PROPERTY OF
RECEIVED
APR 18 1956
Division of State Library,
Archives and History
TRENTON

103

Vol. 184-1893.

The Prerogative Court

OF THE STATE OF NEW JERSEY.

IN THE MATTER OF THE PROBATE in solemn form of the last Will and Testament

of

GEORGE P. GORDON, Dec'd.

Evidence taken in the above stated cause before Hon. ALEXANDER T. MCGILL, Ordinary of the State of New Jersey, at the Chancery Chambers in Jersey City, April 15, A. D., 1891, at 10 A. M.

APPEARANCES;

Messrs. COLLINS & CORBIN, for proponents, Adeline J. Gordon and Sidney Doane.

WILLIAM T. DAY, Esq., for Pauline Teresa Reitz and Samuel Richard Ruyssenaers, residuary legatees under the alleged will of Mary Agnes Gordon.

WILLIAM F. ABBETT, Esq., for William W. Old, executor of will of Lenore M. Van Wyck, and

BARKER GUMMERE, Esq., of counsel, and THEODORE F. MILLER, Esq., of counsel for executors of William W. Old.

HENRY C. ADAMS, a witness produced in behalf of the proponents being duly sworn according to law on his oath says:

EXAMINED by Mr. Collins:

Q. What is your name, age and residence?

A. My name is Henry C. Adams, I am seventy-three years of age, and reside in the City of Orange.

Q. In this State?

A. Yes, sir.

Q. What has been your profession?

A. My profession has been practicing law until about twenty years ago. I ceased to practice and went into another branch of labor in the law, jurisprudence. My profession has been practicing law until about twenty years ago, when I closed my office and went into the investigation of another work which I have been at work on for the last twenty years and have about completed it.

Q. Connected with legal literature?

A. Yes, sir.

Q. What bar of what State?

A. I am a member of the Bar of New York and of the United States Court, but not of this State.

Q. Where did you practice your profession?

A. In the village of Fort Plains, Montgomery County, New York.

Q. What was your father's name?

A. His name was Henry Adams.

Q. What was his profession?

A. Lawyer.

Q. Where?

A. At Fort Plains.

Q. Did he towards the close of his life take up his residence in this State?

A. Yes, sir.

. Where?

A. In the township of Woodbridge, Middlesex County, New Jersey, near Rahway.

Q. About how far from the city of Rahway—the city limits?

A. We usually call it a mile and a half, but it may be a little less.

Q. Had he a farm?

A. Yes, sir.

Q. Did he own it?

A. Yes.

Q. When did he go there to live?

A. He went to live there in 1866, in the month of June—I think they moved from Fort Plains in the month of June, 1866.

Q. Who was his next neighbor at Woodbridge?

A. His nearest neighbor was George P. Gordon?

Q. On another farm?

A. Yes, sir.

Q. What was George P. Gordon's business?

A. Mr. Gordon was a manufacturer and inventor and a manufacturer of printing presses.

Q. Where was his factory?

A. Well, in the first place, when I first knew him, he had his press manufactured in Rhode Island, and afterwards—some years after—he established a factory in Rahway of his own.

Q. Is he living or dead?

A. Dead.

Q. When did he die?

A. He died in 1878, in the month of January I think it was.

Q. In 1868 where were you temporary residing?

A. At my father's home there in Woodbridge?

Q. For the whole of that year?

A. Yes, sir; I did not call that my residence; I tarried there; I was engaged in the work that gave me opportunities to pursue it better there than at the city, and I stayed there most of the time.

Q. Had your father retired from professional life?

A. Yes, sir.

Q. When he went to Woodbridge?

A. Yes, sir.

Q. Of whom did your father's family consist in 1868?

A. Four sons and two daughters.

Q. Give the names of those who resided there?

A. Alonzo and Edward, they belonged to the family; my sister Maria was an invalid and was there a good deal of her time; my brother John was there; he came in 1868, in the early part of the spring, and he stayed there, so these three sons belonged to the family.

Q. What were the full names of your brothers Alonzo and John?

A. Alonzo C. P. Adams and John Q. Adams.

Q. Is your father living or dead?

A. Dead.

Q. When did he die?

A. He died in 1875, in the month of February.

Q. Is your brother Alonzo C. P. Adams living or dead?

A. Dead.

Q. When?

A. He died in May, 1875; I think it was May, the early part of May, 1875.

Q. Is your brother John Q. Adams living or dead?

A. Dead.

Q. When?

A. He died in March, I think it was, 1875, so that these three, my father and these two brothers, died within three months of each other.

Q. When did you form the acquaintance of George P. Gordon?

A. I think it was in February, 1868.

Q. Did you become well acquainted with him?

A. Yes, sir.

Q. Did he become aware of your profession?

A. Yes, sir.

Mr. COLLINS—May I ask Your Honor for the will that is to be propounded?

(The Ordinary hands Mr. Collins the will.)

Witness being shown the paper writing propounded for probate in this cause is asked: In whose handwriting is the body of the instrument to which the signature "Geo. P. Gordon" is affixed?

A. The body of it is in my handwriting.

Paper purporting to be the will, marked P1 for identification.

Q. In whose handwriting is the attestation clause to Exhibit P1 except the figures "25th"?

A. Except the names that is mine.

Q. In whose handwriting are the words "Of the Township of Woodbridge, New Jersey" under each witness' name?

A. My handwriting under each one.

Q. By whose instructions did you draft Exhibit P1?

Q. The body of the paper?

A. Yes?

A. Mr. Gordon.

Q. What Mr. Gordon?

A. George P. Gordon.

Q. What did you do with that document when you had drawn it, excepting of course the signatures, and that date I spoke of, what did you do with the document?

A. I gave it to Mr. Gordon for his perusal and examination to see whether it suited him and he carried it for some days.

Q. When did you draw it?

A. Oh, it was in the month of July just before it was executed, about a week—a week or a fortnight.

Q. Where did you draw it?

A. I drew it at my studium st my father's house, I had a place there for myself and my books and my work was there and I drew it there.

Q. When you drew it did you know who the witnesses would be?

A. That was not certain; my father was to be one.

Q. How did you know that?

A. That Mr. Gordon and I talked about; he thought he could make a will without any witnesses and he did not want anybody to know it.

Objection by Mr. Abbett.

The ORDINARY:

The witness may state what he said.

A. When we talked about witnesses he talked about my father being one, and it was supposed then that I should be one, and I told Mr. Gordon that it is uncertain about my staying here, and I am engaged here only on some work and as soon as I have finished it I intend to go to the South or to California, and you had better have some one that is more likely to be here, and it was arranged that Alonza should have the homestead farm and it was arranged that he should be one of the witnesses, and that the other one was supposed would be Edward, as he was to have a farm near by, and so it was arranged in that way. But Edward was not present and John was there and he was called as a witness.

Q. You mean on the day of the execution of the will that John was called?

A. Yes, at the time it was executed.

Q. You say that George P. Gordon carried the document with him for some time; state now the circumstance and the time and place of the execution of the document?

The ORDINARY;

Q. Was it this identical document.

A. This is the identical document. After Mr. Gordon had carried this in an envelope in his side pocket for some days, he came down to father's house, and he said, I have examined that and I am satisfied with it, and I won't alter it, and he brought it and then the matter of the execution of it was talked of between father and him, because father

was invited to be one of the witnesses. My father talked the matter over and took the matter in hand then and talked with Mr. Gordon about the execution. And after talking together they all went into the house, father and Alonzo and myself went into the house in the reception room, where there was a table and a place was made to write on and Mr. Gordon signed the paper.

Mr. COLLINS:

Q. One moment; you have only mentioned, as I recall it, your father, yourself, Mr. Gordon and Alonzo as goingin?

A. Yes, sir; and myself.

Q. Just now?

A. Yes, us four.

Q. You four went into this reception room?

A. Yes, sir.

Q. Well, go on?

A. There was a place here for three witnesses, and it was spoken of that there must be a third, and John was up in his room; it was a three-story house, and he was called down and invited to be one of the witnesses to Mr. Gordon's will.

Q. Then there were how many of you in the reception room when he came down?

A. Mr. Gordon, three witnesses and myself; five persons.

Q. Those were the only persons there?

A. Yes, sir;

Q. What sort of room was this?

A. Well, it is a reception room, half the depth of the main building; I should say it was 12 feet square about, about 12 feet square cut off from the hall.

Q. What sort of a table?

A. It was a marble top table; one of those centre tables; a marble top table.

Q. What did you do for pen and ink?

A. Then the question of where we should get some ink came up, and Alonzo was sent back to

father's desk in the back part of the house to his inkstand, and he brought it, and then the exeeution went on, and George P. Gordon signed first.

Q. What day of the month was it?

A. Well, it seems from the date here; I do not recollect from recollection what date it was; it was the 25th, that is my best recollection, the 25th of July; that is the best of my recollection from a memorandum I have of another circumstance that happened on that day, and that is very fresh in my recollection.

Q. Now proceed with the details of the execution of the paper?

A. Mr. Gordon signed the paper, and then father told him, now, Mr. Gordon it is necessary to have a little formality about this, and he read this attestation clause that it was necessary he should sign, and request these witnesses to be a witness to it, and that it ought to be done in the presence of the four, Mr. Gordon and the three witnesses together. He read this over to Mr. Gordon and he says, I request you gentlemen to be witnesses of my will; this is my last will and testament, and he requested them to be the witnesses to it, and so they signed, one after the other as such.

Q. Indicate to us where George P. Gordon signed?

A. Right there (indicating opposite the seal).

Q. Indicate where your father signed?

A. Right there (pointing to the name Henry Adams).

Q. Where did your brother Alonzo sign?

A. Right there; that is his signature (pointing to the name of Alonzo C. P. Adams).

Q. And John, where did he sign?

A. John signed there, that is his signature (pointing to the name John Q. Adams).

Q. Was all that you have related done in your presence?

A. Yes, sir.

Q. After the paper had been signed, published and witnessed, what was done with it?

A. Mr. Gordon says: I want this kept secret, Mr. Adams, and I want you to take care of it.

Q. To whom did he speak?

A. My father—"I want you to take care of it;" and so my father took the paper and sent Alonzo after some wrapping paper, and he brought some and father put it up.

Q. In wrapping paper?

A. Yes, sir; a sort of reddish colored paper. I should know it if I could see it.

Witness being shown a piece of paper folded so as to make a package is asked if that is the paper he refers to.

A. That is the paper.

Q. It was folded in that form; a home-made envelope?

A. Yes, sir.

Offered and marked Exhibit P 2 for identification.

Q. And then what?

A. Father took it, and in conversation with—interrupted.

Q. He folded it up, and did he do anything else except fold it up?

A. Sealed it.

Q. With what?

A. Wafers.

Q. And retained it?

A. Yes, sir; and he sent Alonzo to his desk also to get these wafers ~~and~~ preferred them to mucilage.

Q. You say he preferred wafers to mucilage, was that mentioned?

A. Yes, sir, it was mentioned; I spoke of getting my mucilage bottle. I always used mucilage, and he said, oh, no, wafers are better, and he got his wafer box and put it up with wafers.

