?

A. I don't know that; I was too glad to get rid of her.

Q. Why?

A. Because she was objectionable, because she was always talking about horrible things, fast houses.

Q. In her talk with you, did she say anything about detectives?

A. Yes.

Q. Before you asked her to go home or requested that she should go home that day, had Mary received a letter about the sickness of her mother?

A. I think she had.

Mr. Stout: Now you can cross-examine her, Judge.

Cross-examination.

By Mr. Erickson:

Q. Mrs. Bullock, you live with your son, do you not?

A. What is that?

Q. You live with your son, do you not?

A. Yes.

Q. And your granddaughter lives with you?

A. Yes.

Q. And you live at Wildwood?

A. Yes.

Q. Do you know Eleanor Mishler?

A. I have seen her and she has been to our house once or twice, and the last time she was there she said she was going home, and I said I was very glad she was going.

Q. Did she tell you she was going home?

A. That is what I told her, what arrangements, we were going away. I don't know. That is what I told her, that we were going away. I did that because I didn't want her to stay any longer. I don't know. I didn't know we were going away that particular time, so finally, I didn't tell her where or when or anything about it. It was none of her business.

Q. Do you know Mrs. Corson?

A. Yes, I know Mrs. Corson, yes.

Q. Now, you saw Mrs. Corson on the witness stand this morning?

A. Yes.

Q. Were you able to hear what Mrs. Corson said?

A. No, I couldn't hear a word that she said, because I am very deaf.

Q. Now, Mrs. Bullock, are you sure as to where this conversation took place?

A. What conversation?

Q. Between you and Eleanor Mishler about her going home?

A. I think it was in one of the halls, upper hall or the lower hall.

Q. And you don't remember at this time why this conversation happened?

A. No. I just recall I wanted her to go, don't you know, it was my desire to have her to go, because I didn't desire to have her stay any longer.

Q. Why didn't you want her to stay any longer?

A. Because I didn't admire the girl or I didn't admire her conversation.

Q. Then she talked with you while she was at your house?

A. For hours? No, sir, I used to avoid her.

Q. You don't understand me. Did you have any conversation with Eleanor Mishler while she was at your house?

A. No, not any conversations.

Q. What was the conversation?

A. Generally speaking, she was talking about detectives and detective offices and people, disreputable, very low, that kind of talk, and I just simply told her.

Q. What did she say about detectives that you can recall?

A. Well, I don't know exactly. I think she was in a detective's office for some time, and I think she must have been, because she was pretty well posted on detectives and detective work.

Q. You don't remember what she said?

A. No, not exactly, no. I didn't really bear it in mind. I was so glad when she went I forgot all about it.

Q. That was the reason you asked her to go?

A. Yes.

Q. There were no other reasons?

A. No.

Q. She had been to your house some time previous?

A. Yes, four or five years ago. She was there when some of her relations were there.

Q. Her mother was with you, her grandmother?

A. Her grandmother, yes.

Q. And because of the fact that her grandmother was there, that is how you came to know her?

A. Yes.

Q. Had her grandmother visited you recently?

A. No.

Q. Did Eleanor Mishler write you a letter before she came?

A. She didn't write to me. She might have written to my granddaughter, but she didn't write to me personally. I never had any correspondence with her.

Q. You don't know now whether or not she ever wrote a letter to you?

A. I was so glad when she left the house——

Q. This was before she got there.

A. I really don't know. I didn't ask anything about it. I am not curious about mail.

Q. Do you know of your own knowledge whether or not your granddaughter wrote to her before she came?

A. I don't know anything about it for I never asked.

Q. You don't know how she came to come to your house?

A. No.

Q. Have no knowledge?

A. I guess she just wrote a letter. She was a very impudent kind of a girl. I never really asked, for I didn't want to know.

Q. You know very little about what happened after she got to your house?

A. I didn't pay any attention to her.

Q. You appear quite deaf, is that right?

A. What?

Q. Your hearing is somewhat impaired?

A. Very much impaired.

Q. So there might considerable be going on at your house that you wouldn't know about?

A. That is so.

Mr. Erickson: That is all.

By Mr. Stout:

Q. How long have you been hard of hearing?

A. For some time, off and on. Depends on how I feel. Least worriment affects me very much.

Q. Are you more hard of hearing today than usual?

A. Well, some days I am more hard of hearing. took a long ride in the cold yesterday, a little pleasure ride, but at the same time, it was very cold.

Q. How was your hearing in February, 1922, compared with now?

A. Now, don't ask me any dates.

Q. Do you know?

A. No.

Q. At the time Eleanor was there?

A. I don't even know about that. Did I tell you in February? Dates pass me very quickly. When the days are gone, I let them pass.

Mr. Stout: That is all.

ANTHONY J. BULLOCK, sworn.

By Mr. Stout:

Q. Mr. Bullock, what is your full name?
A. Anthony N. Bullock.
Q. How old are you?
A. Fifty-nine.
Q. Where do you live?
A. I live in Wildwood Crest, New Jersey.
Q. And who lives with you?
A. My mother and daughter.
Q. Who lived with you in the month of February, 1923? Of what did your family consist?
A. It constituted that same number of people, my mother, daughter, and myself.
Q. How old are you?
A. Fifty-nine.
Q. Do you remember the occasion of Eleanor Mishler visiting your house?
A. I do.
Q. Do you remember what day in the week it was that she came there?
A. She came on a Sunday.
Q. What time in the day?
A. She arrived there on the 6.35.
Q. Who met her at the train?
A. I and the chauffeur.
Q. Was that the first time that you had been to the station to meet her on that day?
A. No, I was there in the morning.
Q. Who accompanied you on that trip in the morning?
A. The chauffeur.
Q. And by the way, what is your chauffeur's name?

A. William Green.

Q. And how long has he been in your employ?

A. Oh, he has been with us at different intervals for the last three years.

Q. When you met Eleanor on this Sunday night, did you go directly to your home, or not?

A. Yes, directly to my home.

Q. Do you recollect what time you arrived at your home?

A. Well, from the time it took us coming from the station to the home, I should imagine around seven or eight minutes time.

Q. What time did the train arrive?

A. 6.35.

Q. Before you had gone to the station to meet Eleanor, had the family had their Sunday evening meal?

A. Yes.

Q. You had?

A. Yes.

Q. When you arrived at the Bullock home, who took charge of Eleanor's baggage?

A. The chauffeur.

Q. Did you hear the directions given as to where it should be put?

A. No, I don't think I did.

Q. Do you remember whether or not Eleanor was given the evening meal before she went upstairs?

A. Yes.

Q. Do you know who served the meal?

A. Mary, my daughter, arranged for serving the meal.

Q. After the meal was served, where did Eleanor go?

A. Well, I judge she sat down in the sitting room with us all.

Q. "With us all."

A. Yes, mother, and Mary and I.

Q. How long did you remain in the sitting, or living room?

A. Why, we spent the evening there.

Q. Do you remember whether or not there were telephone calls for any member of the family that night?

A. I don't recollect any calls, Mr. Stout.

Q. Was Eleanor directed to state over the telephone that Mary was not at home?

A. No, not to my knowledge.

Q. You were present, weren't you?

A. Well, yes, I was present all evening. I heard no conversation over the telephone whatsoever.

Q. What room do you occupy in that house?

A. I occupy the back room on the second floor.

Q. And going up the steps on the second floor to get to the top, do you turn to the right or left to enter your room?

A. Well, it is practically almost opposite the stairway.

Q. Almost opposite the stairway, is it?

A. Yes.

Q. Whose room adjoins your room?

A. My daughter's room.

Q. Are there doors, or is there a door or doors connecting your room with the room occupied by your daughter?

A. There is a door.

Q. What room, if you know, did Eleanor occupy on this Monday night, or Sunday night?

A. Well, I——

Q. What room did she occupy?

A. Occupied my daughter's room.

Q. Was the door between your room and your daughter's room open or closed that night?

A. The door between daughter's room and my room was closed.

Q. What time did you get up on Monday morning?

A. I got up about my usual time, eight o'clock.

Q. Did you see Eleanor on that Monday morning?

A. Yes.

Q. Who had breakfast at your home that morning?

A. On Monday morning? My daughter and I had breakfast, and Eleanor.

Q. Your mother?

A. I don't quite recollect. I think possibly mother was one of the party.

Q. Where did you go, if anywhere, on Monday?

A. My recollection is in the morning we went to take my daughter to the music teacher on Monday morning.

Q. Who went with you?

A. Eleanor and myself.

Q. Did you leave your daughter at the music teacher's?

A. We did.

Q. How long did she remain there?

A. I should say for something a little over an hour.

Q. What did you and Eleanor do during the wait, if anything?

A. Monday morning, I think we went out to pay some bills during my daughter's stay at the music teacher's.

Q. Did you call at the music teacher's for your daughter after completing your business?

A. I did.

Q. And where did you go then?

A. I went home.

Q. What seemed to be the disposition of Eleanor at that time, cheerful or otherwise?

A. She seemed to be cheerful.

Q. Did you go anywhere after lunch?

A. Yes, for I take mother out every afternoon.

Q. Who went with you?

A. Mother and daughter, Eleanor and myself, and chauffeur.

Q. Do you remember where you went?

A. I just can't say, but it is just quite possible that we came over to Cape May for the ride. We went to Cape May or Anglesea. We always take a ride.

Q. You went out and Eleanor went with you?

A. Yes.

Q. Upon your return did you have your dinner?

A. Yes. Lunch, rather. Dinner; dinner; yes.

Q. Do you recollect who served the dinner and lunch that day, Monday?

A Well, really, I don't remember which one of the girls served the lunch. One of them.

Q. Well, what did you do in the evening?

A. Monday evening we just stayed at home.

Q. What part of the house did you remain in?

A. Sitting room.

Q. Is that the room that has been called the living room?

A. Living room.

Q. Who were in the living room?

A. My mother, and daughter and Eleanor.

Q. How long did you remain up that evening?

A. Well, I might—I stayed up, I guess a half hour after the young ladies went upstairs. I stayed up and read the paper. We had been conversing the early part of the evening, and therefore I stayed up a little later and read the paper.

Q. What room did Eleanor occupy that night, if you know?

A. Occupied with my daughter.

Q. Did you see her after she went upstairs that night?

A. No.

Q. Was the door between your room and the room of Mary, open or closed that Monday night?

A. Closed.

Q. What time did you get up Tuesday?

A. I judge I got downstairs about half-past eight.

Q. Did you see Eleanor?

A. Yes.

Q. And Mary?

A. And Mary.

Q. Were they up when you went downstairs?

A. I found them up.

Q. Where did you find them?

A. Why, I think I possibly found them in the dining room, or the living room, I don't know which.

Q. Did anyone come and have breakfast with you that morning, Tuesday morning?

A. Mrs. Corson came for breakfast.

Q. The witness that was on the stand?

A. The witness that was on the stand.

Q. Did you see Mrs. Corson that morning?

A. I did.

Q. When breakfast was finished, did the members of the family leave the table all together, or separately? One at a time or different intervals?

A. I think we all finished our breakfast about the same time.

Q. And where did you go then?

A. You are speaking of Tuesday now, aren't you?

Q. I am speaking of Tuesday morning that Mrs. Corson came?

A. Well, I don't know as we did anything particular on Tuesday morning, not that I cannot account for.

Q. Did you go in the sitting room, or in the kitchen, or down cellar?

A. Naturally I go in the living room.

Q. Well, did you go in the living room?

A. Yes.

Q. Where did Mrs. Corson go?

A. She went to her sewing room, the third floor room where she does her work.

Q. What did you do to Mrs. Corson that morning?

A. I didn't do anything.

Q. Did you see her go upstairs?

A. I do not memorize that I even did see her go upstairs.

Q. It has been testified——

Mr. Wescott: No.

Mr. Stout: He says he didn't do anything.

Mr. Wescott. That particular only covers ground.

Q. Don't answer this question until the Court rules upon it. It has been testified by Eleanor Mishler, that when Mrs. Corson went upstairs you put your hands under her clothes. Is that true or not?

A. Not true, no.

Q. I told you not to answer the question until the Court ruled on it. I will ask the answer be stricken out.

Mr. Wescott: Let it stand.

The Court: I will overrule the objection, Mr. Stout. Let the question stand.

Mr. Stout: That is unfair.

Mr. Wescott: It isn't unfair.

Mr. Stout: There is nothing unfair on your side.

The Court: Go ahead, gentlemen.

Q. It has been testified that when Mrs. Corson reached the head of the stairs she turned around and said that she—you always done that, and she had to go upstairs backward. Did she say that?

The Court: Any objection?

Mr. Wescott: No.

A. Positively no.

Q. Well, what happened in your household on Tlesday of an unusual character, if anything?

A. There was nothing of an unusual character happened on Tuesday.

Q. Where did you go on Tuesday, and who went with you?

A. Well, invariably mother and I, daughter, and whoever we have, all go out for a ride together.

Q. I asked you where you went and who went with you, if you went anywhere?

A. Why, we go out for the afternoon ride. I can't say whether Monday we went to Anglesea, or Tuesday we went to Anglesea, or Monday we went to Cape May, or Tuesday we went to Cape May, but those are the usual rides.

Q. Who went with you on Tuesday, if you went?

A. Why, my daughter, and mother, Eleanor, chauffeur, and myself.

Q. Do you remember whether you went before or after your lunch?

A. Always go after lunch.

Q. What time did you have dinner on this Tuesday night?

A. Somewheres around half after six.

Q. What did you do after dinner?

A. Really, I didn't memorize what I did after dinner. I don't remember whether I went out or not after dinner on Tuesday evening.

Q. Did Eleanor have dinner with you on Tuesday?

A. Yes, Eleanor had dinner with us, yes. I rather think not, that we didn't go out on Tuesday evening.

Q. Did you buy the magazines on Tuesday?

A. No, sir. I think the magazines in question were bought on Wednesday.

Q. What time did you go to bed Tuesday night?

A. Well, they might have been bought on Tuesday; I couldn't say.

Q. That isn't the question.

A. What did you ask me?

Q. I asked you what time you retired on Tuesday night?

A. Tuesday night I retired about between half-past ten and eleven.

Q. Did you go to bed before the girls went to bed?

A. No, I think they possibly went up first.

Q. What, if anything, did you do to your mother on Tuesday night?

A. Not anything.

Q. Did you see Mary on Tuesday night after dinner?

A. Yes.

Q. Will you state to the Court and jury, whether or not she was crying?

A. No. Gentlemen, my daughter was not crying on Tuesday night.

Q. Do you remember whether or not there was

trouble between you and Mary about Mary going home to see her mother?

A. Decidedly not. Never had any question about her going home.

Q. On Tuesday evening had you forbid your daughter Mary to go home to see her mother?

A. No.

Q. Was there any question as to her going home or not on Tuesday night?

A. No.

Q. On Monday night did you—did your daughter Mary come in your bedroom after you had retired, with your undershirt on?

A. Positively no.

The Court: Gentlemen, the same caution, of course, applies, if it is necessary to repeat it.

(At this time an adjournment was taken until January 29th, 1924, at 10.30 A. M.)

Cape May Court House, New Jersey, January 29th, 1924.

(Trial of the cause resumed on the above date, pursuant to adjournment, in the presence of counsel for the respective parties and the defendants.)

ANTHONY J. BULLOCK, resumed.

By Mr. Stout:

(Portion of testimony read by stenographer.)

Q. Did your daughter Mary remain in your room on Monday night?

A. No.

Q. Do you remember where you went on Tuesday?

A. Where I went on Tuesday?

Q. Yes.

A. In the morning—Tuesday morning, I was at home. Tuesday morning I was home.

Q. Well, did you go out riding or anywhere on Tuesday?

A. Yes, in the afternoons, I always go out riding.

Q. Did you go to market on Tuesday?

A. No.

Q. When you went out riding in the afternoon, who went with you?

A. Mother and daughter and Eleanor.

Q. Did you have a quarrel with your mother on Tuesday night?

A. I did not.

Q. Did you strike your mother on Tuesday night?

A. I did not.

Q. Was Mary crying on Tuesday night?

A. No.

Q. Did you forbid your daughter Mary from going home to see her mother, in a conversation with her on Tuesday night?

A. No.

Q. Was there anything talked in your family on Tuesday night as to Mary going home?

A. No.

Q. Had word been received at your house of the sickness of Mary's mother on Tuesday night?

A. No.

Q. What time did you retire?

A. Tuesday night?

Q. Yes.

A. I should thought about quarter to eleven, half-past ten to a quarter to eleven. About quarter to eleven.

Q. Where did you sleep?

A. My room.

Q. Did you retire before Eleanor and Mary?

A. I can't answer for that.

Q. Did you see them after you retired?

A. I did not.

Q. Was or not the door leading from your room to Mary's room open?

A. No.

Q. Did you go into Mary's room on Tuesday night or early Wednesday morning?

A. I did not.

Q. Did you lie down by the side of Mary in her bed on Tuesday night?

A. No.

Q. Did you ask Mary how much longer she was going to be sick or menstruate?

A. I did not.

Q. Did she reply to you that the five days would be up tomorrow?

A. No.

Q. Did you ask Mary to touch a nerve on the person of Eleanor Mishler on Tuesday night?

A. No.

Q. Did she attempt in your presence to put her hand on her person?

A. No.

Q. Did Eleanor scream or cry aloud? Did Eleanor scream?

A. No.

Q. Did you ask your daughter Mary to put her hand over her mouth?

A. No.

Q. Did Mary throw the weight of her body on her?

A. No.

Q. And hold her in bed?

A. No.

Q. Did you grab her or take hold of her night dress and drag her back into the bed?

A. No.

Q. Did you put your face down and against her privates?

A. I did not.

Q. Did you have intercourse with her?

A. I did not.

Q. Did you penetrate her?

A. I did not.

Q. Did you see her on Wednesday morning?

A. I did, at the breakfast table.

Q. Did you produce postal cards with obscene pictures on and give them to your daughter Mary and have her show them to Eleanor?

A. I did not.

Q. Did you have any such pictures?

A. I did not.

Q. What time did you get up on Wednesday morning?

A. About eight o'clock or after.

Q. Did you see Eleanor when you got up?

A. No.

Q. Did you see her at all that morning, Wednesday morning?

A. I saw her at the breakfast table.

Q. At any time during Wednesday morning, did you, in the presence of your daughter Mary, request Eleanor to stand on a table and remove her kimono?

A. I did not.

Q. And say that you and Mary could be the audience and judge of her?

A. Positively no.

Q. Did you request your daughter Mary to go to your room on Wednesday morning to muss up the bed so that it would look as though you had occupied it?

A. No.

Q. Did you occupy your bed?

A. Yes.

Q. Well, you saw Eleanor on Wednesday morning when she came to breakfast. Did you notice any thing unusual about her?

A. Nothing.

Q. Who breakfasted with you?

A. Wednesday morning?

Q. Yes.

A. Mrs. Corson, my daughter, myself, and possibly my mother.

Q. Did anything happen in your house after breakfast?

A. Nothing happened in my house after breakfast.

Q. Was there a letter received by Mary?
A. By Mary?
Q. Yes.
A. Yes.
Q. About what time in the morning was that?
A. Well, we get our mail about half after nine.
Q. What was the condition of your daughter Mary after she had received the letter?
A. Well, she seemed to be very much heart broken over her mother's illness.
Q. What did she do, if anything?
A. Well, she cried.
Q. Did she disclose to the members of her family what was in the letter?
A. Disclosed it to the extent that her mother was sick.
Q. Was Eleanor there?
A. Eleanor was there.
Q. Did you notice what Eleanor did, if anything?
A. She seemed to feel sorry for Mary.
Q. Did you hear her say anything to Mary about it?
A. I heard her say she was very sorry and for her not to cry.
Q. Well, after Mary received the letter, do you remember what you did?
A. I went to market that morning.
Q. Who took you to market?
A. William.
Q. Who went with you to the market?
A. Eleanor.
Q. And whose market did you go to?
A. Konowich Brothers' Market.
Q. Is that the regular market that you——
A. Attend, yes.
Q. How long have you been dealing with the Konowichs?

A. Ever since I have been in Wildwood, some five or six years, between five and six.

Q. How long did you remain at the market?

A. Why, we might have been there the best part of an hour.

Q. In what part of the automobile, if you went in an automobile, did you sit?

A. I sat on the back seat.

Q. And who occupied the seat with you?

A. Eleanor.

Q. When you were in the market, what became of Eleanor?

A. She sat in the car.

Q. How long were you down to Wildwood marketing?

A. How long was I down to the market?

Q. From the time that you left until you got back?

A. Why, it was about an hour and a quarter.

Q. What did you do after that?

A. Well, after that, I sat and read the newspaper.

Q. Where was Mary when you were reading the paper, up or downstairs?

A. She might have been upstairs part of the time and downstairs part of the time.

Q. What was her condition?

A. Well, she seemed to feel still sad about her mother's illness.

Q. After the receipt of the letter, was there any other message received?

A. After lunch time there were.

Q. What was that?

A. That was in the form of a telegram.

Q. After the receipt of the telegram, was any conversation had in your presence by your mother with Eleanor?

A. Sometime after the telegram was received, an hour or two, practically—possibly—why, mother called Eleanor downstairs and said the telegram was still bad news or still worse news in regards to her mother's sickness, and that she would have to request her to go home and prolong her visit at some other time.

Q. You say she called her downstairs. Downstairs from where?

A. From the sewing room. I imagine she was in the sewing room.

Q. And what reply, if any, did Eleanor make to that request of your mother?

A. Well, she seemed to think that was the only thing for her to do.

Q. How soon after that was it that she made preparations to leave?

A. Why, practically immediately.

Q. Who went with her to the railroad station?

A. She was accompanied by my mother, daughter and myself, and colored servant that we had, her name is Priscilla, and the chauffeur.

Q. Do you remember when Eleanor left the house what she did or said to any of the inmates of your house, servants or otherwise?

A. Why, she told me she had a very pleasant visit.

Q. When did she tell you that?

A. She told me that in the hall in front of my mother and likewise my mother.

Q. Did she tell anyone else in your presence that she had a nice time?

Mr. Wescott: A very pleasant visit, he said.

Q. A very pleasant visit?

A. That is what I said.

Q. Did she tell anyone else in your presence?

A. I am under the impression that she told Priscilla.

Q. And where did she tell Priscilla?

A. Getting out of the car when she said goodbye to her.

Q. How long did you remain at the railroad station before the train arrived?

A. I should say about fifteen or twenty minutes.

Q. Who bought the ticket for Eleanor?

A. I did.

Q. Where did Eleanor remain while you got the ticket?

A. In the car.

Q. Do you remember when the train pulled into the station?

A. I suppose it came in the usual time, 4.08.

Q. You remember when it came in?

A. 4.08 train.

Q. What did you or Eleanor say as she went to take the train, if anything, as she left your automobile, what did you or she say, if anything?

A. Why, she said goodbye, and she addressed us all that she had a very nice time.

Q. And to whom did she address that statement?

A. To all of us.

Q. Did you see her get on the train?

A. I seen her get on the train. I didn't help her get on the train.

Q. Did you notice her after she was on the train and had taken her seat?

A. Yes.

Q. What did she do?

A. She waved her hand out the window.

Q. Was that the last you saw of her?

A. The last I saw of her.

Q. Have you talked to her since then?
A. No.
Q. Either personally or by 'phone?
A. No.
Q. When was the next you heard from Eleanor?
A. I heard the servants say there were 'phone messages to the house——
Q. I didn't ask you that. Did you get any paper from Eleanor?
A. Oh, I got a paper in this civil law suit.
Q. Witness being shown Exhibit D2, and is asked the question whether that is the paper that was left at his house or served upon him.
A. Yes, that is the paper.
Q. And who left that there? Who served it at your house, do you remember?
A. I don't remember the gentleman's name.
Q. Do you remember what kind of a man he was, what he said he was?
A. A man from Trenton.
Q. Is that the first that you heard from Eleanor after this visit?
A. The first I heard from Eleanor.
Q. What did you do after you got this paper?
A. Called up my attorneys.
Q. And who are your attorneys?
A. Mr. Rhodes and Mr. Broomall.
Q. Where do they live?
A. Media, Delaware County, Pennsylvania.
Q. How long have they been your attorneys?
A. Practically since after my father died.
Q. How long is that?
A. Oh, that has been several years. I can't just memorize.
Q. Ten years?
A. Yes.

Q. The matter was taken charge of by your lawyers, then, after the service of the paper?

A. It was.

Q. Did you go to Trenton at any time after the service of the papers ready for trial?

A. I did.

Q. And were you ready?

A. I was ready.

Q. Did you have your witnesses there?

A. I did.

Q. Why wasn't the case tried?

A. I can't answer that.

Q. You were ready?

A. I was ready.

Q. You don't know who applied for a continuation of it, do you? Did your lawyers apply for a continuation of it?

A. They did not.

Q. Well, who did?

A. Why, Mr. Wescott, evidently.

Q. Mr. Wescott. Did you at any time during the visit of Eleanor make any improper advances toward her?

A. I did not.

Q. Did you have any indecent conversations with her?

A. I did not.

Q. Did you make any indecent proposals to her?

A. I did not.

Q. Did you attempt to have intercourse with her against her will or with her consent?

A. Positively no.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Wescott:

Q. How much do you weigh?

A. The last time I was weighed—I can't really answer you—probably, by memory, I think it was 200 pounds and over.

Q. What do you do?

A. What do I do?

Q. Yes.

A. In a business way, you mean?

Q. Any way in the world. I don't care how you answer the question. What do you do?

A. What do I do?

Q. Yes.

A. I look after my own business affairs and some little of my mother's.

Q. What are your business affairs that you look after?

A. I have a plantation in the South.

Q. Where?

A. In Virginia.

Q. What is your mother's business that you look after?

A. Well, her private accounts and answering some of her correspondence.

Q. Yes. How much of your time does it take to answer correspondence?

A. Well, bills of different descriptions—oh, I suppose if I spent every morning, I give it some little attention. Naturally, the mail brings some matters that have to be answered.

Q. Do you write out your own checks?

A. I do.

Q. What kind of a plantation have you got down in Virginia?

A. Well, now it has gotten down to practically corn and some tobacco.

Q. How much of a plantation?

A. A thousand acres.

Q. When did your father die?

A. When my father died? I really can't answer the year that he died. I didn't think I was going to be asked the year of father's death, so I really can't answer.

Q. What was his business?

A. My father interested in manufacturing.

Q. Where?

A. Well, Bullock Brothers had a large plant in Conshohocken, several plants.

Q. What kind of plants?

A. Well, manufacturing of woolen goods, yarns.

Q. Did you have anything to do with that?

A. I did.

Q. What?

A. Well, I had the hauling of the mills.

Q. Had what?

A. The hauling of the coal and everything that they consumed there, dies, wool.

Q. What was your position in the mill?

A. What position I had? I didn't have any position, only the connection with the hauling.

Q. All you did was hauling?

A. The hauling of the mill, all of the material that went in and out of the mill.

Q. How many years did you haul?

A. I am under the impression it was three or four years.

Q. When?

A. What years were they?

Q. Yes.

A. Oh, it was over twenty-five years ago.

Q. Over twenty-five years ago?
A. Yes.
Q. Since you quit hauling, what have you been doing?
A. Well, I went down South.
Q. What did you do?
A. I had lots to do on a thousand acres.
Q. What was it?
A. What was it? Superintending the place.
Q. How many times did Eleanor Mishler—stand up, please, Eleanor—this little girl standing here, how many times have you seen her?
A. How many times have I seen her?
Q. Yes.
A. I saw her every day during her visit.
Q. How many times have you seen her?
A. I seen her every day during the different visits that she stayed at our home.
Q. And how many visits were those?
A. Well, I should say there were some three or four.
Q. Three or four visits?
A. Three or four visits.
Q. And she is the little girl, is she?
A. That is Miss Eleanor, yes.
Q. That conceived this horrible charge against you?
A. That is the girl.

Mr. Stout: Wait a minute.

Q. This little girl standing here?
A. That is the girl.

Mr. Stout: Just a minute.

The Court: All right, Mr. Stout.

Mr. Stout: I object to the question of counsel she is the little girl that conceived. We haven't charged that she conceived anything. She is the little girl that made the statement, but I cannot see why he used the word "conceived." We don't charge her——

Mr. Wescott: Well, I will accept your amendment.

Q. She is the little girl that you heard all day on the witness stand detailing your crime?

A. She is the girl.

Q. You are sure she is the one?

A. I am sure she is the one.

Q. Sit down, Eleanor. Now, how many times on Wednesday, when Eleanor left your place, did she say that she had had a good time and had enjoyed her visit? How many times?

A. Twice.

Q. Only twice?

A. Twice.

Q. Where was the first time?

A. In the hall, mother requested her that she have to prolong her visit some other time.

Q. Where was the second time?

A. At the railroad station.

Q. And she did something else, didn't she? She waved her hand?

A. She waved her hand.

Q. You have got witnesses here to prove that, haven't you?

A. Yes.

Q. Did you see those witnesses and have any talk with them?

A. See those witnesses?

Q. Yes.

A. I see some of them every day.

Q. Did you see those witnesses and have any talk with them about this circumstance of the little girl twice expressing her delight over her visit?

A. Let me understand you, Mr. Wescott. Just tell me that over again.

The Court: Repeat the question.

(Question read by stenographer.)

A. Did I see any witnesses? Why, my mother saw that.

Q. Have you talked to your mother about it?

A. No, I didn't have any special conversation with my mother about it.

Q. Well, don't you know that your mother wanted to get rid of this little girl because she talked about fast houses and detective stories and a street walker?

A. She didn't refer to that, only at the time once after her visit—she didn't admire her, and she spoke of her conversation.

Q. Well, how long was that after her visit?

A. How long was that after her visit? Oh, after Mary subsided and learned that her mother was better, and maybe several days after her visit.

Q. Did you go to see Mary's mother?

A. I did.

Q. When?

A. Well, now, I can't give you the day and date, but I want to see Mary's mother and accompanied Mary to her mother.

Q. She was taken sick on Wednesday, and you have letters, according to your statements, and tele-

grams, about the serious illness of Mary's mother on Wednesday?

A. Yes.

Q. Did Mary go?

A. Not at that time.

Q. Did you go?

A. Not at that time.

Q. How soon afterwards did you go?

A. Some time afterwards.

Q. How long afterwards?

A. Well, I can't just commit that to memory, how long afterwards, but I went.

Q. Where?

A. To the home in Chaney, Delaware County, Pennsylvania.

Q. Who did you see there?

A. I saw Mrs. Bullock, my wife, and I saw her sister, and I saw one of my sons.

Q. Are they here?

A. They are not here. My wife could not be here.

Mr. Stout: Wait.

Q. She is not here?

A. She is not here.

Q. Is your son here?

A. No.

Q. How many sons have you?

A. I have several sons.

Q. How many?

A. I have six.

Q. Are they here?

A. No.

Q. Can't get here?

A. Possibly not.

Q. Possibly not. What is the trouble with your wife that she can't get here?

A. My wife is bedfast.

Q. What is the trouble with her?

A. Well, she has got rheumatism.

Q. And for that reason she couldn't get here?

A. Yes.

Q. Have you had any communications with her?

Mr. Stout: Well, I object to that.

Q. In the form of letters?

Mr. Stout: Wait, wait. I object to that. I have permitted him to go into this man's family history and what he worked at, and I cannot see whether it makes any difference whether his wife is here or why she is not here if she is not here.

The Court: To say the least, Judge, it is outside of the scope of the examination in chief. I sustain the objection. Proceed.

Q. Well, have you communicated with your wife?

Mr. Stout: I object to that.

Q. About this thing?

Mr. Stout: I object to that question.

The Court: Same ruling.

Q. Do you know whether your wife knows the plight you are in?

Mr. Stout: I object to that.

The Court: Same ruling.

Q. Do your sons know the plight you are in?

Mr. Stout: I object to that.

The Court: Same ruling.

Q. Do your friends know the plight you are in?

Mr. Stout: I object to that.

The Court: Immaterial. Same ruling.

Q. Where were you born?

Mr. Stout: I object to that, because he doesn't know and cannot answer.

The Court: Well, I will permit that answer, Mr. Stout.

Mr. Stout: How does he know where he was born?

The Court: I think that is a matter of common knowledge. I will overrule your objection.

Q. Where were you born?
A. Philadelphia.
Q. Where?
A. 1731 Arch.
Q. What?
A. Arch Street.
Q. How long have you lived there?
A. How long did I live there? I lived there until

I was—in the winter time, until I was quite a big boy.

Q. How old were you when you left there?

A. When I left there, I suppose I was about 18.

Q. Now, up to the time you were 18, living on Arch Street, Philadelphia, what did you do?

A. Went to school.

Q. What school?

A. Well, I went to Chestnut Hill Academy, for one.

Q. Graduate from there?

A. No.

Q. Why not?

A. Because I didn't stay there long enough.

Q. Now, after you got through Chestnut Street school, where did you go?

A. Chestnut Hill, I said.

Q. Where did you go then?

A. I went to another school. Mrs. Crawford's, at Foxchase.

Q. At a school?

A. At a school.

Q. How long did you stay there?

A. I stayed there until the term was up, a year or two, over a year.

Q. Then you stayed at the Foxchase school over a year?

A. Yes.

Q. Graduate from there?

A. No.

Q. Then where did you go?

A. Well, I didn't go to any.

Q. What?

A. I don't think I went to any school.

Q. Where did you go? Where did you go then?

A. I lived in the city.

Q. Where?
A. Arch Street.
Q. With whom?
A. My mother and father.
Q. And you lived there until what age?
A. I lived there until I was about 18.
Q. Then where did you go?
A. I went on a farm at Glenolden, Delaware County.
Q. How long did you stay on that farm?
A. I stayed on that farm a year.
Q. That made you 19?
A. Yes.
Q. Farmed, did you?
A. Yes.
Q. Then where did you go?
A. I went to Europe.
Q. With whom?
A. My mother.
Q. How long did you stay?
A. About six months.
Q. Yes. Then when you came, that made you 19½?

Mr. Stout: May it please the Court, we are going to interpose an objection now. What difference does it make if this man went to school, if he went to Europe, how long he stayed. It is not germane to this case, it has no bearing on this alleged crime. If they can prove by court records that this man has committed crime, that would be to attack his credibility as a witness, it would be very competent for the State to do that, but to go into a history of this man who is now 59 years of age from the time that he was born and the various trips that he made to various places, up to the present time, it seems to

me is consuming considerable time, to say the least, and is not relevant to the issue, and I therefore object.

The Court: Judge Wescott, what have you to say?

Mr. Wescott: Well, if your Honor please, I have this to say: Here is a man accused of a horrible crime by a little girl. He says that crime is false: it was created by this little girl. It is probably the most abnormal of all crimes that your Honor has heard of. The proof of the truth of this charge is its abnormality. The very abnormality of the crime proves its truth. I propose to show by the cross-examination of this man his abnormality. I propose, unless your Honor stops it, to trace him from the time he was born to this hour, to see where he has been and what he has done, to see whether his life has been abnormal or whether it has been an honest, upright, decent life. For that reason, I am asking these questions, and I urgently and respectfully submit to your Honor it is not a question of consuming time; it is a question of ascertaning the truth and this case, and that is what I am here for, and that is what you are here for, regardless of the consumption of time. Now, I have certain information about the life of this man which shows abnormality in the extreme, and I want to drag it out of his own mouth in order that this jury may see whether or not this little girl created this abnormal story, or whether it is a fruit of the soil of this man's life. Now, generally speaking, that is the reason I am pursuing this line of cross-examination, and I shall regret it extremely if your Honor stops it. It is simply on the suggestion that it consumes time.

It may bear, and, according to the information I have, will bear, directly upon the abnormality of this man's life, and therefore it is relevant, plainly and manifestly relevant. Your Honor has got to admit with me, as every intelligent man must admit, that this is the most abnormal of all crimes that you have heard of. It is not the ordinary rape, it is an abnormal rape. The conditions surrounding it are abnormal. The characters involved in it are abnormal, and I shall have a good deal to say about it before I am done, and I want to show out of this man's mouth the abnormality of his mind and his life, in order to convince this jury, amongst other things, in this case, it is not to be left to stand alone, it is not going to be laughed out of court by four sharp lawyers. Innocence, if your Honor please, is the innocence to stand alone. Innocence of an innocent man——

The Court: Judge, I shall have to limit you. I don't want you to give your argument before me that you will make to the jury.

Mr. Wescott: You asked me a question——

The Court: I am interested at the present time only in the relevancy of the examination and we will hear perhaps more of your present line of argument later.

Mr. Wescott: Yes, you will. I propose to put this case beyond a possible shadow of doubt, sir. Now, the object of this cross-examination is to expose this man's life.

The Court: Now, Mr. Stout?

Mr. Stout: Of course, I fully realize that Judge Wescott would like to expose this man's life. If he feels as he says he feels about what he wants to do, but it should be the evidence from this man as to his being abnormal. He has no right to attack a man's reputation, be he defendant or otherwise, except to affect his credibility as a witness, and he can only do it in one way. If this man is a defendant and produced as a witness, he can question his credibility by showing he has been convicted of a crime. He has no right to examine this witness as to his character, as to charges that may have been preferred against him, if such were the case, things that he was implicated in, if he had been implicated, to affect his character, to affect to show that he is abnormal. They have their own remedy in the Courts that they can pursue. The law does not permit this man whose liberty is in jeopardy to be examined about more things on cross-examination than he was examined about on direct-examination. They cannot prove character, they cannot prove reputation, by the witness himself, how much ever they may desire to do it, and because of this case being an abnormal case does not extend the rule governing evidence. It does not extend to Judge Wescott, who is here representing this little girl, any more privileges than it would when he was representing any other person. He has no right to follow this man's life and ask him what he did or whether he was complained of in this case or that case, whether he did this or whether he did the other, for the purpose of attacking his credibility as a witness, for the purpose of proving character to show that he is abnormal, the law does not give him a right upon cross-examination to find out those things from him. The law fixes another course for him to pursue.