Q. Did the party disperse?

A. In a few minutes.

Q. In whose custody was the sealed package left?

A. My father's.

Q. Does the homestead at Woodbridge—the Adams homestead—still remain in the Adams family.

A. Yes, sir.

Q. Who lives there now?

A. My brother Edward.

Q. Did you last autumn describe to your brother Edward such a package as the paper just now here in Court Exhibit P 2, and sealed with something inside of it would be?

A. I described it very nearly. I was a little mistaken in the shade of the red. I sent him a piece of paper of red color and a shade lighter than that; that was my recollection as near as I could recollect it so long ago after so long a time.

Q. In what connection did you inform Edward of the character of this package, and for what purpose?

A. That the family of George P. Gordon and his attorneys wanted it if it could be found.

Q. Wanted what?

A. Wanted this will; wanted the package because it contained the will of George P. Gordon and they wanted to use it.

Q. And so you described it to him with what view?

A. With the view that he should find it, produce it, and deliver it to these parties interested in this estate.

Q. Where did you tell him to search for it?

A. I told him to ransack the house.

Q. The Adams house?

A. Yes, sir.

Q. After this day in July, 1868, when the paper was sealed up and left with your father, did you know where your father put it?

A. Well, he had it for some time in his safe, but the safe was taken away and this was not thought of, and no attention paid to it for so long a time, and his papers were taken in the custody of Edward's—Edward was one of the trustees under the trust deed.

Q. Edward can tell us what became of this safe and the papers?

A. I presume so; I don't know; I was not there after 1875, except occasionally that I would stay for a little while.

Q. Were you present in these chambers before the Ordinary when the package of which Exhibit P 2 is the envelope, was opened by him?

A. Yes, sir.

Q. What was discovered in the package?

A. This will.

Q. Exhibit P 1?

A. Yes, sir.

CROSS-EXAMINATION by Mr. Miller:

Q. You say you are seventy-three years of age, Mr. Adams?

A. Yes, sir.

Q. What, then, was your age in 1868?

A. In 1868 I was just about fifty.

Q. How long have you lived in Orange, New Jersey?

A. Lived there since April, 1879.

Q. Where?

A. Well, I have occupied rooms on High street at No. 145 and been there ever since.

Q. At 45 High street?

A. No, sir; 145.

Q. Occupied rooms or the house?

A. I occupy three rooms.

Q. Whose house is it?

A. It is a house belonging to the Linsley family; it belonged to George Linsley, and he died, and it belongs to his family.

Q. How long, continuously have you been in those apartments, since 1879?

A. Yes, sir.

Q. Where did you live immediately prior to that time?

A. Immediately prior to that time I occupied rooms for a short time in Twenty-fifth street, New York.

Q. Where, and how long?

A. The number I cannot remember, but I was there probably six months.

Q. East or west?

A. West Twenty-fifth street.

Q. Near what avenue?

A. Near Seventh avenue, I think it was—Seventh avenue, yes sir; it was near Seventh avenue, and I voted in that district at the election in the fall?

Q. Which side of the street, and how near the avenue?

A. On the west side of the avenue, I think it was, right at the corner, I am not sure—the polling place do you mean?

Q. Where you say you stayed six months?

A. Oh, perhaps six doors from the avenue.

Q. North or south side of the street?

A. The north side.

Q. Where did you live then immediately prior to that?

A. Immediately prior to that I lived in Thirty-first street.

Q. What house?

A. I lived there with a family—I had rooms; I did not live with them; I had rooms there in Thirty-first street, if I am not mistaken about the street, and I think I am not, with a family by the name of White.

Q. Cannot you give the number?

A. No, sir.

Q. How long were you there?

A. I was there about six months.

Q. That carries you back to 1878?

A. Yes, sir.

Q. Where were you prior to that time, immediately prior? 10

A. I was as near as I can remember, I was up in Sixty-first street.

Q. What number?

A. No, sir, no; I was down in Second avenue. I occupied rooms in the house of a family of teh name of Bernstein.

Q. What number?

A. I cannot tell you, but it was near Eighth street.

Q. You don't remember the number? 20

A. No, sir.

Q. How long were you there?

A. Six months I was there.

Q. Boarding?

A. No, sir, I did not board there; I got my meals out.

Q. Roomed there?

A. Yes.

Q. Where did you live immediately prior to that? 30

A. Immediately prior to that I lived over in Brooklyn at 300 Cumberland street.

Q. Between what dates?

A. I went there in June, 1877, as near as I can remember, June, 1877, and stayed there until the winter.

Q. Boarding or roomed?

A. Well, I got my meals out and I prepared some meals myself.

Q. Where did you live prior to that? 40

A. Prior to that—let me see—prior to that I was at No. 8 Eighth street; I think it was No. 8, near the Cooper Institute.

Q. How long were you there?

A. I went there in the fall of 1876 as near as I can remember, and stayed there until June, when I went to Brooklyn.

Q. And then prior to that where were you?

A. Prior to that I was at Englewood, New Jersey.

Q. How long there?

A. I was there from the fall until June; I was there from the fall of 1875 until the month of June and during the summer I lived nowhere.

Q. Please explain what you mean by that?

A. I was rusticating; I had been here at work and I rambled about; I stayed most of the time with Edward in Newark, nearly all the time with Edward in Newark, but moved about from one place to another down to the seashore and visiting friends around; I did not do any work and had no home.

Q. Where did you live in Englewood and with whom?

A. I lived there with a man named Keirsteimer.

Q. The number of the street?

A. I do not remember the street; he was keeper of a school; he had a school of boys; Mr. Kiersteimer and Thomas R. White they are now in New York and they had a school together.

Q. You boarded or had rooms?

A. I boarded with Mr. Kiersteimer.

Q. Now come back to 1875 when you were traveling about?

A. 1876.

Q. Well, 1876 or 1875?

A. It was during the Presidential campaign.

Q. Where was your residence prior to that?

A. At Englewood.

Q. Prior to that time you were rambling about?

A. At Englewood.

Q. Didn't you say prior to being at Englewood you were traveling about and occasionally stopped with your brother Edward at Newark?

A. No, sir; you misunderstood me; before going to Edward I had stayed in my father's house in Woodbridge, and from there I went to Englewood, and down there, and then I spent the summer with Edward, and took that occasion to get rest.

Q. Were you living continuously at Woodbridge or Englewood between 1868 and 1875?

A. Not continuously.

Q. Where else did you live?

A. I made that my home, but I would go off for a short time, a few days, wherever I was invited to go by friends, and went sometimes to Brooklyn and other places, I do not remember them.

Q. Have you or not earned a livelihood during this time?

A. Have I earned one?

Q. Yes.

A. Yes, I think I have.

Q. In what occupation, please?

A. It would require a good many words to make you understand it (witness asks Mr. King, one of the gentlemen interested in behalf of the proponents, to reach him a package of papers lying on the desk before him).

Q. Tell me generally how you earned your livelihood?

A. I occupied my time in researching for material to make a book which I was going to have published for the use of the legal profession.

Q. A glossary?

A. Yes, sir.

Q. You say you have been doing that?

A. That was my entire occupation from the time I came down from Fort Plains and got settled and up to the present time.

Q. Is it completed yet?

A. It is completed in manuscript and one volume is published.

Q. When was it published?

A. It was published in 1886.

Q. I ask you how you earned your livelihood, please answer that question?

A. Earned a livelihood—I was not struggling to earn a livelihood, I had some resources and lived on those until they were exhausted with this long labor.

Q. How long ago is that?

A. 1886 since it was exhausted.

Q. What have you been living on since that time?

A. Well I have been living on some resources that I had given to me; I got some money, old debts and I have some credit.

Q. And have used it?

A. Yes, sir.

Q. You say you have been living on your resources; kindly tell us what resources, where did you get them from?

A. I earned them practicing law at Fort Plains.

Q. When did you leave Fort Plains?

A. 1868 in February.

Q. You accumulated enough in the practice of your profession up to that time to live upon it from 1868 down to 1886.

A. They supplied my wants pretty well and I had some assistance from friends.

Q. I ask you whether you had accumulated enough in your practice of your profession up to that time to live upon from 1868 to 1886?

A. Well, not exactly.

Q. How much had you accumulated?

A. I had accumulated some thousands.

Q. How many?

A. I got at one time $1,000 from one party, a client, and $4,500 from another, and I have two or three thousand dollars due from that same one, and little debts and notes I cannot tell you from recollection.

Q. I ask you what your total accumulation was when you retired from your profession in 1868 of the accumulations and of the amount in hand, how much?

A. I cannot tell you.

Q. Two thousand dollars?

A. Two thousand dollars, more than that.

Q. Three thousand?

A. More than that; I got in one lump $4,500.

Q. How much had you accumulated in 1868 when you retired?

A. The debts due to me personally from clients must have been more than $10,000.

Q. And how much of that have you since collected?

A. I have collected in one parcel $4,500, $1,000 in another, that is $5,500, and I have a claim now of from three thousand to $3,500 in litigation.

Q. You only collected $5,500 since 1868 of the claims then due?

Objection by Mr. Collins as irrelevant.

THE ORDINARY—I will allow the examination to proceed for the present.

Mr. MILLER:

Q. You say you collected $5,500 since 1868 of money due you at that time?

A. More than that.

Q. How much more?

A. I cannot tell you.

Q. How much had you in cash in 1868?

A. I do not know; I had a few hundred dollars.

Q. Did you keep a bank account from 1868 to 1886?

A. I never kept a bank account until—no, I had no bank account then; I had a bank account in—I cannot remember the year; it was the Merchant's Bank of Albany.

Q. That is since you retired from practice?

A. No, sir.

Q. When was it?

A. I do not remember the year.

Q. How much?

A. I had probably $5,000.

Q. Of your own?

A. Yes, sir.

Q. What bank?

A. The Merchants' Bank of Albany.

Q. From whom did you collect this $4,500 you speak of?

Objection by Mr. Collins as irrelevant and

as not being cross-examination.

Mr. MILLER—If the witness objects to answering the question I won't press it.

Mr. COLLINS—The witness has nothing to do with it. I am making the objection.

The ORDINARY—I will allow the question.

A. I collected it from the estate of Peter G. Fox.

Q. Who was the executor?

A. I think I got the Surrogate's check, Surrogate Westbrook, of Montgomery County. I think he sent me a check for $4,000, or between $4,000 and $5,000.

Q. In what year?

A. I cannot tell you.

Q. Tell us as near as you can?

A. I have books at home and I could tell you, but I cannot tell you now.

Q. Tell me now, as near as you can?

A. I cannot tell you.

Q. Within ten years?

A. Oh, yes.

Q. Within five years?

A. Yes, I think within five years.

Q. Is that the money you put in the bank in Albany?

A. Yes, sir.

Q. That is the money?

A. That $400, and then I had another check for a few hundred dollars; I do not remember who that came from; it was put in the same bank; I have a bank book at home, and I can give you the exact figures.

Q. You said on your direct examination that you informed your brother Edward that there was a package of a reddish brown color?

A. Yes, sir.

Q. What time was that, can you fix that date?

A. When I informed him?

Q. Yes?

A. Well, it was in the latter part of October, as near as I can recollect, or the early part of November.

Q. 1890?

A. Yes.

Q. When prior to that did you first remember the existence of this will?

A. My attention was called to it in the month of October by a friend in New York who ~~reminded~~ informed me that there was a contest going on about Mary Gordon's will in the Surrogate's Court there.

Q. Who was that friend?

A. Seymour Marsh.

Q. Where?

A. At No. 2 Vesey street.

Q. He informed you there was a contest going on?

A. Yes, sir.

Q. How did that recall George P. Gordon's will?

A. He told me that there was a publication in the newspaper in New York that gave some details about it that he could not tell me, and I went to the "Telegram" office, and got this paper; three copies of it, and I took them home.

Q. When was that? I am after the date, not the circumstances; when was that?

A. Some time in October.

Q. It was the "Evening Telegram," was it, you found it?

A. Yes.

Q. And took it home?

A. Yes, it was about the middle of October, I think.

Q. That led you to recall the existence of this George P. Gordon will?

A. Yes; I thought when I read this article, and this matter of the Gordon estate in my mind for a while; I said, here, Mary Gordon hadn't any property to give if George P. Gordon's will is in existence of 1868, so I informed a friend in New York, or some friends in New York.

Q. That was the process that went through your mind that led you to recollect that will?

A. Yes.

Q. And you did not recollect it from the time it was executed down to that time?

A. Oh, I recollected it when George P. Gordon died.

Q. You recollected it when George P. Gordon died?

A. Yes, sir; I did not know that he had made another will.

Q. Come back to the time when you recalled it in October, 1890, after this mental process by which you recollected it and you communicated that to some friends in New York?

A. Yes, sir.

Q. With whom?

A. Messrs. Black & King.

Q. How did you come to communicate that to Messrs. Black & King?

A. Well, I wrote to them that I had read the article in the "Telegram" and if they would call and see me I would give them some information in regard to the matter; I did not tell them what.

Q. And then who called?

A. Mr. King.

Q. And your letter to Messrs. Black & King was the first communication between you and any one in 1890 concerning this George P. Gordon will?

A. Not exactly so; I told you that immediately after the death of—(interrupted.)

(Question repeated.)

A. The first written communication.

Q. With whom did you communicate verbally in 1890, if this was not the first one, the one to Black & King?

A. I did not communicate with any one in 1890.

Q. Why did you qualify your answer before by saying that that communication to Black & King in 1890 was the first written communication that you made with any one?

A. Why did I?

(Question repeated.)

A. You put the question communication without stating what sort of communication it was.

Q. You wanted to be more exact and so you said written communication.

A. Yes, sir.

Q. In 1890 you made no communication with any one, written or verbal, other than to Messrs. Black & King, before the letter to Black & King?

A. No, sir.

Q. How did you get the name of Black & King?

A. Through the "Telegram."

R. Got their address that way?

A. Yes. I did not know them.

Q. In pursuance of that letter one of them called on you?

A. Yes, sir.

Q. Who?

A. Mr. King.

Q. What did you say to him—what time was that?

A. I think it was about the middle of October; I am not sure, but you can get the exact date.

Q. You said that prior to 1890 and back in 1878 or 1879, at the time or after the death of George P. Gordon, you then recollected the fact that there was a will; did you communicate at that time that fact to any one.

A. 1878 or 1879—1878 it was.

Q. I asked you whether you did or not communicate that fact to any one?

A. In 1878 I think it was.

Q. Well, to whom?

Objection by Mr. Collins on the ground that the witness, being a slow speaker, counsel breaks through before the whole of his answer is given.

Q. You said that prior to 1890 and back in 1878 or 1879, at the time or after the death of George P.

Gordon, you then recollected the fact that there was a will; did you communicate at that time that fact to any one?

A. I did.

Q. To whom?

A. The first person was Sidney Doane.

Q. That was a nephew of George P. Gordon and his confidential man?

A. Yes.

Q. That was by letter, was it not?

A. No, sir.

Q. Verbally?

A. Verbally.

Q. To whom else, if any one, did you communicate further that there was this will?

A. Soon after communicatiug with Sydney Doane I communicated with Cuthbert C. Gordon, the brother of George P. Gordon.

Q. Did you write or tell him?

A. I told him.

Q. Told him there was this will?

A. Yes, sir.

Q. What did he say to you?

A. They asked some questions about it.

Q. Were they both together?

A. No, sir.

Q. Take the first one first?

A. Sydney Doane; I told Sydney that I heard of this contest in respect to the will of Gordon, and it was defeated because it was not properly executed; that I had heard such a rumor, and I asked him about the will; I did not know what will it was, and I supposed that it was this one when I went there; that they had offered this will for probate there, and I asked him when that will was made, that they had in controversy over there, and he said it was in 1873 or 1874; and who were the witnesses, I asked, and he mentioned the witnesses, and then I saw that this was not the will. Well, said I, Sydney, Mr. Gordon made another will in 1868, and that will was in the custody of my father, but I have not seen it in a long

time, and nothing has been said about it, and if that will can be found and established, why you can establish that will, and if you cannot do it because it cannot be found you can establish it by an action in the Court of Chancery of New Jersey, basing it upon the testimony that will be given by myself in regard to the execution of it, for I know all about it, and I have an original draft of that will, and in an action in Chancery you can, by the statutes in New Jersey, establish that will by that proof.

Q. Doane did not take to your suggestion?

A. Doane said that he had been in court with one will, and he had had enough of it, and he took two or three strides across the room, and was very angry, and he said, "Damn that proceeding over there in Brooklyn," as he was not going into any court with another.

Q. He was not going to bother with any other wills?

A. No, sir.

Q. This was in 1878 or 1879, with Doane?

A. Yes.

Q. Where?

A. At the office in Nassau street; the Press room.

Q. You told Cuthbert C. Gordon, the brother of George P. Gordon, the testator, the same story at that time?

A. Yes.

Q. What did he say?

A. He saw that there was a Chancery suit.

Q. What did he say?

A. He said, I am too old and too frail in health to engage in any further controversy about my brother's property, and he went on to say, in connection with this, that Mary Gordon was the owner of all the property, and that she had made such fair promises they could not engage in a controversy with her.

Q. When told by Doane and Cuthbert to drop the matter, did you take any further interest in it?

A. I took a little further interest in it.

New Jersey State Library

Q. Did you attempt to probate it?

A. No, sir.

Q. You did not do anything further in respect to it?

A. Yes.

Q. What?

A. I saw there was a young man, a son of Cuthbert Gordon, who was a man of considerable stamina, and he had rights and interest in the matter, and I thought that I would inform Cuthbert O. Gordon, the son of Cuthbert C., commonly called Cuddy, and I wrote to Cuddy to say nothing to anybody, but come over to see me and I will tell you something; I intended to communicate to him this history and to show him the draft of the will.

Q. But he did not come to see you?

A. No, sir; he did not.

Q. You wrote to him and told him to come and see you; now what was his answer to you?

A. His answer was, as near as I can remember it, "I mentioned to father your letter," or what you said in your letter, "and he instructed me to write to you to know what you wanted."

Q. He said something else, too, in that letter?

A. I do not know.

Q. Didn't he say if you wanted to talk to him about any other will of Gordon's he didn't want to see you?

A. No, sir.

Q. Nothing of that kind?

A. No, sir.

Q. Didn't refer at all to George P. Gordon's will?

A. No, sir.

Q. Now, repeat all that ~~conversation~~ communication from Cuddy, as you called him?

A. I don't know that I can repeat the whole of it, "I have spoken to father about the matter of your letter and father directed me to write to you to know what you wanted."

Q. And you are positive there was nothing else in that letter?

A. I am positive there was nothing else in that letter that referred to any will; I have no recollection of anything.

Q. Did you write to him again?

A. No, sir.

Q. Then you dropped it?

A. So far as Cuddy was concerned, and whether I ever communicated to anybody else I do not remember.

Q. Have you had any visitors at your house within the last ten days?

A. Visitors?

Q. Yes?

A. Why I ~~had~~ have visitors every day.

Q. Have you talked with anybody within ten days concerning this letter of Cuddy Gardon's?

A. Talked with anybody in respect to this letter of Cuddy Gordon's? I don't know as I have talked with anybody about it in some weeks.

Q. Have you, since this will has been offered for probate, told any one that Cuddy Gordon wrote to you in answer to your letter that if your conversation or interview was to relate to the Gordon will he wanted nothing to do with it?

A. No, sir.

Q. Are you positive about that?

A. I am positive about that.

Q. You say you have no recollection of communicating the fact that this Gordon will existed before 1890, except to the people that you have already told us about?

A. The people I have told you about was Doane, Cuthbert C. Gordon, and Cuthbert O. Gordon, and Black & King.

Q. (Question repeated.)

A. I repeated it to counsel, and I think I have told some people that asked me what the controversy was about; I think I told them.

Q. The only members of the family were Doane, Cuthbert C. and Cuthbert O. Gordon?

A. Yes, sir.

Q. You knew other mmbers of the family?

A. I hadn't any acquaintance with them.

Q. You knew who they were, and where they were?

A. I knew there were three sisters.

Q. Did you look for them?

A. No, sir.

Q. Did you look for any other member of the family?

A. No, sir.

Q. You knew of the Cornish family?

A. No, sir.

Q. Never heard of them at that time?

A. At that time I did not think of them.

Q. You had heard of them?

A. They were not of his family, not that I ever knew.

Q. They were of the family of Mary Agnes Gordon, his daughter.

A. That I did not know.

Q. Did you take any pains to find out any other members of the family, except the three named?

A. I knew Mary Gordon was one.

Q. (Question repeated.)

A. No, sir.

Q. You spoke of a trust deed having been executed by your father of the Woodbridge property.

A. Yes, sir.

Q. That is on record?

A. Yes, sir.

Q. Where is the original of that deed?

A. I don't know.

Q. Who is the trustee?

A. The living trustees are Edward Adams, Helen A. Babcock, a sister, and Edward C. Babcock, her son.

Q. That was executed in 1874?

A. That was executed in June, 1874.

Q. Have you ever known in whose custody that deed has been?

Objected to by Mr. Collins as irrelevant and as not being cross-examination.

The ORDINARY—What is the object of the question Mr. Miller?

Mr. MILLER—H. Adams signature is to that deed, that is all.

THE ORDINARY—I sustain the objection.