Mr. Wescott: If your Honor please, I want to make a reply to that. The gentleman entirely misconceives the situation. I know as well as he does, and as well as you do, and as well as the laymen know, that if this man had committed crime and had been indicted and convicted, the proper thing then would be to introduce the record, unless he admitted it. I am not trying to show that this man has a criminal record. I am not trying to attack his reputation, I am not trying to attack his veracity. What I am trying to do is to expose to these twelve men here and your Honor the story of a man and his morals, the story of a life that he has led, and where he has led it, and how he has led it, and where he has been, forsooth, it may turn out that he has been put away in sanitaria, once for the very thing that he is now accused of. Haven't I a right to show that if it is true, out of the mouth of this man? Objection is made that that is attacking his veracity, an attack upon his character. It is not anything of the sort, nor is that the intention of the State. The intention is to show the jury the life of this man and I respectfully submit I have a right to do it.

Mr. Stout: I desire to say to the Court that on the words of counsel he is misleading. He says it is not for the purpose of affecting this man's character, nor this man's reputation, and yet in the same breath, "forsooth, it may appear that this man was put away in an institution for perhaps the same cause." Isn't that an attack upon a man's reputation? An attack upon the credibility of this man as a witness? Could it be otherwise? He can produce the record if this man has been put away, and the record would be competent evidence if it would

show that the present condition of this man or the condition of the man at the time of this alleged crime was the same as it was if he had been put away. That is easily proven and the law protects and regards the rights of the defendants whose liberty is in jeopardy. Certain rules must be observed. No man has a right to have his character assailed. The law presumes a man to be innocent until proven guilty. The law also assumes that a man charged with crime has a good reputation until proved otherwise. To permit the State of New Jersey in a case of this serious character to follow this man's life, to draw conclusions, to attack him, and through that unfair means and illegal procedure, to take away from him that liberty which is accorded by the State and by the laws, would be the most unjust procedure that I have ever heard. I submit that whatever this man did at the time of this alleged crime, his condition at that time or within a reasonable time of the commission of it, or the alleged commission of it, would be competent evidence. If this man—why, you might bring in a hundred witnesses to prove his reputation on common rumor, "Wasn't complaint made against you for so-and-so?" That wouldn't be evidence, and the Court would readily strike that out. The idea of Judge Wescott saying it is not for the purpose of attacking his reputation when he says, "It may be that we can prove that he has been in an institution." What kind of an institution? We don't know; we don't care. This Court cannot deal with that.

Mr. Wescott: If you don't care, why do you object?

The Court: Anything further to be said, gentlemen?

Mr. Wescott: I don't think there is any use.

The Court: I will sustain the objection.

Mr. Wescott: I regret that very much.

Q. Do you know Mrs. Diaz?
A. I know Mrs. Diaz, yes.
Q. Do you remember when you lived at Media?

Mr. Stout: I object to that. It doesn't make any difference when he lived at Media. I didn't examine him about that.

The Court: I will permit the question.

Mr. Stout: Pray an exception?

(Exception noted for defendants.)

A. I remember when I lived in Media, yes.
Q. When was it?
A. About six years ago.
Q. What?
A. Six years ago.
Q. Do you remember Mrs. Diaz visiting you there?
A. I do, once.
Q. What?
A. She came once.
Q. Who constituted your household then?
A. Servants and my mother.
Q. Who were the servants?
A. Why, there were a number of servants. I don't remember their names.
Q. You don't remember who they were?
A. No.

Q. You had a room furnished there in the French style?

Mr. Stout: I object.

Q. Italian style?

Mr. Stout: I object to that question. What kind of a room he had or whether he had any at all. Has there been any question raised of any occurrence at Media, what kind of a house he lived in, what kind of a bed he slept in? He was not been asked about that. This is six years before this occurred.

The Court: I will sustain the objection.

Q. Did you at your home in Media point out to Mrs. Diaz a bullet hole in the wall?

Mr. Stout: I object to that.

A. I did not.

Mr. Stout: Wait a minute.

A. I did not.

The Court: The question is answered in the negative.

Mr. Stout: Don't you answer questions when I object.

The Court: I want order, please. This is not vaudeville, it is a serious matter.

Q. Didn't you on that occasion point to her a bullet hole through the window?

Mr. Stout: I object to that question.

The Court: Sustained.

Q. Didn't she ask you if a burglar had tried to get in the house?

Mr. Stout: I object to that question.

The Court: Sustained.

Q. Didn't you say, "No, that my son was after me to put back in a sanitarium?"

Mr. Stout: I object to that question.

The Court: Sustained.

Q. Didn't you tell her on that occasion that a bullet was fired through that window at you and another one through another part of the house, and that you surrendered?

Mr. Stout: I object to the question.

The Court: Sustained.

Q. Have you ever been in a sanitarium?

Mr. Stout: I object to that question. I object to the question whether he has ever been in a sanitarium. It makes no difference whether he has or not. People that go to sanitariums, it does not

necessarily follow that they are there for crimes. If he was in a sanitarium for criminal insane, they have the record of that and they can prove that, but they have no right to prove it in any other way.

The Court: I will sustain the objection, Mr. Stout. Proceed, Judge.

Q. Have you ever been under medical care?

Mr. Stout: I object to that. It doesn't make any difference——

Q. Growing out of the condition of your mind and your conduct?

Mr. Stout: I object to that question.

The Court: Same ruling.

Q. Well, do you have a crystal in your house?

Mr. Wescott: Object to it?

(Laughter.)

The Court: Answer the question.

Mr. Stout: I think I have the privilege of determining when I want to object without it being suggested by counsel on the other side.

The Court: You have that privilege, Mr. Stout.

Q. Have you a crystal in your house?
A. Yes, I have a crystal in my house.

Q. What do you have it there for?

A. No particular reason.

Q. Where did you get it?

A. I bought it as a novelty on the boardwalk at Atlantic City.

Q. What sort of a novelty is it?

A. Well, it is like fortune telling cards, of that character. You are supposed to look in it and see your future, places where you are going to live and other things, scenes of houses and farms, and so forth. I don't know what you can see in it. I never looked in it enough to see what I could see in it.

Q. I didn't ask you that. How long have you had that crystal?

A. Oh, I suppose I bought it a couple of years ago.

Q. How many times have you looked in it?

A. I suppose I have looked in it a couple of times.

Q. How long ago?

A. Oh, I haven't really made any note of it. I don't know how long ago I looked in it.

Q. Haven't you any idea how long ago you looked in that crystal?

A. No.

Q. Try real hard and see if you cannot approximate how long since you looked in that crystal?

A. I don't think I could approximate and tell you.

Q. What did you look in it for?

A. Curiosity.

Q. Curiosity?

A. Yes.

Q. What did you expect to see in the crystal?

A. I don't know what I expected to see. That is the reason I looked in it.

Q. To see what you could see?
A. Yes.
Q. Did you see anything?
A. No.
Q. What did you concentrate on when you looked in it?
A. I didn't concentrate my mind on anything. I just wanted to see what I could see in it.
Q. Do you know a woman by the name of Jones?

Mr. Stout: I object to that. He might know twenty people, might know a thousand. What difference does that make in this case? I object to the question as to whether he knew Mrs. Jones or Mr. Jones or any Jones.

The Court: What is your reply, Judge?

Mr. Wescott: There has been a good deal said about the Jones woman in the case.

The Court: Yes, I think so.

Mr. Stout: Nothing said by this man about the Jones woman.

The Court: Well, that is true, Mr. Stout, but of course the examination, the extent of it, is somewhat in the discretion of the Court. It is a feature of the case that has come out on a number of occasions. I will overrule the objection and grant you an exception.

Mr. Stout: Grant me an exception. We didn't inject Jones in the case. We are only sorry she is in.

Mr. Wescott: I have no doubt you are sorry. Where is she?

Mr. Stout: I don't know. She is under your control.

(Exception noted for defendants.)

Q. Where is the Jones woman?

Mr. Stout: I object to that.

The Court: Overruled.

Q. Do you know where she lives?

The Court: Just a minute. Do you want an exception? I overruled your objection.

Mr. Stout: Yes, an exception.

(Exception noted for defendants.)

Q. Are you making her a monthly allowance?

Mr. Stout: I object to the question. Making who?

Mr. Wescott: This Jones woman.

Mr. Stout: Suppose he was giving her a weekly allowance. What has that got to do with this case?

The Court: Nothing whatever. I will sustain the objection.

Q. Did this Jones woman act as your housekeeper once?

Mr. Stout: I object to that question.

The Court: Overruled. That is in the testimony.

Mr. Stout: I pray an exception to that.

The Court: Exception noted.

(Exception noted for the defendants.)

Q. Did she?

Mr. Stout: Answer the question. The Court says to.

A. Yes.
Q. For how long?
A. Something between six and seven years.
Q. How old a woman was she?

Mr. Stout: I would like to have noted upon the record my general——

The Court: An exception to this entire line of testimony.

Mr. Stout: Anything concerning Jones being his housekeeper or anything relating to Jones and the witness.

The Court: All right. Note a general exception to that line of testimony. Exception may be noted.

(General exception noted for defendants.)

Q. How old was she?

A. That is a rather delicate thing with the ladies as a rule. I should say she is from—a woman of forty.

Q. How big a woman was she?

A. Well, I couldn't answer that, how big she was. She is rather inclined to be a large woman.

Q. What room did she occupy when she lived at your house at Wildwood?

A. What room she occupied?

Q. You don't have to take a great while to study that and rub your head.

A. She occupied the room next to my mother's room, across from my mother's room.

Q. In the present house?

A. Present house, yes.

Q. Point out on that map the room that she was occupying? Step down here and point it out to the jury.

Mr. Stout: May it please the Court, I think that I had better make my objections to each question, because I think by making a general exception, my learned friend is going to take some advantage of us.

Mr. Wescott: I won't take any advantage of you.

Mr. Stout: I know you wouldn't do that. I am apprehensive that he would. He may not.

The Court: He might.

Mr. Wescott: It is down on the record that I won't.

Mr. Stout: Well, Judge, I hope the record is correct.

The Court: All right, Mr. Stout, you make your objection as the questions are asked.

Mr. Stout: I will now interpose an objection to this question as to which room Miss Jones occupied. She wasn't there at the time that the alleged crime was committed and the mere fact that she occupied a room at some time in this house will not either prove the guilt or the innocence of this defendant, neither will it prove the truth or the falsity of the charge. It is encumbering the record and bringing into play for the purpose of making fireworks at the conclusion of this case. That ought not to be used against the defendant in this serious charge.

The Court: What have you to say, Judge?

Mr. Wescott: Nothing on the subject of fireworks.

The Court: I will sustain the objection.

Mr. Wescott: Very well.

Q. Did she room on the second floor?

Mr. Stout: I object to that.

The Court: Same ruling.

Q. Where did Mary room?

Mr. Stout: When? I would like——

The Court: Fix your time, Judge.

Mr. Wescott: I can't.

The Court: Well, I am afraid you will have to.

Mr. Wescott: I wasn't there, I don't know.

The Court: You can fix that in your question, sir.

Mr. Wescott: If the trial has come to this pass, if your Honor please, that the State cannot ask a question like that unless the State fixes the time when Mary occupied that room, we had better stop right here.

The Court: Well, now, I don't know just what you mean, Judge, by that remark——

Mr. Wescott: I mean this——

The Court: Just a moment. Now, you have asked a general question, "What room Mary occupied?"

Mr. Wescott: In this house.

The Court: In this house? You simply asked what room Mary occupied, and counsel has asked you to fix a time. That is a perfectly legitimate request. Do you mean at the time this crime was committed or do you mean at the time Miss Jones was in the house?

Mr. Wescott: I don't care when it was.

The Court: Then the witness cannot answer the question.

Q. Did Mary ever live in your house, your daughter?
A. Why, yes, Mary lives in the house.
Q. When did she come to live there?
A. A year and a half ago, I should say.
Q. What?
A. A year and a half ago, I should say.
Q. Where has she lived since?
A. She is not living anywhere since, only at hotels and places we have gone on visits with my mother.
Q. Well, did she occupy any room in your house at all?
A. Who is this?
Q. Your daughter Mary?
A. Yes.
Q. What room?
A. The room adjoining my room.
Q. Now, where was Miss Jones at that time?

Mr. Stout: I submit, may it please the Court, does he mean during this year and a half? I object, unless——

The Court: That would be the purport of the question, during this time. The testimony is that the daughter has been with him eighteen months. Now, during this time, where was Miss Jones, is the question.

A. Part of this time, we had Miss Jones with us.
Q. What?

A. Part of the time, Miss Jones was with my mother.

Q. What part of the time was she there?

A. I should say six months of it.

Q. After Mary came?

A. After Mary came.

Q. Why did Miss Jones leave your place?

A. I cannot answer.

Mr. Stout: I object to that. It makes no difference why she left. If she left, she had a right to leave. She wasn't there—that would have no bearing on this assault. This girl was not there. What difference does it make when she left or why she left?

The Court: What have you to say, Judge Wescott?

Mr. Wescott: Nothing.

The Court: I will sustain the objection.

Mr. Wescott: The question is very obvious.

The Court: I will sustain the objection.

Q. All right, sir. Did young Eleanor Mishler visit your house when Miss Jones was there?

A. She did.

Q. For how long a period of time?

A. Well, on one occasion, the last visit which I remember more distinctly, that is not this last visit, but the last visit Miss Jones was there, why she spent practically the best part of the summer.

Q. While Miss Jones was there?

A. While Miss Jones was there.

Q. At this house?
A. At this house.
Q. Where you now live?
A. No.
Q. What house was it?
A. Judge Voorhees' house, if you know him.
Q. Was Mary there then?
A. No.
Q. Did Miss Jones tell you what sort of a character Eleanor Mishler was?

Mr. Stout: I object to that. We are not attacking the reputation of this girl. There has not been a word said against her morality. We haven't by word or act insinuated that she is anything but a virtuous girl. The only thing that has appeared in this case as to the kind of a girl she might be was testified by the State, for which I am very sorry. It was brought out upon cross-examination as to certain things Miss Jones had said to others which reflected upon the reputation and the character of the complaining witness. The defense makes no charges, has made no charges, against this girl, and the testimony as to what somebody might have told this defendant as to what she might be certainly is not evidence in the face of the character of the defense which we have presented. It may have been a good reputation that she gave her, it may have been a bad reputation. We are not bound by what Miss Jones may have said against the character of this girl or in her favor. We don't care what she said. It could not affect the guilt or innocence of this man on this charge.

The Court: Judge Wescott?

Mr. Wescott: The other side testified about it. Mrs. Bullock testified about it.

Mr. Stout: About her reputation?

Mr. Wescott: I am not talking about reputation. If your Honor please, reputation! What are you here for, what am I here for, what is this jury here for, what does this Court mean? Reputation! Hasn't this man, hasn't his daughter, hasn't their witness they have produced said not only that this little girl was a liar, but that she had made this accusation out of the whole cloth? And she had testified to it here in court, and therefore have accused her of perjury, and their plain duty was to have arrested her at once, and they have even gone so far as to charge conspiracy, not using that term, but that is the meaning of their testimony, between this little girl and the doctor that examined her and her counsel, to put up this job on this poor defenseless man. Is that an attack upon character, or isn't it? Does that mean anything, or mean nothing?

The Court: As I recall the testimony, there is testimony on the part of Mrs. Bullock to the effect that this girl's conversation concerned ——

Mr. Wescott: Fast houses.

The Court: Fast houses and detective agencies and so forth. The natural inference to be drawn, of course, would be that her character was objectionable. I will overrule the objection and permit the question.

Mr. Stout: And allow me an exception?

The Court: Exception noted.

(Exception noted for the defendant.)

Q. (Question read by the stenographer.) Now, don't look at your counsel to see if you should answer.

Mr. Stout: The Court will give him the directions.

Mr. Wescott: I am warning him against looking at you to see whether he shall answer or not.

Mr. Stout: He couldn't look at anybody better looking, Judge.

Mr. Wescott: Or any more shrewd or more heartless face.

Mr. Stout: I don't think the witness understands that the Court has ruled that he shall answer.

The Court: You may answer the question, Mr. Bullock. Repeat the question.

(Question read by the stenographer.)

A. No.

Q. Had you any suspicion that she was such a bad girl?

Mr. Stout: I object to suspicion. I certainly think that was going too far, as to suspicion that she was a bad girl.

The Court: No, I think that question is proper. It is cross-examination, and this now affects the relationship of this man with Eleanor Mishler. I will overrule that objection and grant an exception.

Mr. Stout: I merely wanted to make myself—Suspicion or thought.

Mr. Wescott: Let us insert the word idea.

The Court: I will permit the question, Mr. Stout. This is cross-examination.

Mr. Stout: Grant an exception?

The Court: Exception noted. Answer the question.

(Exception noted for the defendant.)

A. Why, Mr. Wescott, I didn't know or I didn't conceive until these papers were served on me that Eleanor was anything but a good girl.

Q. When did you find out she was a bad girl?

A. When these papers were served on me.

Q. Then you went to Trenton to try your case, didn't you?

A. I did.

Q. And I was there to put it off?

A. I don't know. I didn't see you.

Q. No, I know you didn't. But you said I put it off. How do you know I put it off?

A. My counsel told me you put it off.

Q. Your counsel told you that, did they?

A. Yes.

Q. But you didn't see me there, did you?

A I didn't see you there, no.

Q. Did you see any lawyers there at all?

A. Only Mr. Katzenbach.

Q. Katzenbach. He was the only one you saw?

A. I saw Mr. Rhodes.

Q Was he there?

A. Yes.

Q. And he told you that I had put your case off, did he?

A. Yes.

Q. And you believed it?

A. Naturally I believe my counsel.

Q. Yes. You are making a great point of that, aren't you?

A. Well, I couldn't make anything else——

Q. You and your lawyers make a great point of that, don't you?

A. I don't know anything about that. I don't know that I am making a great point of it. I am pointing out to you that we were there and our witnesses were there.

Q. And we were afraid to meet the issue?

A. Evidently you were.

Q. Afraid now?

A. I don't know how you feel now.

Q. Got more courage since then?

A. I can't answer that.

Q. Well, now, let us see if we can get to a subject that we can handle. I will ask you whether you saw Miss Jones in this crystal?

A. No.

Q. Well, there is one thing apparently you have forgotten, and that is to contradict little Eleanor Mishler's statement on oath before these twelve men that you asked her to look into that crystal and concentrate her gaze?

A. I never asked her to look into the crystal.

Q. I say you have forgotten to contradict her. That is not true?

A. That she looked in it? It was on the table for anybody to look into.

Q. But she didn't look in it at your request or your direction, did she?

A. No, I don't remember telling her to look in it.

Q. And you didn't tell her to concentrate her attention and she would see in the crystal what she wanted to see?

A. No.

Q. Your counsel had forgotten that. I thought I would call your attention to it so you could contradict it.

A. I don't know as I called anybody's attention to it. It lays there.

Mr. Stout: Mr. Bullock answer the question.

Mr. Wescott: Let him talk.

The Court: Just a moment. Let us have questions and answers.

Q. I want to come now to this map. Let me have that indictment, please, and the charge in the civil suit. You know Mr. Weir, don't you?

A. Weir? The man who made those plans? Weir? What is the first name?

Q. I don't know?

A. I don't know.

Q. Well, do you know a man whose last name is Weir?

A. No, I don't remember a man name of Weir.

Q. Well, there was a gentleman that appeared here yesterday in court who made this plan.

A. If you refer to him, I seen him in the house.

Q. You had some doubt as to who I referred to?

A. I did, because there might be more than one man by the name of Weir, but now you refer to those plans, I know the man who made them.

Q. You know Weir?

A. Weir? Yes.

Q. Willing to admit that, are you?

A. Willing to say that I met him.

Q. When did you meet him?

A. The first time I ever met him when he came to make those plans.

Q. When did he come to make those plans?

A. He met my counsel there one evening.

Q. When did he come to make those plans?

A. Well, now I can't tell you the day.

Q. Come as near to it as the good Lord will permit you to.

A. I couldn't tell you the date, Mr. Wescott, when he came to make those plans. He came to make them after these papers were served, and he came to make them, but anything further than that I couldn't tell you.

Q. How soon after these papers were served did he come to make the plans?

A. Well, I can't say.

Q. Haven't you any idea at all? Haven't you any idea?

A. These particular papers, you say?

Q. How soon?

A. What papers do you refer to, the last or the first papers?

Q. Well, take the first papers.

A. Oh, well, I suppose it was several months.

Q. After the first paper was served? And how long after the second paper was served?

A. Some weeks.

Q. About a week?

A. I say some weeks. I really don't memorize whether it was one or two weeks.

Q. How many weeks ago was it that he made this plan?

A. After the Christmas holidays.

Q. How near the Christmas holidays that he made those plans?

A. Well, two weeks, maybe a week or ten days. Really, I couldn't say. The Christmas holiday season, you don't memorize things the same as you do other times in the year.

Q. Why not?

A. Different things, entertaining and the visiting and the different little festivities of the season.

Q. Remember the festivities?

A. We had our normal Christmas. We had our Christmas tree just the same.

Q. Was Miss Jones there?

Mr. Stout: I object to that.

Q. Was Miss Jones there?

Mr. Stout: I object to that question.

The Court: I will permit the question, Mr. Stout. Objection overruled.

Q. Was Miss Jones there?

A. No, Miss Jones was not there.

Q. Who was there?

A. My mother and daughter.

Q. Who else? Mrs. Corson?

A. No.

Q Who else?

A. I said Mrs. Corson was not there.

Q. Who else?

A. Well, on the particular Christmas day, there weren't anyone there but mother and daughter and the servants.

Q. Now, Weir came to make a map. Who got him to make that map?

A. Why, my attorneys got him to make the map.

Q. Had you anything to do with it?

A. Not whatsoever.

Q. Did you point to the room that was to be planned or mapped?

A. I told him my room and I told him my daughter's room and likewise I told him my mother's room.

Q. Why did you tell him about your mother's room?

A. Why, because he was making the plans of the house.

Q. Oh, yes. Simply because he was making the plans of the house?

A. Yes.

Q. Why didn't you get him to make a plan of the third story.

A. Because he was ordered under counsel to make only the plans of the second story.

Q. Why didn't you get him to make plans of the cellar?

A. Because it was only done as he was instructed to do.

Q. Why didn't you get him to make plans of the garage?

A. Because he was only instructed to do it.

Q. Why didn't you get him to make plans of the automobile?

A. Likewise, he only did as he was instructed to do.

Q. Now, then, how did you and your counsel know which room, or rooms to make a map of?

A. I left that to my attorneys. You ask me how my attorneys know.

Q. Well didn't your attorneys tell you that they know what room to make a map of?

A. They instructed this gentleman that made those maps. They didn't instruct me to make the map.

Q. Those were the rooms where this alleged crime was committed, weren't they?

A. They are the rooms of the plan of the house.

Q. They are the rooms in which this alleged crime was committed, aren't they?

A. They are the rooms of the house.

Q. Aren't they the rooms in which this alleged crime was committed?

A. I told you, Mr. Wescott.

The Court: Are they or are they not?

The Witness: Why, they are the rooms that this girl Eleanor states that there was such conduct.

Q. Now, why did you have a map made of those rooms?

A. I didn't have the map made. My attorneys had it made.

Q. Why did your attorneys have the map made?

A. I couldn't answer that.

Q. Haven't you any idea at all?

A. No.

Q. No idea?

A. No. Only that they wanted to lay the plans of the house in front of the jury.

Q. If they wanted to lay the plans of the house in front of the jury, why didn't they get the plans of the house?

A. Well, I couldn't answer that, Mr. Wescott. I only know what my counsel instructed the architect to do. Further than that I cannot tell.

Q. And you can't tell why your counsel pretty soon after Christmas got Mr. Weir to go to your house and make a plan of the room occupied by you and your daughter and your mother? Can't you tell why that was done?

A. Only to show the Court.

Q. To show the Court what?

A. The rooms.

Q. Why?

A. Well, you will have to ask them why. I don't know. I didn't go into these plans at all. I never asked them the whys and whyfores.

Q. You haven't the least idea?

A. No, I have not.

Q. But you did point out the rooms?

A. I told him the different rooms, yes.

Q. Why did you point out these different rooms?

A. Because he told me he wanted to lay out the third floor of the house—the second floor of the house, not the third floor. Don't misunderstand me, the second floor, and I went up with him and he wanted to know the different rooms. I says, "There is the room, there is my room" ——

Q. No, the question is do you know how your lawyers got information to the effect that those two rooms on that second floor were the rooms to be mapped? Now, don't look at your lawyer to see if he will answer.

A. I don't want to see. I am a little hard of hearing, but, nevertheless, let me hear that other question.

(Question read by the stenographer.)

A. Well, I told them the rooms that were occupied, and I told the room I occupied and the room

my daughter occupied and I told them the room my mother occupied.

Q. Why did you tell him the rooms that you occupied and the rooms that your mother occupied and the rooms that your daughter occupied? Why did you tell him that?

A. Possibly he might have asked me.

Q. Have you any idea what they were driving at, what your counsel was driving at in asking you about those rooms?

A. Well, I find counsel don't tell you everything.

Q. What?

A. I find that my attorneys don't tell me everything.

Q. Yes.

A. What reason they do this and that for.

Q. Exactly. So they had some knowledge about those rooms that you did not have, eh?

A No.

Q. No knowledge that you did not?

A. No.

Q. Then you had the knowledge about those rooms that they had, didn't you?

A. Naturally occupying that room, I knew my room, and living in the house.

Q. Now, what was there to apprise you and your lawyers that this vicious wicked little girl was to have you commit this crime in that bedroom?

Mr. Stout: I object to that question.

Mr. Wescott: Of course you object to it.

Mr. Stout: Why of course? He says this vicious and bad little girl.

Mr. Wescott: Well, strike that out, "vicious and

bad little girl." I am glad you are trying to protect her. Strike out "vicious and bad."

Mr. Stout: Then how will the question read with those words out?

(Question reframed and read by the stenographer as follows: "Now, what was there to apprise you and your lawyers that this little girl was to have you commit this crime in that bedroom?")

Mr. Stout: I don't object to that.

The Court: Let the question be answered.

(Question as reframed read by the stenographer.)

A. What was that question?

(Question as reframed read by the stenographer.)

A. I don't know.

Q. Did they imagine that that was the place where she was going to locate the commission of the crime, or don't you know?

Mr. Stout: I object to that.

The Court: Just a moment.

Mr. Stout: I object to that. He asked what the imagination of his counsel was. How can he answer that question? It is an impossibility for a client to tell what goes through the mind of his counsel.

The Court: I will sustain the objection.

Q. Well, were you interested enough in the thing to satisfy yourself why your counsel selected the second floor to be measured and brought before this Court and not the third floor nor the cellar nor the garage nor the automobile nor the barn nor any other place?

A. I never went over the matter with them as regards those plans.

Q. I know——

A. They live in one section of the country——

Q. You paid the bill for making this map?

A. I will pay the bill.

Q. Were you interested enough in the map to know to satisfy yourself why your counsel had Mr. Weir come there and make a plan of these three rooms on that second floor?

A. No.

Q. Had you curiosity about it at all?

A. I never referred much to the plans.

Q. Did you refer any to them?

A. No, I don't believe I referred any to them, only that mother seemed to—why,, she not being familiar with drawings, wanted to know where her room was on those plans, but outside of that, I knew where my room was ——

Q. Maybe that is the reason, your mother's curiosity to know where her room would be on the plan, maybe that is the reason you had the second floor planned?

A. Eh?

Q. What?

A. What I can say, that whenever the plans were referred and mother asked where her particular room was on the plan.

Q. Well, didn't you have any idea that this plan was to be used before the jury in the trial of your case?

A. Yes, of course I did.

Q. For what purpose?

A. Well, now, the purpose I don't know, only to show the location of those rooms.

Q. But why did you want to show the location of those rooms?

A. You will have to ask my attorney that, why they wanted to. They seemed to think it was quite the thing to do, to have the plans of the home made so that all the plans you see here, so that the jury could see them.

Q. Why didn't you say to your lawyers, if they were so stupid as to pick out one floor, "Why didn't you make plans of the whole house?"

Mr. Stout: I object to that question as to why he didn't say to his counsel, "Why don't you do this or do that?"

A. They would say——

Mr. Stout: Wait a moment. Failed to do something that he ought to. Counsel failed to give him the right advice.

The Court: Cross-examination, Mr. Stout. I will permit the question.

Mr. Stout: As to the rooms, he wasn't asking him——

The Court: I will overrule the objection.

Mr. Stout: Pray an exception.

The Court: Exception noted.

(Exception noted for the defendant.)

Mr. Wescott: Kindly read the question, will you, Mr. Stenographer?

(Question read by stenographer.)

The Court: Answer the question.

A. I thought that they knew better about those things than I.

Q. Why?

A. Because they were my attorneys.

Q. Better about what things?

A. About anything pertaining to those plans that they instructed the man what to do. I couldn't instruct the man over their heads.

Q. Why should you have any plans at all?

A. You will have to ask my attorneys about that.

Q. Have to ask your attorneys about that?

A. You certainly will.

Q. Did your attorneys ask you whether this crime was committed?

Mr. Stout: I object to that question. That would be a privileged communication between counsel and client. He doesn't have to tell what lawyers asked him to do or told him to do, nor he doesn't have to tell any conversation he had with his counsel.

The Court: The witness need not reply, if instructed not to. I will overrule the question if you object to it on the ground of a privileged communication.

Q. Why don't you want to answer that question?

Mr. Stout: I object to that. The reason he does not answer is the Court says he does not have to.

The Court: Sustained.

Mr. Wescott: An innocent man would not hesitate——

The Court: Just a moment, Judge. That is improper. Strike that out. Ask the next question.

Q. How did you know that Eleanor Mishler was going to testify that you raped her on the second floor in that room?

A. I didn't know what she was going to testify.

Q. Then why did you have that plan made?

A. I didn't have the plans made. My attorneys had them made.

Q. Why did your attorneys have it made?

A. You will have to ask them.

Q. They didn't know where this crime was alleged to have been committed, did they?

A. No crime committed.

Q. I know there wasn't. They didn't know where it was alleged to have been committed, did they? Because there was no crime committed, it is obvious they did not know, isn't it?

A. Yes.

Q. Yes. And you didn't know, did you?

A. No.

Q Then why your lawyer not knowing and you not knowing where the crime was alleged to have been committed, did you have that second floor mapped in that map?

A I told you I didn't instruct the man where or what part of the house to have mapped out. It

was done through the instructions of my attorneys, and they gave the order for the map.

Q. Now, while this little girl was down at your place there during this three days, what different places did you go to?

A. Different places we went to?

Q. Yes.

A. For the afternoon drives, do you refer?

Q. I don't care where, afternoon, evening, or midnight. What different places did you take this little girl to? Tell all about it.

A. From the time she arrived?

Q. From the time she arrived?

A. I took her home from the station. After she arrived home, she had what was saved for her from the dinner——

Q. We don't want that. We are talking about where you took her.

A. I took her to the music teacher's.

Q. Yes.

A. And accompanied with my daughter.

Q. Yes.

A. I took her to pay some bills around the city of Wildwood.

Q. Where?

A. Well, I don't memorize all the different bills. I think one was a coal bill.

Q. What time of the day did you take her?

A. Well, it was around ten o'clock.

Q. In the morning?

A. In the morning.

Q. And where else did you take her? Was she alone with you then?

A. She was alone from the time we left the music teacher.

Q. Where else did you take her?

A. I didn't take her anywheres else but to pay

these different bills, and then I brought her back to the music teacher's of my daughter and then drove her back home.

Q. Where did you take her after that?

A. We went on an afternoon ride, as I told you, I always did, took my mother out in the afternoon.

Q. Was your mother along?

A. Mother along.

Q. Now, you had a third story to that house, didn't you?

A. Yes.

Q. Where Mrs. Corson worked?

A. Yes.

Q. And you had a cellar to that house?

A. Yes.

Q. Was the garage connected with the house?

A. Connected with the house? Yes.

Q. And how large is the cellar?

A. I never measured it, Mr. Wescott.

Q. Big enough to walk in?

A. I should say big enough to walk in. It isn't all cellar under the house.

Q. How did you know but that this little girl would charge you with committing that crime of rape either in an automobile or in the third story or in the cellar or in the garage or some other place?

A. I didn't know.

Q. Didn't know. Then why did you map these two rooms on the second floor?

A. You will have to ask my attorneys that. I had nothing to do with those maps further than that the man came there and made those drawings.

Q. You had no information beforehand as to where she was going to say this crime was committed, had you?

A. No.

Q. None in the world?

A. No.

Q. Didn't even imagine it?

A. I did not.

Q. And yet your counsel went right to the bloody spot, didn't they, and made a map of it?

Mr. Stout: I object to that question that they went directly to the bloody spot. That isn't a proper sort of a question.

The Court: What is the objection to it, Mr. Stout?

Mr. Stout: That is the question for the jury to determine, whether that is the bloody spot.

The Court: There is evidence of such a spot in the case.

Mr. Stout: A bloody spot?

The Court: Yes, from the evidence. Objection overruled.

Mr. Stout: I ask an exception.

The Court: Exception noted.

(Exception noted for defendant.)

Q. Your counsel went right plumb to that spot, didn't they? Didn't they?

A. They went—I can't answer where they went. They gave instructions for those plans.

Q. But they went plumb to the room where this little girl said that crime was committed, didn't they?

A. I didn't follow them in any rooms. They have the privilege of going over my home.

Q. And you haven't the remotest idea why they selected those three rooms to plan?

A. No, I have not. They will have to answer that.

Q. Mr. Bullock, isn't the room on the second floor the room where you seized this little girl and raped her?

A. No. I didn't rape her.

Q. What did you do to her?

A. I didn't do anything to her.

Q. Have you any idea what put it into the head of that little girl to say that you raped her in that room?

A. The first papers show that.

Q. Show what?

A. The money in question.

Q. It was money? She was after money, was she?

A. Evidently, by those papers.

Q. So to get money out of you, she said then that you raped her in that room?

A. According to those papers.

Q. And that is the room that you had drawn and mapped?

A. I didn't have anything to do with that map.

Q. And that is the room that you didn't know that she was going to say that you raped her?

A. I had nothing to do with that map.

Q. Why, therefore, did you point to those rooms when Weir went there and say, "There are the rooms"?

A. He wanted to know what part of the house to do. He said the second story, he was to do.

Q. Who told you?

A. He told me.

Q. Who told you?

A. Mr. Weir. He didn't know from having the billiard rooms and other rooms——

Mr. Stout: There is no question pending, Mr. Bullock. I ask that voluntary statement be stricken out.

The Court: Stricken out.

Q. Have you any other room than those three rooms?

A. Yes.

Q. Have you a billiard room?

A. Yes.

Q. Where is it?

A. In the garage.

Q. Where is the garage?

A. It is in the house.

Q. Well, do you ever go in the billiard room?

A. I rarely go in the billiard room, particularly this time of the year, I don't use it at all.

Q. Did Eleanor go in the billiard room?

A. No, not to my knowledge.

Q. Was it open?

A. I don't know whether the doors were open or closed.

Q. Under lock and key?

A. No, I don't think they are under lock and key.

Q. How did you know that she would place, fix the billiard room as the place of this crime?

A. I couldn't fix any place.

Q. What?

A. I couldn't fix any place.

Q. I didn't ask you whether you could fix it. I asked you whether she could not have fixed it in the billiard room instead of your daughter's bedroom?

A. She could fix it anywhere she felt inclined to fix it, according to her.

Q. Fix it anywhere she pleased?

A. I suppose she could.

Q. While she could fix that place, the place of the commission of this crime anywhere she pleased, your counsel selected those rooms, didn't they?

A. They evidently selected whatever was drawn there.

Q. Did you live at 52nd and Carpenter Street in Philadelphia—62nd and Carpenter Street, Philadelphia?

A. I lived in Philadelphia.

Q. Did you live at 62nd and Carpenter Street, Philadelphia?

A. I lived on Carpenter Street.

Q. 6139?

A. I don't memorize the number.

Q. Do you know where 6139 is?

A. I think I could locate it if I was to run around that neighborhood.

Q. Now, when did you live there?

A. I lived there after—when did I live there? I lived there that very severe cold winter. I don't memorize just the year, but it was so severely cold we couldn't stay in the country.

Q. How long ago was that?

A. I should say it is over six years ago.

Q. Now, who lived there with you?

A. Why, Eleanor's grandmother lived there with us.

Q. Anybody else?

A. Servants.

Q. Anybody else? Miss Jones live there?

A. I was just thinking. I don't know whether Miss Jones lived there or not. I think she did, but I don't know whether she did or not.

Q. She did. She lived there?

A. Maybe she did and maybe she didn't.

Mr. Stout: I object.

The Court: Yes.

A. Maybe she did or maybe she didn't. Let me tell you something——

Mr. Stout: Just a minute. Answer the question.

The Court: Answer the question and stop.

Mr. Wescott: The whole question is she didn't.

Mr. Stout: You tried to help him say she did.

Mr. Wescott: Well, she did.

Mr. Stout: You are not testifying, Judge.

The Witness: Can I rectify that?