Mr. MILLER:

Q. You say you haven't the custody of that deed; do I understand you in that way?

A. I haven't and never had.

Q. At the time of the execution of this will in 1868 you were living at the house with your father?

A. I was living there—tarrying there, that was not my home; my home was in New York, but I was there at work.

Q. Tell us what you mean by "tarrying there;" you were there most of your time were you not?

A. I was there most of the time, yes, sir.

Q. Did you see much of George P. Gordon at or about that time?

A. Did I?

Q. Yes?

A. Oh, I saw a great deal of him.

Q. About that time you were friendly with him were you not?

A. Yes, sir.

Q. About July 25th, 1868?

A. Yes.

Q. On perfectly friendly terms?

A. Yes.

Q. You visited his house?

A. Yes.

Q. How long had that state of affairs existed prior to July, 1868?

A. Well we were very good friends or rather intimate from February up to June, on friendly

terms; we rode together in the cars and sat together and talked and smoked on his piazza, but in June there was an occurrence that made the friendship ~~not so~~ very close.

Q. Was there any disagreement between you?

A. Disagreement?

Q. Yes?

A. Never a ripple that I know of.

Q. He never turned you off his place, did he?

A. No, sir.

Q. The execution of this will was a very important fact in your mind at the time?

A. At what time?

Q. The time it was executed?

A. Yes.

Q. It impressed you, did it not?

A. Oh, yes, it impressed me; it was a thing that I should be very likely to carry in my mind and remember.

Q. In what room was it that you went with Mr. Gordon when he was about to sign this will on the round marble table?

A. It was the reception room and on the left hand side of the hall.

Mr. COLLINS—The witness did not say it was a round table.

MR. MILLER;

Q. It was a marble top table, do you remember the table?

A. I remember it pretty well; I think it was a little longer than broad.

Q. It was in the reception room?

A. Yes, sir.

Q. How did Mr. Gordon come there—did you send for him?

A. No, sir.

Q. He came voluntarily?

A. Yes.

Q. And produced this package from an inside pocket?

A. Yes.

Q. What time of day was that?

A. What time of day?

Q. Yes.

A. Oh, it was around towards evening—in the afternoon.

Q. Had he come from New York that day?

A. Yes, I think so; I am not sure; I did not see him.

Q. That was Saturday, was it not?

A. I think it was.

Q. Have you tried to recall what day of the week it was?

A. I have always been under the impression that it was Saturday, but I am not sure; but that has been my impression all the while that it was on Saturday.

Q. When Mr. Gordon came to tho house what was the first thing he said?

A. When he got into the house do you say?

(Question repeated.)

A. That I cannot tell you exactly; he came for the purpose of having this instrument executed.

Q. You say it was an important event and you seem to remember the circumstances with great particularity, cannot you tell us that?

A. What was the first thing Mr. Gordon said?

Q. Yes.

A. I remember one thing he said, "I am entirely satisfied with this and I shall not alter it."

Q. Who were in the room when he said that?

A. Father, Alonzo and myself, and he wanted it executed and wanted the witnesses there and wanted to have it finished up.

Q. Did he then ask you to become a witness?

A. He asked me before.

Q. Then, I ask you if he asked you then to become a witness?

A. No, sir.

Q. Did he ask your father to send for you brothers?

A. I do not know whether he asked my father to send for him or not; John was sent for, I do not remember whether he asked father to do it or not.

Q. Was Edward in the room at the time?

A. No, sir, he was not on the premises.

Q. Was Alonzo in the room?

A. Yes.

Q. Yourself, Alonzo and father, and Mr. Gordon?

A. Yes.

Q. And you sent for John Quincy Adams?

A. Yes.

Q. Were your brothers and father in the house at the time by prearrangement with Mr. Gordon?

A. No, not that I know of.

Q. He happened to find you all in?

A. Alonzo and myself were there with father on the piazza when Mr. Gordon came.

Q. It was an accident that he found you all in?

A. It was an accident; I do not know whether to call it an accident or not; we were there at home.

Q. Where did you get the ink from in which the signature is written.

A. Alonzo brought it from my father's desk in the back part of the house.

Q. Did the bottle have a name on it?

A. An inkstand.

Q. Any mark on the inkstand?

A. No, sir.

Q. An unmarked inkstand?

A. Yes, sir.

Q. Where was the pen taken from?

A. I don't know.

Q. Was it a steel pen?

A. I don't know.

Q. You don't remember anything about the pen?

A. I don't know; I do not remember anything about the pen.

Q. Did your father have pens around the house at that time?

A. Well, he used to carry one in his pocket.

Q. I want to know if he had pens lying about the house?

A. Pens on the desk.

Q. And they were steel pens, were they not?

A. Those on the desk were steel, and that one which he carried in his pocket was gold.

Q. You say Mr. Gordon signed his name; did you see him sign his name?

A. Yes, sir.

Q. Don't you recollect what kind of pen he used?

A. No, sir.

Q. No recollection whatever?

A. No.

Q. How is it you remember about the ink and not about the pen?

A. Because it was sent for.

Q. Was there a pen tray on the table where the ink was brought from?

A. Never had been before, and I do not think there was then.

Q. The table on which the will was executed, you recollect there were no pens on that table, yet you do not remember their sending for any?

A. They sent for the ink; that is all I remember them sending for.

Q. Was Mr. Gordon in the habit of using a gold pen?

A. Yes, sir.

Q. You don't know whether he used that pen or not?

A. No, sir.

Q. Now, you say you wrote the body of the will; with what sort of a pen did you write it?

A. I always use a gold pen.

Q. And that is written with a gold pen?

A. Yes, sir.

Q. Is it written with a gold pen?

A. Yes, sir.

Witness desires to make a statement. I have been a little too positive about Mr. Gordon having the habit of using a gold pen; I cannot testify to his habit in that respect; I have seen him have a gold pen.

The ORDINARY—I understand you that your father carried a gold pen?

A. Yes, he did: I have the very holder in my pocket now.

Mr. MILLER:

Q. You said you were not turned off Mr. Gordon's place in 1868?

A. Turned off?

Q. Asked to leave or forcibly evicted, either of them, by Mr. Gordon?

A. By Mr. Gordon, no, sir, I never was.

Q. Were you not forbidden by Mr. Gordon to enter his house?

A. No, sir.

Q. No difficulties or differences before July, 1868, between Mr. Gordon and you?

A. Never a ripple between Mr. Gordon and me.

Q. I am not asking you about ripples, I am asking you about differences?

A. No differences.

Q. Will you tell us the conversation you had with Mr. King when he first called on you in 1890 in answer to your letter?

A. Tell you the conversation? Well, counselor, that is asking a pretty long conversation, but if you would like to hear the conversation I will give the whole of it as near as I can recollect it.

Q. I would.

A. I told Mr. King that I had sent for him—that I had read the article in the "Telegram," and the article in the "Telegram" stirred me up to write them, to Messrs. Black & King as I seen their names in the Telegram as counsel for some members of the family of George P. Gordon, and I told him that I would

give him a history of my relations with Mr. Gordon. I then told him all my first acquaintance with him in February, 1868—that was an ordinary friendship and it ran along and we were together smoking together on his piazza and rode together down to the town. Now and then that was, and that in June, 1868, Mr. Gordon was in a peculiar state of mind, would no eat any food and, as I understood, he had been sustained by ~~hop~~ hock wine and porter for ten days until one night—
—Sunday night, at his house, there was considerable trouble there, and it was supposed that he was dying. I was told ~~him~~ that Mrs. Gordon was upstairs moaning and saying that George was dying, and pretty soon Mr. Speer came down, who had been treating him, and he came down and seemed to be alarmed and said, if that man don't get to sleep before morning he would die, and that I then told Mr. Speer, there is lying on that mantel piece a prescription that I left here last Wednesday and wanted you to ~~see~~ me it and give it to him instead of your little trash that you have been using and it has been ignored—there the prescription lies and I know if he could have these remedies he would be lifted out of this difficulty. And Mary Gordon who was present sprang across the dining room and said, you tell me what those remedies are so that I may get them and father shall take them and there shall be no more tampering with my father. I had two of the articles in my prescription and I wanted another one, and I wanted all of them to come from a drug store on a written prescription,so that there should be no responsibility placed upon me beyond what the prescription was. I said, you will have to go to the drug store, and she turned around and said, "Charley Beebe you go and tell George ~~Kinsey~~ Conger to harness the horse as quickly as he can and take us down town to Watson's, and Charlie went out and after awhile the horse came and I reviewed the prescription to see if I was right, and I compared the articles and amounts with a book that I was the owner of and

had with me, and I found it all right and they took the prescription and went to Watson's and got the articles and brought them back. They were gone about an hour and a half I should say.

Q. You told him all this?

A. Yes, I told Mr. King all about it very minutely. The articles were brought from Watson's, and then the question was how to get Mr. Gordon to take it, because he was in such a condition that he had refused to take medicines from the doctor, and had turned Dr. Drake out of the house, and I told her that she would have to use a little strategy to get him to take it, and I told her: "Mary, you go up to your father and get on the bed with your father and put your arms around his neck and kiss him, and talk to him pleasantly, and ask him if he would not take something to please you," and she then went away. She came down again very soon afterward and said, yes, he would take it, and I fixed these articles with some porter diluted with water, they being bitter and making a bitter drink, such as porter usually was, and her father took it. Well, in a little while, while we were sitting in the dining room, her in the north corner and me in the south, and after a short time we heard him vomiting, and after vomiting, then after awhile down came Mr. Speer and Mamie, and they said that after vomiting their father had dropped right down on the pillow and fallen to sleep and that it was the first natural sleep that he had had in ten days. He slept all that night, and the next morning I was out at the gate and I saw the carriage coming up from the door, and I thought that I would wait and ask them how Mr. Gordon was, and I found when the carriage drove up that it was Mr. Speer and Charlie Beebe[illegible], and they said: "Get in and ride down~~town~~ with us to the Six ~~Rows~~ Roads, which is about half a mile down below us, and I did, and I then asked them how Mr. Gordon was, and they told me that he was very much better; that Mr. Gordon had slept all night and was sound asleep then.

Q What day was that?

A. I cannot tell you what day it was, in the month of June; then they asked me what the articles were and I gave them the names of each of them, and they took them down in a book they carried in their pocket.

I went down with them to a place called Wheat-Sheaf that morning and came back about noon; when I got there I saw a lady a tthe Gordon house waving a pocket handkerchief or napkin or some white cloth for me to come up, and I went up and that lady told me that Mr. Gordon had just woke up and he wanted some food; that he hadn't had any food in ten days and he wanted some, and she said I don't know what to give him, and I told her to prepare a dinner for him and she prepared it and gave it to him and he went to sleep again and he slept all night and in the morning, and they said that he had slept all afternoon and all day and he told me that they said that I had given him something last night that was good for him, and he wanted me to give him some more; I told Mary that he did not need it, but to gratify him and Mary I told her that I would fix up a dose very mildly for him, and I did it and he took it and slept again all that night and on Tuesday he got in his carriage and went to business; I think it was Tuesday, if not Tuesday, it was Wednesday, and he went to his business and a few days after Mr. Gordon somehow or other had heard of that transaction and when I came to see him he took my hand and gave it a squeeze and invoked God's blessings on me and said "I shall never forget you," and he squeezed my hand and he said, one of these days I shall do something for you, and if you ever want anything just come to George P. and you shall have it, and he slapped himself on his breast as he said it, and from that time on until the last time I ever saw him that man never met me but that he would squeeze my hands and ask God's blessings on me and say that he would never forget me, and he said if you ever want anything, and this was the very last time that I saw him, he said come and see me

and anything that you want just ask me for it and George P. would give it to you, and so from that Sunday night on I was in the best of relations between George P. Gordon and myself, and the man seemed to be pleased and glad whenever I came and visited him on his piazza or in the house.