Q. Yes, you can rectify it.
A. Part of the time she did live there. Part of the time.
Q. What part of the time?
A. I think in the early part of the time.
Q. And you were forced to leave that place on account of the character of the place?

Mr. Stout: I object to that question.

A. No, sir.
Q. Weren't you put out of that place?

Mr. Stout: It is not cross-examination.

The Court: On what ground?

Mr. Stout: It is irrelevant and it is not cross-

examination. It has no bearing on this crime. It is just angling. A man living in Philadelphia, what bearing could that have on a crime that was committed in Cape May County six years later?

The Court: What have you to say, Judge Wescott?

Mr. Wescott: Well, I think it is a part of his life and ought to go to this jury.

The Court: Objection sustained.

Q. Well, how long did you stay in that house?

Mr. Stout: I object to that. What difference does it make whether he stayed there a day or two months or six months. It is irrelevant and not cross-examination.

The Court: I will sustain the objection, Mr. Stout.

Q. When you left that place, if you did leave it, did Miss Jones go with you?

Mr. Stout: I object to that question, because it is irrelevant and not competent.

Q. And come to Wildwood?

Mr. Stout: I object to that.

The Court: I will overrule your objection.

Mr. Stout: I pray an exception.

The Court: Exception noted.

(Exception noted for defendant.)

A. Did Miss Jones leave that house?
Q. Yes, with you, and go to Wildwood?
A. No, she——
Q. Or Media or any other place?
A. No, she took a vacation for a little while, for some time.
Q. And then joined Miss Jones again?
A. Miss Jones came to our home again.
Q. Where?
A. At Wildwood.
Q. At Wildwood?
A. Eleanor's grandmother was in that home when I lived——

Mr. Stout: Mr. Bullock, will you answer the gentleman's questions and stop.

The Witness: All right.

The Court: Judge, if you are finished with that subject, it would be a good place to recess until 1.30.

(At this point, the trial of the cause was adjourned until 1.30 P. M.)

(Trial of the cause resumed, pursuant to adjournment, in the presence of counsel for the respective parties and the defendants.)

ANTHONY J. BULLOCK, resumed.

By Mr. Wescott:

Q. When did you get acquainted with Mrs. Corson?

A. Some five years ago, possibly.

Q. And you employed her in your house every year since?

A. Yes.

Q. She has been a visitor there, too?

A. Occasionally, yes.

Q. Now, this incident that arose when she was going upstairs, this little girl said you put your hand up her clothes and she said that she had to go up the stairs backwards, you always did that, or something to that effect. You denied that, didn't you?

A. Positively.

Q. Positively?

A. I deny it, yes, sir.

Q. Well, now, I suppose you have observed, haven't you, that that increased enormously this little girl's difficulty?

A. I don't quite understand you. My hearing is not quite so good, either.

Q. What was the object of this little girl saying that thing?

Mr. Stout: I object to that. He cannot account for that.

Q. Well, it is obvious to you that that increased the difficulties of her narrative, didn't it?

Mr. Stout: I object to that. That is a question for the jury, not an opinion of the witness.

The Court: I think the question is proper cross-examination, Mr. Stout.

Mr. Stout: That it was obvious to this witness that it would increase——

Mr. Wescott: If they seriously object, I won't press it.

Mr. Stout: I do seriously object.

The Court: Question will be withdrawn.

Mr. Wescott: I just asked him if he noticed it.

Q. Now, it increased the difficulties of her situation very much to drag your daughter into this thing, didn't it?

Mr. Stout: I object to that. Increased the difficulties. That isn't for this witness to pass upon. He is here to tell what occurred, if anything occurred. She has detailed her story, and it is a question for the jury to say as to the commission of the crime or the possibilities or the probabilities. It is not a question for this man's opinion.

The Court: Do you withdraw that question, Judge?

Mr. Wescott: If they seriously object to it.

Q. That made two against one, didn't it?

Mr. Stout: I object to that on the same grounds.

The Court: Question withdrawn for the same reason.

Q. Now, there was a magazine incident that the little girl testified to. She said you bought magazines on Tuesday. You said they were bought on Wednesday.

A. Well, possibly they might be bought on Tuesday. It might be possible they were bought Wednesday.

Q. If they might possibly be bought Tuesday, why didn't you say so? Why did you say they were bought on Wednesday?

A. They were just as liable to be bought on Tuesday as they were on Wednesday. I didn't make any particular day that I buy them.

Q. Then why did you feel obliged to say in answer to leading questions by counsel that puts the answer in your mouth that those magazines were got on Wednesday and not on Tuesday?

A. It is possible they might have been bought Wednesday.

Q. You said they were, didn't you?

A. I said I didn't commit it to memory or whether they were bought on Tuesday.

Q. Didn't you say they were bought Wednesday?

A. I said it might be bought on Wednesday.

Q. Didn't you say unqualifiedly that they were bought on Wednesday?

A. I can't say that I did.

Q. You knew that if they were bought on Wednesday, they weren't bought on Tuesday, as the little girl says?

A. You can leave it to the option whether they

were bought on Wednesday or Tuesday. It is immaterial.

Q. Immaterial whether they are bought on Monday or Wednesday or Tuesday?

A. I don't care when I buy them.

Q. Now, did this little girl go with you when they were bought?

A. Why, when the car went out, it always went out filled.

Q. Did she go with you when these magazines were bought?

A. In the afternoon, we all go out together, and that is about the time I buy them.

Q. Did she go with you?

A. Yes.

Q. Then they could not have been bought on Wednesday, could they, as you originally said?

A. Yes, they could be bought on Wednesday.

Q. You bought them on Tuesday and then bought them on Wednesday?

A. I said I didn't want to say just what day they were bought.

Q. All right. We will let it go at that. If they were bought Tuesday, then the little girl told the truth about that, didn't she?

A. I told you that I couldn't question whether they were bought Tuesday or Wednesday.

Q. I say if they were bought on Tuesday, the little girl told the truth about it?

A. If they were bought Tuesday.

Q. There is one incident she told the truth?

A. I don't remember what day they were bought.

Q. If they were bought Tuesday, she was right?

A. Yes.

Q. If they were bought Tuesday, there was one incident in which the little girl told the truth, isn't that so?

A. I said if they were bought on Tuesday.

Q. Then she told the truth?

A. If they were bought Tuesday.

Q. But you said in answer to your own counsel unqualifiedly they were bought on Wednesday. Now, why did you say that?

A. I was under the impression they were bought on Wednesday.

Q. You knew it contradicted her?

A. I don't commit those things to memory, such a trifling thing as magazines.

Q. Did you commit to memory such a trifling thing as the room where this crime was committed?

A. There was no crime committed.

Q. I say, did you commit to memory——

A. I can't commit to memory where there wasn't those conditions.

Q. But you did commit to memory the room that was to be measured, didn't you? You knew what room was to be measured?

A. I knew the second fioor was to be measured.

Q. So if the little girl said that this event was committed on the second floor, she was right, so far as the floor is concerned, wasn't she? Wasn't she?

A. What she was right about or what she was wrong about, all I know I didn't give any instructions.

Q. Have you any idea why she picked out the second floor?

Mr. Stout: I object to that, as to why she had any reason.

The Court: He is asked if he has any idea. He may testify if he has or not. I will overrule the objection.

Mr. Stout: Exception.

(Exception noted for defendants.)

The Court: What was the answer to that question?

Mr. Wescott: He said no.

The Court: Now, ask the next question.

Q. Have you any idea why she selected the second floor?

A. I can't answer for Eleanor.

Q. Have you any idea why you selected the second floor?

A. I didn't make any selection.

Q. Even when you pointed out the rooms to Weir?

A. I didn't say what part of the second floor. He was instructed to make the plans.

Q. You said that there was no quarrel on Tuesday in your house?

A. I said there was no quarrel on Tuesday.

Q. Do you remember that this little Eleanor Mishler said the quarrel was on Wednesday, don't you?

A. Regardless of what she said, there were no quarrels in my home.

Q. Never have been?

A. No.

Q. In other words, you are an upright, law-abiding, pure, high-toned gentleman, aren't you?

A. I am.

Mr. Stout: I object to that.

The Court: Sustained.

A. I consider I am.

Mr. Stout: Wait, Mr. Bullock.

Mr. Wescott: He says he is.

Mr. Stout: You haven't proved him otherwise.

Mr. Wescott: Fortunately, you don't settle that question.

The Court: Go ahead.

Q. This little girl said something about some obscene pictures that were shown her on postal cards. Have you ever seen any obscene pictures on postal cards?

A. No, sir.

Q. Wouldn't look at them, would you?

A. Well, I have never——

Q. Put a bandage over your eyes, wouldn't you?

A. No bandage at all, sir. I don't seek pictures of that kind.

Q. Well, she undoubtedly testifies falsely when she testifies that your daughter got her some obscene postal cards and showed them to her?

A. That is left for the jury.

Q. Well, don't you know whether she did or not?

A. Showed me any postal cards?

Q. Yes?

A. No.

Q. Well, don't you know that this little girl testified falsely when she said your daughter showed her obscene postal cards? You haven't been asked that question by your own counsel.

Mr. Stout: Oh, yes, he has, about the postal cards.

The Court: Yes.

A. Yes, as far as my knowledge goes, there is no postal cards in my home of an obscene nature.

Q. Your daughter, as I understand, was brought up carefully, sent to school?

A. Yes.

Q. The recipient of wealth, wasn't she?

A. Well, I think that money always has a tendency to get advantages that you wouldn't otherwise have.

Q. And she had them?

A. She had them.

Q. Now, how do you account for the fact that Miss Jones, who had taken care of your bedrooms, was superseded by your daughter, who took care of them?

Mr. Stout: I object to that question. There is not a scintilla of evidence in this case that Miss Jones ever took care of this man's bedroom or any other bedroom.

The Court: I recall no such testimony.

Q. Did Miss Jones take care of the bedrooms?

Mr. Stout: I object to that.

The Court: Objection sustained.

Q. Who takes care of the bedrooms now and who has since your daughter came in charge?

A. My daughter, and likewise, my mother tends to her bedroom. She rather enjoys looking after her own room.

Q. She looks after her own room?

A. Sometimes she comes into my room——

Mr. Stout: Mr. Bullock, you have answered the question.

Mr. Wescott: Let him talk.

Mr. Stout: No.

Mr. Wescott: The more he talks the better, and you know that as well as I do.

Mr. Stout: I would rather hear you talk, Judge.

Mr. Wescott: I would rather hear the witness talk.

The Court: Well, go ahead and ask the question and let us hear him.

Q. Why does your cultivated, educated, refined daughter take care of your bed and her bed?

A. Why, I can't say any reason. We are limited to the servants in the house to the care of it. I think she does it between the enjoyment of taking care of her room and I think she likewise gets pleasure of taking care of father's room.

Q. It is a sheer matter of pleasure on her part?

A. I think she enjoys doing it.

Q. Enjoys it?

A. Yes, I think she does.

Q. There is a door between your daughter's bedroom and your bedroom?

A. Yes.

Q. Lock and key in it?

A. Yes.

Q. And I suppose you always keep your room closed, your door closed, don't you?

A. My room?

Q. Yes.

A. Yes, I usually keep it closed.

Q. Do you lock it after you go to bed?

A. Yes, after I go to bed. If it is a warm night, then I keep it open.

Q. Why do you close the door?

A. Well, don't you think everyone is apt to close their bedroom door?

Q. Your mother doesn't?

A. My mother doesn't. Mother isn't here to answer to that.

Q. Did you ever know an old, old lady like your mother to sleep with her bedroom open every night?

A. I don't know as I have been very much acquainted with ladies of her age.

Q. A woman of her age. Why did you say she kept her door open?

A. Because I always find it open.

Q. Wasn't it to show that Eleanor Mishler's cry would have been heard by your mother, would not have been heard by your mother if the door had been closed?

Mr. Stout: I object to that question. The fact is that it has been testified that the door was open, and as to the reason why, that is a question for the jury. It is not for the opinion of this witness. He has no right to express an opinion of what somebody else might have done.

Q. Didn't you hear your counsel say in his opening——

The Court: Just a minute, Judge Wescott. I didn't quite get your point, Mr. Stout.

Mr. Stout: He asked: "Wasn't it your opinion

the reason why your mother kept her door open was to testify there was no noise heard?''

The Court: What is the objection to that.

Mr. Stout: He is expressing an opinion why somebody kept the door open.

The Court: No, he is asked if that was not the reason for his testifying to it.

Mr. Stout: He has not testified to that, except as the Judge asked him now.

The Court: Well, I thought I recalled that he had.

Mr. Stout: Just read what he said about that, Mr. Stenographer. I didn't ask him anything about doors.

The Court: If there is nothing in this testimony about the doors being opened, I will sustain the objection so far.

Mr. Stout: I only asked him between the daughter's and the father's room.

The Court: All right, ask the next question, Judge. I will sustain the objection so far.

Q. Well, as a matter of fact, you do know that your mother kept her door open, don't you?
A. Naturally do, yes.
Q. What?
A. Living in my home, I naturally do know it.

Mr. Stout: You have answered the question. Don't argue with counsel.

Q. Well, when Eleanor Mishler then said that your mother's door was fastened when she went to bed, she was telling an untruth, wasn't she?

Mr. Stout: I submit, may it please the Court, we will have to object to that question, because Eleanor didn't testify that Mrs. Bullock's bedroom door was closed. She said that the door leading into the hall opposite Mrs. Bullock's was closed. She never testified as to the condition of Mrs. Bullock's door. She wasn't asked the question.

The Court: Do you insist on the question, Judge?

Mr. Wescott: Not if the other side objects to it.

The Court: All right. Withdraw the question. My own memory is not sufficiently clear. I don't know whether that question was asked Eleanor Mishler or whether it was not.

Q. You said something about a letter addressed by Mary, your daughter, to Eleanor Mishler. What is your knowledge on that subject?

A. Addressed to Eleanor Mishler?

Mr. Stout: Wait. This witness was not asked any question about letters, except the letter that came on Wednesday morning. Not a word was asked in reference to it.

The Court: Now, Mr. Stout, I take it to be the rule that when the defendant is on the witness stand, the ordinary rules of cross-examination do not apply,

and that he throws himself open to be examined on all matters touching the case, so far as that is legitimate, so far as it is legal and relevant evidence, and I shall overrule your objection on that ground.

Mr. Stout: I pray an exception.

The Court: Exception noted.

(Exception noted for defendants.)

Q. What is the state of your knowledge about the letter your daughter Mary wrote? What do you know about that?

A. Merely her saying that she replied to a letter that was received by her grandmother from Eleanor inviting herself down and she replied to it. Just what day she replied, I don't know, but I do know that it was referred to that she was to come on a Sunday morning.

Q. And because she did not come Sunday morning, there was a telephone communication from your home to Eleanor Mishler asking her why she did not come and asking her to come down on the evening train, wasn't there?

A. Yes.

Q. Why?

A. Well, we didn't want to keep the servants and the Sunday dinner back.

Q. But why, if the little girl did not come, why did you telephone?

A. I didn't telephone.

Q. Well, why did your daughter telephone?

A. You should have asked daughter that, not me.

Q. I have asked your daughter, and not you.

A. Not me. Why, she telephoned. That is my

views of it, she telephoned regards to the dinner and leaving the help off on a Sunday afternoon.

Q. Then it was in order to accommodate the help that your daughter telephoned to this little girl asking her to come down on the evening train, to accommodate the help?

A. Well, you often have to meet those conditions.

Q. This was to accommodate the help?

A. It was not to break the rules of the household what time we were to have dinner on that particular Sunday any more than any other Sunday.

Q. Well, why were you going to the expense of calling this little girl up in West Philadelphia to have her come down there on the evening train, in order not to break up the rules of the house?

A. To learn whether she would get down in time for dinner.

Q. Well, had you any idea that she was not going to come or was going to come?

A. Well, we didn't want to have the meals set back, not having any knowledge. I suppose that is the reason that my daughter called.

Q. Or in order——

A. A supposition on my part, but I should judge that is the reason.

Q. In order not to disturb the arrangements of your household, you went to the expense of telephoning to this little girl to urge her to come down on that evening train?

A. Didn't urge her to come down at all. Just wanted to learn whether she would come on the evening train—— Whether she had decided to come or not.

Q. Well, were you told she was coming on the evening train?

A. She didn't tell me, she told my daughter.

Q. Did your daughter tell you that the little girl was coming on the evening train?

A. Evening train, yes.

Q. And the result was you went to the depot to get her?

A. Yes.

Q. What time did she get there?

A. Well, same time the train gets in there. I don't think it made any difference in their schedule.

Q. What time?

A. I haven't travelled over those trains myself.

Q. What time?

A. It was about six or six-thirty. Six-thirty, I think that is the time the train gets in, along there.

Q. What time did you have dinner?

A. We have dinner on Sundays about half-past two or three o'clock. Half past two, I should say. Three o'clock. We took her dinner——

Q. How many trains were there coming down?

A. I am not conversant with the trains.

Q. You knew there was another train she could come on?

A. (No answer.)

Q. Come now.

A. Now that you ask me to think about that thing, I think there is a train that takes you all around Jersey, gets there about possibly two o'clock. Now, I wouldn't be sure of this thing.

Q. Was that the train your daughter wanted her to come on?

A. I don't know what train my daughter wanted her to come on.

Q. What time did you have supper that night?

A. Well, Sunday night suppers are rather irregular meals. We eat at such time, cold meats and salads that are prepared by the cook and left in the—

Q. Was the cook there?

A. The cook goes home after the dinner, which is usually about half after two.

Q. Then Eleanor's coming here somewhat disarranged the household plans, didn't it?

A. Was all because she didn't come on the train she said she did.

Q. That was the morning train?

A. The morning train, to spend the day.

Q. So you telephoned her to come down on the evening train and disarranged your household arrangements?

A. We just wanted to know whether she was coming or not coming.

Q. And you called Ocean City to get her address so that you could telephone her, didn't you?

A. I believe I did, yes.

Q. Why were you so particular as to go to all that trouble to call up Ocean City to get this little girl's address and then telephone to her house? How much did it cost you to do all this?

A. Well, I couldn't answer that. We don't make —we don't confine ourselves to the limited 'phone messages.

Q. Well, you went to the expense?

A. Naturally you don't do those things for nothing.

Q. But telephoning two places to get that little girl down there?

A. To learn when she was coming, whether we were going to have dinner at the regular dinner hour or not.

Q. You had dinner?

A. We had dinner after we 'phoned.

Q. Well, when did you 'phone?

A. My daughter 'phoned before dinner. I tell you I didn't 'phone.

Q. Then you didn't know but what she would get down to dinner?

A. I thought she would get down to dinner.

Q. On the train that got there at six or six-thirty?

A. There is a train that comes around Millville. I don't travel the trains.

Q. Now, it was testified here that when you called up this little girl at her home, you got no response.

A. Mr. Wescott——

Q. Wait a minute. Or you got a response, rather, and she told you that she didn't know when the afternoon train went, and you told her to hang up and she did hang up and you went and found out when the evening train went and then called her and told her, didn't you?

A. I told you——

Q. Isn't that the truth?

A. No.

Q. Well, don't get mad at me.

A. I know, but you asked me the same question.

Q. Well, did she lie or tell the truth when she said that you couldn't tell her the train and she hung the receiver up and waited until you got the correct time? Is that true or is it false?

A. Eleanor stating that she telephoned to me?

Q. No, you telephoned to her?

A. That is false.

Q. False?

A. False.

Q. And then when she said that the communication was to the effect that the person on this end, the Wildwood end, could not tell her when the train went, told her to hang the receiver up, and then would inquire and find out and let her know, that is false, isn't it?

A. I have no knowledge of that.

Q. It is false?

A. False.

Q. The little girl invented that?

A. False.

Q. In order to help out her case?

A. That is to communicate with me.

Q. Did she communicate with anybody to that effect?

A. I don't know. You asked me with regards to myself.

Q. All right, we will try not to ask you about anybody else. Now, when was it Mary cried so about her mother?

A. She had two crying spells. She had one at the letter and she had another one when the telegram came.

Q. Now, what day was the first crying spell on?

A. On a Wednesday.

Q. Wednesday?

A. Wednesday.

Q. What day was the second crying spell on?

A. Wednesday.

Q. What time of the day was the first crying spell?

A. I should say about half after nine.

Q. What time of the day was the second crying spell?

A. Between—— About two o'clock.

Q. Couldn't that have been on Tuesday?

A. No, sir.

Q. How do you know?

A. Because I know it was on a Wednesday.

Q. How do you know?

A. Well, I know for many reasons.

Q. Tell us?

A. One reason, I know that the telegrams and letters caused those crying spells to take place and another thing, I know that my mother called Eleanor downstairs and told her that these different mes-

sages had come to my daughter and for that reason she would have to request her to go home to her home, to go to her home and prolong her visit another time. That is the language my mother used, as I understood her.

Q. You remember that distinctly?

A. Remember I heard mother saying it.

Q. What day was it?

A. On Wednesday.

Q. Why do you fix it on Wednesday?

A. Why, because such is the fact.

Q. How do you know it is the fact?

A. I know that was the day that Eleanor went home. I established that fact in my mind, on account of my daughter's distress.

Q. That it was Wednesday?

A. On Wednesday.

Q. Did your daughter get a letter and telegram?

A. Letter and telegram.

Q. Did you see the letter?

A. I saw the letter.

Q. Did you see the telegram?

A. I saw the telegram.

Q. Who wrote the letter?

A. One of her brothers, I think.

Q. Which one?

A. Well, now, I can't say which one of her brothers it was. I have a number of sons which happen to be her brothers, and which one of her brothers wrote to her——

Q. I suppose you know she promptly destroyed that letter?

A. She destroys all her mail.

Q. And promptly destroyed the telegram?

A. As I say, she destroys all her letters.

Q. Have you any idea why she always destroys letters and telegrams?

A. I don't know why. Some people do and some people don't. I suppose having a number of correspondents——

Mr. Stout: Wait a minute.

(Question read by the stenographer.)

A. They would accumulate.

Q. So does Mary have so much correspondence she has to destroy it to keep it from accumulating?

A. She has quite a little.

Q. Then when Eleanor Mishler said that your daughter got some letters and telegrams and read them to her Tuesday night in bed, she was lying, wasn't she?

A. I can't answer for that. I wasn't in that room——

Q. Well, but you know your daughter had no letters or telegrams?

A. I presume that under those circumstances, she didn't have any letters or telegrams.

Q. Then the girl was lying about that?

Mr. Stout: I object, may it please the Court. That is hardly a fair question.

Q. Well, she wasn't telling the truth?

Mr. Stout: I object to that, because he has told the circumstances.

A. The circumstances——

Mr. Stout: Wait a minute. I think that is a question for the jury to determine and not a question for this witness to answer for. It was done

in his absence and he is not in a position to say whether it was true or false. He doesn't know whether letters were read or whether they were not. The transaction was between the two girls, the evidence will show on the part of Eleanor. I think it is hardly fair that this witness should be called upon to express an opinion about a transaction he knows nothing about.

The Court: What have you to say, Judge?

Mr. Wescott: If they object, let it go.

The Court: Strike the question out.

Q. When your daughter got this distressing information about the condition of her mother, both by letter and telegram, why didn't your daughter immediately go home to her mother?

A. She was too distressed about it, and then her grandmother was to accompany her, and by the time the telegram came after two o'clock, why, to make readiness, to make a stay like we supposed we naturally would from the letter and telegram, that we couldn't make ready exactly to leave at that particular time that Eleanor left, and for that reason, my daughter telephoned after Eleanor had left the house, and learned that her mother had recovered somewhat.

Q. Had recovered?

A. Had recovered somewhat. She will never be a recovered woman. She is a sick woman. I mean, it wasn't so urgent for them to pack up and go off that night. Night driving——

Mr. Stout: You have answered the question.

Mr. Wescott: Let him talk.

Q. Now, I noticed you said that you couldn't get ready to go?

A. We were preparing to join Mary, my daughter, to see this sick mother at her bed side. We were going to her home.

Q. Now, that letter from your mother's——

A. And we went to her home.

Q. What is that?

A. Since her illness, we have been to her home.

Q. Once?

A. Well, now, I didn't tell you the number of times.

Q. Well, how many?

A. Well, now, we have gone.

Q. How many?

A. Well, I don't know how many.

Q. About how many?

A. Well, do I have to say how many times?

Q Why, yes, if you know?

A. Well, I don't know as I know.

Q. Half dozen?

A. Well, I am not going to commit myself how many times.

Q. Four?

A. I told you.

Q. Three?

A. I said we went to see the sick mother.

Q. When did you go to see her?

A. Since she has been sick, since that sick call.

Q. What time did you go to see her?

A. It was on a Sunday morning.

Q. Who went?

A. Mother.

Q. Who else?

A. Daughter.

Q. Who else?
A. Myself.
Q. How did you go?
A. Automobile.
Q. How long did you stay?
A. Afternoon.
Q. Did you see your wife on that occasion?
A. I did.
Q. How was she?
A. A sick woman.
Q. How was she?
A. She was like she had been for years an invalid.
Q. How many years have you been separated from your wife?

Mr. Stout: I object to the question as to how long he has been separated from his wife. It makes no difference in this case.

The Court: Do you press the question, Judge?

Mr. Wescott: No, not if they object to it.

The Court: Strike it out.

Mr. Wescott: They want the truth, of course.

Q. Why didn't your daughter Mary, who was urged to see her mother, go alone to see her mother?
A. I judge she preferred to have her father and grandmother go with her.
Q. You judge that?
A. The most natural thing in the world; folks in trouble——

Mr. Stout: Mr. Bullock, you have answered the question. Won't you stop?

Mr. Wescott: Won't you let him go on?

The Court: Just a moment. Now, I want this laughing and noise in the court room stopped. I said this morning it isn't vaudeville. It is a serious matter, and if in order to preserve order, I have to clear the court room, I am going to do it.

Q. Wouldn't it have been equally as natural for your wife to have written you and telegraphed you, her husband, fond, affectionate, and devoted husband?

Mr. Stout: I object to that question. There is no proof in this case that the wife telephoned or telegraphed or sent the letter.

(Question read by the stenographer.)

The Court: Strike it out.

Mr. Wescott: You object to that?

Mr. Stout: The Court has stricken it out.

Q. Well, as a matter of fact, your wife didn't address the letter or telegram to you, but to your daughter, isn't that so?

Mr. Stout: I object to that question because the proof in this case is that the letter came from the son and the telegram came from the daughter. Therefore, the wife had nothing to do with either this letter or the telegram.

The Court: That statement embodies facts that are not in the evidence at all. Strike it out. I will sustain the objection to the question.

Q. Do you know why your son preferred to send a letter and telegram to his sister than his father?

Mr. Stout: I object to that. How can he testify as to what was in the mind of his son?

The Court: Well, he can answer whether he knows or whether he does not.

(Question read by the stenographer.)

The Court: Answer the question, if you know.

The Witness: No, I don't know.

The Court: Ask the next question.

Q. Little Eleanor told Mary not to cry?
A. Yes.
Q. How happened you to notice that so that you can testify to that actually on oath?
A. Well, you would naturally notice anybody crying and distressed. You would, wouldn't you?

Mr. Stout: Now, Mr. Bullock, you must not ask the counsel questions.

Mr. Wescott: Won't you let him go on?

Mr. Stout: Because counsel will answer the question very promptly and you probably wouldn't like his answer.

Q. Well, how happens it that you noticed with such particularity just what Eleanor Mishler did and said when your daughter cried?

A. Because it was noticeable. She tried to compose my daughter.

Q. Tell us what she did and said?

A. She said, "Mary, don't cry. I think you ought to go and see your mother." And I think after the telegram came, she told her not to cry at the time, sorry to hear of her mother's illness, and then when the telegram came, she said, "Of course, you ought to go see your mother."

Q. Yes.

A. And seemed to be more——

Mr. Stout: Now, Mr. Bullock, you have answered the question.

The Witness: Yes, sir.

Q. Did Eleanor ask why your daughter did not go to see her mother?

A. No.

Q. How do you know?

A. Because she didn't ask me.

Q. Where did this conversation occur?

A. In the living room.

Q. What part of the living room?

A. Well, now, that is a matter I couldn't say, what part of the living room. It was in the living room.

Q. You remember in exact detail the movements of this little girl and the language she used. Why can't you with the same accurate detail tell what part of the room she was?

A. I couldn't say whether she was near the table or near the fireplace.

Q. Where were you?

A. I can't just say what chair I was sitting in.

Q. What were you engaged in doing, listening to this conversation and watching the actions of this little girl?

A. I was watching the attitude of Mary and the distress of Mary, naturally.

Q. And what Eleanor said, you were watching that, weren't you?

A. Well, I remember that.

Q. You memorized that?

A. Well, I remember that.

Q. And you and Mary agree exactly on that point, don't you?

A. I don't quite remember what Mary said, but I know what I said I saw.

Q. And you don't know what Mary said. Now, if your memory is so good that you can remember exactly what Eleanor said, exactly what she did, why can't you remember now what Mary said on the witness stand the other day about the same subject?

A. Well, I have heard very many people converse. It is very hard for me to say the actual words.

Q. Have you and Mary talked that incident over with each other?

A. What incident?

Q. The one we are just talking about?

A. What were you talking about? About the place where I sat in the living room?

Q. Yes, and about Eleanor Mishler's words and movements, and actions? Have you and your daughter Mary talked that incident over?

A. No.

Q. Have you said anything to your counsel about it?

A. No.

Q. So that in asking you about that thing, they imagined it themselves, did they?

A. My daughter possibly might have told them.

Q. I guess that is the way they got it. But you and your daughter are in exact accord about that?

A. Yes. I remember that the coincidence took place, that they were both——

Q. How long a period of time did that incident cover?

A. How long a time did it take?

Q. For them to go through these actions and use these words?

A. I am not going to tell you how many minutes or how long. I couldn't tell you that.

Q. Now, what occurred immediately before those actions and those words?

A. What occurred then?

Q. Immediately before, in that room?

A. Why, Mary was crying before.

Q. How long had Mary been crying?

A. Why, she had been crying at different intervals. I should judge she had a crying spell there about ten minutes.

Q. Then Mary cried for ten minutes, and then Eleanor, where did she come in? Where was Eleanor when Mary was crying for ten minutes?

A. Eleanor was in the room.

Q. Eleanor was in her room?

A. In the sitting room.

Q. What was she doing while Mary was crying for ten minutes?

A. She tried to pacify her.

Q. Did she cry the whole ten minutes?

A. I imagine she did, ten minutes.

Q. For ten minutes, she was trying to pacify her. What else did she say besides what you have told us?

A. What else did she say to Mary?

Q. Yes.

A. Well, when the telegram came, she referred that she should go home.

Q. What else did Mary say or Eleanor say besides what you have told us?

A. I don't know of anything else she said.

Q. Your memory is good. You have remembered with literal accuracy just what Mary did and said, and exactly what Eleanor did and said there for ten minutes.

A. Well, I will tell you ——

Q. Now, after the ten minutes transpired, ended, tell us exactly, not literally, what Mary said and did and what Eleanor said and did?

A. Mary did not say anything. She sat with her hands and her handkerchief in her hand and reflecting. I suppose the—over the effects of the telegram.

Q. Now, what did Eleanor do or say?

A. Eleanor didn't say anything.

Q. Just stood there or sat there?

A. She just sat there. She couldn't get very much response from Mary, so she sat there.

Q. Sat very still?

A. Yes.

Q. For how long?

A. I really don't know how long. She went upstairs, I imagine, up to the sewing room, because mother called her down from the sewing room, so she must have gone upstairs to the dressmaker's.

Q. Now, to come back to this letter and telegram for an instant, what did the letter say?

A. Mary read me a letter and why it stated in it was that her mother was sick. It was from her brother Anthony, I think. Her brother Anthony.

Q. What did the letter say?

A. Well, in her sobs, why, it stated that she should

be home to her mother, that the mother was delirious—no, it didn't say that, the telegram said she was delirious—come home at once, but the letter said that her mother was very sick, and it was a short letter.

Q. Did Mary want to go home?

A. Mary, really, through the sobs and cries, why, she said that she would have to go home and see her mother.

Q. Why didn't you get your machine out and fly like the wind to your wife and carry the sobbing daughter to her mother? Why didn't you do it?

A. Well, I didn't do it.

Q. Why?

A. I had no reason why. I didn't do it anyhow.

Q. You were concerned about your daughter and concerned about your mother, weren't you?

A. Yes.

Q. Then why didn't you hitch up your—steam up your machine and go at once?

A. Well, I couldn't—— Mary didn't feel under those conditions that she could get herself composed to go.

Q. Why couldn't she have composed herself while you were taking that hundred mile drive?

A. She didn't anyhow.

Q. What?

A. She didn't, anyway.

Q. Did you compose yourself, or were you composed all the time?

A. I didn't cry.

Q. You didn't cry?

A. No.

Q. Not outside, but probably did inside?

A. I naturally felt badly, yes.

Q. But you didn't feel bad enough to fly to your

wife to see what you could do to help her and take a sobbing broken-hearted daughter to her mother and see what she could do? You didn't do that, did you?

A. No, I didn't do it. I anticipated in doing it. After the telegram came, I said, "Here, Mary, we will have to learn just the condition of your mother," and so she did over the telephone, and as we learned then— I want you to understand, Mr. Wescott, that the telegram should have gotten before the letter. The telegram was dated prior to the letter being dated, but we got the letter ahead of the telegram.

Q. Whom was the letter addressed to?

A. My daughter.

Q. Whom was the telegram addressed to?

A. My daughter.

Q. And not to you?

A. No.

Q. If it had been addressed to you, it would not have been destroyed?

Mr. Stout: I object to that. If it had been addressed to him, it would not have been destroyed. That is not a proper question.

The Court: I think the question may be struck out. I don't see that it is material at all.

Q. Do you remember anything about the incident of a telephone communication to your house and that Eleanor Mishler was requested to say that Mary was not home?

A. No, sir.

Q. Don't remember that?

A. I don't remember any telephone message of that character.

Q. What?

A. I don't remember any telephone messages that Mary wasn't home.

Q. Let us come back to this telegram. What did the telegram say?

A. Why, "Come at once. Your mother is delirious."

Q. What?

A. "Come at once. Your mother is delirious."

Q. Well, did you go at once?

Mr. Stout: I submit, may it please the Court, that the witness has been asked that at least ten times.

The Court: You have been over all of that, Judge Wescott.

Mr. Stout: That he didn't go, that he went at a different time, because they received a telephone message that she was better.

Mr. Wescott: I can't ask the question?

The Court: He may answer that question. It has been answered at least two or three times before, I should say. I don't want to continue the case indefinitely through repetition. What is the answer?

Q. (Question read by the stenographer.)

The Court: Answer.

The Witness: No.

Q. This was a registered letter, wasn't it?

A. I didn't get the letter from the mail man.

Q. Don't know whether it was a registered letter or not?

A. The servant got the letter.

Q. When you took Eleanor Mishler to the depot, you bought her ticket, didn't you?

A. Yes.

Q. Why?

A. Well, no reason why. I thought that possibly the expenditure of coming down might mean a little bit to her and I did it as——

Q. You knew she had no money, didn't you?

A. I did not.

Q. Didn't she tell you that she had no money?

A. No, sir.

Q. And didn't you know that the plan was for her mother to come down and take her home?

A. I didn't.

Q. Didn't she tell you that when she came there?

A. No, sir.

Q. Sure of that?

A. Sure of that.

Q. And didn't you know that when she brought her grip full of underwear that she was designing to make quite a stay there?

A. I didn't know what her grip contained. I was rather surprised to see the grip.

Q. Why were you surprised to see the grip Sunday night?

A. Large dress suit case, such a dress suit case that one could stay indefinitely, almost.

Q. You were surprised about that?

A. To see a dress suit case, yes.

Q. Did you express your surprise to anyone?

A. What is that?

Q. Did you express your surprise to anyone?

A. No, I don't know as I ventilated it. I didn't tell anybody.

Q. How long did that surprise last you? After she came Sunday night, just coming for the day, she came and stayed Monday, Tuesday, Wednesday. How long did this surprise last you?

A. It surprised me at the time, at the moment that I saw it, in getting off of the train.

Mr. Stout: Now, you have answered the question.

Q. What were you going to say?

A. What was I going to say?

Mr. Stout: I submit, may it please the Court, he has answered the question. There is nothing pending.

The Witness: I haven't anything to say about it.

Mr. Stout: Wait a minute.

Q. Do you know why your counsel don't want you to talk?

Mr. Stout: Because he don't.

A. What is that?

Q. Do you know why your counsel don't want you to talk?

A. No, sir.

Q. You don't. You will leave that to your counsel, is that correct?

A. I have nothing to say about that. I can't answer.

Q. You have nothing to say about that?

A. No.

Q. Now, you did, as you said, buy Eleanor's ticket back and you heard your mother say to her that she

must go home now on account of the sickness of your wife and renew her visit some other time, eh?

A. That is what I understood her to say.

Q. Is that correct?

A. To prolong her visit, I think.

Q. To prolong her visit?

A. Some other time.

Q. Did you expect her to come back again?

A. Yes.

Q. When did you expect her to come back again?

A. When mother made that assertion to her.

Q. When did you expect Eleanor to come back?

A. I didn't give it a thought. I didn't know when she expected to come back.

Q. When did you expect her to come back?

A. I didn't have any thought about it.

Q. You weren't interested, were you?

A. No, sir.

Q. Now, there is another thing that you have forgotten to contradict. Look at this little girl sitting back of me.

A. Yes, I see her.

Q. She says that you said that you and your daughter requested her to keep this horrible thing still. Did you or didn't you?

A. Positively no.

Q. Your lawyers hadn't asked you that. She further says, this little girl sitting back of me, that you said you would take her to Florida and buy her a fur coat and whatever you got for Mary, you would get for her. Now, your lawyers didn't ask you that. I am asking you. That isn't so, is it?

A. Positively not so. I had no idea of going to Florida. I hadn't given it a thought.

Mr. Stout: You have answered the question, Mr. Bullock.

Q. While Eleanor was at your house, what days did you go to the market?

A. Well, I went on a Wednesday morning.

Q. And not Tuesday? And not Tuesday?

A. I don't want to be too sure whether I went on Tuesday or—— I think the 'phone message—— 'Phoned to the market on Tuesday. Sometimes they 'phone for the marketing and sometimes I go.

Mr. Wescott: That is all.

Mr. Stout: That is all, Mr. Bullock.

MRS. PRISCILLA FREEMAN, sworn.

By Mr. Stout:

Q. What is your full name, please?

A. Mrs. Priscilla Freeman.

Q. Where do you live?

A. 4415 Arctic Avenue.

Q. Do you know Anthony Bullock?

A. Yes.

Q. And his daughter Mary?

A. Yes, sir.

Q. And his mother?

A. Yes.

Q. Were you in the employ of the Bullock family in the month of February, 1923?

A. I was.

Q. When did you go to work for them?

A. Why, I went to work for them in January.

Q. And when did you leave?

A. Why, I left in June.

Q. And in what capacity——
A. In May, I left.
Q. What were your duties?
A. Why, chamber work.
Q. Laundry work?
A. Laundry, yes, and waited on the table.
Q. And what days in the week did you wait on the table?
A. I took charge of the dining room on Wednesdays.
Q. Who took charge of the dining room on other times outside of Wednesday?
A. Well, I did, from Wednesday on.
Q. You did?
A. Yes.
Q. You skipped Monday and Tuesday?
A. Yes.
Q. Do you remember this young lady, Eleanor Mishler, coming to the Bullock house?
A. I do.
Q. Do you remember what day in the week she came there?
A. Sunday afternoon.
Q. How long did she remain at the house?
A. From Sunday until Wednesday.
Q. Did you see her about the house during that time?
A. Yes, I did.
Q. Just tell to the Court and jury what you noticed about the young lady at any time that was unusual?
A. Well, I didn't notice anything unusual about her. She was just the same when I first met her as she was the day she left. I don't know anything unusual.
Q. Did you serve the breakfast on Wednesday morning?
A. I did.

Q. Who beside Eleanor and the Bullock family were there?

A. Mrs. Corson, the dressmaker.

Q. What do you know about Eleanor eating her breakfast and whether she did or not?

A. Well, she ate her breakfast, everything that I served her.

Q. And you served her on this Wednesday?

A. Wednesday.

Q. Did you serve the lunch?

A. Yes.

Q. And who was present beside the Bullock family at lunch?

A. Just Mrs. Corson and Eleanor.

Q. What have you to say as to Eleanor eating her lunch as usual?

A. She ate her lunch as usual. She was no different.

Mr. Erickson: I think I ought to interpose an objection. About the only thing this witness has said since she has been on the witness stand is "Yes, I know." I would very much prefer to have the witness testify.

The Court: Well, let the next question be asked.

Mr. Stout: Well, what is the ground of objection?

Mr. Erickson: I think the questions are leading.

Mr. Wescott: You testify yourself. All the witness does is say yes or no.

Mr. Stout: I don't understand a question that could be answered yes or no as a leading question.

The Court: Ask the next question, and if there is any objection, let it be made.

Q. Was there or was there not anything of an unusual character occurred at the Bullock home on Wednesday when Eleanor was there?

A. No.

Q. Nothing of an unusual character?

A. Nothing unusual.

Q. Do you remember whether there were any letters received?

Mr. Erickson: That is a leading question.

Mr. Stout: I think I have a right to call her attention to it.

Mr. Wescott: She has already said nothing unusual happened. Now, you are going to put the letter and everything else in here.

The Court: Is there a question pending?

(Question read by the stenographer.)

A. Only what I was told.

The Court: Just a moment. Do you object to that question?

Mr. Wescott: She has answered it.

Q. You have no knowledge of your own?

A. No.

Q. Did you see Mary Bullock on Wednesday morning?

A. Yes.

Q. Where did you see her?

A. Why, I saw her at the table.

Q. But after breakfast, did you see her?

A. Yes.

Q. Where was she when you saw her?

A. She was upstairs.

Q. And what time of the day was it?

A. Well, in the morning, somewhere about ten o'clock or after.

Q. Who was with her?

A. Why, Miss Eleanor.

Q. Just state to the Court and jury what the condition of Miss Mary was and what, if anything, you saw Eleanor do or anything that you might have heard her say?

A. Well, I will tell you: I was down in the laundry at the time the letter was received——

Q. I asked you when you saw them in the bedroom?

A. When I went upstairs, this young lady was sitting on the bed aside of Miss Mary, and Miss Mary lay there too with her shoes and stockings on and this young lady was trying to pacify her about the receipt of this letter. I asked Miss Mary what was wrong, and she told me.

Q. Was Eleanor there?

A. She sat on the bedside.

Q. What did you hear Eleanor say to Miss Mary?

A. She said, "Mary, I would go home then and see my mother."

Q. And in whose room was that?

A. It was in Miss Mary's room.

Q. How soon after that did Eleanor leave the Bullock home?

A. How soon? Well, I guess about two o'clock or three, something like that. I was off that afternoon.

Q. What makes you think it was two or three o'clock?

A. Well, it was my afternoon off, and she being so upset, I was late getting off that afternoon.

Q. Well, when you did go home, who went with you?

A. Why, Mr. Bullock and Mrs. Bullock, Miss Bullock and Miss Eleanor.

Q. Did you hear Eleanor say anything when she left the Bullock house that afternoon?

A. Only said goodbye to Georgie. She was the only one left in the house.

Q. What did she say to Georgie?

A. She said, "Goodbye, Georgie, I certainly enjoyed my trip."

Q. Did you ride in the automobile with Eleanor that afternoon?

A. I did.

Q. Where did you leave the automobile?

A. At my home.

Q. Did Eleanor say anything to you when you left the automobile?

A. Yes, she said, "Goodbye, Priscilla," how she enjoyed herself, and I said, "I am glad you did. I hope you will come again."

Q. What reply did she make?

A. She said, "Thank you."

Q. Is that the last you saw of her?

A. That is the last I saw of her.

Q. Do you know whether or not at the time Eleanor was in the car that took you home her luggage was in the car?

A. Yes, it was in the car.

Q. Were you at the Bullock home on Friday succeeding the Wednesday that Eleanor went home?

A. Yes.

Q. Who else was in the house at that time?

A. Georgie, the cook.

Q. Was Mary home on Friday afternoon?

A. No, she was not.

Q. Was or not there a telephone ring for Mary?

A. Yes.

Q. Who answered the 'phone?

A. I answered the 'phone.

Q. Was there more than one ring for Mary?

A. There was two.

Q. Who answered the second 'phone?

A. I did.

Q. Did you talk to the person who made the call?

A. I did.

Q. Who was it?

A. Why, I asked who it was.

Q. What did they tell you?

A. She said it was Miss Eleanor. I said, "Who is Miss Eleanor?" She said, "Don't you know my voice, the young lady was down here?"

Q. What did you tell her and what did she want?

A. She said she wanted to see Miss Mary, and I says, "She is out now. They are away in town." I said, "Call again." She said, "What time will they be in?" I said, "You can call about six o'clock." And so she did.

Q. Was Miss Mary home at six o'clock?

A. No, she was not.

Q. Was it the same person that talked with you at six o'clock?

A. Same person.

Q. Without telling the Court or jury what you said to Miss Mary, did you inform Miss Mary of the telephone calls when she returned?

A. I did.

Q. Who did the laundry work at the Bullock home?

A. I did.

Q. Were there any extra nightgowns or strange nightgowns washed at that house?

A. There was not.

Q. Were there any nightgowns with blood spots on washed?

A. No, there wasn't.

Q. What have you to say as to the sheets used on the bed?

A. Why, they were all right, only just dirty, that is all. They were all right. I didn't see nothing unusual about the bed linen no more than I ever do.

Q. You did all the laundry work?

A. I did all the laundry.

Q. Priscilla, during the month of February, did the chauffeur William live at the house?

A. He did not.

Q. Where did he live?

A. He lived on Burke Avenue, West Burke Avenue, I don't know the address.

Q. What time did you get to work, what were your hours?

A. Why, half-past eight.

Q. What time were William's hours?

A. Well, William's hours was half-past seven, from that until eight.

Q. Have you any knowledge as to the number of nightgowns that Mary usually had in the wash?

A. No. She only have two changed a week.

Q. Do you know anything about the number of nightgowns that she has?

A. Number of nightgowns she has?

Q. Yes.

A. I couldn't tell you that. I know she has gowns that I never seen her put them on.

Q. You have seen her have gowns——

A. Certainly, she has plenty of gowns in the house.

Q. How do you know?
A. Because I seen them in the drawer.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Erickson:

Q. When did you go to Bullock's to live?
A. In January.
Q. January of what year?
A. 1923.
Q. And how long did you stay at Bullock's?
A. Well, I stayed there from January until May.
Q. Until May?
A. Yes.
Q. Then you were there approximately four or five months?
A. Yes.
Q. Then you were there approximately four or five months?
A. Well, the first time. I have been there twice.
Q. You have lived at the Bullock's before?
A. Yes.
Q. Since?
A. Before then.
Q. Haven't you lived there since May of last year?
A. No.
Q. Where have you lived since May of last year?
A. What do you mean, in service?
Q. Where have you lived since——
A. 4415 Arctic Avenue, that is my home.
Q. For whom have you worked since May of last year?

A. Why, I works for Hires now. Coal man Hires now.

Q. And you have worked there since last May?

A. I have my family that I works for and has for six years or more.

Q. At the time you worked at Bullocks, you worked there seven days a week?

A. Yes, in the winter.

Q. Since you have left Bullocks in May, have you continued to work by the week?

A. No.

Q. You have been doing day work since that?

A. Yes.

Q. When did you work for the Bullocks before you went there in January?

A. Why, went there in February, in the winter.

Q. Well, you said you went there in January. Now you say you went there in February?

A. I said it was twice I went to work for the Bullocks, it was in the winter time.

Q. It was in the winter time?

A. Yes.

Q. And you went to work there last January?

A. Last January.

Q. When was the preceding time that you went to Bullocks?

A. February.

Q. February of what year?

A. Just the year before.

Q. How long did you work for Bullocks when you were there the year before?

A. Well, just the same length of time, I stopped in the summer.

Q. You just went there in February and worked there until about May?

A. Yes.

Q. When you went to work for Bullocks in February, 1923, who constituted the Bullock household?

A. In 1923?

Q. January, 1923—February, 1922, as I understood her?

A. Yes, I worked there in '22 and '23.

Q. Now, when did you go to work at Bullocks in 1923?

A. I went there in January.

Q. And when did you go to work for Bullocks when you went there in 1922?

A. February.

Q. February. When you went to Bullocks in January, 1923, who constituted Bullock's household, if you know?

Mr. Hildreth: I object to that as immaterial.

The Court: Cross-examination. Objection overruled.

Mr. Hildreth: Allow an exception?

The Court: Exception noted.

(Exception noted for defense.)

Q. Who?

A. Who constituted the household? Well, the family, Mrs. Bullock, Mr. Bullock and Miss Mary, that was all.

Q. That was the family?

A. Yes, that was the family.

Q. Who constituted the Bullock household when you went there to work in February, 1922?

Mr. Hildreth: I object to that as immaterial and not cross-examination.

The Court: What have you to say, Mr. Erickson?

Mr. Erickson: The principal object of this cross-examination is to test this girl's memory, and this is one of the points I am taking up to do it.

The Court: This is a year prior. The same rule that applies to cross-examination of the defendant does not apply to this witness. I will sustain the objection. It is outside of the scope of the examination in chief.

Q. Did you live at the Bullock's household?
A. No.

Mr. Hildreth: When?

Q. In January of 1923?
A. Yes.
Q. Yes.
A. What do you mean?
Q. Did you live there all the time or did you go there in the day?
A. Oh, no, only went there in the day.
Q. Did you ever live at the Bullock household?
A. No.
Q. Then all the time that you have worked there, you merely went there and worked for the day?
A. By the week.
Q. By the week. All right. Now, do you remember any other company that the Bullocks had while you were there?
A. Any other company?
Q. Did the Bullocks ever have company?

A. Oh, yes, surely.

Q. Do you remember any other company in particular that the Bullocks had?

A. Not none in particular.

Q. None in particular?

A. No.

Q. Can't remember any?

A. No.

Q. But they did have company?

A. Yes.

Q. Do you know this little girl's name?

A. No, I just know her what they told me.

Q. Just know what who told you?

A. She said her name was Eleanor.

Q. Eleanor what?

A. I don't know.

Q. Now, when did Eleanor go to the Bullocks?

A. Sunday afternoon.

Q. Sunday afternoon. You remember that very distinctly?

A. Well, she wasn't there when I left, but when I was back on Monday morning, she was there.

Q. How do you know she went there on Sunday afternoon?

A. Because I know they was expecting her.

Q. Then what you know about it is what the Bullocks have told you?

A. Why certainly.

Q. What did they tell you?

A. They said, "You girls is going to be off this afternoon, and we expect company, so we can have our dinner early and you can prepare things for us and Miss Mary will serve her the lunch when she comes."

Q. What time did you leave on that Sunday afternoon?

A. Well, between two and three o'clock.

Q. Two and three o'clock?

A. Yes.

Q. You don't know of your own knowledge when Eleanor got there?

A. No.

Q. When was the first time that you saw Eleanor?

A. Monday morning.

Q. What was Eleanor doing Monday morning when you first saw her?

A. Why, just before we got ready to serve breakfast, Miss Mary brought her in the pantry and give me an introduction to her.

Q. Did you serve breakfast Monday?

A. No.

Q. Didn't I just understand you to say that just before you went and served breakfast?

A. I always prepare my table for breakfast. Then I go down to my laundry, see, and Georgie serves the breakfast, and then when I comes up from my breakfast, Miss Mary brought this young lady in the pantry and give me an introduction.

Q. What were you doing in the pantry at that time?

A. Well, I have a right to be in the pantry.

Q. I didn't ask you that?

A. I couldn't tell you that, what I was doing that. I don't know just what I was doing. Maybe to get cream, maybe something I was asked to do.

Q. You were serving breakfast that morning?

A. I wasn't serving breakfast that morning.

Q. Then what would you have been going to do with some cream?

A. I will tell you, that is a pretty funny question to ask, but any time that I am not serving breakfast, if I have a chance to help the cook, I do, especially when there is company, I run in the pantry

and fix up, but I am not dressed to go in the dining room.

Q. Then you have to be especially dressed?

A. I do to go in his dining room.

Q. What does your work be on Monday?

A. In the laundry.

Q. Then you worked in the laundry that morning?

A. Yes.

Q. Where is the laundry?

A. In the basement.

Q. And you were in the laundry doing your work?

A. Yes.

Q. How long were you in the laundry during this particular Monday in question?

A. How long? Why, I am from breakfast time until lunch.

Q. What Monday was this?

A. I don't know—it was a Monday.

Q. You just know it was Monday?

A. Just know it was on Monday.

Q. And how long were you there in the morning, did you say?

A. In the morning?

Q. How long were you in the laundry on Monday?

A. I was in the laundry all the morning.

Q. And then when did you go out of the laundry?

A. I don't just know.

Q. Did you take any part in the serving of lunch?

A. I didn't.

Q. That wasn't your work on Monday?

A. That wasn't my work on Monday.

Q. And what did you do in the afternoon?

A. I just took charge of the laundry. I did a little ironing in the afternoon.

Q. And where did you do all that ironing?

A. Where did I do the ironing? Why, in the kitchen.

Q. In the kitchen?
A. Yes.
Q. And did you iron all the afternoon?
A. No, not quite.
Q. What else did you do Monday?
A. That is all I know. That is all.
Q. That is all, just a little ironing. Then what time did you leave the Bullock's house on Monday?
A. What time did I leave there?
Q. Yes.
A. Why, I left there after I served the supper.
Q. Did you serve the supper on Monday?
A. I do Monday afternoon after the laundry is done, in the morning, I takes charge for the dinner.
Q. Well, the dinner is the afternoon or night meal?
A. Night meal.
Q. So you left the laundry and took care of the night meal on Monday?
A. On Monday.
Q. And that is how you know you did it on this Monday?
A. Sure.
Q. What did the night meal consist of on Monday?
A. I don't know.
Q. When did you next see Eleanor after you had been introduced to her in the pantry on Monday?
A. When did I next see her?
Q. Yes.
A. Well, at the dinner hour.
Q. That is late in the afternoon?
A. Yes.
Q. How long were you seeing her or talking with her?
A. I never had no talk with her.
Q. How long was she in your presence in the pantry when you were introduced to her?
A. Just a minute.

Q. Just a minute?
A. Yes.
Q. And what did she say?
A. What did she say?
Q. What words did she say to you then?
A. Well, she didn't have anything to say, only Miss Mary Bullock introduced her to me.
Q. Didn't she open her mouth?
A. Certainly.
Q. What did she say?
A. She said, "Glad to meet you, Priscilla."
Q. Is that all she said?
A. That is all she said to me.
Q. Now, the next time you saw Eleanor was at the dinner table?
A. Oh, I think I saw her go out in the car.
Q. When was the next time you saw her to speak to her?
A. I never spoke to her, never bothered with her.
Q. Then that morning when she told you she was glad to meet you is the only time that you have ever spoken to her?
A. Yes, that was the first time, that was the first time.
Q. Did Eleanor speak to you at the supper table or during the supper time, or dinner time, rather?
A. No.
Q. Didn't say a word?
A. No.
Q. After you did your necessary chores, you went home that night?
A. Yes.
Q. And what time did you come the next morning?
A. Well, about half-past eight, the usual hour.
Q. That is the usual time?
A. Yes.

Q. That is the reason you testified you came on this Tuesday morning in question?

A. That is my usual hour to go to work.

Q. That is why you know you went there at half-past eight on this Tuesday morning?

A. Yes.

Q. Now, what did you do on Tuesday morning?

A. Ironed.

Q. You finished the ironing which you didn't do Monday?

A. Yes.

Q. Wait on the table Tuesday morning?

A. No.

Q. Did you see Eleanor Tuesday morning?

A. No.

Q. When was the next time that you did see Eleanor?

A. Well, I seen her Tuesday just before noon, just before noon Tuesday that I think she went out in the car.

Q. You saw her as she was going out?

A. Yes.

Q. She didn't speak to you?

A. No, I wasn't within reach of her.

Q. You had nothing to say to her at all?

A. No.

Q. You didn't wait on the table Tuesday, as I understand it, Tuesday noon?

A. I did not.

Q. So you didn't see Eleanor then?

A. No.

Q. What did you do Tuesday afternoon?

A. Ironed.

Q. Still ironing. And you ironed Monday afternoon, Tuesday morning and Tuesday afternoon?

A. Yes.

Q. See Eleanor Tuesday afternoon?

A. I think so.

Q. Where did you see her Tuesday afternoon?

A. I seen them when they were going out.

Q. You likewise saw them Tuesday morning when they were going out?

A. Yes.

Q. Now, who was in the car when they went out Tuesday morning?

A. I guess Mr. Bullock and Eleanor.

Q. That was Tuesday morning?

A. Yes.

Q. That was all was in the car.

A. I think she passed through the kitchen at the time going down to the garage.

Q. Then Tuesday morning when they went out, the only people in the car——

A. I wouldn't say the only, because I don't watch the car to see who goes out.

Q. I am asking you who you saw in the car?

A. I won't positively. I don't know just who was in the car.

Q. Who was in the car Tuesday afternoon when they went out?

A. The whole family.

Q. The whole family?

A. Yes.

Q. Now, did you wait on the dinner table Tuesday?

A. Tuesday night, yes.

Q. Who had dinner Tuesday night?

A. Why, Mr. Bullock, Mrs. Bullock and Miss Mary and Miss Eleanor.

Q. Anyone else?

A. That is all.

Q. Mrs. Corson there?

A. She is never there for her dinner, sir.

Q. I am asking you whether she was there Tuesday night or not?

A. No, she is never there for dinner Tuesday night.

Q. Now, do you remember what they had for dinner?

A. I don't.

Q. You served it?

A. I can't remember. It has been one year.

Q. You served it?

A. I served it. I can't remember what they had.

Q. Now, after dinner you left?

A. Yes.

Q. Now, did Eleanor speak to you at any time during Tuesday?

A. I can't remember whether she did or not.

Q. You can't remember?

A. No.

Q. Now, when and where did you see Eleanor on Wednesday?

A. I saw her at the table Wednesday morning.

Q. You served the breakfast?

A. Wednesday morning.

Q. Who was there then?

A. Why, Mr. Bullock, Mrs. Bullock, Miss Mary, Mrs. Corson, Miss Eleanor.

Q. Then there were five of them Wednesday morning. What did they have for breakfast?

A. I couldn't tell.

Q. You can't tell?

A. No.

Q. Eleanor sat at the table with the rest of them?

A. Yes.

Q. Do you know whether or not Eleanor ate her breakfast or ate any breakfast Wednesday morning?

A. Yes, she did.

Q. How do you know that?
A. Why, I served her.
Q. Yes, but you don't know what they had?
A. I don't know what they had?
Q. No.
A. She eat just what the rest had.
Q. She ate what the rest had or nothing?
A. It wasn't nothing. We always had something.
Q. If she ate at all, she ate what the rest had?
A. Yes.
Q. You don't know whether she ate at all now or not, do you?
A. She did eat.
Q. I am asking you?
A. Yes.
Q. You know that she did?
A. Yes.
Q. Now, what did she eat?
A. She ate the breakfast was served, such as bacon and eggs or ham and eggs.
Q. And what was served?
A. I don't know whether it was bacon and eggs or ham and eggs or egg omolette or what.
Q. Whatever was served, she ate?
A. Yes.
Q. You are sure of that?
A. Yes.
Q. And when did you next see her?
A. Why, I saw her Wednesday afternoon, or at lunch Wednesday.
Q. You saw her at lunch Wednesday?
A. Yes.
Q. And who was at the Bullock house at lunch Wednesday?
A. Mr. Bullock, Mrs. Corson, Miss Mary——
Q. Eleanor was there?
A. Yes.

Q. You served the lunch?
A. Yes.
Q. What did they have for lunch?
A. I really couldn't tell you.
Q. But you served it?
A. Yes.
Q. Eleanor eat her lunch?
A. Yes.
Q. Sure of that?
A. Yes.
Q. How do you know she did?
A. She didn't pass anything by.
Q. Well, I am asking you how you know.
A. I didn't stand in the dining room just to see what everybody ate. They ate what they wanted.
Q. Then, as a matter of fact, you don't know whether she ate or not?
A. She did eat after I started to serve.
Q. What did you see her eat?
A. I couldn't say what I seen her eat. I couldn't say that.
Q. Did she have anything to say to you on Wednesday?
A. On Wednesday? I don't know, I don't know anything about it. I said, "Goodbye."
Q. Up until Wednesday noon, the only thing that she had said to you that she was glad to meet you, is that right?
A. That's right.
Q. Now, did you see her Wednesday afternoon?
A. I did.
Q. Where did you see her Wednesday afternoon?
A. Upstairs.
Q. With whom was she?
A. In Miss Mary's room.
Q. What were the conditions there?
A. Why, Miss Mary had received this letter, you

know, and she was crying and grieving, and I asked her what was the matter. She said she wanted to go home.

Q. Who said that?

A. Miss Mary said she wanted to go home and see her mother, that her mother was very sick, her mother wanted her to go home.

Q. Did she tell you why she did not go home?

A. No, she did not.

Q. Just said she wanted to go home?

A. Just her family wanted her to go home.

Q. She was crying?

A. Yes.

Q. She seemed to be pretty well broken up, didn't she?

A. Yes.

Q. Eleanor was with her?

A. Yes.

Q. And where was Mary when you were talking with her?

A. Laying across the bed.

Q. Laying across the bed. You say she had her shoes and stockings on?

A. Yes.

Q. What kind of shoes and stockings did she have on?

A. Just like she has got on now.

Q. The same shoes and stockings?

A. I don't know whether they are the same or not.

Q. Well, can you describe what kind of a pair of shoes and stockings she had on?

A. I couldn't describe that.

Q. Did she have on anything but her shoes and stockings?

A. She was dressed.

Q. How was she dressed?

A. Why, dressed like I am now.

Q. She was?
A. Yes.
Q. That would be your description of her dress at that time?
A. Yes.
Q. Didn't have on your clothes, did she?
A. No, she did not.
Q. Was she dressed ready to go home if her father would let her?
A. No, she wasn't dressed ready to go home.
Q. Have her coat on?
A. No.
Q. You have a coat on.
A. She had a sweater on.
Q. She had a sweater on?
A. Yes.
Q. Her trouble seemed to be that she wanted to go home?
A. She wanted to go home, or she got this letter or telegram, or whatever it was, from her folks.
Q. But she told you that she wanted to go home?
A. I asked her what was the matter. She said her mother was taken very sick and she really must go home to see her.
Q. She really wanted to go home to see her?

Mr. Hildreth: She didn't say that.

A. She really must go home to see her.
Q. Now, did Eleanor say anything to you at that time?
A. Now, she didn't say anything to me.
Q. Didn't say a word to you?
A. No.
Q. Then the only time that you have heard of until Wednesday afternoon when she was upstairs

with Mary, the only thing she has said to you was she was glad to meet you?

A. That is all.

Q. Yes. Now, what were your duties around the house?

A. What was my duty? I did the chamber work.

Q. What were you employed as?

A. I did the general house work, chamber work, table and cleaning up.

Q. Have you been in the court room since this case has been going on?

A. I have not.

Q. You have not?

A. I have not.

Q. As chambermaid, or whatever you call it, caretaker of the chambers or general housekeeper, what did your duties require you to do?

A. Well, general cleaning, laundry work, waiting the table.

Q. What about the beds?

A. I didn't make any beds in the house.

Q. You didn't make any beds?

A. Only on my cleaning day.

Q. Do you know of your own knowledge who did attend to the beds?

A. Why, Miss Mary.

Q. Miss Mary?

A. Yes.

Q. All of them?

A. All but Mrs. Bullock's.

Q. So you know nothing about what the bed linen may have shown when it was taken off that bed on a Wednesday morning?

A. Why, it was all right. I don't know anything about it because I did the laundry on Mondays.

Q. You did the laundry on Mondays?

A. Yes.

Q. And the Monday that Eleanor was there you did the laundry?

A. Yes.

Q. And the laundry was all right?

A. Yes.

Q. You saw no blood spots of any kind or character?

A. No.

Q. On anything?

A. No.

Q. You didn't take the bedding from the beds?

A. No.

Q. Mary looked after the beds?

A. Yes.

Q. So as to the conditions of the bed or bedding on Monday morning, you have no knowledge?

A. No.

Q. When you came to the house on Monday morning who was the first person that you saw, if you can remember?

A. When I came to the house? Why, the cook and the chauffeur.

Q. The cook and the chauffeur?

A. Yes.

Q. Who was the next person that you saw?

A. Why, Miss Mary.

Q. Miss Mary?

A. Yes.

Q. Did you see Eleanor?

A. I did not.

Q. Before the breakfast hour?

A. I did not.

Q. Did you do the washing the following week?

A. I did.

Q. Do you have any recollections at all of the washing the following week?

A. I don't.

Q. Now, you say you had two telephone calls. When was that?

A. Friday.

Q. That was Friday. How do you fix that?

A. How do I fix that?

Q. How do you remember that?

A. Well, because I always take a note of the calls when the family is not home.

Q. Have you the note that you made at that time?

A. No, I haven't the note, but I just tell them when they come home.

Q. I see. And you know now that you had received two telephone calls?

A. I do.

Q. And you know it was on this Friday after Eleanor had left?

A. It was.

Q. How do you fix that at this time?

A. How do I fix it?

Q. Yes.

A. Because I knows that I received the telephone calls.

Q. How do you know at this time? How do you arrive at the conclusion that it was on the Friday after Eleanor had left?

A. Because the young lady had not wrote to Miss Mary.

Q. What is that?

A. She hadn't wrote anything, hadn't heard from her, and she called up.

Q. Miss Mary hadn't heard anything from Miss Eleanor since she left? Did you think that was funny?

A. No, I didn't think anything about it.

Q. Well, how do you know Miss Mary hadn't heard from Miss Eleanor?

A. Because she said she hadn't.

Q. Then Mary confided to you that she hadn't heard from Eleanor?

A. Yes.

Q. Now, when did Mary make that statement to you?

A. Well, I think it was on a Thursday.

Q. You think it was on Thursday?

A. Yes.

Q. And Eleanor had left on a Wednesday?

A. Yes.

Q. And Mary told you on Thursday she hadn't heard from Eleanor?

A. I think it was that she got no message from the little girl that left.

Q. Don't tell me——

A. No.

Q. Did you and Mary have any conversation about Eleanor?

A. We never had any conversation at all.

Q. None at all?

A. No.

Q. Now, do you know where the Bullock's went on Friday?

A. I think they went to Atlantic City.

Q. How is that?

A. I think they went to Atlantic City.

Q. You think they went to Atlantic City?

A. Yes.

Q. Who went with them?

A. Mr. Bullock, Miss Mary, Mrs. Bullock.

Q. Did they have any company?

A. No.

Q. When was the next time after Eleanor left on Wednesday that the Bullocks had additional company?

A. I couldn't say.

Q. You don't know?

A. No.

Q. What were you doing on Friday when you got the first telephone call?

A. Cleaning.

Q. Where?

A. Upstairs.

Q. Where is the telephone?

A. It is right at the foot of the steps, second floor.

Q. Right at the foot of the steps?

A. First floor, yes.

Q. Is there a room off of the stairs at the stairway?

A. Yes.

Q. At the first floor?

A. Yes.

Q. What did they call that room?

A. Scandal parlor.

Q. Scandal parlor?

A. Yes.

Q. Is that where the telephone is?

A. That is where it is.

Q. Did you ever sit in the scandal parlor?

A. I have no right to sit in there.

Q. I am asking you if you do?

A. No.

Q. Is that where this crystal is?

A. I don't know anything about that.

Q. You have never seen the crystal?

A. Never seen it.

Q. Well, you went in the scandal parlor to answer this telephone?

A. Yes.

Q. And what was the conversation?

A. The conversation with who?

Q. On the telephone?

A. There was no conversation at all at first.

Q. The bell rang?
A. When the bell rang, I answered it.
Q. You went to the telephone and answered it?
A. Yes.
Q. What did you say when you answered it?
A. I said, "Who is this?"
Q. What did you say first, "Hello?"
A. Yes, I said, "Hello."
Q. And the voice from the other end said what?
A. Voice from the other end said, "Who is this?" I says, "Priscilla, the Bullock's maid."
Q. Yes.
A. I said, "Who is this talking?" She said, "Eleanor. Is Miss Mary in?"
Q. Now, just a minute.

Mr. Stout: I submit the witness ought to be permitted to answer the question.

Mr. Erickson: I think the witness answered it thus far.

(Question read by the stenographer.)

(Question and answer read by the stenographer.)

Mr. Stout: The Prosecutor interrupted her.

The Court: Is there anything further in answer to that question, Priscilla?

The Witness: Well, she says, I told her to call up again, that Miss Mary was not home. She said she would call again that day and asked what time she would be home. I said, "Well, you can call again at six o'clock," and so she did call again six o'clock.

The Court: What is the next question?

Q. Did this conversation take place immediately upon you taking up the receiver?

A. Immediately? No.

Q. Well, what happened?

A. There wasn't any conversation at all.

Q. Well, if I understood, you related what took place over the telephone?

A. Well, she only just says—— I asked who she was, and she explained herself.

Q. I am asking you if that conversation happened immediately upon you picking up the telephone?

A. No, just as soon as the operator could get me on the other end.

Q. Then just as soon as you picked up the telephone, a voice said "Hello," and you said, "Hello?"

A. Yes.

Q. And that voice asked who was there?

A. Yes.

Q. And you said it was Priscilla?

A. Yes.

Q. And then the——

A. No, the first call says, "Long distance." That is what called first.

Q. All right. Now, if you have got that straightened out, let us find out again what happened. The first time the operator said, "Long distance?"

A. Yes.

Q. Then what happened?

A. Then they got the party and said, "Hello."

Q. You said "Hello?"

A. Yes.

Q. You don't know where that conversation—— Or who that was talking to you beyond what was told you over the telephone?

A. No.

Q. And you had never heard Eleanor speak except once?

A. Had never spoke except once?

Mr. Hildreth: She has not testified to that.

Mr. Erickson: I respectfully submit to the Court that that is what she did say. I followed her clear up to the time Eleanor left the house——

The Court: That was not your question.

Mr. Hildreth: That isn't the question. your question was, "You had never heard her speak but this once." Her testimony is that she had never spoken to her but once.

Q. When had you heard Eleanor speak beside the time that you mention that she told you she was glad to know you?

A. I have heard her in conversation with the family of the house.

Q. When and where?

A. In the house.

Q. I asked you when and where.

A. I couldn't tell you in the sitting room or in the parlor of whatever, I don't know.

Q. Did you put in your hours around with the family?

A. I did not, but the dining room is just joined with the living room.

Q. And you have heard her talk with other members of the family?

A. Sure.

Q. You are sure of that?

A. Yes.

Q. What did you hear them discussing?

A. I didn't hear anything. I didn't understand what they was discussing.

Q. Will you tell this jury when you heard Eleanor holding a conversation with other members of the family, of the Bullock family?

A. Why, no special conversation, but usually when they got up from the dining room table, they go in the living room, each one sits down, and of course there was a conversation between them.

Q. How many times did you wait on the table while Eleanor was at the Bullock house?

A. How many times? Why, I waited on them on Wednesday, all day Wednesday.

Q. Well, how many meals did you serve to Eleanor?

A. Three.

Q. What time did Eleanor leave Wednesday?

A. No, I didn't serve three meals to her. I beg your pardon.

Q. How many did you serve?

A. I served two meals to her.

Q. Two meals to her while she was there?

A. I am wrong again. I served dinner every day. On Mondays, I serve dinner, which is half-past six.

Q. Yes.

A. I served dinner on Tuesday, half-past six.

Q. Yes.

A. And I served breakfast Wednesday morning, their nine o'clock breakfast, sometimes half-past nine. I served lunch half-past one or one o'clock.

Q. Yes.

A. Wednesday.

Q. Now, how many meals does that make that you served to Eleanor while Eleanor was at the house?

A. Well, I guess it was about four meals.

Q. Four meals?

A. Yes.

Q. Now, what conversation did you hear Eleanor have after the first meal?

A. I didn't hear any conversation at all. I only know they go in as usual talking.

Q. You didn't hear it?

A. I didn't hear any conversation. I know that they were talking together, entertaining each other. I didn't stand to hear what the conversation was.

Q. You did hear Eleanor talking?

A. Yes.

Q. And you heard her talking on Tuesday night?

A. Tuesday night?

Q. After the meal?

A. Yes.

Q. See any postal cards that were shown her?

A. No, I never saw nothing like that.

Q. Now, Friday morning and Friday afternoon you were in the laundry?

A. Friday morning and Friday afternoon?

Mr. Stout: I submit, may it please the Court, what difference does it make where she was Friday? Eleanor wasn't there.

Q. I beg your pardon. I mean Monday. On Monday morning and afternoon you were in the laundry?

A. Yes.

Q. Was Eleanor down in the laundry?

A. No.

Q. Did you hear Eleanor engaged in any conversation with these people on Monday?

A. Why certainly, while I was having my dinner.

Q. What is that?

A. While I was having my dinner.

Q. Where were you having your dinner?

A. In the kitchen.

Q. What do you mean by dinner?

A. Well, at lunch.

Q. Lunch?

A. Yes.

Q. And you heard her talking with the Bullocks then?

A. Yes.

Q. And where was she?

A. In the living room.

Q. And you heard them talking again after the supper Monday?

A. Yes.

Q. That is the second time you had heard her talk, is that right?

A. Yes.

Q. All right. Now, Tuesday. When did you hear her talk if at all?

A. Tuesday? Well, after meals, after serving meals.

Q. You weren't serving meals?

A. I wasn't serving meals, but I could hear any of the conversation going on in the dining room.

Q. Did you hear them engaged in conversation on Tuesday?

A. Yes, I did.

Q. Eleanor took part in that conversation?

A. Yes.

Q. Was that the third time you have heard her talk?

A. Yes.

Q. Had you heard her talk more than the three times?

A. I don't know.

Q. At this point?

A. I just heard them all in the conversation.

Q. Now, you heard her likewise talk at the meal

on Tuesday night and after the meal, Tuesday night, is that correct?

A. I don't know.

Q. Up until Tuesday night, then, had you heard Eleanor talk more than four times during the four meals?

A. Tuesday night? I don't know. I couldn't say.

Q. You couldn't say?

A. No.

Q. Well, you had gotten to the point now where you recognized Eleanor's voice when she talked?

Mr. Stout: I submit, may it please the Court, she didn't say that she recognized her voice over the telephone.

Mr. Erickson: I am cross-examining this witness, if you don't mind.

Mr. Stout: This witness has not testified that she recognized the voice of Eleanor over the telephone. She said she asked who it was and the voice on the other side said it was Eleanor, the girl who had just left. There wasn't any recognition of voice testified to by this witness. It was the fact that information was given to the person in the Bullock home that it was Eleanor on the 'phone somewhere inquiring for Mary.