Q. I asked you about the conversation with Mr. King, but I suppose you told Mr. King that—it is very interesting, but hurry on and get to the main transaction.

A. I said, Mr. King, I had Mr. Gordon's heart and confidence, and he began to talk after he got out of that difficulty on Sunday night about disposing of his property, and he wanted to make a will, and he talked to me about it, and he wanted me to draw it, and I told him, "Mr. Gordon, you should get a more competent hand than I;" and he said, "No, I don't want anybody else; I want you, you can draw it." So I drafted one according to a memorandum he left with me, and that he studied for a while and did not like it, and changed it and I made another from that. That one he carried in his pocket for a week or so, and made alterations, and made memoranda here and there of changes to be made, and that he carried for probably a week, and after making another—this one produced here—from that after the alterations were made, he carried this for a week and he said he was satisfied with that and was not going to alter it again, and he then came down and wanted that executed.

Q. What did Mr. King say to you then?

A. Now, said I, Mr. King, here is that draft, pulling it out of my drawer, and I brought out the draft, here is that draft that was altered and from which the original will was drawn, and I said I had preserved this, and when I read the article in the "Telegram" I hunted it up, and here it is. Mr. King, said I, this will of 1868, if the original cannot be found, can be established by an action in Chancery by proving by living witnesses the execution of it, and by the production of this draft, which under the statute

in New Jersey is equalled to witnesses, and then by producing witnesses to prove the corroborative circumstances. Now, Mr. King, you can have this and all the information I have, and all the facilities I have if you want to take up that matter in hand and establish that will by an action in Chancery; you can have all the facilities I have, and you can have the use of that draft, and you can have it all without money and without price, and don't you offer me any reward; I shall have to be an important witness in such a case and I shall go into it untrammeled. Mr. King sat down and made a copy; he wanted to take it home, but I said you cannot take it home, I cannot allow that; I want to be able to say that that has never been out of my possession, and he took a copy of it.

Q. Was that the end of the conversation?

A. That was substantially all in regard to that, so he sat down and made a copy of it.

Q. And went away?

A. Went away towards train time.

Q. Did he express any satisfaction to you?

A. Oh, yes, he was very much gratified to have it.

Q. You told him it was a big thing?

A. No, sir, I did not tell him so; I guess he knew that.

Q. Then you asked him afterwards, did you, about this same matter shortly after Mr. King?

A. I saw Mr. King afterwards—I should say a week or ten days after, I cannot say how long—he came out with Mr. Beckett, and they looked it over and read his copy with this draft I had, and made an exact copy of it—made an exact copy of Mr. King's copy—his copy was made exact by corrections if there were any.

Q. How long did that interview last when Mr. Beckett was present?

A. I don't know; perhaps an hour or two.

Q. Well, then who came out next to see you about this subject?

A. It is not in my mind just now who came next.

Q. Mr. Booraem came out to see you?

A. Mr. Booraem did not come out until some time after that, I do not think.

Q. Mr. Booraem did not?

A. I do not think Mr. Booraem came to see me until this package was found.

Q. Did you tell Mr. King at the first interview that you would try to find the original will?

A. That I would try?

Q. Yes.

A. I said, Mr. King, we will try to find it if it is in existence; it must be somewhere in the house.

Q. Between that interview and that time when Mr. Beckett came, had you made any search?

A. No, sir, not up to that time.

Q. Did you repeat to Mr. King and Mr. Beckett that you would make a search?

A. I think I did.

Q. Can you fix the date of this conversation between Mr. King and Mr. Beckett?

A. It must have been in the latter part of October, 1890.

Q. When did you next search for the will?

A. Just about that time I was very busy working on something I had to do—I had proceedings in the Surrogate's Court of New York, and I told Mr. King that as soon as I could get a little relief from that trouble, these engagements, I would go over and see if it could be found.

Q. My question was when?

A. The latter part of October or the early part of November.

Q. You went over and saw Edward?

A. I saw Edward, but I did not let Edward know what I came for; I took a survey of the premises myself.

Q. You went away without saying anything to Edward about it?

A. After taking a survey of the premises and not finding anything, I said to Edward—I told him about this will and I said: "Now, you have pos-

session of the premises, of all the house; you make a search of that house from the cellar to the garret, so that you can testify in court that you have made that search and cannot find it, in order that they may establish that will of 1868 as a lost will." Edward said that he would look.

Q. Then you left?

A. Yes.

Q. You came back after how many days to Edward?

A. Well, it was not long—a few days after that— Edward wrote to me that he had searched and had found such a package.

Q. Did you go again there before he told you that, or did he write to you that?

A. He wrote me that.

Q. You went pursuant to his letter?

A. Yes, sir, and met him at Rahway, where he produced this package, this envelope.

Q. You met him at the station?

A. Yes.

Q. You didn't go to the house that time?

A. No, sir. Oh, stop, I might have gone up and stayed with him all night, but I am not sure; I rather think I did, although I cannot say.

Q. You went up to the house, you think.

A. I think so, although I am not sure.

Q. Did he tell you where he found it?

A. Yes.

Q. Where?

A. He said he had found it in the closet that he had a key to, and had had it for a long time.

Q. In what room and in what part of the house?

A. Up in the second story of the house, in the upper hall, on the left hand side.

Q. The second story hall closet on the left hand side, going from the head of the stairs?

A. Yes; there is where he said he found it.

Q. How did you know, when he gave it to you, it was the will of George P. Gordon?

A. Oh, I remembered the package.

Q. You knew the package?

A. Yes.

Q. You did not break any seals to see it?

A. No, sir.

Q. It was absolutely unopened by you or anybody else in your presence, at that time?

A. Absolutely untouched.

Q. Unopened?

A. Yes, sir; unopened.

Q. And then he handed you this package—what did you do with it?

A. He did not hand it to me exactly; he showed it to me.

Q. He showed it to you?

A. Yes, he showed it to me, and I think Mr. King had it in his hands.

Q. Was Mr. King with you on that occasion?

A. Yes, sir; I do not think Edward handed it to me; he showed it to me.

Q. Was Mr. King with you then?

A. Yes, sir.

Q. And that package remained in the hands and custody of Edward?

A. Yes, sir.

Q. Never left his hands, so far as you know, until it was taken away?

A. Until it was taken; not long after it was taken to a deposit company in Newark.

Q. Were you present there?

A. Yes.

Q. Where did you meet Edward that day?

A. I met him there, at this deposit company; at the Fidelity Safe Deposit Company, I think it is called.

Q. In Newark?

A. Yes, sir; Newark.

Q. And after the time you had seen the outside of this package in Edward's hands—the time after he had written you that he had found it—down to the

time when you saw it in his hands, and taken to the Fidelity Trust Company, had you seen it at all?

A. No, sir.

Q. You had not?

A. No, sir, I won't say as to that, that is being too positive, I might have seen it.

Q. Did you ever see it at Mr. Shafer's office?

A. No, sir.

Q. You know Mr. Shafer?

A. Yes, sir.

Q. A lawyer in Rahway?

A. Yes, sir.

Q. If you swear you did not see it except at the two times I have named, what is your best recollection as to that, from the time Edward first showed it to you down to the time you saw it in his hands at the Fidelity Trust Company in Newark?

A. I won't be very positive about that, I rather guess I did see it there at the house in his hands.

Q. Edward's hands?

A. Yes, he carried it in his inside pocket.

Q. Edward had it in his possession?

A. Yes.

Q. Was Mr. Shafer there then?

A. No, sir.

Q. Did Edward tell you he had had it in Mr. Shafer's office?

A. I do not remember that he ever told me anything about that; I do not think he did.

Q. You never heard of it being in Mr. Shafer's office?

A. No, sir.

Q. On this second time you saw it, these seals were still unbroken, were they?

A. Yes, sir.

Q. You mean by "seals" these wafers?

A. Yes.

Q. Who was present at the time it was taken to the Fidelity Trust Company in your presence?

A. As near as I can remember Mr. King, Mr. Booraem, Edward and myself.

Q. You told Mr. King that you were very much stirred about the will of Mary Agnes Gordon in New York did you not?

A. I presume I did.

Q. You testified that you did?

A. Yes.

Q. Why were you stirred?

A. Well, now, I was a friend of George P. Gordon's and liked the man exceedingly well, and such a thing would make me feel distressed that that man's estate should be squandered in the way it would be and his family deprived.

Q. You felt that Mary Agnes Gordon would squander that estate?

A. I felt so and would feel so—interrupted.

Q. You felt that Mary Agnes Gordon was squandering her estate, that she should leave her property as she did?

A. Yes.

Q. And you wanted to thwart that intention if possible?

A. I would like to see it thwarted?

Q. At that time you would like to see it thwarted?

A. Yes, I think I would; I think I said so to Mr. King, although I am not sure.

Q. You had a wish to have that will thwarted if possible?

A. I had a wish to have that estate go where it was intended to go.

Q. And not to have it go under the will propounded as the will of Mary Agnes Gordon?

A. I did not want that property to go except under this will.

Q. You knew that this will, which is now propounded here in New Jersey, admitted to probate it would take away the greater part of the property of Mary Agnes Gordon and nothing or very little would go under her will?

A. It would defeat her will, because she had nothing to give.

Q. If this will was established in New Jersey?

A. Yes, sir.

Q. And you knew Mr. Beckett, Mr. King and Mr. Booraem were interested in opposing the probate of Mary Agnes Gordon's will in New York?

A. Yes, sir.

Q. Didn't they tell you?

A. I do not remember that they told me, I took it for granted; I saw their names in the paper.

Q. And you understood that by establishing this will you would aid them in practically setting aside Mary Agnes Gordon's will?

A. I knew that if this should be established it was practically—interrupted.

Q. You knew that the establishing of this will would defeat that will of Mary Agnes Gordon?

A. There was nothing for her to dispose of.

Q. And being stirred you were anxious to have this present Gordon will established?

A. I felt that that was justice and equity.

Q. You did not say that under Mary Agnes Gordon's will the property had been squandered or would be squandered, did you say that; did you mean squandered or taken away from Mary Agnes Gordon's family; you meant that?

A. Yes, the Gordon family.

Q. In any of these interviews at any time has the subject of your compensation for what you have done in establishing this will been spoken of by Mr. King, Mr. Beckett, Mr. Booraem or any one on that side of the controversy?

A. It was spoken of between me, and Black, and King, but I told them I should serve them without money and without price, and that they must not think of any reward.