Mr. Erickson: Are you willing now to admit that this woman did not recognize Eleanor's voice on the telephone?

Mr. Stout: I am not willing to admit anything, I am willing to take the testimony as it stands.

The Court: Now, what is the question, Mr. Donegan?

(Question read by the stenographer.)

The Court: Do you object to that question, Mr. Stout?

Mr. Stout: I think I will save time by withdrawing the objection.

The Court: Answer the question.

(Question read by the stenographer.)

The Court: Had you or hadn't you?

The Witness: Yes. Well, I didn't recognize it until after she spoke, and then I did, after she called up. I didn't recognize it on the other end until she said and then I really seen it was her.

(Answer read by the stenographer.)

Q. Was this the first time she called or the second time?

A. That was the first time.

Q. Now, what happened the second time when the bell rang?

A. Well, I answered the 'phone again.

Q. You did?

A. Yes.

Q. And tell us the circumstances?

A. Well, the family had not got home yet and I said, "Well, they hasn't come and it is six o'clock. You can call again." She said, "Well, no, I won't

call any more." Just as I hung the receiver up the car drove up to the doorway.

Q. Well, what happened on this call?

A. She didn't say anything more. She said, "Well, I will call again."

Q. She said she would call again?

A. Yes.

Q. With whom were you talking?

A. With whom? Why, Miss Eleanor supposed to be. That is what she give her name, that is all I know.

Q. Did she give her name both times?

A. The person said she would call again. Naturally she told me.

Q. Then the first time she said she would call again?

A. Yes.

Q. And then when someone called the second time, you thought it was Eleanor?

A. Oh, she said it was Eleanor.

Q. Then she told you on both occasions it was Eleanor?

A. Of course, she asked me for the same person, "Has Miss Mary got home yet?"

Q. She asked if Miss Mary had gotten home yet?

A. Yes.

Q. Did she say it was Eleanor?

A. No, she didn't say it was Eleanor.

Q. You recognized her voice?

A. Yes, I recognized her voice.

Q. You did?

A. Yes.

Q. What did she say to you over the telephone?

A. When? The first time she 'phoned?

Q. What did she say the second time?

A. Why, she said she would call again.

Q. She did say the second time she would call again?

A. Yes.

Q. Do you know whether or not she did call again?

A. No, I don't know.

Q. As I recall it a minute ago she said she wouldn't call any more, in the second conversation. Is that correct?

A. No, I don't remember saying that, that she would not call again.

Q. She said she wouldn't call again?

A. I don't remember that. I said she wouldn't call again?

Q. That is what I understood you?

A. No.

Q. Did or didn't——

A. I didn't say she wouldn't call again. All she said she wouldn't call again.

Mr. Hildreth: You told her to call again?

The Witness: I told her to call again.

Q. Did she call again?

A. I don't know. Just as I hung the receiver up the people came home. I had cut her off. I told Miss Mary when she came in that she had called up.

Q. You cummunicated that conversation to Miss Mary?

A. Yes, I did.

Q. Where did you get out of the automobile on Wednesday?

A. 4415 Arctic Avenue.

Q. Then you left the Bullocks, with the Bullocks and with Eleanor on Wednesday?

A. Yes.

Q. What time did you leave there?

A. About half-past two.

Q. About half-past two. Where did they go first?

A. They took me right home.

Q. Took you right home. Where did you sit in the automobile?

A. Sit with the chauffeur.

Q. And when you got out of the automobile, did anyone say anything to you?

A. Only the young lady said goodbye.

Q. What else did she say?

A. She was telling me how she enjoyed her trip.

Q. What did she say?

A. She said, "Goodbye, Priscilla. I hope to see you again. I surely enjoyed my trip."

Q. That is the second time she had spoken to you?

A. We spoke every morning. I always speak to everybody when I go to the house.

Mr. Erickson: That is all.

By Mr. Stout:

Q. The Prosecutor asked you the question whether you found anything unusual in the laundry on the Monday that Eleanor was there, and you said no. I now ask you, was there anything of an unusual character or nature in the bedding, bed sheets, that you laundered on the Monday after she left?

A. No.

Q. You had this entire matter called to your attention a good while ago, didn't you?

A. What is it?

Q. You had all these facts called to your attention a long while ago, didn't you, shortly after Eleanor went away? Didn't you?

A. Yes, I did, sure.

Q. Is that one of the reasons why you remember it was Friday when she went home?

A. Yes.

Q. How soon after—— No, I didn't. I asked her how she knew it was on Friday of the telephone communication. I am speaking of the Friday on the telephone communication. Because your attention was called to the conditions soon after Eleanor went away that you remember it was Friday?

A. Yes.

Q. How soon after Eleanor left was it that your attention was called to a charge that Eleanor had made against Mr. Bullock and his daughter?

A. Well, I don't know just what day it was.

Q. Well, was it a short time?

A. Well, it was a short time.

Q. Then you were talked to about it?

A. Yes.

Q. And did you go to Trenton too?

A. No.

Q. You didn't go. All right. That is all.

By Mr. Erickson:

Q. Just how soon after Eleanor left was it, if you can recall, that the Bullocks began to talk to you about Eleanor's visit?

A. How soon? In what way do you mean?

Q. I am asking in any way.

A. About her visit?

Q. Yes.

A. Why, they talked the next day about her visit.

Q. Did they go over the facts that you say that she had told you goodbye?

A. Yes, what a nice little girl she was. That is all they said to me. I don't know any different.

Q. But they called your attention to that, did they?

A. Yes.

Q. And so that is why you remember it so well?

A. Remember it so well.

Q. Now, did they later have a conversation with you about it?

A. No. Never had no conversation with me about anything.

Q. Oh, they did not?

A. No.

Q. Did you ever have an interview with the lawyers about it?

A. No.

Q. Never have?

A. No.

Q. Not until you came here and went on the witness stand?

A. Not until I came here and went on the witness stand?

Q. Yes.

A. Oh, I seen Lawyer Hildreth. They never did any talking to me, only he came after me after I was subpoenaed.

Q. Except the next day?

A. Yes.

Mr. Erickson: That is all.

Mr. Stout: That is all, Priscilla.

WILLIAM GREEN, sworn.

By Mr. Stout:

Q. What is your full name?
A. William H. Green.
Q. Who are you employed by?
A. Mr. Bullock.
Q. How long have you been in his employ?
A. Off and on for three years.
Q. Take your hand down, William, so the jury can hear what you say. Were you in his employ during the month of February last?
A. Yes, sir.
Q. Where were you living at the time, in the month of February, while employed by him?
A. 139 West Burke Avenue, Wildwood.
Q. What were your duties at the Bullock home?
A. Chauffeur.
Q. Did you do anything else besides chauffeur?
A. Tend the fires, when necessary.
Q. Well, was it necessary to have fires in February of last year?
A. Yes, sir, I think it was.
Q. What time did you usually get to the Bullock home to perform your duties?
A. As a rule, I used to leave home around seven-thirty, get there quarter to eight, eight o'clock, probably five minutes after.
Q. Were you at the Bullock home when Eleanor Mishler was visiting there?
A. I was.
Q. Were you in the living room attending to the fire or open furnace or open fireplace at six o'clock on any morning when Eleanor was there?
A. No, sir, never was.

Q. Did or not you go in the dining room—I mean the living room—early in the morning and find Eleanor there crying?

A. No, sir.

Q. Did you ever find her there at six o'clock in the morning or seven o'clock in the morning during her stay?

A. No, sir, never did.

Q. Were you there at that hour?

A. No, sir.

Q. Was there any morning during her stay that you found her in the living room alone?

A. No, sir.

Q. Do you remember the day that she was taken away?

A. Yes, sir, I do.

Q. What day in the week was it?

A. Wednesday, 21st.

Q. How do you know it was?

A. Because I was superintendent of the—— President of the B. Y. T., young peoples meeting, and I got a record of the date.

Q. What time of the day did you take her away?

A. When I left there, around twenty minutes of four.

Q. What did you do in the morning as she went away in the afternoon?

A. Well, we went shopping.

Q. Who went shopping?

A. Mr. Bullock and the young lady and myself.

Q. What time did you leave the Bullock home?

A. It was then around about ten o'clock, perhaps later.

Q. Before you went shopping with Mr. Bullock and Eleanor, did you see Mary that morning?

A. No, sir, I didn't see her.

Q. Where did you go shopping?

A. Konowitch's.
Q. And what kind of a store do they run?
A. Grocery.
Q. Who got out of the car to make the purchases?
A. Mr. Bullock.
Q. Where did Eleanor go, if anywhere?
A. In the machine.
Q. Anyone else in the machine with her?
A. I was, part of the time.
Q. Who put the purchases in the car?
A. I did.
Q. Did anyone come to the car at the time that they were put in?
A. I think Mr. Jack Konowitch came out.
Q. After the purchases were put in the car, where did you go?
A. Home.
Q. Who took the groceries in?
A. I did.
Q. Where did you stop your car?
A. I stopped in the front to let Mr. Bullock and the young lady out, and then I run back under the garage.
Q. Where did the young lady get into the car that morning?
A. Down in the garage.
Q. How did she get to the garage?
A. She came through the kitchen, I suppose, because she came down the back steps.
Q. Do those back steps lead right into the kitchen?
A. Lead right into the kitchen from the inside.
Q. Do you remember when you took her to the train?
A. Yes, I remember.
Q. Who went in the car on that occasion?
A. Mr. Bullock, Miss Bullock and Mrs. Bullock,

and Priscilla, went as far as her home on Arctic Avenue and myself and the young lady.

Q. Where did you take Priscilla?

A. I took her on Arctic Avenue, I don't know her number.

Q. To her home?

A. Her home, yes.

Q. Do you have a distinct recollection of her getting out of the car?

A. Yes, I remember her getting out.

Q. Did or not you hear a conversation between Priscilla and Eleanor?

A. Passed some remark.

Q. Did you hear a conversation?

A. Yes.

Q. What did you hear said by Eleanor to Priscilla or by Priscilla to Eleanor?

A. All I understood of that part of it was goodbye. The other part, I don't remember just what it was.

Q. Who was at the Bullock house, who was left at the Bullock house when you took Eleanor to the train?

A. Georgie, the cook.

Q. Did you hear anything said by Eleanor to Georgie or Georgie to Eleanor?

A. Yes, I did.

Q. What did you hear said?

A. I heard her say goodbye, but I didn't catch the rest of it.

Q. How long did you have to wait at the station before the arrival of the train?

A. About fourteen minutes, taking about six minutes to drive down.

Q. Who took Eleanor's baggage to the train?

A. I did.

Q. What, if anything, did you hear Eleanor say

to any members of the Bullock family just prior to her going to the train?

A. At the station?

Q. Yes.

A. Well, she got out of the car at the time I had taken her bags and insisted upon getting on the train. She told the family goodbye. She said she really enjoyed her trip; she had a nice time.

Q. Did you see her get on the train?

A. I assisted her to get on the train.

Q. After she got in the train, did you notice where she sat in the car?

A. Well, I don't know the particular seat, but I know she sat on this side.

Q. Near the window?

A. Near the window, yes, sir.

Q. What, if anything, did you see her do?

A. When the train pulled out, she waved to us and I tipped my cap.

Q. Could you see her plainly?

A. Yes.

Q. From the car?

A. I hadn't got in the machine yet.

Mr. Stout: Cross-examine.

Cross-examination.

By Mr. Erickson:

Q. Bullocks have considerable company, do they not?

A. On occasions, yes.

Q. Is that the only person that you ever went to the train for and took back to the train?

A. No, sir, it isn't.

Q. Who else have you gone to the train for and taken back to the train?

A. Well, Lawyers, Doctor Dickinson.

Q. Any girls?

A. His madam, Mrs. Dickinson.

Q. Any friends of Mary's?

A. I don't know any particular friends. Some come by the way of cars.

Q. I asked you if you ever went to the station to get any friends of Mary's, girl friends, and took them back?

A. I never did.

Q. This is the only one that you ever did take?

A. This is the only one. I don't know whether she is a friend of Miss Mary's or not.

Q. This is the only young lady that you ever went to the station and got in the Bullock's automobile?

A. Only one.

Q. And this is the only one that you ever took from the Bullock's house to the station in an automobile?

A. Yes.

Q. How long have you worked for the Bullocks?

A. Off and on for three years.

Q. What do you mean by off and on? When did you go to work for the Bullocks before February, 1923?

A. I can't recall.

Q. When did you leave the Bullock's employ after February, 1923?

A. I don't remember.

Q. When did you go to Bullocks again after that?

A. After what time?

Q. After you quit there some time since February. You haven't worked for Bullocks continuously since last February, have you?

A. Since last February?

Q. Yes.

A. No, I have not.

Q. All right. Now, when did you go to work for Bullocks this time since you have been employed there now?

A. I can't remember just the date that I went to work for them.

Q. How soon after this girl left did the Bullocks converse with you about the girl?

A. They didn't have any conversation with me.

Q. Never have?

A. No.

Q. From that time to this?

A. No, he never had anything to say about her, about the girl.

Q. Who did?

A. Not no one about the girl.

Q. Then no one has talked with you at any time about this case?

A. Oh, he told me that the papers were served. I was there at the time.

Q. At the time the papers were served, someone did speak to you about it?

A. I was there at the time.

Q. Now, who spoke to you about it at that time?

A. Well, the gentleman from Trenton then.

Q. I see. Do you mean the man who served the papers spoke to you about it?

A. He wanted to know who was Miss Bullock, that is why.

Q. After the papers were served upon Miss Bullock, did Miss Bullock or Mr. Bullock talk to you about it?

A. No, sir, he did not.

Q. No one has?

A. No, sir.

Mr. Erickson: That is all.

By Mr. Stout:

Q. William, you were to Trenton, weren't you?
A. Trenton? Yes, sir.
Q. Weren't you talked to there about it?
A. No, sir, I didn't talk.
Q. Didn't Mr. Katzenbach talk to you?
A. I didn't go before Mr. Katzenbach.
Q. Didn't Mr. Rhodes talk to you?
A. No, sir, he didn't have any conversation with me whatever.
Q. No one had any conversation with you about it?
A. I just simply drove up there and at that time I wasn't subpoenaed, but we went there on the impression it was going to be this case.
Q. You were subpoenaed after you got to Trenton?
A. I wasn't subpoenaed after I got there, but that is what we went there for.
Q. Well, you talked to other people about this. You have talked to people outside of Mr. Rhodes about it?
A. Talked to people besides Mr. Rhodes about it? Of course I have.
Q. You talked to me about it, didn't you?
A. Yes.
Q. Why don't you say so?

Mr. Wescott: He is afraid to.

Q. Now, you have talked to people about this shortly after it occurred, didn't you?
A. Sure I have.
Q. Well, now, who did you talk to?

A. I talked with those, that you call my attention to it.

Q. Didn't you talk to Mr. Bullock about it?

A. Yes, when he asked me about it, subpoenaed me.

Q. Did you talk to Mary about it?

A. Yes. I thought he meant on the public highway.

Mr. Stout: That is all.

By Mr. Erickson:

Q. Now, who called your attention to it?

A. At what time?

Q. At any time. The first time after this happened, who called your attention to it? Somebody used those words.

A. I think it was someone in the family.

Q. When was it?

A. Spoke about it.

Q. When was it?

A. After papers were served.

Q. Immediately?

A. Well——

Q. What did they say to you about it?

A. At the meantime, they wasn't speaking to me. I overheard the conversation.

Q. Somebody spoke to you somewhere, sometime, somehow, about this case?

A. Yes, sir, they have.

Q. I want to know when was the first time somebody spoke to you about it.

A. About a couple of days, perhaps, probably the next day after the papers were served.

Q. Did they do it right after this girl left?

A. No.

Q. Didn't anybody call your attention to the fact that you tipped your hat goodbye to her?
A. No.
Q. Now, how long was it after Eleanor left before the papers were served?
A. Well, I don't remember. About around two weeks, perhaps.
Q. Two weeks. And then the Bullocks spoke to you about this case?
A. The Bullocks, a couple of days afterward.
Q. And they called your attention to these facts that you have now stated, didn't they?
A. They never called my attention to it.
Q. What did they do?
A. They just told me about an accident they had had and the papers were served on him.
Q. Accident that he had and papers were served on him?
A. Yes.

Mr. Erickson: That is all.

Mr. Stout: That is all, William.

JACK KONOWITCH, sworn.

By Mr. Hildreth:

Q. Mr. Konowitch where do you reside?
A. Wildwood.
Q. How long have you lived there?
A. Fifteen years.
Q. How long?
A. Fifteen years.
Q. Are you a married man?

A. Yes, sir.
Q. What does your family consist of?
A. Wife and I.
Q. Are you in business in Wildwood?
A. Yes, sir.
Q. What business are you in?
A. Meats and groceries.
Q. Under what name?
A. Konowitch Brothers.
Q. Konowitch Brothers. Do you know the defendants in this case, Anthony Bullock and his daughter Mary?
A. I do.
Q. How long have you known them?
A. Why, I have known Mr. Bullock about six years.
Q. Do you have any business relations with them?
A. Why, they deal at our store.
Q. How long have they dealt at your store?
A. Well, ever since Mr. Bullock has been down.
Q. How long?
A. Ever since Mr. Bullock has lived at Wildwood, about six years.
Q. Do you remember the 21st day of February, 1923?
A. Do I remember it?
Q. Yes.
A. Yes.
Q. What was there in your life that causes you to distinctly remember that day?
A. Well, that day I remember distinctly more, because I was to the funeral of Mayor McLinde, of Anglesea. He was buried with Masonic honors.
Q. You said he was buried that day?
A. On Wednesday, February 21st.
Q. And you attended the funeral?
A. Yes, sir, I did.

Q. At what time of the day was the funeral?

A. Why it was about 2.30.

Q. 2.30. Where did you go after you attended the funeral?

A. I came back to the station—I came back to the station, because my wife was going to Philadelphia on the 4.08 train.

Q. Station where?

A. Wildwood.

Q. Whom did you see there?

A. Well, when I came up there, it was about four o'clock.

Q. Yes.

A. And my wife was already there.

Q. Yes.

A. Of course, when I saw Bullock's car standing there and had William, their chauffeur, and Mr. Bullock and Mrs. Bullock and Mary and this young lady.

Q. This young lady here?

A. Young lady sitting there in the car standing there in front of the station.

Q. Did you see her when she left the automobile to enter the train?

A. I seen her. My wife—when the train pulled out, my wife got on the train and then I seen her get on the train.

Q. Did you hear her say anything to the Bullocks when she got on the train?

A. No. I was standing when the train pulled out, and I saw her set down and saw her wave.

Q. Saw her what?

A. Wave her hand.

Q. To whom?

A. To the car, I presume, to the Bullocks.

Q. Had you seen this girl before that day?

A. Yes, I had noticed her. She was in the car

with Mr. Bullock. She was never in the store, but she was in the car.

Q. Was that the same day?

A. That was in the morning.

Q. That same day?

A. Yes, sir.

Q. Sure about that?

A. Yes, sir. I walked outside when Mr. Bullock walked outside to the car.

Q. Mr. Bullock was there in the shop that morning?

A. Yes, sir.

Q. Who was in the car with him?

Mr. Erickson: Suppose we let this witness testify.

The Court: Let the witness testify, Judge.

Q. Who else was in the car?

A. That is all was in the car, Mr. Bullock.

Q. Who drove the car?

A. William.

Q. Then there was the chauffeur?

A. William was in the front seat.

Mr. Erickson: Let the witness talk.

The Court: Let us have questions, answers, objections and then ruled on.

Q. Well, name the persons who went in the car?

A. Mr. Bullock and this young lady were in the car when the car pulled up.

Q. Yes.

A. Mr. Bullock came in the store to do the purchasing.

Q. Yes.

A. William was left with the car and the young lady was in the back seat and after Mr. Bullock had purchased the stuff, William came to get the package to put in the car and they went away.

Mr. Hildreth: That is all.

Cross-examination.

By Mr. Erickson:

Q. Mr. Konowitch, you are in business in Wildwood?
A. Yes, sir.
Q. Who composes Konowitch Brothers?
A. Why, in Wildwood——

Mr. Stout: That is totally immaterial. What is the use of going into that.

The Court: I think it is entirely immaterial, the history of this firm; has no relevancy to this case.

Q. Mr. Bullock deals with you?
A. Yes, sir.
Q. Has dealt with you for how long?
A. Well, about around six years. I could tell exactly by the books. Ever since he has been in Wildwood.
Q. Do you know how long that has been?
A. Not exactly, no.
Q. Still dealing with you?
A. Yes, sir.
Q. Approximately how often does Mr. Bullock come to your store?
A. Why, he comes pretty near every day; sometimes they call up.

Q. Now, you have a very distinct recollection of February 22nd?

Mr. Stout: 21st.

A. Yes, sir.
Q. Because of a funeral which you attended?
A. Yes, sir.
Q. Any other reason?
A. No, sir.
Q. No other reason at all?
A. Well, that is why I remember that date, by going to the funeral. I got a notice of the funeral.
Q. Now, you say you went to the station on that day?
A. When I came back from the funeral.
Q. And you remember seeing Mr. Bullock there?
A. I remember seeing the car there with the folks in the car.
Q. How do you come to remember that at this time?
A. Why, it has just come to my mind.
Q. How does it happen to come to your mind at this time now?
A. Well, because I happen to remember it.
Q. As a matter of fact, Mr. Konowitch, someone has called your attention to it, haven't they?
A. Not exactly.
Q. What do you mean by "not exactly"?
A. I just happen to remember that day.
Q. You just happen to remember that day?
A. Yes, sir.
Q. Now, to whom have you communicated your recollections?
A. To nobody in particular.
Q. Well, who asked you?
A. Well, after these papers had been out, Mr.

Bullock was in the store, and he got talking about it.

Q. How soon after?

A. Why I don't just remember when the paper was out. I was to Philadelphia for a few days and he was in the later Friday or Saturday.

Q. Friday or Saturday after the papers were out?

A. Newspaper at Wildwood.

Q. Newspaper?

A. Yes.

Q. What happened in the newspaper?

A. I didn't read the paper, because I wasn't there. The paper comes out on Wednesday or Thursday, and I was to Philadelphia for a few days that week.

Q. Now, what did you see in the newspaper?

A. Well, I didn't see the paper.

Q. Well, what do you mean about the newspaper? Now, you have said something about a newspaper.

A. When I came home, somebody asked me in the store about this write-up about Bullock in the paper.

Q. Now, when was that?

A. That was on Friday, when I came to the store.

Q. How long ago?

A. Why, it was sometime in December.

Q. Oh. Then from last February until December no one had said anything to you about it?

A. No, sir.

Q. Ever since?

A. No.

Q. You don't know whether or not this is the girl you saw in Bullock's automobile, do you?

A. I seen her two or three times.

Q. Where did you see her two or three times?

A. In the car.

Q. Where?

A. They stopped in front of the store.

Q. Every day?

A. No.

Q. How many times?

A. Once or twice that I recollect sure. There may not have been a third time, but she has been here at the store.

Q. Then you saw her at least twice in front of your store?

A. Yes, sir.

Q. Bullocks go there every day?

A. Sometimes they call up.

Q. Usually they do?

A. Sometimes they call up. I couldn't say exactly what day. Sometimes they call up on the telephone and have the order sent down.

Q. How often do they usually come to the store?

A. As I said, they don't come every day. They call up.

Q. If they don't come every day they call up?

A. Yes, sir.

Q. Have the Bullocks talked with you about this case, and if so, when?

A. After I had seen the newspaper.

Q. In December?

A. Yes.

Q. And they talked this matter over with you?

A. Not exactly.

Q. What did they say to you and what did you say to them?

A. I don't just remember what exact words he said.

Q. The substance of the conversation? The substance of the conversation? What did you tell them and what did he say to you?

A. Just asked me if I had heard about it in the paper with her, if I had saw the newspaper. I said I was away but I heard about it when I got to the store on Friday.

Q. What else was said?

A. And I think that was all was said at that time.

Q. Well, did you have any later conversation?

A. No, I did not.

Q. How did he know to subpoena you?

A. Well, it was talked about—I just happened to remember I saw the lady going away and told him I did. I said I remembered the young lady.

Q. Now, what happened after that?

A. That is all.

Q. How many people got on this train down there that day?

A. Not many. There isn't much traffic in February at Wildwood.

Q. How many, do you know?

A. I didn't count them.

Q. Were there more than your wife and Eleanor?

A. Yes, sir.

Q. How many more?

A. I don't know; three or four.

Q. How many automobiles around there?

A. There wasn't any automobiles.

Q. Anybody's besides your's and Bullock's?

A. I don't remember seeing anybody's, because I walked up and got off on the corner. I walked up to the station.

Q. Who was in Bullock's car when they pulled out from the station?

A. When they pulled out?

Q. When the train left the station?

A. William drove the car.

Q. Who was in the car, seated in the car, when the train left the station?

A. Mrs. Bullock and Mary and Mr. Bullock.

Q. Then all three of them were sitting together in that car?

A. Yes, sir.

Q. So the only person that escorted Eleanor to the train was the colored chauffeur?

A. He took her grip up, I believe.

Q. I am asking you if he was the only one?

A. Yes, sir.

Q. All the rest were in the car?

A. That is all I seen.

Mr. Erickson: That is all.

Mr. Hildreth: That is all.

The Court: With the same caution, gentlemen, we will recess until tomorrow morning at 10.30.

(At this point a recess was taken until January 30th, 1924, at 10.30 A. M.)

Cape May Court House, N. J., January 30th, 1924.

Trial of the cause resumed on the above date, pursuant to adjournment, in the presence of counsel for the respective parties and the defendants.

Mr. Stout: I am willing to permit that that be offered if you will permit the offer of the letter of Rubinsohn to Lawyer Rakin.

(By consent, certificate of Henry S. Fist, M. D., dated February 27th, 1923, shall be admitted in evidence. It is also admitted that a letter from Dr. S. Louis Rubinsohn to Simon C. Rakin, dated February 24th, 1923, be admitted in evidence.)

The Court: That is by consent.

(Certificate of Henry S. Fist, M. D., dated February 27th, 1923, received in evidence and marked Exhibit S2.)

(Letter bearing date February 24th, 1923, addressed to Simon C. Rakin and signed "S. Louis Rubinsohn," received in evidence and marked Exhibit S3.)

Mr. Wescott: In printing, the words "Harry M. Fist, M. D., 1225 Spruce Street, Philadelphia. February 27th, 1923. Mr. Simon C. Rakin, Land Title Building, Philadelphia. Dear Sir: I have this day made an examination of Eleanor Mishler and find evidences of recent loss of virginity. The hymen

is lacerated. There is a depression in each lateral sulcus, leaving no doubt of the fact that coitus has taken place. The patient was extremely nervous upon examination. Very truly, Harry M. Fist, M. D."

Mr. Ralph W. Wescott: The letterhead is "Doctor S. Louis Rubinsohn, 1530 Locust Street, Philadelphia. Mr. Simon C. Rakin. Dear Sir:——"

Mr. Stout: Isn't there some date on that letter?

Mr. Ralph W. Wescott: Yes. "February 24th, 1923. Have completed examination of your client, Miss Eleanor Mishler, and find unquestionable evidence of recent loss of virginity. The girl was extremely nervous and the parts very tender, and upon digital examination, caused her severe pain. On deep palpation, there are several tender spots over pelvis. There is a burning pain upon menstruation, and also an increased frequency to menstruate. Very truly yours, S. Louis Rubinsohn."

Mr. Stout: It isn't menstruation, micturition?

Doctor Rubinsohn: Micturition, passing water.

Mr. Stout: Defense rests.

DEFENDANT RESTS.

The Court: Any rebuttal?

Mr. Wescott: Yes.

STATE'S REBUTTAL.

DR. S. LEWIS RUBINSOHN, recalled.

By Mr. Wescott:

Q. Do you know Dr. Fist?
A. Very well.
Q. And does he make a specialty in his profession?
A. Yes, sir.

Mr. Stout: I submit, may it please the Court, that is not rebuttal. Dr. Fist has not been asked anything about—no one has asked anything about Dr. Fist. His certificate is here, and we are not objecting to the certificate. It is already in evidence——

The Court: What is your purpose, Judge Wescott? I don't quite get it.

Mr. Wescott: I just want to see whether he had a specialty in his profession. Some doctors have.

The Court: I don't think you can prove the character of one witness by another. I will sustain the objection to that question.

Mr. Wescott: All right, sir.

Q. How many years have you known him?
A. About 10 years.
Q. I show you a statement over Dr. S. Fist's name, which is now offered in evidence, and ask you to read it.

Mr. Stout: I object to that. Why should he read the statement which has already been read into the record. It is the statement that was read by Judge Wescott. That isn't rebuttal on the witness' part, to read a certificate.

The Court: Mr. Stout, it is now in evidence, and I think we are entitled——

Mr. Stout: It is already read.

The Court: That may be true, but I shall not prohibit the re-reading of it by any witness, as counsel for the State request it. I don't know what the purpose is, but I will overrule your objection and grant you an exception.

(Exception noted for defendant.)

Q. I don't mean read it out loud. I mean read it and see what it states.

(Witness does so.)

Q. Have you got it?
A. Yes, sir.

Mr. Wescott: Now, Mr. Prosecutor, may I beg your kind offices by letting me have it?

Q. What does the phrase "lateral sulcus" mean?

Mr. Stout: I object to that. That isn't rebuttal. There is no rebuttal in this testimony. The paper speaks for itself. There has been no contradiction.

The Court: It is a principle, as I understand the law, Mr. Stout, that where evidence is couched in technical terms, that it may be explained by those who are qualified to give the ordinary explanation of those technical terms. Now, the defense would have had a perfect right to object to the admissibility of this statement by Dr. Fist. It was objected to when the State's case in chief was presented, and was ruled out. Now the testimony or the statement having gone in, I am of the opinion that the State has the same right or rights with respect to it now that they would have had had it gone in evidence when their case in chief was presented. In other words, it is not at the present time in the nature of rebuttal. It is new evidence going in by consent and I shall so treat it and permit the explanation.

Mr. Stout: I would like my objection to be noted that I consider it rebuttal.

The Court: Objection overruled and exception noted.

(Exception noted for the defense.)

Q. Now, Doctor, what is the lateral sulcus?

A. Lateral sulcus is a groove on each side, running longitudinally.

Q. Of what?

A. Of the labium minora.

Q. What is that?

A. That is a lip inside of a lip. There is the labium majora, which is the outside lip, which contains the skin, facia, muscular tissue and hair. The other is connective tissue, that is the labia minora. That is on completion as the hymen is complete, and when

the hymen is broken it forms a groove. If I take a knife and run it through here (indicating on handkerchief) I will have a sulcus groove. That is the explanation for that.

Q. What does coitus mean?

A. Intercourse between the male and the female. That is sexual intercourse.

Q. Is that letter in your handwriting?

A. Yes, sir.

Q. Are there any technical phrases in that letter?

A. Well, the word "digital" may be technical. Digital means finger examination.

Q. Now, then, Doctor, when you made an examination of Eleanor Mishler, did you have your hands covered?

A. Yes, sir.

Q. What with?

A. Sterilized gloves.

Q. Did you insert a gloved finger into her uterus?

A. No.

Q. Could you have done it?

A. Well, I don't think I could have done it, into the uterus. I think I could touch the uterus by pressure above and below. It was only a question of seeing whether the hymen is intact or broken. That is shown by separating the lips. You visualize the field. I either see you have got it or haven't got it. And on the digital, there was still tension there and still pain, and it may have been due to so many—I have no way of determing whether it was one way or the other but to separate the two lips and look.

Q. Did you penetrate with your finger this little girl's or Eleanor Mishler's vagina?

A. Yes.

Q. How much penetration?

A. Well, probably about an inch, an inch and a half. There was too much pain to go any further,

and there was nothing to be gained by it. I wanted to be convinced it was open.

Q. Were you convinced it was open?

A. Yes, otherwise I wouldn't have poked my finger in there.

Q. Just one other question, Doctor. You were requested by the State to come down here today, were you?

A. Yes, sir.

Mr. Wescott: Cross-examine.

Mr. Stout: We have nothing.

Mrs. Elizabeth Diaz, recalled.

By Mr. Wescott:

Q. Mrs. Diaz, was your daughter Eleanor Mishler ever a street walker?

Mr. Stout: I object to that question. That is not rebuttal of anything that was produced by the defense. No questions were asked any witness as to the habits of this girl. It was brought out by examination of the State on cross-examination, and we are not to be bound by that. It was that which was solicited from the witness upon the examination of the State and not of the defendant.

Mr. Wescott: If your Honor please, my recollection of that situation is this. Old Mrs. Bullock was called for the defense. She had sitting at her side a physician and leaning over her, her counsel and she was asked a few questions by her counsel and in one

of the answers she blurted out voluntarily the declaration that she requested Eleanor Mishler to leave her home there at Wildwood, first, because she was said to be a street walker at the age of thirteen and second, because she talked about fast houses and detectives. Now, that is the proof adduced here by the defense. I have called this mother to show in the first place that her little daughter was not a street walker at the age of thirteen or any other age, that she was religiously and carefully trained and brought up and I respectfully and earnestly urge that it is proper on rebuttal.

The Court: I will overrule the objection. Exception noted, Mr. Stout.

(Exception noted for the defense.)

(Question read by the stenographer.)

A. Never.

Q. Was she a street walker at the age of thirteen?

A. Why, never.

Q. Or at any other age?

A. Never.

Q. Did your daughter in her training or rearing acquire knowledge of fast houses?

A. Never.

Q. Did you ever know this little child to visit a fast house?

A. Never in her life. Never.

Q. There is one other matter I want to draw your attention to. From the time your daughter Eleanor Mishler came home on Wednesday after this alleged assault upon her, do you know where she was?

A. I do.

Q. During the following days?
A. Yes.
Q. Where?
A. At home.
Q. In the house?
A. Yes, she was not outside of the door.
Q. How long was she inside of the house?
A. Until Saturday morning at ten o'clock.
Q. Have you a telephone in your house?
A. No, I haven't.
Q. Did your daughter Eleanor Mishler on Friday succeeding the day that she came home from Wildwood go out of the house and telephone to anybody?

Mr. Stout: I object to that question. The witness was asked that question when she was on the stand on direct-examination or the presentation of the State's case, and she said that her daughter Eleanor did not leave the house until Saturday. She said that there was a telephone came that she herself, the witness, answered it, and said over the telephone that it was Eleanor speaking. I think she has already gone over that matter.

The Court: Was who speaking?

Mr. Stout: The witness told the person on the other end that it was Eleanor speaking when it was the witness speaking. I think that is true.

The Witness: That is very true.

Mr. Stout: She has testified that Eleanor did not answer any telephone, neither did she leave the house until Saturday. It is not rebuttal. This is just a refreshing of the testimony already presented.

Mr. Wescott: If your Honor please, it was testified to yesterday by the defense that Eleanor on Friday called the Bullocks up over the 'phone twice to tell them how rejoiced she was over her visit. That was affirmative testimony produced by the State.

The Court: I will permit the question, Judge Wescott. Exception noted, Mr. Stout.

Mr. Stout: I do desire an exception.

(Exception noted for the defense.)

Mr. Wescott: By the defense, not by the State.

Mr. Stout: I asked the witness the question that is now being asked the witness on her examination for the very purpose of laying the foundation of rebuttal and she is now answering as she answered on that occasion.

The Court: I will overrule the objection.

Mr. Stout: I pray an exception.

The Court: Exception noted. Ask the question. Read the question, Mr. Donegan.

(Exception noted for the defense.)

(Question read by the stenographer.)

A. She did not.

Q. Did Mary Bullock on Friday talk to you over the 'phone?

A. She did so.

Q. Or Saturday, was that it?
A. Friday. On Friday.
Q. Now, there is another question. Did you call Mary or Mary call you?

Mr. Stout: I object to that.

The Court: Just a moment.

Mr. Stout: What does that rebut? The testimony is as she now states it was in answer to the previous question that she talked to Mary Bullock on Friday and she told how she came to talk to her, and that is all in the matter of the record. She was asked the questions and she made her statements and they were asked for the purpose of rebuttal by the defendant and the proof that they anticipated was to be produced by the defendant, she was asked these questions as she is being asked now, she was asked on her direct examination on the presentation of the State's case. I cannot imagine how that can be rebuttal. That is merely a renewal, a retrial, a representation of the State's original case. Now, if there has been anything said by a witness on the part of the defendant and they have laid the foundation for rebuttal, they can bring the witness on the stand for the purpose of either denying or admitting the truth of the statements, but for the State to call any witness to rehearse and go over the same testimony that she gave before, I don't understand it to be rebuttal.

The Court: Judge Wescott?

Mr. Wescott: Mary Bullock said that she did not on Friday call this house up by 'phone. I am going

to ask, if your Honor will permit it, this mother whether or not Mary Bullock did call her up on that Friday. The strongest kind of rebuttal.

The Court: I will permit the question. Exception noted.

(Exception noted for the defense.)

Q. Did Mary Bullock call you up on Friday?
A. She did so. She is here, and she knows she did.

Mr. Stout: I ask that answer be stricken out.

The Court: It will be stricken out.

Q. Did she call you or Eleanor?
A. She called Eleanor.

Mr. Stout: That is the same objection. That is the same testimony before.

The Court: Yes. Same ruling. Exception noted.

(Exception noted for the defense.)

Q. Now, there is one other point. At the request of counsel, did you undertake last evening to get yourself in touch with Mrs. Bullock, the wife of the defendant?
A. I certainly did.

Mr. Stout: Wait a minute. I object.

The Court: Just a minute.

Mr. Stout: What does that rebut?

The Court: I don't know. That is what I want to find out before I permit the question to be answered, Mr. Stout. Now, don't answer that question. There will have to be some sort of an offer, Judge, before I will permit that question to be answered. If counsel wants it made at side bar——

Mr. Stout: Certainly.

Mr. Wescott: These gentlemen are after the truth.

The Court: Now, that isn't the question. You gentlemen may be after the truth, but I am after the legal, but I don't yet see the admissibility of an answer to that question. Now, if you want at side bar to make your offer, I will be glad to hear you.

Mr. Wescott: Well, I will state without going to the side car ——

The Court: Not if counsel objects.

Mr. Stout: We object to the statement.

Mr. Wescott: All right.

The Court: Do you withdraw the question, or do you want a conference on it?

Mr. Wescott: No, I would like that question ruled on whether she——

The Court: Objection sustained.

Q. At the request of counsel, did you undertake to get in touch with the wife of Anthony Bullock last night?

The Court: Objection sustained.

Mr. Wescott: On the objection of the defense?

The Court: Yes.

Mr. Wescott: Very well. Then we cannot go into that.

Q. Is Mrs. Bullock here in the court room?
A. She is not.
Q. Did any of Anthony——

The Court: Now, don't answer that question. Stop right where you are on that line of testimony. It is not evidence.

Mr. Wescott: Well, the door is open to my friend. They can make it.

Mr. Stout: It is closed, so far as we are concerned.

The Court: Are you through with this witness?

Mr. Wescott: Just one second. Cross-examine.

Mr. Stout: No questions.

Mr. Wescott: That is all.

ELEANOR E. MISHLER, recalled.

By Mr. Wescott:

Q. Did you call up Mary Bullock on Friday after the Wednesday on which day you said you were assaulted?

Mr. Stout: I object to that question on the same ground, that the witness was asked about it——

The Court: Objection overruled. Exception noted. Same reason.

(Exception noted for defense.)

A. No, I did not.
Q. When did you first go out of the house after getting home?

Mr. Stout: I object to that question. She has already stated and the testimony appears that she did not leave the house until Saturday.

The Court: I will permit the answer to that question.

Mr. Stout: My ground is it is not rebuttal. It was already answered on the direct examination of the State.

The Court: Objection overruled. Exception noted.

(Exception noted for the defense.)

A. My mother took me to Dr. Bender's office on Saturday morning.

Q. Was that the first time you were out of the house?

A. Yes.

Q. Do you remember going from Bullock's house to the depot on Wednesday?

A. Yes.

Q. What time—how did you go?

A. What do you mean?

Q. Did you walk?

A. No, by machine.

Q. And when did you leave Bullock's house?

Mr. Stout: I object to that question, because the witness in her direct examination by the State stated when she left, that she had ridden around about two hours before the train left. And she was asked the question whether or not it was twenty minutes wait at the station, and she denied that. I submit this is re-direct examination of this witness and is not competent at this time.

The Court: I will only permit you, Judge Wescott, to put in further evidence designing to contradict of rebut testimony introduced by the defense. The story cannot be repeated.

Q. Did you know Mrs. Corson?

A. Why, I met her down there about five years ago, five or six years ago.

Q. Did you meet her there on your last visit at Bullock's house?

Mr. Stout: I object to that, because she stated that Mrs. Corson did not come to the Bullock home

until Wednesday and that she saw her there on Wednesday morning. She also said that she talked to her but little downstairs, and denied the fact that she was in the sewing room, and that was all brought out on direct examination on the part of the State, and I submit that this is certainly not rebuttal.

The Court: I will sustain the objection to the question, Mr. Stout.

Mr. Wescott: I am sorry.

Q. Did you tell her that Mary had a telegram?
A. No, I did not. I didn't see no telegram.
Q. You didn't see any on Wednesday, you mean?
A. Not a telegram. Mary told me she had received registered——

Mr. Stout: I submit that the question was "Did you see a telegram?" I am not objecting to this, because this witness was not asked about a telegram with Mrs. Corson.

Q. Mrs. Corson said that you told her that Mary got a telegram, and showed it to you, is that true?
A. I did not.
Q. Did you see any telegram on Wednesday in Mary's room?

Mr. Stout: I submit, may it please the Court, that the witness testified on direct examination that she saw no telegram.

The Court: Objection sustained to that question. I won't permit, Judge, testimony to be gone over a second time. We have been now four days trying

this case. Now, if there are any questions which contradict testimony which has been introduced by the defense and which were not testified to on the examination in chief, they are proper, but a rehearsal of the story is not proper rebuttal.

Mr. Wescott: If your Honor please, of course, as I remarked the other day, I am not too old to learn, but I have been practicing law for a great many years and I know what is rebuttal and what is not rebuttal, according to my experience and teaching. I do not propose to repeat the State's case. My purpose is to simply rebut specific points. Mrs. Corson said that this little girl said, if I am not in error in my recollection, that Mary had received a telegram and showed it to her.

The Court: That is all right. Now, you are all right so far, and there was no objection to that portion of the testimony. The answer was no, she didn't tell Mrs. Corson that.

Mr. Wescott: Now, I asked her the next question, did she show you a telegram and did you say to Mrs. Corson that Mary showed you a telegram. The strongest kind of rebuttal.

The Court: I am permitting the question.

Mr. Stout: I won't object to it.

The Court: That is not the same question.

Mr. Wescott: Very well.

Q. Did you tell Mrs. Corson that Mary received a telegram and showed you a telegram?

A. No, I did not.

Q. Did you tell Mrs. Corson that you were having a good time?

Mr. Stout: I object to that. She has already testified that she did not tell Mrs. Corson that.

The Court: Well, I am not so sure of that, Mr. Stout. I will permit that question. The matter of rebuttal, as I understand it, is largely a matter of discretion with the Court, and I will permit that question.

Mr. Stout: Merely stating the facts as I recollect it to be.

The Court: I do not recall that in the testimony. Read the question.

Q. Did you tell Mrs. Corson that you were having a good time?

A. No, I did not.

Q. On what day of the week did you see Mrs. Corson at Bullock's at this time?

A. On Wednesday.

Q. Wednesday?

A. Yes.

Q. Was she there Tuesday?

Mr. Stout: I object to that. The witness has stated that she was not there Tuesday, she didn't see her Tuesday, that she saw her first on Wednesday as she now states. That matter has all been inquired about. I don't want a retrial of this case.

Mr. Wescott: Oh, stop your—— Nobody wants to retry in.

Mr. Stout: Well, it appears not.

Mr. Wescott: You, above all others, don't.

The Court: Now, what is your objection, Mr. Stout?

Mr. Stout: My objection is that the witness testified to that very fact when she was on the stand as a witness for the State before.

The Court: I think the objection is well taken.

Mr. Wescott: That is not my recollection, but I may be in error about it.

Q. Did you know this colored girl who testified here yesterday, whose first name was Priscilla?

A. Yes, I know her to see. I didn't remember her name.

Q. She testified that on Friday following the day you left Bullock's you called Mary up and said that you had had a good time. Did you?

Mr. Stout: I object to that. This witness was asked that very question, whether or not she did not, and she said she was not out of the house and did not make any calls.

The Court: The question has already been answered, Judge Wescott.

Mr. Wescott: Not in contradiction of this colored woman's testimony.

The Court: Well, I will permit it on that ground.

Mr. Stout: I pray an exception.

The Court: All right, note an exception.

(Exception noted for the defense.)

Q. (Question read by the stenographer.)

A. No, I didn't.

Q. Then she said that you called her the second time at six o'clock.

A. I didn't.

Q. You didn't?

A. No.

Q. Did you at any time talk with Mary over the 'phone?

A. No, I talked to Mary once, and that was when I told her to send my slippers and nightgown to me. That was the only time.

Q. Did you know old Mrs. Bullock?

A. Yes.

Q. Did you say anything to her to indicate that you were a street walker?

A. I did not.

Q. Did you say anything to her about fast houses?

A. No.

Q. Did you talk to her about detectives?

A. No, I did not.

Q. Have you ever been a street walker?

Mr. Stout: I object to that.

The Court: Don't answer that.

Mr. Stout: I object to her testifying what she has been. We haven't said that she was, and we don't charge that she was.

Mr. Wescott: You came pretty near it.

Mr. Stout: No, we haven't. We haven't said a word that would besmirch this girl's character by any kind of testimony, and we don't propose to. What has been done has been done by your side.

The Court: Now, what is the question?

(Question read by the stenographer.)

The Court: You object to that?

Mr. Stout: I certainly do.

The Court: Well, now, my recollection of the testimony is that on the part of one of the witnesses for the defense, Mrs. Corson, I think, there was a statement made that someone had told Mrs. Corson that this girl was a street walker. Therefore, I think the present question is proper in rebuttal.

Mr. Stout: But that wasn't testimony that was offered by the defense.

The Court: Yes, but it was from the defense's witness.

Mr. Stout: It may be.

The Court: I will overrule the objection.

Mr. Stout: Pray an exception.

The Court: Exception noted.

(Exception noted for the defense.)

Q. Have you ever been a street walker?
A. I certainly have not.
Q. Do you know anything about fast houses?
A. No.
Q. Did Mrs. Bullock, the old mother of Anthony Bullock, tell you to leave her house?
A. No.

Mr. Stout: I think that the witness denied that before.

The Court: I will permit that answer to stand. It seems to me to be rebuttal.

Mr. Wescott: The first time, if your Honor please, was from the mouth of the old lady.

The Court: I permitted that answer.

Mr. Stout: There was no objection to it. I didn't object to it.

Mr. Wescott: I misunderstood your Honor.

The Court: That is superfluous ruling.

(Question and answer read by the stenographer.)

Q. Now, she said, the old lady, Mrs. Bullock said that you were an impudent sort of a person while you were there. Will you state as well as you can recollect your relations with this old lady?
A. When do you mean?
Q. When you met her, whenever it was.
A. Well——
Q. Start at the beginning when you first saw her?
A. When I first saw her——

Mr. Stout: Does that question imply the visit in February or prior visits? If it implies prior visits, I object. If it is confined to the visit in February, 1923, I offer an objection for the reason that Mrs. Bullock confined her conversation to her visit on this particular time.

The Court: What does your question mean, general, or do you confine yourself to this particular visit?

Mr. Wescott: If your Honor please, it is utterly impossible to answer your Honor's question. The situation is this. This old lady on the witness stand said that this little girl comported herself in an impudent manner. Now, I don't know as to what period of time this old lady had in her mind the occurrence of this young girl's conduct. I don't know whether the old lady's observation of this girl occurred when the girl first visited the house or visited the house the second time or whether it occurred or grew out of both visits. I don't know. I cannot tell. If I did, I would be glad to segregate the matter in the point of time. Now, it seems to me it is plain rebuttal for this young lady to detail, so far as she can, her relationship with this old lady on both her visits in order that the jury may determine as between two witnesses, which one is telling the truth, whether this girl was an impudent person, girl, in the old lady's home, or whether she was a gentle, loving character. I don't see how we can get any closer to it than that.

Mr. Stout: May it please your Honor, I am surprised to hear the Judge present the reason——

Mr. Wescott: Don't be surprised.

Mr. Stout: I am surprised that he presents the reason to go into the former visits when he knows that Mrs. Bullock was only interrogated about the visit of Eleanor to the Bullock home in the month of February, 1923, and she was asked the reason why she left and she says she told her to go and she said to the girl, that she didn't like her, she seemed to be impudent. She said she talked about fast houses and street walking—fast houses and detectives, and if that doesn't confine the conduct of this witness to the visit of February, I cannot see what would be more plain.

The Court: I think you are right Mr. Stout. Limit your question, Judge Wescott, to the visit in February.

Q. And to your visit in February. What were your relations to Mrs. Bullock, the old lady?

A. Only when I first got there she told me how glad she was to see me and she very seldom talked to anybody. She always kept to herself. She didn't hardly talk to Mary or she didn't talk to Mr. Bullock——

Mr. Stout: I object to that answer. The question was the relation between this witness, not with other members of the household.

The Witness: Well, the only thing she said to me after that was when Mary went to buy a hat she told me she admired my hat but she didn't like Mary's. That was all I had to say. When I was going home, she said goodbye.

Q. Did you on one, two, three, four, five, six occasions tell Bullock and his daughter and the

colored servants that you had a delightful time, or words to that effect?

A. No, I did not.

Q. Did you tell either of them that on either occasion?

A. What do you mean, on either occasion?

Q. Did you tell that to these people, that you had a delightful time, nice time, happy time?

A. No, I did not.

Q. Do you know whether Anthony Bullock called you on the Sunday, on the Sunday following this Wednesday?

A. Yes.

Q. Did he call you on the Sunday you went down there?

A. Yes.

Mr. Stout: I submit, may it please the Court, this witness has testified to all that, because she was asked that expressly on direct examination, and she said she could identify the voice and she thought it was Mr. Bullock and she was asked the question whether it might have been Mary. She said no, it was Mr. Bullock. She has already testified to that.

The Court: That has all been gone into with respect to the Sunday prior to the commission of this alleged crime.

Mr. Wescott: That is what I mean, and not the Sunday prior to the alleged crime. Did you understand me?

The Court: What is the question now?

Q. (Question read by the stenographer.)

The Court: I will sustain the objection. That is all in the testimony, clear repetition.

Mr. Wescott: Now, I would like to remind your Honor that Bullock replied upon oath that he had never talked to this girl at all.

The Court: And this girl denies, replies point blank that he had. There is your testimony for the jury.

Q. Do you know where this crystal ball was kept?
A. No, I don't.
Q. Do you know where it came from?
A. It came from upstairs.

Mr. Stout: Just a moment.

The Court: Do you know of your own knowledge?

The Witness: He brought it down from upstairs. I was sitting in the living room and he brought it down.

Mr. Stout: She has testified that he brought the ball down to her and put it down on the table in front of her. I object to her going over the question of the ball again unless it is something specific that Mr. Bullock stated——

The Court: Yes, you will have to confine yourself to denials.

Mr. Wescott: I have been trying to do that for a great many years. Cross-examine.

Mr. Stout: No questions.

Mr. Wescott: We rest.

STATE RESTS.

Mr. Hildreth: May it please the Court, the indictment in this case charges that Anthony J. Bullock and Mary Bullock with force and arms did have carnal knowledge of a woman, to wit, one Eleanor E. Mishler, forcibly against her will. That is the first count. The second count is that these same defendants with force and arms in and upon one Eleanor E. Mishler in the presence of the peace of God and of this State then and there being a felonious assault did make in attempting to have carnal knowledge of the said Eleanor E. Mishler, and so forth. In view of the counts in the indictment, I now ask your Honor to direct the jury to return a verdict of not guilty against Mary Bullock. Rape can only be committed by a male. Carnal abuse of a female can only be perpetrated by a male. There is no allegation, no count in the indictment charging her with aiding and abetting Anthony Bullock in the commission of either of these crimes. There is no allegation, no count in the indictment, charging her with assault and battery or atrocious assault and battery upon Eleanor Mishler. I therefore respectfully ask your Honor that you direct the jury to return a verdict of not guilty as against Mary Bullock.

(Discussion.)

The Court: The motion is overruled for the reason that while it may be true that to charge one or to hold one as an accessory to the crime, it must be so charged in the indictment, but under Section 115 of our statute under which this charge is brought, he who aids or she who aids, as the case may be, or abets or procures is equally guilty as the principal and may be charged, and that principle applies, even though the person so charged may be physically

incapable of being a principal in the first degree to the crime alleged. The motion is therefore overruled.

Mr. Hildreth: You will allow us an exception?

The Court: Exception noted.

(Exception noted for the defense.)

Mr. Hildreth: Our claim is that in order to hold her as an aidor or abetor, there must be a count in the indictment so charging. There is no trouble about our statute, how it reads——

The Court: But I have expressed my view on that point, Judge Hildreth, that she may be charged as an accessory—— "He who aids, abets or procures a crime to be committed is a principal and not an accessory, and may be so charged."

Mr. Hildreth: And the exception was allowed to your Honor's ruling?

The Court: An exception is allowed to that ruling.

(At this point, an adjournment was taken until 1.15 P. M.)

(Trial of the cause resumed at 1.15 P. M., pursuant to adjournment, in the presence of counsel for the respective parties and the defendants.)

(Mr. Erickson opens the case to the jury for the State.)

(Mr. Hildreth opens the case to the jury for the defendants.)

(At this point, a recess was taken until January 31st, 1924, at ten o'clock A. M.)

Cape May Court House, New Jersey,
January 31st, 1924.

(Trial of the cause resumed on the above date, pursuant to adjournment, in the presence of counsel for the respective parties and the defendants.)

(Mr. Stout sums up the case to the jury for the defendants.)

(Mr. Wescott sums up the case to the jury for the State.)

COURT'S CHARGE TO THE JURY.

By Eldredge, J.:

The Court: Gentlemen: Without consuming a great deal of time, or without adding a great deal to the six days which have already been consumed in the trial of this case, I want to briefly point out to you the law applying to it, and to rehearse very briefly the evidence as I recollect it.

The State charges Anthony J. Bullock and Mary Bullock, his daughter, in an indictment containing two counts: one for rape, and the other count, the second count, for assault with intent to rape. This is a joint indictment, and as I need not say to you, has been a joint trial. You may, if you see fit, convict both defendants as charged; you may convict one and acquit the other as charged; you may convict both under the second count only; you may convict one and acquit the other under the second count only, or you may acquit both on both counts.

I think that I ought to emphasize briefly the importance of the duty which rests upon you men. This is indeed an exceedingly important matter. You are trying an offense which is, excepting treason, second only to murder under our statute, the crime of rape. You have a duty to perform in the decision of this matter which is not only equal to, but is perhaps even more important than mine. I make that statement for I want to draw a clear distinction between your duty and mine in the disposition of this case. Your duty is a single one, to determine whether or not these two defendants are guilty as charged. All other matters connected with this case are matters for my disposal, and are not for your concern. Together, we have thrown upon our shoulders the double duty: On the one hand to protect the innocent, but on the other hand just as plain a duty to bring the guilty to a sure justice. Now, bear in mind, if you will, this single duty which rests upon your shoulders, namely, to determine whether or not these defendants are guilty as charged.

Now, what about the charge? Section 115 of our Crimes Act reads in part: "That any person who shall have carnal knowledge of a woman forcibly against her will, or shall aid, abet, counsel, hire, cause or procure, any other person or persons to commit the said offiense, shall be guilty of a high misdemeanor." The State charges that Anthony Bullock had carnal knowledge of Eleanor Mishler, and that Mary Bullock, his daughter, aided and abetted in the commission of that offense, and is therefore equally guilty with him. In other words, the charge is the crime of what we oridinarily name as rape. At common law, rape was defined to be the carnal knowledge of a woman forcibly against her will. The words "carnal knowledge" have a meaning as well

understood in common acceptation as any other ordinary expression, and are convertible and interchangeable with "sexual intercourse" as used in our language. Hence, in other words, the State charges Anthony Bullock with having had sexual intercourse with Eleanor Mishler forcibly against her will, and that Mary Bullock aided and abetted in the commission of this offense.

Now, so far as the male defendant is concerned, his alleged commission of the crime presents no unusual legal situation, but with respect to the female defendant it does present the rather anomalous situation of a person accused of participating in the commission of a crime which she could not commit as principal in the first degree. Our statute, however, makes no exception in such a case, and a woman may be guilty under our statute if she aids and abets the male defendant in the commission of the crime of rape. "Aiding and abetting," our courts have said, "involves some participation in the criminal act by word, act or deed." Now, with that statement of the law as I understand it, your question is "Did Anthony Bullock carnally know Eleanor Mischler with force and against her will?" and "Did Mary Bullock aid and abet in the commission of this act?"

Now, very briefly let me just speak of the evidence in this case:

You have, in the first instance, the receipt of a letter from Eleanor Mischler in the Bullock home, addressed, as I recall the testimony, to the aged mother, old Mrs. Bullock. In response to that letter you have an invitation extended by the daughter, Mary Bullock, to Eleanor Mischler to visit the home. As a result of that correspondence arrangements were made whereby Eleanor Mischler was to go on a Sunday morning on the excursion train from her

home in Philadelphia to Wildwood, and there visit in the Bullock home. She did not take the train contemplated, and during the forenoon there were phone calls asking when she would be down. As a result she came to Wildwood on the afternoon train. So far as Sunday evening was concerned, nothing unusual seems to have occurred. The two girls retired to the room of Mary Bullock, one of the defendants. That room was adjoining the room occupied by the defendant, Anthony Bullock. The girls arose about the normal time the following morning. Tuesday was spent, so far as the Court recalls the testimony, in no unusual way. Tuesday evening was normal, so far as the conduct of the parties is concerned. Tuesday night, according to the testimony of Eleanor Mischler, after the two girls had gone to their room, Mary Bullock, attired in the undershirt of her father, left the room in which the two girls were, went into the room of her father, and did not return. Monday night. I may have said Tuesday. I want to correct myself to Monday night there. They arose Tuesday morning, and so far as Tuesday is concerned—while there is some contradiction of the details as to how the day was spent; I shall not attempt to go into those details; they are matters of facts which are for you and I shall not attempt to relate them to you. Tuesday night the two girls retired as usual. And then during the night you have the testimony of the complaining witness, Eleanor Mishler, that she was aroused and upon awakening, found the defendant, Anthony Bullock, in bed with her and with his daughter; that he was engaged in improper conduct or conversation with his daughter; that at his suggestion, Mary Bullock, one of the defendants, threw her body across the body of Eleanor Mischler, and that she was then and there raped by Anthony Bullock, the other defendant.

By way of corroboration of her story, you have the testimony of other witnesses introduced showing subsequent conduct apparently caused by that which had taken place. You have the testimony of her mother that she noticed something wrong when she returned to her home in Philadelphia. You have the testimony of the sister to the same effect; you have the testimony of the stepfather and of the brother-in-law, and then you have added to that the fact that on Friday of the same week, after a conversation with her sister, she told the story which she has related upon the witness stand here. It is for you to consider, not only her story, but her subsequent conduct as well, and you are to consider the time and the manner and so on, in which this statement was made.

You have the further fact that an examination was made by two physicians in Philadelphia, who testified that this complaining witness, Eleanor Mischler, had been penetrated, and that her private parts exhibited evidence of the fact that, that penetration had taken place within a comparatively recent time.

Now, briefly, that is the story as outlined by the State. If you believe that story, and if after having heard that story, and having heard the evidence introduced by the defense, to which I shall presently refer, you believe beyond a reasonable doubt of the truth of the charge, then, of course, your verdict should be guilty as charged.

Now, so far as the evidence by way of defense is concerned, it rests primarily upon a general denial. With respect to the details of how the time between Sabbath evening and Wednesday afternoon was spent, there is a substantial agreement, at least, there is a substantial agreement until the night of Tuesday. There is, of course, a dispute as to whether or not Eleanor Mishler came to the Bullock home

at her own invitation, or whether the invitation came from the Bullocks. That is a question of fact for you to determine. There is some dispute as to whether or not certain letters and telegrams were received on Tuesday or received on Wednesday. That is another question of fact for your determination. But primarily, the defense rests upon a general denial corroborated by testimony having to do with the conduct of the complaining witness subsequent to the time the offense is alleged to have been committed.

Anthony Bullock, and Mary Bullock, his daughter, deny that there was any improper conduct with respect to either or both of them in relation to this girl. They testify further that on Wednesday morning, Eleanor Mischler arose as usual; that so far as her conduct and appearance were concerned, there was apparently no difference in her condition on Wednesday than from that which it had been on Tuesday and on prior days, and their statements are corroborated by the testimony of the colored witnesses, who were employees in the house, and of Mrs. Corson, who was a dressmaker at the time.

Now, I said to you that the subsequent conduct of the complaining witness was important in this case, and in arriving at your verdict, you are to consider whether or not the statements made by the family of Eleanor Mishler are true. That the girl was not physically and mentally as she had been prior to Tuesday; whether you are to believe that testimony or the testimony of the defendants and their witnesses that there was no change in her condition.

And so those are facts which you are to consider in determining the guilt or innocence of the parties in question.

Now, if after having considered all of that evidence, there arises in your mind a reasonable doubt

as to the truth of the charge, then you should acquit.

There is one other matter to which I want to call your attention, and that is this: That you may consider not only the spoken words given in evidence, but you may consider the appearance and manner and the character of the witnesses on the stand. That is for you to consider as well as the testimony which they offer.

The burden of proof is on the State to establish the guilt of the accused. That is, the State must assume the responsibility of proving every fact and circumstance which is essential to the guilt of the accused. In other words, every essential element of the crime must be proven. Now, by that I do not mean that every detail as outlined here in the testimony must be taken by you as truth, but you must believe beyond a reasonable doubt, after considering all the evidence, that the defendants are guilty as charged. The law does not cast on the accused the burden of satisfying the jury of his innocence. They must establish the truth of the fact to a reasonable, and moral certainty, a certainty that convinces and directs understanding, and satisfies the reason and judgment of those who are bound to act conscientiously upon it. On the other hand, gentlemen, the law does not go beyond this, and require absolute certainty. To convict, however, you must be convinced beyond a reasonable doubt of the charge.

Now, with respect to reasonable doubt, our courts have said "That it is a term frequently used, hard to define, and easily misunderstood." It has been defined thus and I take this principle to be the best definition that I can give you of it, that it is not a mere possible doubt, because everything relating to human affairs and depending on moral evidence

is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves your mind in the condition that you cannot say you feel an abiding conviction to a moral certainty of the truth of the charge.

Bear in mind, then, gentlemen, in considering this case, that the law does not require the State to prove guilt to an absolute certainty, but it does require that the proof convince you beyond a reasonable doubt, such a doubt as I have defined.

After the constable is sworn you may retire. In the meantime, will everyone keep their seat, please.

(At this time the jury retired.)

Mr. Hildreth: Now, we except to that part of your Honor's charge in which in quoting Chapter 115 and referring to the defendant Mary A. Bullock, you stated that our statute makes no exception. We also except to the part of the charge in which your Honor said that she, referring to Eleanor Mischler, told the same story to her mother which she related upon the stand here. We also except to that part of the charge in which your Honor said that the defense depends upon a general denial.

The Court: No, I did not say that, I don't think. However, the record will show it.

Mr. Hildreth: Then, with your Honor's permission, we will take a general exception to the charge.

(Above requested exceptions noted for the defense.)

CAPE MAY COUNTY COURT OF GENERAL QUARTER SESSIONS.

THE STATE, v. ANTHONY J. BULLOCK and MARY BULLOCK.	ON INDICTMENT FOR RAPE.

STATE OF NEW JERSEY, CAPE MAY COUNTY, *ss*:

I, J. Vincent Donegan, assistant to the official stenographer of the Cape May County Court of General Quarter Sessions, do hereby certify that the foregoing transcript contains the entire record of the proceedings and testimony taken by me at the trial of the case of the State of New Jersey, v. Anthony J. Bullock and Mary Bullock, on indictment for rape, which trial was held before the Honorable Henry H. Eldredge, Judge of the Cape May County Court of General Quarter Sessions, and a jury, on January 24, 25, 28, 29, 30, 31, 1924, at Cape May Court house, New Jersey.

J. VINCENT DONEGAN.

CAPE MAY COUNTY COURT OF GENERAL QUARTER SESSIONS.

THE STATE, vs. ANTHONY J. BULLOCK and MARY BULLOCK.	)	ON INDICTMENT FOR RAPE.

STATE OF NEW JERSEY, CAPE MAY COUNTY, ss:

I, HENRY H. ELDREDGE, Judge of the Cape May County Court of General Quarter Sessions, who presided over the aforesaid cause, certify that the foregoing book contains the entire record of the proceedings had upon the trial of the said cause, and that the same is returned by the plaintiff-in-error therein with the writ of error bringing up the bill of exceptions signed and sealed in this cause.

HENRY H. ELDREDGE,
Judge of the Cape May County Court of General Quarter Sessions.

Dated, March 26, 1924.

SPECIFICATIONS OF CAUSES AND REASONS FOR REVERSAL.

NEW JERSEY SUPREME COURT.

STATE OF NEW JERSEY, *Defendant-in-error,* v. ANTHONY J. BULLOCK, *Plaintiff-in-error.*	In Error. Specifications of causes and reasons for reversal.

And now comes Anthony J. Bullock, by James M. E. Hildreth and Henry M. Hartmann, his attorneys, and says that in the record and proceedings aforesaid, and also in giving the judgment aforesaid there is manifest error, and the said Anthony J. Bullock says that the said judgment should be reversed and assigns the following reasons and causes for reversal, upon the entire record thereof:

1. Because the testimony was insufficient to overcome the presumption of innocence of the defendant, Anthony J. Bullock.

2. Because it does not appear from the testimony that the defendant, Anthony J. Bullock, was guilty beyond a reasonable doubt, and the jury should have given the defendant the benefit of such reasonable doubt.

3. Because the verdict is clearly contrary to the weight of the evidence.

4. Because the verdict was illogical, inconsistent and unintelligible and so void.

5. Because the verdict was the result of mistake, passion or prejudice.

6. Because the charge of the trial Court was contrary to the testimony and unfair and prejudicial to the defendant, Anthony J. Bullock.

7. Because the trial Court charged the jury as follows:

> "Now, so far as the evidence, by way of defense is concerned, it rests primarily upon a general denial."

Whereas the facts of the case showed that the defense rested upon affirmative testimony amply corroborated.

8. Because the trial Court, over objection, permitted the witness, Mary Bullock, to be cross-examined concerning a person by the name of Miss Jones, who was unconnected with the alleged crime and was not in the Bullock household at the time of the commission of the alleged crime (p. 279, l. 1, to p. 281, l. 36).

9. Because Judge Wescott, attorney for the State, said to the Court and in the presence of the jury in the argument as to the question of the admissibility of the testimony in respect to Miss Jones that:

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"This Jones woman is involved in the tragedy" (p. 280, l. 27).

This was prejudicial to a fair trial of the defendant.

10. Because the trial Court, over objection, permitted the following question and answer of the witness, Harry E. Weir:

"Q. Did you have any talk with Bullock?

Q. Did Bullock say anything to you?

A. I asked Mr. Bullock the location of the bureau, whether it was exactly the same, and the beds exactly the same, as of the date that the occurrence is supposed to have happened, yes.

Q. Yes. And he told you they were?

A. They couldn't be otherwise from the plans, because there wouldn't be any place to get them in.

Q. He told you they were, didn't he?

A. Yes" (p. 298, l. 17, and p. 299, l. 7).

11. Because the statement of Judge Wescott, attorney for the State, contained on page 409, l. 10, and p. 412, l. 1, in referring to the life and character of the defendant, was prejudicial and conduced to an unfair trial of the defendant.

12. Because the trial Court, over objection, permitted the witness, Anthony J. Bullock, to be cross-examined concerning a person by the name of Miss Jones, who was unconnected with the alleged crime, and was not in the Bullock household at the time of the commission of the alleged crime (p. 419, l. 9, to p. 422, l. 21).

NEW JERSEY COURT OF ERRORS AND APPEALS.

WRIT OF ERROR.

(Filed March 16, 1926.)

NEW JERSEY: ss.

[SEAL] The State of New Jersey to the Chief Justice and Associate Justices of our Supreme Court of Judicature.

GREETING: Because in the record and proceedings and also in affirming judgment of conviction upon a certain indictment in the name of the State of New Jersey against Anthony N. Bullock (named therein Anthony J. Bullock) and Mary Bullock, for having carnal knowledge of one Eleanor E. Mishler, forceably, against her will and for a felonious assault in attempting to have carnal knowledge of said Eleanor E. Mishler, forceably, against her will, in the Borough of Wildwood Crest, in the County of Cape May, manifest error hath intervened to the great damage of the said Anthony J. Bullock, the defendant, as from his complaint we have received information.

We, being willing in this behalf to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said Anthony J. Bullock, do command you that if judgment be thereon given and affirmed, then you do send the record and the proceedings aforesaid with all things touching and concerning the same, to us under your seal distinctly and openly, with this writ, so that we may have them before our Court of Errors and Appeals in the last resort in all cases, at Trenton, on the thirty-first of March, inst., that

the record and proceedings aforesaid being inspected, we may cause to be done thereupon for correcting that error, what of right and according to the law and custom of the State of New Jersey, ought to be done.

Witness our Chancellor and President Judge of our said Court of Errors and Appeals at Trenton aforesaid, the eleventh day of March, one thousand nine hundred and twenty-six.

THOMAS F. MARTIN,
Clerk.

HENRY M. HARTMANN,
Attorney.

RETURN.

The answer of the Justices of the Supreme Court of the State of New Jersey within named. The record and proceedings whereof mention is within made, with all things touching and concerning the same, we do certify to the Court of Errors and Appeals, of said State, in a certain schedule to this writ annexed, as within we are commanded.

WM. S. GUMMERE,
C. J.

NEW JERSEY SUPREME COURT.

THE STATE OF NEW JERSEY,
Defendant in Error,

vs.

ANTHONY J. BULLOCK,
Plaintiff in Error.

On Error.

JUDGMENT OF AFFIRMANCE AND REMITTUR.

(*Filed March 11, 1926.*)

This cause having been argued at the March Term, 1925, of this Court, by W. H. Campbell, Jr., Esq., and John W. Wescott, Esq., of counsel for the defendant in error, and James M. E. Hildreth, Esq., and Henry M. Hartmann, Esq., of counsel for plaintiff in error, and the Court having considered the same and finding no error in the record and proceedings in the Cape May County Court of General Quarter Sessions,

It is thereupon ordered and adjudged that the Judgment of the Cape May County Court of General Quarter Sessions, removed by the writ of error in this cause, be affirmed with costs; and that the record be remitted to the Cape May County Court of General Quarter Sessions to be proceeded with in accordance with this judgment and the practice of said Court.

Entered March 5, 1926, on motion of

W. H. CAMPBELL, JR., AND
JOHN W. WESCOTT,
Counsel for Defendant in Error.

I, Edward J. Kelleher, Clerk of the Supreme Court of the State of New Jersey, do certify that the foregoing is a true copy of a rule entered in the minutes of the Court in the above stated cause.

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

EDWARD J. KELLEHER,
Clerk.

No. 6, January Term, 1925.

NEW JERSEY SUPREME COURT.

STATE OF NEW JERSEY,
Defendant in Error,

vs.

ANTHONY J. BULLOCK,
Plaintiff in Error.

OPINION.

(Filed February 23, 1926.)

Argued March 3d, 1925. Decided February 8th, 1926.

On writ of error to the Cape May County Court of General Quarter Sessions.

Before Justices Parker and Katzenbach.

For the plaintiff in error, James M. E. Hildreth, Esq., Henry M. Hartmann, Esq.

For the defendant in error, W. H. Campbell, Jr., Esq., John W. Wescott, Esq., of Counsel.

PER CURIAM:

This case is before us on a writ of error. The writ was directed to the Court of General Quarter Sessions of Cape May County. It brings up the conviction of Anthony J. Bullock under an indictment charging him with the rape of Eleanor E. Mishler. The indictment under which the plaintiff in error was convicted jointly

charged him and his daughter, Mary Bullock, of having committed the crime. The jury acquitted Mary Bullock and returned a verdict of guilty against Bullock.

The plaintiff in error lived at Wildwood, New Jersey. It is inferable from the testimony that he is a man of considerable wealth. He was 59 years of age at the time of the commission of the alleged crime. His daughter was then 21 years of age. He was married but living apart from his wife. The members of his household, besides himself, were his mother, Mrs. Francoise Bullock, and his daughter, Mary. The servants of the household were two colored maids. Bullock owned a car which a chauffeur operated.

The complaining witness was a resident of Philadelphia. Her age was 18 years. Her grandmother had been a companion of Mrs. Francoise Bullock. The father of the complaining witness had died some years before. Her mother had remarried. Miss Mishler had been educated at the public schools in the City of Philadelphia, and at a Catholic School. After the completion of her education she sought employment. She had tried several kinds of work. Just prior to the happening of the occurrence in the present case she had been working for the Bell Telephone Company in Philadelphia. She had become ill and had been advised by her physician to cease work temporarily. It was suggested that she might pay a visit to the Bullocks at Wildwood. She wrote to Mrs. Francoise Bullock. Miss Mary Bullock replied to her letter and invited her to visit them at Wildwood. On Sunday, February 19th, 1923, she left Philadelphia on an afternoon train for Wildwood. She arrived in Wildwood after it was dark. She was met at the station. She occupied the same room with Mary Bullock. This room communicated with the room of Mr. Bullock. Upon her arrival she states she was cautioned by Mary Bullock not to speak to her father about a Miss Jones whom she had met some years before at the Bullock home.