Q. That was said before now, then later than that?

A. I said that they must keep me free of expense.

Q. Do you mean to say that money has never been spoken of between you?

A. No, sir.

Q. You don't say that this handsome estate could be served—didn't you expect to be handsomely rewarded if this will was probated?

A. I never did; I only said keep me free from expense.

Q. Are you positive of that?

A. Yes, sir.

Q. Are you as positive of that as you are of anything else that you have said to-day?

A. Yes.

Q. Did you never say anything about five per cent. being a proper compensation?

A. No, sir; other people have approached me and said that they ought to do handsomely for you, and I said, no, sir; I will serve them without money and without price; all I expect is to be kept free from expense.

Q. Do you expect anything?

A. I should suppose that they would make me a handsome present; I know that I should if I had been served in that way.

Q. You expect five per cent., don't you?

A. No, sir, I do not; I cannot tell you anything about it.

Q. What do you expect?

A. I shall never ask them for a cent.

Q. But you certainly expect it?

A. They may do as they please.

Q. What do you mean by being kept free from expense?

A. Keep me free from expense, in going around and spending my own money; I had a good deal—interrupted.

Q. The other side have been furnishing you with money for expenses and living money ever since October?

A. Yes, and I can tell just about how much—I have received twice a five dollar bill from Mr. King, and I think I have spent more money than that; I do not remember of his giving me anything more than that, just twice a five dollar bill, ten dollars in all.

Q. Have you ever said to any one since the will was discovered, my chance for a nice reward is a good one, a reward of five per cent.

A. I never said anything of the kind; I never said any such thing to any one.

Q. You never said any such thing to any one?

A. No, sir.

Q. Are you positive of that?

A. Yes, sir.

Q. Did your father keep a bank account in the National Bank of Rahway?

A. I do not know whether he did or not; he kept an account at Fort Plains; he was interested in that bank up there, and I think he kept his account there mostly.

Q. Your father had some means?

A. Yes.

Q. Much?

A. He had two or three farms.

Q. Have you any doubt but that he kept a bank account at Rahway?

A. Doubt—I don't know anything about that.

Q. Do you know your father's signature?

A. Yes, sir.

Q. Do you know it well?

A. Yes, I know it well.

Q. Do you know George P. Gordon's signature well?

A. Well, I only know his signature from what I saw him do there on that occasion; I never saw him write before; I never saw him with a pen in his hand.

Q. That is the only time you ever saw him write?

A. That is the first time I ever saw him write; I have seen his writings since.

Q. Do you know George W. Savage?

A. Yes, sir.

Q. Have you had any interviews with him respecting the finding of this will and the circumstances?

A. No, sir.

Q. Never spoke to him on that subject?

A. No, sir.

Q. Do you remember having a conversation with this Mr. Savage respecting this will at all?

A. Not about this will; I had a conversation with him about another matter.

Q. Not about this will?

A. No, sir.

Q. What was that conversation?

A. I asked Judge Savage if he knew where they could find George P. Gordon's signatures.

Q. That was in January of this year?

A. Or last winter.

Q. December?

A. I guess it was the latter part of December or fore part of January.

Q. You asked him whether he could find a genuine example of George P. Gordon's signature?

A. I do not know whether I asked him whether he could do that; I told him there was a matter of importance, a matter of interest to some persons, and they wanted to find the signature of George P. Gordon, not that I did.

Q. Didn't you say you wanted to find a genuine example of Mr. Gordon's signature?

A. I do not know that I said I wanted it.

Q. Was not Edward with you when you asked him the question?

A. Edward was there near us at the time; I do not kow that I asked him or said that I wanted it.

Q. Did you say "We want it"?

A. I asked him where such a thing could be found.

Q. You asked him where a genuine example of the signatures of George P. Gordon could be found?

A. Yes, sir.

Q. And that was the winter of 1890 and 1891?

A. Yes.

Q. Why did you ask him that?

A. There was somebody there in town at the time

who came up—well, sir, I cannot tell you exactly that.

Q. You cannot tell me why?

A. I am not sure whether Mr. Beckett was in town or not.

Q. I ask you the reasons for asking Judge Savage that question?

A. My reasons were that a rumor was floated there that some people in Brooklyn were denying or disputing his signature to this will, that Mr. Vanwyck was disputing this will, and it was rumored there was going to be a contest about that signature, and it was important to find this signature so that it could be supported.

Q. That conversation was in Rahway?

A. Yes.

Q. Was it in December?

A. The latter part of December or in January.

Q. Or the early part of January?

A. Yes, sir.

Q. Do you know that this will was not propounded or probated until the 17th of January, 1891.

A. I do not know when it was probated.

Q. Don't you know that this conversation you had with Judge Savage was before this will was probated, and before it was known to any people in Brooklyn?

A. I do not remember.

Q. You don't remember?

A. No, sir.

Q. If it was do you still adhere to the explanation of why you asked Judge Savage for a genuine signature of George P. Gordon?

A. I do not remember, sir, just why; there was some talk about some controversy about it, that is what started us out to make this inquiry.

Q. Don't you remember that it was before his will was probated?

A. I am not sure about that.

(Question repeated).

A. I am not sure.

Q. You have no other explanation of your action in asking for it except what you have given here?

A. I cannot think of any other.

Q. Do you have any, not whether you can think of any other, but do you have any?

A. I do not know, sir, what time that was that that conversation was with Judge Savage; Edward was with me and he can tell better than I; counsellor, I think it was at a later day for Mr. Booraem was there in town at the time.

Q. You say you know your father's handwriting?

A. Yes, sir.

Q. Please look at this draft I show you and state whether that draft is in the handwriting of your father, "H. Adams"?

A. That is a very good signature of my father.

Q. That is his signature in your opinion?

A. No, sir, not that he has more than a hundred ways; you will find his name different each time, at the same time this is his name.

Mr. COLLINS—I object to counsel showing the witness a photograph. I know of no rule of law by which a photograph can be shown a witness and he asked if it is a genuine signature; he is entitled to see the signature itself.

Mr. MILLER—

Q. Very well, please look at this book and say whether that is the handwriting of your fathers (Handing witness a book).

A. Yes, sir, that is his signature (referring to the fifth signature on the second page of the signature book of the Rahway Bank).

The book offered in evidence so far as the signature "H. Adams" is concerned and it is is marked Exhibit D1, April 15th, 1891.

The ORDINARY—I think t is proper to say that this book in which this signature was

shown purports to be the signature book of the Rahway Bank.

MR. MILLER—

Q. After the conversation about which you have testified did you have another conversation about this will or anything pertaining to it?

A. There never was but one conversation, and that occurred on a day when Mr. Booraem and Edward was there, and we went up to see ~~Annie~~ Ira Gaskell; when that was I cannot tell you, but I have an impression that it was in the winter, but I am not sure.

Q. Two or three days later, was it?

A. Two or three days later than when?

Q. Later than the first?

A. I only had one conversation with Judge Savage.

Q. Are you positive of that?

A. I am very confident about that.

Q. Didn't you say to Judge Savage later that you did not want any signature, that you had found one; at a later interview you said that you did not want the signature of Mr. Gordon, that you had obtained it from another source.

A. Never.

Q. Or something of that kind?

A. Never; no, sir.

Q. Did you say to Judge Savage that you had seen the signature in Mr. Shafer's office?

A. No, sir.

Q. Nothing of that kind?

A. No, sir.

Q. Are you familiar with the handwriting of your brother, Alonzo C. P. Adams?

A. Yes, sir.

Q. Please look at this writing which I show you and state whether that is the handwriting of your brother, Alonzo C. P. Adams (handing witness a book).

A. I should say it was.

Q. There is no doubt about it?

A. No, sir; there is no doubt about it.

Book offered in evidence and marked Exhibit D 2, April 15, 1891.

Q. Please look at that signature and say whether that is the handwriting of your brother, A. C. P. Adams (handing witness a book entitled, "The Old Capital")?

A. I should say it was.

Book offered in evidence and marked Exhibit D 3, April 15, 1891.

(The last two exhibits contain the signatures of Alonzo C. P. Qdams, written in lead pencil, in the fly leaf of each book.

Q. Was not your brother, A. C. P. Adams, overseer in the road district?

A. I do not know.

Q. Were you not about there enough to know?

A. Up there I did not know anything about it.

Q. Look at the writing I show you and say whether the words "to A. C. P. Adams" is in the handwriting of your brother, Alonzo C. P. Adams (handing witness a small pass book)?

A. I should say Alonzo wrote that at that time.

Witness refers to to the following: "Township of Woodbridge to A. C. P. Adams, Overseer Road District No. 14.

Q. All that you have read you think is in his handwriting?

A. I think it is his handwriting.

The entry referred to in the pass-book being offered in evidence is marked Exhibit D 4, April 15, 1891.

Q. Please look at the paper I now show you and state whether in your opinion "A. C. P. Adams" appearing there is in the handwriting of your brother, Alonzo C. P. Adams?

A. Yes, sir.

Q. It is?
A. Yes, sir; I should call it his.
Q. And the body of it also?
A. Yes, sir.
Q. The entire bill?
A. Yes, sir; his name appears twice and is in his handwriting; they are both in his handwriting, and yet entirely different.

The bill offered in evidence and marked Exhibit D 5, April 15, 1891.

Q. Did you know George P. Gordon well enough to know his habits of speech with strangers?
A. Habits of speech?
Q. Was he not loquacious?
A. Yes, sir; he was rather cordial in his way.
Q. And loquacious?
A. Well, he was a good talker and liked to talk pretty well.
Q. And he talked freely with every one whom he met?
A. Well, I cannot say; I never saw him meet a great many.
Q. From what you saw of him you judged that to be his manner, did you not?
A. Yes, I should say he was very cordial and talkative, and especially if he took an interest in any person.
Q. You were familiar with this Adams farm which has been spoken of in the will, are you not?
A. Yes.
Q. What is the extent of it?
A. The Homestead farm is about 65 acres.
Q. What buildings are there upon it?
A. Well, there is a large dwelling house, with a great many rooms, carriage house and the old barn.
Q. Describe the dwelling house—it is a frame building, is it not?
A. Yes.
Q. How many stories?
A. Two stories and attic.

Q. How many rooms in it?

A. Fifteen or sixteen rooms, I think.

Q. You call it a comfortable, modest and good farm house?

A. Yes, a nice country home.

Q. What sort of outbuildings are there—pretentious or modest buildings?

A. Pretty fair.

Q. Correspond with the house?

A. Yes.

Q. What condition are they in?

A. At present?

Q. Yes.

A. Well, at present they have been neglected a little.

Q. Run down?

A. Well, rather neglected.

Q. The buildings have not been painted for a number of years?

A. I don't know when they were painted—I cannot tell you that.

Q. Any repairs done that you know of?

A. I don't know; I have not been there since 1875 except occasionally; the roof, I think, needs repair.

Q. Well, it was run down in 1875?

A. No, sir, not in 1875; my father died in 1875—it was kept up well then.

Q. You have not been there but for a week or two at a time since 1875?

A. A week or two at a time? No, never any instance that I was there a week or two at a time until last winter, when I was there a week.

Q. Do you remember whether Mr. Gordon had this will in his possession after the moment it was executed?

A. After?

Q. Yes.

A. I am not aware of it.

Q. How long had he carried it around in his pocket?

A. Before it was executed?

Q. Yes.

A. Oh, I should say a week.

Q. For how long?

A. I should ray a week, more or less; it might have been six days or eight days.

Q. Now, your father died in 1875?

A. Yes.

Q. Who remained in that house after your father's death?

A. Alonzo and myself after he died and John remained until the latter part of March, when John went away, and my sister Maria was an invalid and lived there in the house and a couple of servants.

Q. Do you mean to say that the house has been continually occupied by some one or other member of your family since 1875?

A. Yes, sir.

Q. Has there not been times when the house has been let with only the servants in charge?

A. Oh, there may have been such instances for a short time, just for a short time; I cannot tell you positively about that; I was not there; I was elsewhere; I cannot tell you positively about that.

Q. Don't you know that at times the man that worked the farm was the only one there?

A. Gibson? Yes he may have been the only one there for a short time, but I do not know.

Mr. MILLER—I desire to have the privilege of recalling this witness for further cross-examination if I deem it necessary.

Mr. COLLINS—I desire to have the cross-examination of this witness closed.

The ORDINARY—The examination may be completed now and we can recall the witness if we see the need of doing so.

Mr. MILLER:

Q. Are you in the habit of using red ink in writing your notes of your work?

A. I have used red ink all my life.

Q. Are you in the habit of using it?

A. Yes, sir.

Q. You use a particular pen for red ink work or do you use the same pen interchangeably for red and black inks?

A. Oh, I keep a red ink pen and that is kept right by the bottle.

Q. What is that pen you carry in your pocket?

A. That is the pen I use whenever I go away from home.

Q. That is not the one you commonly use?

A. When I go away from home and I sometimes use it at home and then I have another at my desk that lies there.

Q. When working at home you usually have a pen that is kept at home; you do not use that pen?

A. I do not use that pen as a habit.

RE-DIRECT by Mr. Collins:

Q. What was the age in 1868 of your father and your brothers and Alonzo and John?

A. My father was born in 1795; he must have been about 71 or 72.

Q. Now Alonzo and John?

A. Alonzo's age I cannot tell you about.

Q. Younger or older than yourself?

A. They were younger than I.

Q. Both?

A. Yes, sir; I cannot tell you the age of either of them.

Q. Approximately; somewhere near?

A. Oh, John must have been—John was born, I think, in 1822; I am not sure, but I think it was in 1822.

Q. You think John was born in 1822?

A. Yes.

Q. And Alonzo?

A. I cannot tell you that.

Q. Older or younger than John?

A. Younger than John, and Alonzo was just older than Edward.

Q. Just older than Edward who is here?

A. Yes, sir.

Q. You mentioned various places of residence in answer to counsel, and I noticed you mentioned Sixty-first street, and then you say you were in error as to that time, and I do not think you mentioned it to-day; did you live in Sixty-first street at some period?

A. Yes, I was a few months; I took rooms there.

Q. You had it out of order, and then you did not put it in the proper order, as near as I can notice; now, are you a bachelor?

A. Yes, sir.

Q. What are your habits of life, frugal or otherwise?

A. Frugal or otherwise? I never was a spendthrift; I may say that I was very careful of anything that has any value.

Q. Where have your researches generally been conducted for your legal book—generally?

A. Well, the libraries for the preparation of manuscripts were over there, and various—wherever I could hear of any particular books I wanted badly I would go for it, and spend the day with it.

Q. What libraries?

A. Anywhere I could get the books; I have been to the Astor library, and the library in the post office building.

Q. The Law Institute?

A. Yes, and to some private libraries where I could find any particular works, but I own myself the principal works that I needed.

Q. You say the manuscript of your books is done, is it all in the hands of your publishers?

A. All in the hands of the publishers except there is one letter there that I have, but that I have at home.

Q. This volume which is published have you it here?

A. No, sir, but I can produce one.

Q. You can produce one?

A. Yes, sir, Mr. Beckett has one I think and Mr. King has one.

Q. Who published it?

A. Weed, Parsons & Company, of Albany.

Q. It is a glossary of all the legal terms?

A. Yes, I have some pages here.

Q. Has it produced you some income?

A. It has not yet; there is one volume of a large work published and that sells very slowly; I do not know whether there is any income for me me or not. Weed, Parsons & Company have that; they sell and account to me and we have not had any settlement with them.

Q. You have not had any settlement with them?

A. No sir.

Q. Do you anticipate favorable results from the work?

A. Decidedly so.

Q. The Sydney Doane you spoke of is named "A. Sydney Doane"?

A. Yes, sir.

Q. A. Was he named as executor in the will which you understood was rejected in Brooklyn?

A. Q. Yes, I believe he was, I heard so, I did not see that will; I do not know anything about that will; I so understood.

Q. A. Is he living or dead?

A. Q. Dead.

Q. A. Is Cuthbert Collingwood Gordon living or dead?

A. Q. He is dead.

Q. A. Is Cuthbert O. Gordon commonly called "Cuddy" living or dead?

A. Q. He is dead, so I understand.

Q. A. We have found among the Cuthbert Collingwood Gordon papers a a letter which you wrote to him or to "Cuddy," (witness being shown a paper purporting to be a letter dated 11, 24, 1879, addressed to "Cudy" Gordon, which counsel states was produced from among the papers of Cuthbert

O. Gordon is asked) is that letter one you wrote him?

A. Yes, I wrote that letter; yes, sir, I wrote that letter to Cuddy Gordon.

Mr. COLLINS—I offer that letter in evidence which reads as follows;

ORANGE, N. J., Nov 11, 24, 79.

MY DEAR SIR;

Say nothing to any one, but come straight way and see me. Come to the Barclay street ferry; take it, Del. Lack. & W. R. R.

Excursion ticket 50 cents; you can go back at almost any hour.

Haste, yours,

H. C. ADAMS.

CUDDY GORDON:

P. S.—My rooms in the Lindsley Building, over Dr. Fowler Ormsby's office.

(Marked Exhibit P3, April 15, 1891.)

Q. After you got Cuddy's letter, in which he said he had spoken to his father and had been told to write and ask you what you wanted, did you write the postal card now shown you to his father, Rev. C. C. Gordon, and sent it?

A. Well, that is my handwriting; I had forgotten all about it.

Q. Do you recognize it now as having been written by you?

A. Yes, that is mine.

Q. Does it bear the post mark "Orange, December 1',' and the postal receipt marked "Brooklyn, December, '79"?

A. Yes, sir.

Mr. COLLINS—The letter reads as follows:

ORANGE, N. J., Monday A. M.

DEAR SIR:

I not did write to you to come. It was addressed to Mr. Cuddy Gordon (your son).

He should have read it and should have done just as I requested. A good reason for this.

Sorry indeed to hear of your illness since I was there.

Yours truly,
H. C. A.

It is addressed:

Rev. C. C. GORDON,
172 Madison street,
N. Y.

Offered in evidence and marked Exhibit P4, April 15, 1891.

Q. You spoke of an occurrence in June, 1868, which made the friendship between you and George P. Gordon very close; did you allude to the occurrence about your giving him aid in his sickness, which you say you told Mr. King about?

A. Yes, sir.

Q. Did such an occurrence as you have detailed and related to Mr. King take place?

A. Yes, sir.

Q. You spoke of a Mr. Speer, was it Dr. Speer, a physician?

A. Well, I do not know whether he was a doctor or not; he carried a medicine case with him.

Q. Passed as a doctor?

A. Yes, sir.

Q. You spoke in telling the occurrence to Mr. King of saying to Mr. Speer that "here is a prescription that I left last Wednesday and which had been ignored;" had you left a prescription?

A. Yes, sir.

Q. With the request that it be given to him?

A. Yes, sir.

Q. Have you given any study to medicine?

A. Well, I am not a physician, but I have given a good deal of attention to that learned science—well, for more than thirty years I have taken a great deal of interest in it.

Q. And given a great deal of study to it?

A. Yes, sir.

Q. What was the prescription you left?

A. The prescription contained three articles—Lactucarium, Lupulin and Valineanate of Ammonia.

Q. What is Lactucarium?

A. It is the ~~residuus~~ resinoid of a common plant called wild lettuce.

Q. What were its properties?

A. It is the ~~resident~~ resinoid of that plant—it has medicinal properties.

Q. Yes, what are they?

A. A sedative and ~~quiknotic~~ hypnotic and soporific, and is generally received as far superior to morphine to produce sleep, and it is so put down in the books.

Q. You told counsel that Mr. Gordon and you had never had any difficulties; that he had never sent you from his house or told you not to come there; I judged from your manner perhaps that you had had differences with someone of the Gordon family; if so, tell us what it was and what was the occasion of it?

A. There never was any order not to go to the house—there was never any such order given to me by anybody. There was an occasion when there was a little breeze between Mrs. Gordon and myself.

Q. George P. Gordon's wife?

A. Yes.

Q. When?

A. It was one day in the week that he was in this peculiar condition—one day that week—and I was there with him, and he seemed wild and excited and as soon as I came the man was George P. Gordon again, and we sat down and talked together and he was quiet and possessed, and Mrs. Gordon and Mary came around the corner of the house and beckoned me, and I went to them and they said, you are the only man that can keep that man quiet, and we want you to go on and do so so; we want to go to town, and will you do us the favor to stay with him until we return; and I said I will, and I stayed with

Mr. Gordon and we had a nice pleasant talk; and the man was George P., rational and quiet, and he seemed to enjoy that visit, and when they came back Mrs. Gordon asked me how did he behave while they were away, and I said; "Why, Mrs. Gordon, he is all right if you only just treat him right; treat him kindly and be pleasant to him;" and she looked over her shoulder at me and seemed very much angered and said: "I have lived with that man for thirteen years, and I think I know how to treat him," and she went off. At that same time I went around to the door and went to the house as usual, and she saw me as I came and saw that it was me, and she came to the door and slammed the door and turned the key on me. That is the only occasion there was ever anything like that occurred.

Q. Who was the lady that waved the handkerchief or cloth for you to come there?

A. Elizabeth May; she has since married, and she is Mrs. Burlinghame.

Q. Was she a half-sister of George P. Gordon's wife?

A. Yes, sir.

Q. And at that time an inmate of the household?

A. Yes.

RECESS.

Mr. Collins

Q. You testified that George P. Gordon sometimes used a gold pen to write with, and later you testified that you had not, to your knowledge or recollection, ever seen him write until he signed the will, how then did you know he sometimes used a gold pen?

A. Oh, he would have it.

Q. You saw him have it?

A. Yes, I saw him have it; I never saw him use it until that time nor after.

Q. And you did not see that he used it on that occasion?

A. I do not know that he used it.

Q. You say when you met your brother Edward at Rahway and he produced the package and you say that Mr. King was present, was not Mr. Black, Mr. King's partner, also there?