On Sunday evening there was no unusual occurrence in the household. The two girls slept together. During the day on Monday nothing out of the ordinary routine of the daily life happened. Eleanor Mishler testified that Mary Bullock did not sleep with her on Monday night. She said Mary Bullock wore on that night an undershirt of her father's and was in his room. Miss Bullock said her night dresses were being laundered. On Tuesday evening, Mr. Bullock, Mary Bullock, and Eleanor Mishler left the Bullock residence with the intention of seeing a moving picture. Upon arrival at the theatre the plan was changed and they did not enter the theatre. Magazines were purchased. All returned to the Bullock home. During the evening Bullock had an outburst of temper upon learning that his daughter intended to go away for a visit. During the evening he told his daughter to get some pictures to show Miss Mishler. The pictures were shown her. They were pictures of nude women. According to the testimony of Eleanor Mishler, Mary Bullock laughed at the pictures and thought them grand. Eleanor Mishler on that evening occupied the bed with Mary Bullock in her room. She fell asleep. She was aroused by seeing Mr. Bullock on the side of the bed with Mary. She tried to get out of the bed but was pushed back and held by Mary Bullock until ravished by Mr. Bullock. She fainted and came to consciousness at daylight. She heard Bullock tell his daughter to muss up the bed in his room. Eleanor Mishler dressed. She could not eat. She left the Bullock house that afternoon. Upon arriving at her home in Philadelphia she went to her room. She stated to her mother that she had a headache. She did not come to the table to eat. Her mother noticed that there was something wrong about her but could not elicit from her any information. She did not go out. She remained upon her bed. On Friday a married sister elicited from her what had transpired at Wildwood. On Saturday she was taken to the office of a physician who examined her sexual organs. They

were red and inflamed. The hymen was ruptured. Their appearance indicated that a few days before force had been applied thereto. Another physician made an examination which confirmed the examination of the first physician. This medical testimony was offered at the trial.

The defense was a complete denial of everything testified to by the complaining witness.

We will first consider the legal points raised by the plaintiff in error.

The first point is that the verdict was illogical, inconsistent, and unintelligible. This criticism is made because of the fact that Bullock was found guilty and his daughter, Mary Bullock was acquitted. The verdict does appear to be illogical as Eleanor Mishler testified that Mary Bullock physically aided and abetted her father in the commission of the crime. It does not follow, however, that if the verdict is illogical, it is erroneous. We see no legal error in the jury having returned a verdict of guilty as to Bullock and not guilty as to Mary Bullock. It may be that the jury thought that Mary Bullock was acting under coercion of her father. It is unnecessary, however, to speculate upon the reasons which led the jury to the result which it found. It is sufficient to say that the verdict may be illogical and inconsistent, yet not erroneous. The plaintiff in error suffered no harm by reason of the acquittal of his daughter.

The second point argued by the plaintiff in error is that the trial court erred when it charged the jury in the following language: "Now so far as the evidence by way of defense is concerned, it rests primarily upon a general denial." The contention is that not only did the defense rest upon a general denial, but on affirmative testimony to show that the State's case was untrue. It will be observed that the trial judge did not say in this portion of the charge under consideration that the sole defense was a general denial. The Court said "It rests primary upon a general denial." This

was true. It did rest primarily upon a general denial. The trial court left the question of the determination of the facts to the jury. The portion of the charge criticized amounts to merely a comment upon the testimony. Even if the comment was erroneous, which it is not, it would not under the circumstances constitute reversible error. *State* v. *Hummer,* 73 *N. J. L.* 714.

The third point argued by the plaintiff in error deals with the allowance of questions asked of Mary Bullock and the plaintiff in error upon their respective cross-examinations. These questions related to Miss Jones, who had been a member of the Bullock household some years prior to the visit of Eleanor Mishler in February, 1923. There were three specific questions asked Mary Bullock on cross-examination and three specific rulings made by the trial Court. The specification of causes and reasons for reversal do not sufficiently specify the exceptions to the rulings. The specification is general and in the following language: "Because the trial Court over objection, permitted the witness, Mary Bullock, to be cross-examined concerning a person by the name of Miss Jones, who was unconnected with the alleged crime and was not in the Bullock household at the time of the commission of the alleged crime." The insufficiency of this specification is a sufficient reason for refusing to pass upon the question presented. We, however, feel that the questions asked were properly allowed. According to the testimony of Eleanor Mishler she had upon her arrival been requested by Mary Bullock not to say anything to her father about Miss Jones. This, we think, afforded the State the right to cross-examine Mary Bullock regarding Miss Jones to the extent to which the trial court permitted the questions. The specification relating to the allowance of the question asked Mr. Bullock on the same subject is for the same reason insufficient.

The plaintiff in error further contends that counsel for the State made improper statements in offering evidence and in interrogating witnesses. An examination

of the specification of causes and reasons for reversal discloses that not one of the alleged unfair statements of counsel for the State is set out as a ground for reversal. We therefore cannot consider the contention made in this behalf for the plaintiff in error.

The only remaining question to be considered is as to whether or not the verdict is against the weight of the evidence. An appellate court will not set aside a verdict as against the weight of the evidence except in those cases where it is clear that the verdict is the result of mistake, passion, prejudice or partiality. *State v. Karopwitz*, 98 *N. J. L.* 546.

We have examined the voluminous record in this case with unusual care. While it is true that the testimony of Eleanor Mishler is flatly contradicted in every particular by Bullock and his daughter; that the other members of the household testified that on the morning after the alleged assault the demeanor of Miss Mishler was the same as during the prior days of her visit, yet we feel that the medical testimony clearly establishes that the complaining witness was ravished; that the act was done during the time she was an occupant of the Bullock household; that her conduct upon reaching her home as shown by her distraught condition, her unwillingness to talk, her statements to her sister, her testimony at the trial, which related many circumstances which would have been difficult for so young a person to relate if they had not happened, all corroborate her version of what occurred upon her visit. Her testimony has the ring of truth. We have reached the conclusion that the verdict is not against the weight of the evidence.

The judgment of conviction is accordingly affirmed.

NEW JERSEY COURT OF ERRORS AND APPEALS.

STATE OF NEW JERSEY, *Defendant in Error,* *vs.* ANTHONY J. BULLOCK, *Plaintiff in Error.*	. . . In Error.

ASSIGNMENT OF ERROR AND CAUSE FOR REVERSAL.

(Filed April 6, 1926.)

And now comes Anthony J. Bullock by Henry M. Hartmann, and James M. E. Hildreth, his attorneys, and says that in the record and proceedings aforesaid and also in giving the judgment aforesaid, there is manifest error, and the said Anthony J. Bullock says that the said judgment should be reversed and assigns the following error and cause for reversal, upon the entire record thereof:

Because the Supreme Court erred in rendering its judgment herein in favor of the defendant in error instead of the plaintiff in error.

Whereof the said plaintiff in error, Anthony J. Bullock, prays that the judgment aforesaid by reason of the errors aforesaid, may be reversed and for nothing holden.

JAMES M. E. HILDRETH,
HENRY M. HARTMANN,
Attorneys for Plaintiff in Error.
W. H. CAMPBELL, JR.,
Attorneys of Plaintiff in Error.

Service of the within Assignment of Error and Cause for Reversal is hereby acknowledged this 31st day of March, 1926.

NEW JERSEY COURT OF ERRORS AND APPEALS.

STATE OF NEW JERSEY,
Defendant in Error,

vs.

ANTHONY J. BULLOCK,
Plaintiff in Error.

In Error.

JOINDER IN ASSIGNMENT OF ERROR AND CAUSE FOR REVERSAL.

(*Filed April 13, 1926.*)

The State of New Jersey, defendant in error in the above case, by William H. Campbell, Jr., Prosecutor of the Pleas, for the County of Cape May, in the State of New Jersey, denies that the Supreme Court erred in rendering its judgment in the above case in favor of the defendant in error instead of the plaintiff in error and joins issue thereon.

W. H. CAMPBELL, JR.,
Attorney for Defendant in Error.

Service of the within Joinder in Assignment of Error and Cause for Reversal is hereby acknowledged this 9th day of April, 1926.

JAMES M. E. HILDRETH,
HENRY M. HARTMANN,
Attorneys of Plaintiff in Error.

13. Because Judge Wescott, attorney for the State, did ask of the defendant, Anthony J. Bullock, the following question:

> "Did Miss Jones tell you what sort of a character Eleanor Mishler was?"

and did thereupon, in arguing the admissibility of this question, make unfair and prejudicial remarks concerning the defendant in this cause in the presence of the jury (p. 427, l. 9, to p. 428, l. 19).

14. And because the Court, in commenting upon the admissibility of this evidence, said:

> "Fast houses and detective agencies and etc., the natural inference to be shown, of course, would be that her character was objectionable. I will overrule the objection and permit the question" (p. 428, l. 26).

15. Because it appears from the whole record that the plaintiff-in-error on the trial below suffered manifest wrong and injury which should be remedied in the admission of testimony, the charge made to the jury, the ruling of the trial Court against the defendant and upon the evidence adduced.

Whereof the said plaintiff-in-error, Anthony J. Bullock, prays that the judgment aforesaid, by reason of the errors aforesaid, may be reversed and for nothing holden.

Respectfully submitted,
JAMES M. E. HILDRETH,
HENRY M. HARTMANN,
Counsel for Plaintiff-in-Error.

I herewith acknowledge service of the foregoing specifications of causes and reasons for reversal, this 3rd day of September, 1924.

W. H. Campbell, Jr.,
Prosecutor of the Pleas in and for the County of Cape May.

New Jersey Court of Errors and Appeals

THE STATE OF NEW JERSEY *Defendant in Error,* vs. ANTHONY J. BULLOCK *Plaintiff-in-Error.*	In Error On Indictment and Conviction for Rape.

Brief for Plaintiff in Error

STATEMENT OF THE CASE

The plaintiff in error, Anthony J. Bullock, was jointly indicted with Mary Bullock his daughter, for rape, which indictment was presented at the December term of the Court of Quarter Sessions 1923 in the County of Cape May. The said indictment was tried before Judge Eldredge, with a jury, on January 24th to 31st, inclusive, 1924, and the jury returned a verdict of guilty against Anthony J. Bullock and acquitted the defendant Mary Bullock.

The plaintiff in error, at the time of the alleged crime, February 21st, 1923, resided with his daughter, his aged mother and the servants of the household at Wildwood, New Jersey. It appears from the testimony that the plaintiff in error was fifty-nine years of age and his daughter twenty-one at the time of the occurrence of the alleged crime. Eleanor E. Mishler, upon whom the said rape was alleged to have been committed, lived in the City of Philadelphia, in the State of Pennsylvania, with her mother and her stepfather, Elizabeth C. and Henry T. Diaz.

The grandmother of Eleanor E. Mishler had for a number of years been an employee of the Bullock household, having acted as a companion to Mrs. Francoise Bullock, the mother of the plaintiff in error, who was eighty-five years of age. It appears that Eleanor E. Mishler, the complaining witness, visited her grandmother, who was the companion of the aged Mrs. Bullock, at Wildwood, on at least two occasions prior to the visit in February, 1923, the first being when she was about twelve years of age. Her visits to the Bullocks at Wildwood were at the suggestion of Eleanor's grandmother and her parents.

In February, 1923, Eleanor E. Mishler, who was then employed by the Bell Telephone Company, had been sent home from her work by the physician of the Telephone Company because she was ill, and it was then suggested that she might go to the Bullocks, at Wildwood, for a short stay. Eleanor wrote to Mrs. Bullock regarding her coming to Wildwood and Mary responded, pages 134, 135 and 136. A copy of this letter is found on page 135, line 1, *et seq.* A copy of Mary's response is found on page 97.

Eleanor missed her train on Sunday morning and took a later one taking with her a suitcase which contained sufficient clothes to remain at the Bullock household for several days. When she arrived in the late afternoon, at Wildwood, she was met at the station by Anthony J. Bullock and his chauffeur and was taken to the Bullock residence in his Hudson sedan. On Sunday evening it was suggested by Mary Bullock that Eleanor sleep with her on the second floor, which room was that adjoining the room of Anthony J. Bullock, which she did.

Eleanor was entertained on Monday and Monday evening by Mary and her father. When Mary and

Eleanor retired Monday evening Eleanor says that Mary had on one of her father's undershirts, saying to her that all of her nightgowns were in the laundry. Eleanor also says that Mary went into her father's room and she did not see her again until the following morning. Eleanor continued to stay with the Bullocks all day Tuesday, retiring early Wednesday morning and after she had fallen asleep she said she was awakened by the defendant, Bullock, talking to Mary at the edge of her bed. The testimony of Eleanor is that Bullock requested his daughter to find a nerve on the body of Eleanor, and upon hearing this remark she began getting out of bed; that the defendant, Anthony J. Bullock, leaned over and pulled her back into bed and that Mary leaned on her and held her shoulders down while her father stooped over Eleanor and had intercourse with her against her will. She says she did not know anything more until morning. The incidents which Eleanor said happened on Monday night and on Tuesday night were denied by both Anthony J. Bullock and his daughter. The testimony of three persons who were employed in the Bullock household was that Eleanor came down to breakfast on Wednesday morning, ate her usual breakfast and acted as usual; went out for an automobile ride on Wednesday morning with the defendant, and to the grocery store where the Bullocks dealt, and was seen later to take a train from Wildwood and waived good-bye to Bullock, who was standing on the station platform. When Eleanor arrived home she told her mother nothing of the incident, according to her story, until the following Friday. Eight days after the alleged offense occurred suit was instituted in the United States District Court for the District of New Jersey for one hundred thousand dollars ($100,000) damages based upon this occurrence. No

criminal charge was made until December 12th, following.

The court sentenced the defendant upon conviction to the State Prison of this State for a term of not less than five years and not more than ten years at hard labor, and to pay a fine of one thousand dollars ($1,000), together with costs.

It is upon this conviction for Rape that the defendant seeks a reversal based upon the entire record of the case and upon the reasons and specifications of causes assigned for reversal.

ARGUMENT

Point One

The Verdict Was Illogical, Inconsistent and Unintelligible and so void (Cause for Reversal 4)

The indictment under which the defendant was convicted for the commission of Rape was a joint indictment charging Bullock and his daughter, Mary, jointly as principals.

The theory of the State's case, as appears from the testimony adduced at the trial, was that of a conspiracy between Bullock and his daughter, Mary, to accomplish a Rape upon the body of Eleanor E. Mishler. The prosecutrix, throughout her testimony, which begins on page 123, seeks strenuously to show that Mary Bullock had invited her to her home at Wildwood with the express purpose of aiding and abeting her father in a Rape upon her. The testimony of Eleanor as to the actual commission of the alleged crime, commencing on line 1 of page 161 and ending at line 10 on page 162 of the State of Case, shows that Mary Bullock physically aided her father in the commission of the crime by leaning on Eleanor and holding her shoulders down. From this evidence either one of two logical verdicts must have

resulted namely the acquittal of both or the conviction of both. Instead, the jury acquitted Mary Bullock and found a verdict of "guilty" as to Anthony J. Bullock.

It is the contention of the plaintiff-in-error that if the jury believed the story of Eleanor E. Mishler, which is the only evidence of the happenings produced by the State, then it should have rendered a verdict of guilty as to both defendants and if it disbelieved the story, it should have acquitted both defendants. Her story is incapable of an inference of Bullock accomplishing the act without the assistance and the participation of Mary Bullock.

The Supreme Court in its opinion contends that the jury believed that Mary was under the coercion and influence of her father when the alleged crime was consummated and therefore saw fit to acquit her. There was no evidence in the case to justify such an inference by the jury.

The charge in the indictment and in the evidence is a joint one and is analogous to an indictment and trial for conspiracy. While an indictment for conspiracy must involve at least two defendants and a verdict must convict either both or neither, yet the indictment in this case and the story on which the conviction is based is not dissimilar. In the case of the Queen on the prosecution of John Laver vs. Manning et al., 12 Queens Bench Div. 241, the court said:

> "Where two persons are indicted for conspiring together and they are tried together, both must be acquitted or both convicted."

Mr. Bishop in his famous book on Criminal Law, Vol. 1, page 801, said:

> "One of two conspirators may be proceeded against if the other is dead, or if indicted during their joint lives, they may have separate

> trials, yet if one is acquitted where only two are alleged to have been concerned in the offense the legal effect is the acquittal of the other, it being impossible for a man to conspire alone."

While the law does not require either the indictment or conviction of both in a joint charge of Rape where the indictment as well as the testimony charges a joint offense, yet logically either both should be convicted or both acquitted. The story of the prosecutrix as to the alleged Rape so binds the guilt of Mary Bullock to the guilt of Anthony J. Bullock that neither is separable from the other; both should have been convicted or both acquitted. Upon the evidence in this case, whether the jury believed the story of Eleanor E. Mishler or whether it disbelieved it, a verdict of guilty against one and the acquittal of the other was illogical and unintelligible, and hence erroneous.

Point Two

The trial court improperly charged the jury as follows:

> "Now so far as the evidence by way of defence is concerned it rests primarily upon a general denial." (cause for reversal 7)

See State of Case, page 582, line 30.

The case of the defendant consisted not only of a denial of the commission of the offense but of affirmative testimony to show that the State's case was untrue. Can it be said that the testimony of the three servants in the Bullock household concerning the conduct of Eleanor on the Wednesday morning after the alleged occurrence on which she left Wildwood was merely negative, and can it be said that the testimony of Jacob Konowitch, on page 539 of the State of Case, was a mere general denial, when he says that he saw Eleanor wave good-bye to Bullock from the

train? Mrs. Corson said Eleanor ate breakfast with her, and later came up to the third story and talked to her about styles. *See State of Case,* page 332.

The importance of this testimony cannot be overestimated because two vital elements in establishing Rape are shown by these witnesses not to have taken place, namely an outcry at the time of the alleged commission of the offense or a complaint as soon thereafter as it was possible for her to make it, either to the police authorities or to others with whom she came in contact, as to her outrage. How the trial court could have termed this positive and convincing testimony to be primarily a general denial it is difficult to understand. Surely a statement from the court that the testimony of the defendants was primarily a general denial tended to underestimate and belittle the defense in the minds of the jury.

If the court, when he made the unfortunate remark, had in mind the facts as to the actual commission of the crime then he should have gone further and told the jury that in the nature of the case that was all that could be abduced in evidence upon the part of the defendants. We think that this remark of the court was so prejudicial to the rights of the defendant and so misleading that it ought to be regarded by this court as reversible error.

Point Three

Improper Cross-examination Regarding Miss Jones (Causes for Reversal 8 and 12)

It seems best to argue causes for reversal Numbers Eight and Twelve together, because they involve improper cross-examination relating to Miss Jones and present the same legal question. The Court below expressed its opinion that these causes for reversal were too general and did not sufficiently specify the plaintiff in error's exceptions to the Court's rul-

ings thereon. Our adversary could not be confused about the objection to the testimony pointed out in these causes for reversal by line and page numbers and it is evident that the Court below was properly informed as to the plaintiff in error's objection to this cross-examination, because it discusses at some length the objections and then concludes that the cross-examination was proper. This Court has frequently intimated that a cause for reversal must be specified with sufficient precision to show the injury complained of. This we think is done in these specifications under consideration. State vs. Lewis 121 Atl. 83.

The plaintiff in error undoubtedly suffered by reason of the prejudice that was created by the cross-examination of Bullock and his daughter regarding Miss Jones who had been a member of the Bullock household prior to the visit of Eleanor Mishler in February, 1923.

First considering the Eighth cause for reversal which refers to the improper cross-examination of Mary Bullock. It is found on page 279 of the State of Case beginning with the first line and continuing to the 16th line and reads as follows:—

"A. Who is she? She is a lady.
Q. A female, is she?
A. Yes.
Q. When did you get acquainted with her.
A. I have known her for a long time.
Q. How long?
A. Oh, I guess six or seven years.
Q. Where did you get acquainted with her?
A. In my father's and grandmother's house.
Q. Where?
A. Wildwood.
Q. When?

A. Whenever I used to come down to see my father and grandmother.

Q. What was Miss Jones doing there?

A. She was the housekeeper."

The remainder of page 279, all of page 280 and page 281 down to line 26 contains the trial Court's rulings and the argument of counsel.

The Twelfth cause for reversal embraces testimony adduced on cross-examination about Miss Jones of the same character as that objected to in the Eighth cause for reversal, except that it was in the cross-examination of Anthony J. Bullock instead of his daughter and is found on page 419 beginning with line 9 and continuing to page 422 line 21. The first question asked is: "Do you know a woman by the name of Jones?" Counsel objected to this question and then a colloquy ensued between the Court and the respective counsel.' Then on page 420 line 25 counsel for the State asked the following question: "Are you making her a monthly allowance?" This question was objected to by the defense and the objection was sustained by the Court although its effect was the same so far as the jury was concerned.

Objection is then made by counsel for the defense to the following question: "Did this Jones woman act as your housekeeper once?" Page 421 of the State of Case. The Court over-ruled the objection and counsel then asked an exception both to this question and a general exception to this line of testimony, which was allowed by the Court.

The Court then permitted further cross-examination of Bullock found on page 422 from the first line to line 22 which is as follows:

"Q. How old was she?

A. That is a rather delicate thing with the ladies as a rule. I should say she is from a woman of forty.

Q. How big a woman was she?

A. Well, I couldn't answer that, how big she was. She is rather inclined to be a large woman.

Q. What room did she occupy when she lived at your house at Wildwood?

A. What room she occupied?

Q. You don't have to take a great while to study that and rub your head.

A. She occupied the room next to my mother's room, across from my mother's room.

Q. In the present house?

A. Present house, yes.

Q. Point out on that map the room that she was occupying? Step down here and point it out to the jury.

This cross-examination of Bullock and his daughter was highly improper as it had no bearing whatsoever upon the issue involved in this cause and was, therefore, irrelevent and immaterial. It was incompetent for the further reason that it was not within the scope of cross-examination. Indeed, it was introduced with but one purpose in mind, to prejudice the minds of the jury against the defendant by throwing out an intimation that he had had immoral relations with the Jones woman. How could a question inquiring of Bullock whether he was making her a monthly allowance be material to this case except to lead the jury to believe that Bullock was viciously immoral and hence would be a man likely to commit a crime of the character of the one charged in the indictment. The Court is well aware as is every experienced trial lawyer that it frequently happens that a defendant is convicted upon illegal evidence of this character and it is for this reason that the State ought not be upheld in a conviction which is so obtained.

The Supreme Court in its opinion relating to this phase of the case said that because the testimony of

Eleanor Mishler showed that upon her arrival she had been requested by Mary Bullock not to say anything to her father about Miss Jones that the door was, therefore, opened for cross-examination of the character claimed to be illegally admitted. To so hold is to support an argument for the admissibility of the objected testimony upon a very thread-like reason. The defendant was tried for the commission of a heinous crime and his rights as a defendant should have been legally safe-guarded by the trial Court but instead the Court was hesitant in its rulings and permitted this testimony to be adduced which created a sphere and atmosphere that was so detrimental to the defendant that it was hopeless to attempt to overcome it.

We contend, therefore, that the errors committed by the trial Court embraced in the Eighth and Twelfth causes for reversal are of such a serious character as to warrant the reversal of the judgment of the Supreme Court.

Point Four

Improper Statements of Counsel for the State in Offering Evidence and in Interrogating Witnesses (Causes for Reversal Numbers 9, 11 and 13)

These three causes for reversal deal with improper remarks of counsel for the State uttered in the presence of the jury which were highly prejudicial to the defendant before the trial Court. Before arguing these causes for reversal we think that we ought to point out to the Court that the Supreme Court refused to consider them saying,

> "An examination of the specification of causes and reasons for reversal discloses that not one of the alleged unfair statements of counsel for the State is set out as a ground for reversal."

We are at a loss to understand this statement of the Court below in light of the fact that the ninth cause for reversal was set out by giving the exact words of the unfair remark and the eleventh and thirteenth were referred to by line and page number. Admittedly it would have been better practice to have set out the unfair statements verbatim in each instance, but since the meaning is clear the Court ought to have considered them. If the Court below was right in its refusal to consider the thirteenth and eleventh cause, what possible ground was there for denying consideration of the ninth?

These three reasons and causes for reversal were argued both orally and on Brief which precludes any idea that plaintiff in error argued matters which were not covered by the specification of causes and reasons for reversal.

The first statement of counsel assigned as a reason for reversal is in the ninth cause which is as follows:—"This Jones woman is involved in the tragedy." This statement was made by counsel for the State during the trial and in the presence of the jury during an argument of the admissibility of evidence concerning the Jones woman. The remark was not based upon testimony and was a mere creature of the counsel who uttered it. The reason for the utterance is obvious; to show a defendant in a case of this kind to have had an affair with the Jones woman would insure a conviction. The error was in permiting counsel to make a remark which amounted to giving testimony not under oath and not subject to cross-examination.

The next statement of counsel complained of by the plaintiff in error is found on page 409 to 412 inclusive (Eleventh cause for reversal) which is as follows:

Mr. Wescott: Well, if your Honor please, I have this to say: Here is a man accused of a horrible crime by a little girl. He says that crime is false: it was created by this little girl. It is probably the most abnormal of all crimes that your Honor has heard of. The proof of the truth of this charge is its abnormality. The very abnormality of the crime proves its truth. I propose to show by the cross-examination of this man his abnormality. I propose, unless your Honor stops it, to trace him from the time he was born to this hour, to see where he has been and what he has done, to see whether his life has been abnormal or whether it has been an honest, upright, decent life. For that reason, I am asking these questions, and I urgently and respectfully submit to your Honor it is not a question of consuming time; it is a question of ascertaining the truth and this case, and that is what I am here for, and that is what you are here for, regardless of the consumption of time. *Now, I have certain information about the life of this man which shows abnormality in the extreme, and I want to drag it out of his own mouth in order that this jury may see whether or not this little girl created this abnormal story, or whether it is a fruit of the soil of this man's life.* Now generally speaking, that is the reason I am pursuing this line of cross-examination, and I shall regret it extremely if your Honor stops it. It is simply on the suggestion that it consumes time. It may bear, and according to the information I have, will bear, directly upon the abnormality of this man's life, and therefore it is relevant, plainly and manifestly revelant. Your Honor has got to admit with me, as every intelligent man must admit, that this is the most abnormal of all crimes that you have heard of. It is not the ordinary rape, it is an abnormal rape. The conditions surrounding it are abnormal. The

characters involved in it are abnormal, and I shall have a good deal to say about it before I am done, and I want to show out of this man's mouth the abnormality of his mind and his life, in order to convince this jury, amongst other things, in this case, it is not to be left to stand alone, it is not going to be laughed out of court by four sharp lawyers. Innocence, if your Honor please, is the innocence to stand alone. Innocence of an innocent man—

The Court: Judge I shall have to limit you. I don't want you to give your argument before me that you will make to the jury.

Mr. Wescott—You asked me a question—

The Court—I am interested at the present time only in the relevancy of the examination and we will hear perhaps more of your present line of argument later.

Mr. Wescott—Yes, you will. I propose to put this case beyond a possible shadow of doubt, sir. Now, the object of this cross-examination is to expose this man's life.

Mr. Wescott—If your Honor please, I want to make a reply to that. The gentleman entirely misconceives the situation. I know as well as he does, and as well as you do, and as well as the laymen know, that if this man had committed crime and had been indicted and convicted, the proper thing then would be to introduce the record, unless he admitted it. I am not trying to show that this man has a criminal record. I am not trying to attack his reputation, I am not trying to attack his veracity. *What I am trying to do is to expose to these twelve men here and your Honor the story of a man and his morals, the story of a life that he has led, and where he has led it, and how he has led it, and where he has been, forsooth, it may turn out that he has been put away in sanitaria, once for the very thing that he is now accused of.* Haven't I a right to show that if it is

> true, out of the mouth of this man? Objection is made that that is attacking his veracity, an attack upon his character. It is not anything of the sort, nor is that the intention of the State. The intention is to show the jury the life of this man and I respectfully submit I have a right to do it.

Where the State's counsel asks the defendant questions which he knows and every judge and lawyer knows to be wholly inadmissible and wrong, and where the questions are asked with no expectations of answer and where the clear purpose is to prejudice the jury against the defendant in a vital matter, by the mere asking of the questions, then a judgment against the defendant should be reversed, although the objections to the question were sustained.

If counsel is permitted to make statements of the character of the foregoing, which amount to making statements and comments upon unproven facts when addressing the jury (which he was vitually doing) the usage of courts in regulating trials is departed from, the laws of evidence are violated, and the full benefit of trial by jury is denied. The courts uniformally hold that such conduct as was here exhibited by counsel for the State violates the sacred rights of a defendant and have uniformally condemned it. Misconduct of this character, if wilful and prejudicial, is visited by the penalty of overturning the verdict and reversing the judgment in both civil and criminal cases.

In the case of *Mitchum* v. *State,* 11 *Ga.* 615, 630 Judge Nisbet speaking for the court in discussing the question of comments by counsel in the argument of causes or in the offering of evidence therein, said, among other things:

> "It is not reasonable to believe that the jury will disregard them. They may struggle to disregard them, they may think that they do

> disregard them, and still be led involuntarily to shape their verdict under their influence. That influence will be greater or less according to the character of counsel, his skill and adroitness in argument, and the naturalness with which the statements stand connected with other facts and circumstances in the case. To an extent not definable, yet to a dangerous extent, they are evidence, not given under oath, without cross-examination, and irrespective of all those precautionary rules by which competency is tested."

It seems to us that this statement of the law by Judge Nisbet is peculiarly applicable to the situation in hand because Judge Wescott, who made the unfair comments to the jury is known for his adroitness and for that reason his remarks would be more vicious. It is clear with a statement of the character made by the attorney for the State that the defendant Bullock could not and did not receive a fair trial. His trial was not protected, by surrounding him with the safe-guards that centuries of experience have taught us to be necessary in the trial of criminal cases, and especially is this required in a case of this character, where there is always sympathy for the prosecutrix.

On page 427, line 9 to page 428, line 19, is another statement by counsel for the State which is by way of argument to the jury unfair comment upon the case so as to prejudice the defendant in the minds of the jury. There could be no other purpose for making such an argument in the midst of the trial.

In the case of *Berry* v. *State,* 10 *Ga.* 511, Judge Lumpkin speaking for the court in the matter of unfair comment of counsel said:

> "The practice complained of is highly reprehensible, no one can doubt. It ought in every instance to be promptly repressed. For counsel to undertake by a side wind to get that

> in as proof which is merely conjecture, and thus to work a prejudice in the minds of the jury cannot be tolerated."

See Parker v. Providence Carriage Co., 39 *Atl.* 242 Also *Foot v. State,* 74 *Ark.* 210; *Rutter v. Collins,* 56 *N. Y.* 93; *Martin v. State,* 63 *Miss.* 505.

The relation by counsel of personal experiences and unproven facts based upon personal knowledge is highly improper. *Hyatt on Trials, Sec.* 1501.

A very well considered case on the subject of improper statements by counsel during a trial is that of *Bullard* v. *Boston & M. R. R.,* 64 *N. H.* 27. In this case plaintiff's counsel said in his argument to the jury:

> "That the physician had not been called because he found from conversation with him that he had not examined the plaintiff and could give no testimony as to her physical condition."

The Supreme Court of New Hampshire through Mr. Justice Smith in speaking for the court said:

> "Had the plaintiff's whole case been proved in the same way, the error, though extended in fact over more ground, would not have been raised to a higher degree of illegality. If the plaintiff could retain a verdict obtained or enhanced by her counsel's unsworn assertion of inadmissible heresay in argument, the actual wrong done the defendants would be no greater were it accomplished by other persons giving the jury the same kind of proof privately and criminally. The court had no more authority to admit the heresy, and dispense with the oath and the opportunity for cross-examination required by law, than to render judgment, without any form or pretense of trial, upon a rumor casually heard in the street."

Judge Smith considers and discusses in his opinion practically all of the cases of importance touching

this question of unfair conduct and misstatements during the course of a trial; his reasoning is sound in every respect and the case is on all fours with the case at Bar.

When counsel for the State said:

> "What I am trying to do is to expose to these twelve men here and your Honor the story of a man and his morals, the story of a life that he has led, and where he has led it, and how he has led it, and where he has been forsooth, it may turn out that he has been put away in sanitaria, once for the very thing that he is now accused of.* * *"

he violated the rule that is laid down by Justice Smith in the most flagrant manner; if any case should be overturned for misconduct of counsel in the trial of a cause surely it is the case at Bar.

Point Five

The Verdict Was Against the Weight of Evidence

The State's case rests entirely upon the testimony of the prosecutrix and Dr. Samuel L. Rubinsohn.

The State produced several other witnesses who were relatives of the prosecutrix, but who had no knowledge of the occurrence of the alleged offense. The prosecutrix admits in her testimony that she went to the Bullock household at the time in question because she had been ill and thought the visit would do her good. She said from the time she arrived at Wildwood and was taken to the Bullock home until late Tuesday night she had been treated with the utmost courtesy and hospitality; that no offensive act of any kind or character had been committed by either Bullock or his daughter. On the last night of her stay Mary Bullock and the prosecutrix did not retire until early Wednesday morning, and the prosecutrix relates that after she had

fallen asleep she was awakened by a conversation had between Bullock and his daughter at the edge of her bed, and heard him request Mary to find a nerve on the body of Eleanor; upon hearing this remark she began getting out of bed and the defendant, Bullock, leaned over and pulled her back into bed and that Mary leaned on her and held her shoulders down and that Bullock stooped over Eleanor and had intercourse with Eleanor against her will.

The prosecutrix relates on page 160, line 10, to the end of the page, an alleged conversation had between Bullock and his daughter at the bed-side of Eleanor in which she intimates that he solicited intercourse with his daughter. Eleanor admits that she remained with the Bullocks until the following Wednesday afternoon, having taken an automobile ride with the defendant Bullock, and having been accompanied by him to the railroad station. She also admits upon cross-examination that she made no complaint to the authorities of the alleged outrage; that she did not inform her mother or any member of her family until Thursday night, when she told her sister about what had happened. Her mother, Mrs. Diaz, stated in her testimony that she had her daughter examined on Saturday by a physician.

This story of the alleged outrage is met by strong and convincing testimony. The two defendants in the trial below, Bullock and his daughter, denied every material matter in the testimony of the prosecutrix and the other witnesses for the State. In addition to the denial of the defendants, there was the testimony of the three servants, Priscilla Freeman, William Green and Georgie Jones and that of Edith Corson, a dressmaker who was at the time employed by the Bullocks and in the house from early Wednesday morning until Eleanor left the Bullock home. Georgie Jones and Priscilla Freeman, the cook and

the maid, state positively that Eleanor came to the Bullock table on Wednesday morning, after the alleged outrage, and ate a hearty breakfast and that her demeanor was that which it had been on previous mornings during her visit. She showed no signs of disturbance and was herself as they had seen her previously. Mrs. Corson, a very reputable woman in the community of Wildwood, relates the same story, that she sat at the breakfast table with Eleanor, conversed with her and that she ate a hearty breakfast and that she was perfectly normal. Mrs. Corson said that on Wednesday morning after breakfast Eleanor came to her room on the third floor where she was working and there conversed with her about styles and other things and was perfectly quite and normal and made no remarks to her of her alleged experiences of the night before.

The testimony of these three witnesses all of whom are more disinterested than either the defendants or the prosecutrix should have great weight with the court. While it is difficult to discern the truth in a case of this character, yet there are certain earmarks and tell-tale indications which will lead to the truth if followed out carefully. The natural thing for Eleanor to have done, if she had been outraged, was to have complained to the authorities as soon as she came down stairs on Wednesday morning when she found, according to her testimony, but one servant in the house. Was it the natural thing for an outraged girl to sit down to breakfast, eat heartily and converse with Mrs. Corson and the defendants? If her story were true she could not have contained herself; she would have been so excited and so unstrung by this terrible tragedy. Instead of that, she manifested poise and quietude in an hour when the average human being would have been in mental turmoil. More than that, after breakfast she held

a frivolous conversation with Mrs. Corson about girls' styles in the dressmaking room on the third floor. Is that the demeanor of an outraged girl? Subsequently she goes with Bullock, the defendant, in an automobile to the grocery store of Jacob Konowitch where articles of merchandise are purchased. This fact is evidenced by the testimony of Mr. Konowitch found on page 542.

The prosecutrix admits in her testimony that she took an automobile ride with the defendant before she was driven to the station to depart. Is this the conduct that you would expect from a woman who had been ravished?

Two of the most important tests to apply to the story of a Rape are:

> Did the prosecutrix make immediate complaint to the authorities or to those who were close to her by blood?
>
> Did she show evidence of an outrage by her demeanor immediately following the offence?

The prosecutrix was not a child, she was past eighteen years of age and surely had the experience of the average girl of eighteen, and would, had she been outraged, have left the Bullock household in the morning and informed the police authorities of the indignity which she suffered; and even if she had not the worldly experience necessary to show her that it was the right thing to inform the authorities of the alleged crime, she surely would have hastened home and told her mother, immediately upon her arrival, of the awful offence. Her mother, Mrs. Diaz, had always been her confident and what reason had she to withhold the story from her. It seems to me these facts so shatter the story of the prosecutrix that supplemented by the denial of the defendants, a verdict should have been rendered acquit-

ting both defendants. *State vs. Lanto* 121 *Atl.* 139.

Eleanor testifiies that Bullock, the defendant sought sexual intercourse with his daughter. Now the court is aware that the crime of incest has been committed, but it is only indulged in by the lowest of perverts. The defendant and his daughter from their testimony and from their appearance indicate clearly that they are not of that sort, and the court should consider such a statement made by the prosecutrix long and seriously before placing credence therein. This testimony indicates so strongly that it is untruthful that it makes it impossible for the human intellect to believe the story of the prosecutrix as to any of the facts narrated in the alleged crime. We need hardly call to the court's attention the many cases of rape wherein innocent defendants have been convicted. The crime is of such an abhorrent nature that generally the testimony of the victim is sufficient to convict the accused, and yet there can be no doubt that many of the charges are entirely fictitious.

Mr. Stewart in his treatise on Legal Medicine, page 133, said:

> "It is hard to believe that such depravity exists, but it has been asserted without contradiction that for one real case of rape brought to the attention of the courts there are a dozens false accusations. The only possible ground for such false accusation is to obtain either money or revenge."

We strongly urge the court to reverse the judgment on the ground that the verdict was against the weight of evidence.

In conclusion, we will advert to Sir Matthew Hale, who, after discussing sham cases of Rape that had come before him, said:

> "I mention these instances that we may be the more cautious upon trials of offenses of

> this nature, wherein the court and jury may with so much ease be imposed upon, without great care and vigilance, the heinousness of the offense many times transporting the judge and jury with so much indignation that they are over-hastily carried on to the conviction of the person accused thereof by the confident testimony of sometimes false and malicious witnesses."

The plaintiff-in-error respectfully submits that the judgment of the Supreme Court should be reversed.

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New Jersey Court of Errors and Appeals

THE STATE OF NEW JERSEY, *Defendant in Error,* *vs.* ANTHONY J. BULLOCK, *Plaintiff in Error.*	*On Indictment and Conviction for Rape.*

BRIEF FOR DEFENDANT IN ERROR.

I. The Facts.

The purport of Plaintiff in Error's short statement of the case in his brief, is misleading. The statement is tantamount to asking the question, "Who would believe that a father and daughter, possessed of cultivation and means, would commit the crime of rape on their guest, an unsophisticated little girl, eighteen years of age?" Of course, the answer is "No one." Yet a complete reading of the testimony reveals that the guilt of Anthony J. Bullock was so obvious at the conclusion of the evidence offered by both sides at the trial, that it amounted almost to a demonstration. It would not be straining the truth to go further and say that his guilt *was* fully demonstrated. Therefore, even assuming, for the sake of argument, that some slight errors were committed, the defendant's guilt having been so clearly revealed by the testimony, it would be mere idleness to reverse his conviction because of such errors.

Following are the commanding points in the proof:

First, the rape itself. Eleanor Mishler was shown to be a modest, frail, carefully and religiously reared girl, of a typical American family of very

modest means, her mother and step-father being sober, hard-working people. After an invitation by letter and by 'phone from Wildwood, she agreed to spend several days there; her suitcase was packed by her mother and sister, and, with the assistance of her young brother and his chum, she took a Sunday afternoon train from Philadelphia to Wildwood, intending to make a visit of indefinite length with the Bullocks. Her mother gave her five dollars, and was, upon the receipt of word from Eleanor by post, to go after her in her son-in-law's automobile and bring her home. Eleanor left her home in Philadelphia in good spirits and in fair health. She returned home the following Wednesday, and with scarcely a word to the members of her family, went upstairs and there remained, saying she was not well. Her married sister, finally, between the sobs of the little girl, got from her the story portrayed in great detail in the state of the case. Doctors were called. In the presence of the mother, the daughter was examined by two physicians and her genital organs were found to have been violently dealt with. The members of her family state the unusual conduct and manner of the little girl when she got home. So that you have the testimony of the father, the mother, the brother, the sister, the two physicians, and Eleanor Mishler herself. The story they tell is true, or it is false. If false, it had to be created. Who could have created it? If the little girl created it, she had to create it within a comparatively few hours and she had to create it so as to harmonize with the testimony of her father, her mother, her brother, her sister, and the two physicians, which is manifestly an impossibility. None of them had ever visited the Bullocks in that house in Wildwood. The story therefore could not have been even partially created ahead of the visit.

If the jury believed from the testimony that Eleanor Mishler was raped, that ended the case. She had to be raped either on a trolley-car, on a ferry-boat, on the train, in an automobile going from the depot in Wildwood to Bullock's house, or in Bullock's house. That she was raped is beyond question, and, unless she was raped on the trolley-car, on the ferry-boat, on the train, or in the automobile going from the depot in Wildwood to Bullock's house, she was raped in Bullock's house. She had been nowhere else. It is impossible not to believe she was raped, unless one believes that the doctors, the mother, the father, the brother, the sister, and Eleanor Mishler herself, not only committed perjury, but told a story impossible of creation.

Second, the blue-print. At his trial in Cape May Court House, Bullock produced a blue-print of the entire second floor of his home. That blue-print had been prepared a long while before the trial. There was nothing in the indictment, and nothing in the complaint in the civil suit, filed nearly ten months earlier, in the federal court at Trenton, to localize the crime, nor even to suggest the place and circumstances of the crime. Yet it clearly appeared that the defendant, Anthony Bullock, knew where that crime had been committed and had prepared the blue-print accordingly. It had been committed on the second floor of his home in his daughter's bed, which was in a room adjoining his own bedroom. Unless Bullock got this information from the grand jury, he could by no possibility have known the necessity for making a plan of the second floor of his home. He did not know where the crime would be located by the proof. It might have been in the third story, in the garage, in the basement, in the woods, in an automobile, or elsewhere. But he prepared a plan of his daughter's

bedroom. How did he know what part of his house to make plans of?

Third, the question of the defendant Mary Bullock's virginity. Mary Bullock, Anthony Bullock's daughter, swore that she was a single woman, and, therefore, by plain inference a virgin. Eleanor Mishler testified to facts and circumstances showing incestuous relations between the father and daughter. To meet this testimony and prove that Eleanor Mishler had created her story and was, therefore, unworthy of any belief whatsoever, all that was necessary was to prove the virginity of Mary Bullock. At the trial at Cape May Court House, the door was open for this proof. Defendant's counsel were almost openly challenged to present such proof. They did not present it and never have since. The proof of Mary Bullock's virginity would have immediately settled the case and set her and her father free. It is a fact of tremendous significance and cannot be explained away.

Fourth, and perhaps the most stubborn fact in the case, is the mental problem involved by acceptance of the hypothesis that Eleanor Mishler's story was invented. Her story is made up of a large number of details, each said by the defendants and their witnesses to be false. These details, in the first place, had to harmonize perfectly with many other essential details that stand unquestioned in the story. In the second place, many of these details were, on the suggested hypothesis, unnecessary, foolish, and difficult to believe, such, for example, as the Corson story, as the Jones story, as the nude picture story, as the nightgown story, and such, above all, as Mary Bullock's participation in the crime. If these were untrue, they had to be created by Eleanor Mishler. If this little girl had the very extraordinary mental power to create

these incidents, why did she create them when their creation tended to make her story all the more unbelievable? Then, if she created the story, she had to fool her father, her mother, her brother, her sister, the physicians, her lawyers, and twelve jurors, not to speak of the Judge. It was not within the power of her limited faculties even to attempt such an obviously impossible task. No one else in her family, or in any wise connected with her, was in a position, even granted the capacity, to formulate such a story or to work out its details.

Fifth, motive is an important fact in the case. Eleanor Mishler was invited from an ordinary wage-earner's home to visit in the wealthy, luxurious Bullock establishment in Wildwood. She had visited her grandmother there, four and five years previously, in a different house, in the summer time, a child just reaching her 'teens. Now she was a young lady, invited as a social equal to meet Anthony Bullock's daughter for the first time. It was an event in her life, to put it mildly. She was to remain until her mother came after her. According to the evidence of the defense, and to her own, she was treated courteously, attentively, handsomely. Yet, under these circumstances this young and inexperienced girl left the Bullock mansion, came home unexpectedly, lay on the bed in tears, and then, if we are to accept the defendant's hypothesis, concocted this untrue story. Why did she do it? The defense said that her motive was to get Anthony Bullock's gold. If that were her object, why did she undertake to achieve it in such an impossible way, when all she had to do was to accuse Bullock of assault upon her at any convenient time and place? *What assurance had she that she could get Bullock's gold?* Why, and how, did she get her sexual organs injured and inflamed in order to get the gold? Why did she fool her

parents, her brother, her sister, the two physicians, and her lawyers, in order to get Bullock's gold? Why did she undertake the impossible when the possible was so easy?

Sixth, the two mutually destructive reasons given by the defense for Eleanor's sudden departure. Eleanor Mishler said that she left Wildwood on Wednesday and that Bullock bought her ticket for Philadelphia. This was not contradicted. But inasmuch as her visit was to have been a protracted one, her sudden departure had to be explained.

Mary Bullock (Case, direct, 256, l. 15, to 260; cross, 272), Anthony Bullock (Case, 392, l. 25, to 396), and Mrs. Corson (Case, 316), said that the reason for Eleanor's leaving was that Mr. Bullock's wife, who lived in Pennsylvania, was very ill, and that he, his mother and daughter might have to go at once to see his wife, and that, therefore, Eleanor would have to curtail her visit and continue it some other time. They did not then go to see Mrs. Bullock, because they heard the same day that she was much better. At that point, the mother of Anthony Bullock was called to corroborate this explanation of Eleanor's sudden departure. But her testimony (371 to 378), was wholly to the effect that Eleanor was sent away because she talked so much about detectives and fast houses, and that they were glad to get rid of her for that reason. This emphatically different explanation by the mother, who was somewhat deaf and far advanced in years, threw the defense into a state of consternation.

Seventh, defendants' isolation from their own people. Bullock had a daughter, Mary; a wife with whom he was not living, and six sons, the two oldest of whom are substantial business men. Not one of his family appeared at the trial, except his mother and the daughter, who were involved in it.

Why? It is unthinkable that a father and daughter who were clean, moral and upright; whose lives would bear the light of day, could get into the plight in which Bullock and his daughter Mary found themselves without their family coming instantly to their rescue in every possible way. This situation, and the absence of all reasonable explanation of it, were powerful facts before the jury.

Eighth, the high probability of the truth of Eleanor Mishler's story, revealed by its numerous explicit details, none of which was shown to be false, or even inaccurate. In numerous particulars, Eleanor Mishler's story is confirmed by the testimony of all the witnesses in the case. The principal particulars in which she is either not confirmed, or is contradicted, which appear in her direct examination, are as follows: her references,

(a) to Miss Jones (Case, 135, 136, 141),

(b) to cigarette smoking (143),

(c) to Eleanor's photo in Bullock's possession (144),

(d) to the reason for sleeping with Mary (144),

(e) to the open doorway between father's and daughter's rooms (144),

(f) to Eleanor's 'phone talk Monday with her grandmother (147),

(g) to Mary's relationship with her father, which she may, or may not, have apprehended—"Mary didn't sleep with me that evening" (149), wore her father's undershirt (150; cross, 212),

(h) to her Sunday evening 'phone call (152; cross, 207),

(i) to Bullock's "brain headache" Tuesday evening (153),

(j) to Bullock's excitement at Mary's proposal

to leave him—"He went through the house like a mad person" (154),

(k) to their quarrel over this—"they fought about three hours" (155),

(l) to "pictures of naked people" (156),

(m) to Mary's letters from doctor and family (157)—"She was crying because her father wouldn't leave her go home to see her mother." (This testimony would account for the jury's "illogical" verdict. (See cross, 215, 216),

(n) to Mary's menstruation and the rape—"He asked Mary why she was so long" (160, 161, 162; cross, 216, 217, 218),

(o) to Bullock's invitation to dance on the table and his direction to muss up his bed (163),

(p) to the Corson incident on the stairs (164).

How could this religiously nurtured, inexperienced young woman have invented these incidents unessential to a charge of rape? If we concede her ability to invent them, why would she have been so unwise as to have invented them, and thus to have created unnecessary difficulties for herself and her wicked counsellors? *But would it have been possible for them to have been invented—by anybody?*

On her cross-examination, Eleanor Mishler added the following to her narrative:

(a) Miss Jones—the will incident (171-179),

(b) only sandwiches for supper Sunday night (186),

(c) "He said he saw her (Miss Jones) in the crystal," (192, 193),

(d) Mary "told me not to say anything" while still in bed: "I said I was going to tell his mother" (198, 199),

(e) Bullock's attack on his mother, Wednesday morning (200),

(f) reason for Eleanor's departure on Wednesday. "Q Eleanor, wasn't the reason that you went away on Wednesday because of the receipt of this letter which unstrung Mary? A It was not. Q And that old Mrs. Bullock told you that Mary would be compelled, unless otherwise notified, to go to her mother? A No, she did not." (206) and compare again with old Mrs. Bullock's testimony, case 371 to 375, which was so different as glaringly to expose the falsity and artificiality of the defense. This failure of the doting old mother to remember the later "lines" so evidently substituted for the earlier ones which she had been given and which she *did* remember, threw the defense into a confusion they could not hide and that must have powerfully influenced the jury,

(g) the Tuesday evening quarrel again—"After you get Miss Jones out of the house, you want to go and leave me too!" (209) "She (Mary) said she had called the party up to come and get her," (209),

(h) "Sitting on his lap all the time and hugging and kissing him" (210),

(i) Q "Where did she (Mary) say she wanted to go? A "Home" (210; also 234),

(j) Hindu crystal again—"He said, 'I seen her as plain as day,' " (230),

(k) the registered letter incident—"Her people didn't want her to be there, and she was twenty-one, and she was her own boss, and she could stay there, and she wasn't going to pay any attention to them" (232—compare with this, Mary's own very deliberate testimony, "I can live with whom I want to live with" (270),

(l) the telegram in bed—"I thought it was funny her mother dying and she wasn't going home." (233),

(m) farewell to Mrs. Corson—"Mr. Bullock

called me back and told me to say good-bye to the servant girls and that was all" (234),

(n) details of Bullock's attack on his aged mother. (234).

If these additional incidents were invented by Eleanor Mishler, why did she omit them in her chief examination? If they had not been honestly forgotten during the chief examination, they must have been invented on the witness stand—an obvious impossibility.

During her chief and cross examinations, which consumed hours, this girl at times literally writhed in agony, and the court had to take recesses to enable her to regain her composure. Her palpable state of mind and body were such that she could not have invented anything; she could only remember what had actually occurred.

Ninth, the physical facts before the jury. The physiognomy, appearance and manner of the witnesses, which the review court cannot see, were powerful facts, perhaps the most powerful, before the jury. The dull, laconic yes and no answers, the absence of excitement and concern of the defendants were persuasive facts. Bullock's narrow and retreating forehead, his clouded, sleepy eyes, his soft heavy jowls, his long, saturnine nose, his thick and pendulous under lip, his small retreating chin, and his ponderous physique were facts in evidence.

Observing minds always notice the sincerity or the insincerity of a story told in court. The testimony of Eleanor Mishler, from beginning to end, discloses no cunning, no evasion, no sharp moves, and no weaknesses; but, on the other hand, it discloses a remarkable candor and accuracy. Besides, she was a child. Although eighteen years of age, she at no time had been in such relationships with

life as to corrupt or distort her nature. Manifestly confiding, trusting, obedient, truthful, she was the last imaginable person to conceive a story so horrible in its details, and bottomless in its degradation. Her voice in court was low and gentle. Her manner was unaffected and deferential. A normal unbiased mind cannot read her story and fail to accept it in its entirety as true. It is reasonable to assert, and for the review court to believe, that after the jury heard that story in its entirety, and observed at the conclusion of the case that it had not been altered, or seriously discredited, in any particular whatever, their verdict was a foregone conclusion. Further, it is a sound and reasonable inference from this that the proof was too conclusive for a different verdict ever to be reached.

Such circumstances in the case will remain unalterable, no matter how many times the case may be tried. They not only demonstrate Bullock's guilt, but they now effectually answer the assertion that the verdict is against the weight of evidence.

II. The Law Applied to the Facts in Answer to Plaintiff-in-Error's Points.

POINT ONE.

The Verdict is Logical, Consistent and Intelligible.

Anthony Bullock and his daughter, Mary, were jointly indicted for committing rape upon one Eleanor Mishler at Wildwood, New Jersey. The proof offered by the State (Case 160, l. 8, to Case 163, l. 18), showed that Bullock came to the bed occupied by his daughter Mary and Eleanor Mishler on the night in question and forcibly and against the will of Eleanor Mishler had intercourse with her, and was assisted by his daughter, Mary. Anthony Bullock was found guilty; his daughter was acquitted. There is nothing unintelligible in such a verdict.

There was ample evidence to prove Eleanor Mishler was raped by Bullock. The jury was at perfect liberty to find that Bullock had or had not been assisted in the consummation of this terrible crime by his daughter, Mary. To hold that an acquittal of the daughter and a conviction of Bullock makes the verdict illogical and inconsistent would require the Court to upset every verdict where two parties were indicted jointly and only one convicted. The jury may have believed that Mary Bullock did not assist her father or that she acted under his coercion.

There was abundant evidence at the trial proving the enormous and evil influence the plaintiff in error exerted over his daughter, amounting to coercion.

Counsel for plaintiff-in-error admits the law does not require a conviction of both parties under a joint indictment for rape, and this admission of what is so is fatal to his contention. (Brief of plaintiff-in-error, page 6.)

Plaintiff-in-error next argues that the indictment and evidence offered was for the purpose of proving conspiracy and therefore that one defendant having been acquitted, the other must be. But no attempt was made to prove conspiracy. The indictment charges two persons with committing a rape and the proof was offered to prove guilt, the same as in a trial of any two persons charged with a crime.

Counsel for plaintiff-in-error would no doubt have been the first to object if the jury had returned a verdict of guilty of a conspiracy charge under the indictment. Plaintiff-in-error cites no authority to warrant torturing a joint indictment against two persons for rape into a conspiracy charge, and the State submits there is no reason for so doing

in the present case. Counsel has merely set up an imaginary situation for the purpose of destroying it.

Moreover, plaintiff-in-error has not been harmed by the acquittal of his daughter. Such acquittal, therefore, cannot be the basis of reversal for plaintiff-in-error.

POINT TWO.

There was no Error in Charging by the Trial Judge: "Now so far as the evidence by way of defense is concerned, it rests primarily upon a General Denial."

The Supreme Court, in its opinion, said the above statement "Was true," that the defense did rest upon a general denial, and that "The trial Court left the question of the determination of facts to the jury." Surely there can be no reversible error under such circumstances.

A consideration of the whole testimony offered by the defense clearly shows the above quoted portion of the judge's charge is correct. Mary Bullock was the first witness called by the defense and on the following pages scarcely gave any answers other than negative ones, directly denying the testimony of the State's witnesses. Case, pp. 248, 249, 251, 253. The same is true of the testimony of Bullock himself, Case, 389-392.

Plaintiff-in-error in his brief (page 6) cites the testimony of three servants in the Bullock household and the grocer, who testified to the conduct of Miss Mishler after the alleged rape, and contends the same are affirmative and that the charge above set forth was therefore so prejudicial and misleading as to constitute reversible error. It should be noted that the portion of the charge in question did not state that the defense introduced no evidence other than a general denial. What the Court did say was that the defense rested "pri-

marily" upon a general denial.

This excerpt of the charge must be considered with the other parts of the charge. The judge correctly outlined the function of the jury and instructed that it was the proper body to find the facts.

The Court said (Case, 579, l. 1):

> "I think that I ought to emphasize briefly the importance of the duty which rests upon you men. This is indeed an exceedingly important matter. You are trying an offense which is, excepting treason, second only to murder under out statute, the crime of rape. You have a duty to perform in the decision of this matter which is not only equal to, but perhaps even more important than mine. I make that statement for I want to draw a clear distinction between your duty and mine in the disposition of this case. Your duty is a single one, to determine whether or not these two defendants are guilty as charged."

And again at Case, 581, l. 25:

> "I shall not attempt to go into those details; they are matters of fact which are for you and I shall not attempt to relate them to you."

It is firmly established that the Court in its charge may comment on the evidence, although comments are erroneous or based upon misconceptions of the testimony. There is no reversible error so long as the jury is instructed that it has the power to, and must, decide questions of fact.

In *State* vs. *Hummer*, 73 N. J. L. (Err. & App.) 714, 65 Atl. 249, Mr. Justice Garrison speaking for the Court of Errors and Appeals says:

> "The point is made that the trial court stated to the jury that the testimony of the doctors and of the child herself seemed to establish the fact that she had at some period of time been assaulted. Whether this criticism of the

charge be directed to such comment as a legal error or to a review of the judge's discretion, in either case the complete answer is (to adopt the language of Chancellor Zabriskie): 'It is the right and duty of a judge to comment upon the evidence, and in cases where he thinks it required for the promotion of justice to give his views upon the weight of it provided he leaves it to the jury to decide upon their own view of it.' The notion that it is any part of our judicial system that the jury whether in civil or criminal cases must be kept in ignorance of the impression made by the testimony upon the mind of the trial judge is absolutely devoid of foundation. What our judicial system does require is not that jurors should be kept in ignorance of the impression made by the testimony upon the mind of the judge, but that they should be informed that it is their right and duty to decide for themselves all disputed questions of fact according as the weight of the testimony appeals to them. 'So long as the duty of the jury to decide disputed questions of fact for themselves is pointed out in the charge,' said Justice Dixon, in Engle *vs.* State, 50 N. J. Law, 272, 13 Atl. 604, 'the judge's comments and expressions of opinion upon the testimony are not assignable for error.' 'A judge has an undoubted right to make such comments upon the testimony as he thinks necessary or proper for the direction of the jury,' is the earlier declaration of this Court in Bruch *vs.* Carter, 32 N. J. Law, 554. 'He may intimate an opinion as to the weight of evidence. But whether he will exercise all or any of these rights in a given case depends entirely upon his judicial discretion.' 'It is competent for the judge presiding at a criminal trial to lay before the jury for their consideration his own views and inferences from the proofs, and such expressions, no matter how ill advised or erroneous, can be reviewed on a motion for a new trial, but not on a writ of error,' is Chief Justice Beasley's statement in Smith and Bennett *vs.* State, 41 N. J. Law, 370."

See also *State* vs. *Kaskerick,* 118 Atl. (Sup. Ct.), 710.

Engle vs. *State,* 50 N. J. L., 272; 13 Atl., 604.

Since the Court expressly instructed the jury that it must find the facts, and that it was the only agency which could determine the guilt or innocence of the parties charged, the comments of the Court to which exception is taken and argued under point two of this brief is without merit under the above cited decisions.

POINT THREE.

There was no reversible error in permitting the accused and his daughter Mary to be cross examined concerning Miss Jones.

Under point three counsel for plaintiff-in-error urges reversal on Nos. 8 and 12 of Specifications of Causes and Reasons for Reversal. The Supreme Court, it is submitted, properly held that Specifications 8 and 12 were too general to warrant the Appellate Court to pass on the same. In the case of *State* vs. *Lewis,* 121 Atl. 83, cited by plaintiff-in-error in his brief, it was expressly held that causes for reversal must be specified with sufficient precision to apprise the Court and opposing counsel of *the injury* complained of. The plaintiff-in-error contends the admission is reversible error, but the ground of the error or injury is not set forth; be it prejudice or what the State cannot possibly know. The specification therefore does not set up the injury within the rule established by the cause cited by plaintiff-in-error.

Apart from the legal bar to consideration of this point, on the merits there was no reversible error in permitting the accused, Anthony J. Bullock, to be cross examined concerning a Miss Jones, and sets forth a portion of the testimony and cites Case, 420,

421, 422 and 423. Counsel for the plaintiff-in-error objected generally but the ground of his objection does not appear and it is universally held that a general objection without a statement of a specific ground of objection will not be reviewed in the Appellate Court or constitute ground for a new trial.

It is also well established that when an accused takes the witness stand in his own behalf, cross examination is not limited solely to what he testified to under direct examination, but that he may be cross examined on such matters as may have been introduced by the trial. A consideration of the State of Case, pages 130, 132 and 244, shows that Miss Jones' name had been brought by both sides into the trial in several instances, the first being by defendants themselves, Case, 103, and that the trial court properly exercised its discretion in permitting the accused to be cross examined regarding Miss Jones. The State invites your attention to the numerous instances in which the trial court sustained objections of counsel of plaintiff-in-error where the answers would have been likely to prejudice a jury and the answer would not have been material to the proof of the crime charged. Moreover, the evidence brought out in cross examination to which counsel of plaintiff-in-error excepts was not so material as to have caused the jury to reach the verdict which it rendered. There was ample evidence apart from that to which objection was made, warranting the jury in arriving at its verdict. Under such circumstances it is universally held that an Appellate Court will not set aside a verdict and grant a new trial.

The objection to the cross examination of Mary Bullock about Miss Jones is equally without merit. The examination continued for some time before counsel objected (Case, 278, 279), and certainly up

to that point the objection, having been made after the questions had been asked and answers given, came too late and cannot be availed of here. The only questions asked after counsel for plaintiff-in-error objected were the following:

> "Did you know when Miss Jones left?" "Was Miss Jones there during that period?" "How long?" "Why did she leave?" "Haven't you any idea at all?" "Haven't you the faintest idea why this lady left the house?"

Objection to this last was sustained.

It is submitted that the above stated questions were not sufficiently prejudicial to warrant setting aside the verdict or granting a new trial, and that in fact the answers were as favorable to the accused as to the State.

POINT FOUR.

Statements of Counsel for the State in offering evidence while interrogating witnesses did not constitute reversible error.

The plaintiff-in-error cites three instances in his brief in which counsel for the State made certain statements (a) in interrogating a witness, (b) in arguing to the Court upon the admissibility of evidence, and (c) as to the propriety of questions asked on cross examination. These statements, set out copiously in the brief, are not, with the exception of eight words, set forth in the specification of causes, and cannot be considered on this appeal.

But apart from the legal bar to their consideration, and assuming the matters were properly raised, there is no merit to the contention of plaintiff-in-error.

In two of the above instances, counsel for plaintiff-in-error expressly objected to the question pro-

pounded by counsel for the State and argued the matter at some length with the Court. In one of these instances the Court overruled the objection and held that the question asked by the State was proper. In the other, the objection was sustained. *A diligent search of the State of Case fails to disclose that any objection was made by plaintiff-in-error as to the form of the question, the form of argument made by counsel for the State, or as to the propriety of the manner or method adopted by counsel for the State. The Court of Errors and Appeals, therefor, is asked to* reverse the verdict of the lower court for the alleged improper conduct of counsel for the State, where no objection was made at the time of trial and no opportunity given to follow the usual rule where counsel had resorted to improper tactics to sway a jury.

The absence of objection and formal request for the Court's ruling, strongly suggests that counsel for Bullock at the trial conceived that no harm was being done, or at any rate, none which they might legally object to and prevent. Furthermore, we doubt if the present characterization by plaintiff-in-error's counsel of Judge Wescott's remarks at the trial is meritorious. The propriety of cross examining into the age, occupation and past conduct of a defendant testifying in a criminal action in his own behalf has always been upheld. The propriety of answers to the Court's questions as to the purpose of counsel's cross examination was always within the control of the Court, and in this instance no suggestion was made to retire to the side bar. The references by counsel for the State to the demeanor of witnesses on the stand may have been so suitable to the occasion and the immediate circumstances as not to have appeared seriously objectionable to counsel for the accused at the trial.

If plaintiff-in-error was injured by the Prosecutor's conduct, he should have objected and obtained a ruling thereon. The Prosecutor then would have had an opportunity to retract any improper remarks and the Court to instruct the jury to disregard the same. To permit counsel to sit idly by and then upset a verdict on any such grounds as now urged would result in unduly obstructing the administration of justice.

Moreover, failure to object to an improper argument or remark of counsel at the trial of the cause, and to obtain a ruling thereon, will preclude its consideration in the Appellate Court.

In *State* vs. *Biango,* 79 N. J. L. (E. & A.), 523; 80 Atl., 487, counsel for plaintiff-in-error sought to set aside the verdict of the jury on account of alleged improper remarks of Prosecutor. In refusing to set aside the verdict for the reason that the matter was not properly before the Court of Errors and Appeals because no objection and ruling had been obtained thereon, the Court said:

> "By the printed book, it appears that at the close of the summing up of the respective counsel the counsel for the defendant stated to the Court that he wished to assign as error certain remarks (reciting them) of the Prosecutor. This was all that occurred. There was no judicial action requested, either during the summing up or at its close. The counsel for the defendant did nothing, aside from stating his wish to assign as error the remarks of the Prosecutor, as already observed. It therefore appears that there was no direction or ruling by the trial judge requested or made. The Supreme Court, therefore, properly held that there was no judicial action that constituted judicial error, and no data in the record from which it could say that manifest wrong or injury had been suffered by the defendant."

In *State* vs. *Kroll,* 87 N. J. L. (Err. & App.),

330; 93 Atl., 571, counsel for the plaintiff-in-error objected to statements made by the Prosecuting Attorney. These were retracted by the Prosecutor. In the Court of Errors and Appeals the plaintiff-in-error sought to set aside the verdict on the ground that such conduct was improper and that he was injured by the remarks and that failure of the Court to instruct the jury to disregard the statements of the Prosecutor were grounds for the relief sought. The Court of Errors and Appeals, however, refused to set the verdict aside upon the grounds that the plaintiff-in-error had not objected or made any request to the Court at the time of the alleged misconduct.

In *Munroe* vs. *Godkin,* 69 N. W. (Mich.), 244, counsel for plaintiff sought on cross examination of defendant to prove defendant had forged his father's name to a mortgage, which was not connected with the suit. The conversation was quite similar to that in the case before this Court. Counsel for plaintiff said, "I want the jury to know what kind of a man this is that is testifying here—I seek only to be fair, and my only purpose for asking these questions is not for the purpose of worrying the witness or filling in time, but for the purpose of showing the jury the character of the man who is testifying now."

The Court refused to set aside the verdict, saying, "no request was made of the Court to correct any impression the jury might get from the colloquy prejudicial to the defendant and no exceptions were taken to what occurred."

In *Cudahy Packing Co.* vs. *Skournal,* 125 Fed. (C. C. A. 8th Cir.), 470, the Court refused to set aside a verdict on ground of misconduct of counsel, saying:

> "The result is that we feel constrained to hold that the records fail to show in authen-

> tic form that an exception was taken during the progress of the trial to the improper remarks said to have been made by the plaintiff's attorney."

For a few of the many cases to the same effect see:

Mayo vs. *Walden,* 57 Ga., 42.

Broker vs. *Filkins,* 25 N. Y. Sup., 514.

Pike vs. *City of Chicago,* 40 N. E. (Ill.), 567 at 570.

White vs. *Gregory,* 25 N. E. (Ind.), 806.

Fayetteville & Little Rock Ry. Co. vs. *Combs,* 11 S. W. (Ark.), 418.

The plaintiff-in-error contends that the statements of the Prosecutor and Judge Westcott are objectionable in that the same constitute improper evidence and the Appellate Court should set the verdict aside on the ground that such evidence has prejudiced the jury. Since no exceptions were taken in parts cited in the brief of plaintiff-in-error, the relief desired can be had only under Section 136 of the Criminal Procedure Act, which permits the Appellate Court to set a verdict aside where improper evidence has been admitted, whether exception was taken or not.

But no matter what might be the rule in other jurisdictions, the Courts of New Jersey have held that misconduct of the prosecutor is not the admission or rejection of testimony which will permit the Appellate Court to set aside a verdict where no exception was taken.

In *State* vs. *Biango, supra,* the Court of Errors and Appeals in so holding said:

> "The counsel for the plaintiff-in-error now insists that, although no general exception was assigned to the alleged error committed by the Prosecutor, yet the defendant is entitled

to the benefit of that error by reason of Section 136 of the criminal procedure act of 1898. It is true that the entire record of the proceedings was brought up, as provided for in Section 136. It is also true that when the record is so brought up the section provides that, if it appear from such record that the plaintiff-in-error in the trial below had suffered wrong and injury in certain respects, whether a bill of exceptions was settled, signed and sealed thereto, or error assigned thereon or not, the Appellate Court shall remedy such wrong and injury and give judgment accordingly.

"But the manifest wrong and injury of which advantage can be taken under this section, without a bill of exceptions or error assigned, is limited by the language of the section to 'errors in the admission or rejection of testimony, whether objection was made to it or not, to errors in the charge of the Court, and to errors in the denial of any matter by the Court, which was a matter of discretion.' These being the limits within which advantage can be taken of that section, it is apparent that if the alleged error complained of was upon the record in such a manner as to be judicially noticeable, yet no error appears in the rejection or admission of testimony, nor in the charge of the Court, nor in the denial of any matter whatever."

POINT FIVE.

The verdict is not against the weight of evidence.

An Appellate Court, reviewing an assignment in a criminal case that the verdict is against the weight of evidence, will use the rule applicable to a Rule to Show Cause in a civil suit where verdict is alleged to be against the weight of evidence.

In *State* vs. *Morehous,* 97 N. J. L. (Err. & App.), 285, 117 Atl. (Err. & App.), 296, Mr. Justice Katzenbach, speaking for the Court of Errors and Appeals, said:

> "The effect of such an assignment is the same as that on a rule to show cause where the reason assigned is that the verdict is against the weight of the evidence. The competency of the evidence is not to be considered. The evidence is not to be weighed after eliminating such testimony as the Court upon review may feel was improperly admitted, but to be weighed as it was presented to the jury in its totality."

And in *State* vs. *Karpowitz,* 120 Atl. (N. J. Err. & App.), 40, the Court, citing *State* vs. *Morehous,* said:

> "The rule of weighing evidence has thus been pronounced in this Court to be the same in a criminal case as in a civil case."

See also *State* vs. *Grace,* 119 Atl. (Sup. Ct.), 767.

In considering whether a verdict is against the weight of evidence the Appellate Court is not concerned with the legality or propriety of the evidence admitted. Its decision must be based upon the evidence presented to the jury.

State vs. *Lanto,* 122 Atl. (Err. & App.), 738.

State vs. *Morehous, supra.*

And an Appellate Court will set aside a verdict, as against the weight of evidence, only where it is clear that the verdict was the result of mistake, passion, prejudice or partiality.

State vs. *Grace,* 119 Atl. (N. J. Sup.), 767.

State vs. *Karpowitz,* 120 Atl. (Err. & App.), 40.

Floersch vs. *Donnell,* 82 N. J. L. (Sup. Ct.), 357; 82 Atl., 733.

Queen vs. *Jennings,* 93 N. J. L. (Sup. Ct.), 353; 108 Atl., 379.

Applying the well established rules above set forth to the present case, it is submitted there is no merit to the contention of the defense that the verdict is against the weight of evidence.

All of the witnesses who testified in behalf of the accused were his employees, and this fact must be considered—and the jury no doubt did take that fact into consideration—in determining the credit which their testimony was entitled to receive. Their testimony at most only contradicted that offered by the State, which, without more, would not justify the Appellate Court in setting aside the verdict of the jury convicting the accused of this terrible crime. Moreover, the testimony of these witnesses for defendant was considerably shaken by the cross examination and their admissions therein made that no particular attention was paid to Eleanor Mishler after the commission of the alleged offense (C., 325).

The story of Eleanor E. Mishler (Case, 115, l. 10, to 163, l. 17), clearly sets forth all of the facts essential to prove the accused guilty of the crime charged. The jury saw the witnesses, their appearance and actions, and had those and similar facts before it in arriving at its verdict, which facts cannot be shown in the printed record or be known by this Court on an appeal. Moreover, the jury had other undisputed facts before it which warranted the verdict as returned. Many witnesses testified that Miss Mishler was a frail young lady, eighteen years of age, and so not physically able to repulse an attack by the giant Bullock, that she had good habits, and was surrounded with the wholesome influence of her mother and sisters. There is ample testimony to show that Miss Mishler was jubilant and happy when she returned from trips or vacations to the Bullocks in Wildwood (at another house) prior to the trip during which the alleged rape was committed. But when she returned from the home of the accused after the alleged rape, she was dejected, silent, pale, kept apart from the family, refused to eat, complained of aches and pains

and frequently cried. Case, 18, 2; Case, 30, l. 10; Case, 45, 27 to 48 l. 29; Case, 85, l. 1 to Case, 89, l. 20.

Such evidence showing the mental and physical condition and demeanor of Eleanor Mishler after the commission of the alleged offense is everywhere held admissible, and furnishes corroboration of her story.

Moreover, Doctor Robinson examined the vaginal tract of Eleanor Mishler and stated that the hymen had been ruptured and parts inflamed through "force" (Case, 69, l. 30), and so did Doctor Fist (70).

It is submitted that not oniy is the verdict not the result of mistake, passion, prejudice or partiality, but is clearly supported by the evidence offered.

Plaintiff-in-error offers what he contends are two important tests to apply to any story of rape. The first concerns immediate complaint. Failure to make immediate complaint does not negative the fact that rape was committed, but only goes to the credibility of the witness.

> *State* vs. *Shaeffer,* 87 N. J. L. (Err. & App.), 663; 94 Atl., 598, where the Court said:
>
> "Delay in making a complaint lessens the value and weight of such testimony, but does not affect its competency."

In the present case, Eleanor Mishler was a young lady eighteen years of age, in a strange city, without friends or acquaintances other than those who had wronged her. It was most natural she should wait until she could reach those close to her by blood and then tell of the terrible outrage, which is just what she did. The jury undoubtedly knew that the train she took home was the first and only one available that day.

The second test deals with the demeanor of the

outraged person after the alleged rape. The demeanor of Eleanor Mishler has been set out above and, it is submitted, meets the objection of plaintiff-in-error. The inherent weakness in the proof to the contrary has been already noted.

The Supreme Court, after a careful examination of the voluminous State of Case, in summarizing the result of its consideration, said:

> "The medical testimony clearly establishes that the complaining witness was ravished; that the act was done during the time she was an occupant of the Bullock household; that her conduct upon reaching her home, as shown by her distraught condition, her unwillingness to talk, her statements to her sister, her testimony at the trial, which related many circumstances which would have been difficult for so young a person to relate if they had not happened, all corroborate her version of what happened upon her visit. Her testimony has the ring of truth."

This, it is submitted, is the proper analysis of the testimony in the case and that the verdict is not against the weight of evidence.

POINT SIX.

Plaintiff-in-error filed other specifications of error but has not argued them in this Court; and has therefore abandoned the same.

State vs. *Lewis* (N. J. Sup.), 121 Atl., 83.

The State respectfully submits that the conviction in this cause should be affirmed.

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Attorney for Defendant-in-Error.

JOHN W. WESTCOTT,
Of Counsel.