A. Yes, they were both there.

Q. You spoke of the deposit of the package with the Fidelity Trust Company and you spoke incidentally of Mr. King as being present, was not that Mr. Black you meant?

A. That was Mr. Black.

Q. You said Mr. King and made a mistake?

A. Mr. Black and Mr. Booraem.

Q. And not Mr. King?

A. No, sir.

Q. How did you understand that the will offered for probate in New York of Mary Agnes Gordon disposed of her estate?

A. I think it was stated in the paper.

Q. How, in what manner did it dispose of her estate?

A. Well, it was giving it all to a girl who was servant of hers and to a foreigner who was her friend abroad.

Q. And who lived abroad?

A. Yes.

Q. And not related by blood or marriage that you know of in any way?

A. No, sir.

Q. Mr. Qdams, has your recollection been refreshed since the adjournment of court for recess about the probable reason for the visit to Judge Savage?

A. We did not visit Judge Savage, we met him on the street.

Q. You interviewed Judge Savage on the street?

A. That was the occasion on which Mr. Booraem came there to look up the signature in anticipation of the probating of the will.

Q. Before the Ordinary?

A. Yes, sir.

Q. Of course you were present when the will was proved before the Ordinary?

A. Yes, sir.

Q. And did Mr. William H. Hall and Thomas H. Shafer come forward as witnesses to the handwriting?

A. They did.

Q. Was Mr. Booraem out at Rahway to find such witnesses?

A. Yes, sir.

Q. I show you three letters and their respective envelopes, and I ask you if those are your communications to Messrs. Black & King, and was each letter mailed at the time indicated, and each letter in the envelope to which it belongs?

A. One letter dated October 17, yes, sir, that I wrote it to him, and this is the envelope addressed to Messrs. Black & King; not knowing their locality I just addressed it generally "New York," and this is it.

Q. Proceed; take them in their order.

A. This marked No. 2 is dated October 20, 1890, that is mine and it was addressed in this envolope to Mr. Black, or Black & King, New York, counsellors. The other one, marked "Eureka," that is dated November 21, it seems to be—yes, sir, it is November 21st, that is also one I wrote to them.

Q. Informing them of the finding of the will?

A. Yes, sir; it says, "Edward says I have found it."

Q. You had heard from Edward and notified them?

A. Yes, sir; and then it goes on and states what time we should meet Edward at Rahway.

Q. And that went into that envelope?

A. Yes, sir.

Mr. COLLINS—I offer those letters in the order of their dates, I will read them; the first reads as follows:

Private and *Confidential.*

ORANGE, N. J., Oct. 17.

DEAR SIR:

I this day read the article in the "Telegram" of Wednesday, "*Battling for a Fortune.*"

It astounds me and grieves me too that such cruel injustice has been done.

If one of you will come over here on Sunday morning, Chambers street ferry, Erie depôt, 9.20 A. M., bringing no brass band, fife or drums, I will tell you something worth knowing. Truly yours,

H. C. ADAMS.

It is addressed,

Messrs. BLACK & KING,
Counsellors at Law,
New York.

(Marked Exhibit P 5, April 15, 1891.)

The next is dated October 20, 1890, and reads as follows:

ORANGE, N. J., October 20, 1890.

MY DEAR SIR:

I intended to say in my letter that you should come to Orange by the route and time stated. I waited till 1 P. M., supposing you might come by way of Newark. From the Erie depot the Orange Branch R. R. would have brought you here by 10:20 A. M., and only a short distance from my studium.

The D. L. & W. R.R. runs frequently, and if you receive this in season you can come out this evening at almost any hour from Barclay St. Ferry, and can return any hour up to 12 midnight—40 minutes time.

I will look for you this evening at any hour from 4 to 8 P. M.

If you do not come this P. M. then come Wednesday morning. I shall be en-

gaged Tuesday. When you come you shall hear something.

Very truly yours,
H. C. ADAMS.

Mr. DAVID B. KING or
Messrs. BLACK & KING.
It is addressed,
DAVID BENNETT KING,
Counseller, &c.,
(BLACK & KING) New York.
(Marked Exhibit P 6, April 15, 1891.)

The next is dated November 21, 1890, and reads as follows:

ORANGE, Friday, November 21.

DEAR SIRS:

Edward says, "*I have found it.*"

He will meet us to-morrow (Saturday) Rahway depot at 1 to 2 P- M., and there we can see.

Meet me at Penn. R. R. waiting rooms in Jersey City to-morrow at 12 M. We will go by 12.20 train from New York Ferry at Cortlandt street.

Haste; truly,
H. C. ADAMS.

Bring any one as you please.

(*Eureka.*)

It is addressed,
Messrs. BLACK & KING,
Counsellors,
71 Wall street,
New York.

(Marked Exhibit P 7, April 15, 1891.)

Q. Did Mr. King misunderstand the first letter and miss you there?

A. Yes, sir.

Q. You waited for him and he did not come, and you learned it afterwards?

A. They came to the depot here, supposing I was

to come there, and whereas I expected them that they would take that train and come over to Orange.

Q. I am speaking of the first appointment for the meeting.

A. Yes, I intended them to come to Orange.

Q. Did you have shortly before breaking up at Fort Plains a calamity happen to you?

A. No calamity; that was afterwards.

Q. After you left when was it?

A. In January, 1869; I came down in February, 1868, and did not intend to stay in New Jersey, but after I got acquainted here I thought I could do better by moving down, and I had opportunities to engage in business in New York. I was uncertain what to do; my ambition was to complete this work which I had had in view for some time, and I concluded to move my library down and leave Fort Plains, and as I was ready to come a telegram came that our building was burned up there and my library of about one thousand volumes were consumed, and all the papers and all my books, my account books, were destroyed.

Q. Was there or not great variety in the handwriting of the signature by your father and brothers?

Objection by Mr. Gummere unless it is true by production.

Question allowed.

Q. To a certain extent?

A. Oh, yes, sir.

Witness desires to make a statement and says: There is another matter I would like to speak about, and that is in regard to the time Mr. Booraem was out there looking for signatures. I spoke positively in regard to the time when it was—the only talk that I talked with Judge Savage was the time Mr. Booraem came out there for some cause or other; I do

not know what it was to find Mr. Gordon's signature.

Q. What you mean is that the time can be fixed by the time Mr. Booraem was there, whatever time that was?

A. Yes, sir.

Q. Mr. Booraem was not in your company at the time you spoke to Mr. Savage?

A. He was not there at the time of our conversation, but he was up to see another man—that was the time, whenever that was—that is the only time I ever spoke to Judge Savage, and I never spoke to Judge Savage but once, and I happened to meet him on the street, and I said: Do you know where the signatures of George P. Gordon can be found and identified; and he said, undoubtedly down at the bank, and that is about all that was said.

Q. You did learn at some time or other that Henry J. Cullen, Jr., had by proceedings before this Court questioned the genuiness of this signature?

A. Yes, sir.

Q. Had you up to that time when informed of Mr. Cullen's proceedings had any intimation that the genuineness of the signature was disputed by anybody?

A. I never heard it was disputed by anybody until that time.

Q. And ~~that~~ at that time did counsel look up witnesses who knew the signature?

A. Yes, sir.

CROSS-EXAMINATION by Mr. Miller:

Q. You are positive the first time that you heard that George P. Gordon's signature to this instrument was questioned was after you heard Mr. Cullen had taken proceedings?

A. The first time I knew anything about it was according to my recollection—you see the whole thing is not before me—about the time Mr. Booraem came there that is my recollection.

Q. You heard about the time Mr. Booraem came down there that it had been questioned?

A. I did not know that it had been questioned.

Q. I want to know how positive you are with respect to your answer, you said to me, the first time you ever heard of George P. Gordon's signature being disputed was after Mr. Cullen's proceedings in this court were taken, now I ask you are you positive about that?

A. Mr. Cullen's proceedings in this court, what proceedings in this court?

Q. You do not know of any proceedings of Mr. Cullen's in this court?

A. No, sir—something—the first I knew anything about or inquiries about Mr. Gordon's signature was when Mr. Booraem came out there; Mr. Booraem came out there for the purpose I don't know what unless of fortifying himself.

Q. Get your mind off that and answer my question, you made an answer to the gentleman on the other side and I want to know about how positive you are as to the correctness of your answer?

A. Hold on a moment—being disputed—disputed in this court by Mr. Cullen? the first I knew of any dispute or any question was when Mr. Booraem came there, he and Edward Adams; that is the first I knew about it, and for the purpose of facilitating Mr. Booraem's inquiries out there I asked Mr. Savage; I did not know Mr. Savage was interested on the other side and I asked him if he could find the signatures of George P. Gordon.

Q. We have had all that before now; you say you did not know then that Mr. Cullen disputed the correctness of his signature, you never heard that Mr. Cullen disputed the signature to this will, is that so?

A. I never heard that he disputed the signature to this will until after it was probated and made public.

Q. You did hear of Mr. Cullen's proceedings?

A. No, sir; I never heard of his proceedings and do not know about his proceedings in this court.

Q. Didn't you say a minute ago that you understood Mr. Cullen's proceedings were taken after the common probate by the Ordinary?

A. I never heard anything about Mr. Cullen's proceedings. Mr. Booraem was there for the purpose of finding signatures and being prepared to meet any controversy that might be had in regard to it. There was no proceedings with Mr. Cullen at that time, none that I heard of—it was afterwards.

Q. What was afterwards?

A. It was afterwards, after probating the will here that I heard there was a clamor here that this was not George P. Gordon's signature.

Q. The question is, I want to know how positive you are with respect to the answer you made when you said that the first time you ever heard of George P. Gordon's signature being disputed was after Mr. Cullen's proceedings in this court were taken, now the question is what you meant by that answer, give it us more fully?

A. I never heard of Mr. Cullen's proceedings; I never heard of any proceedings on the part of Mr. Cullen or anybody in this court respecting this matter, except the proceedings had by these parties with regard to the probate of that will; that clamor started afterwards that this was not Mr. Gordon's signature. That I heard of—that was after the probating of this will—so that I never heard anything about Mr. Cullen's proceedings in this court; not a word about Mr. Cullen's proceedings in this court; I never heard that he had any proceedings made in this court.

Q. Recall your answer that you made me this morning—I asked you this morning why it was that you asked Judge Savage where genuine signatures of George P. Gordon could be obtained, and you said that there had arisen a dispute, or arisen some question or clamor of the signature from Brooklyn, and you understood that they wanted it for that—

cannot you give me that reason; have you any reason for giving that answer?

A. If I said there was a controversy then it must have been long after that. At the time I spoke to Judge Savage there was no controversy that I heard of.

Q. Did you not say to me, in answer to my question, that the reason for making that inquiry of Judge Savage was that there had been some question made by parties in Brooklyn as to the genuineness of the signature, didn't you?

A. I do not remember what I said about it this morning.

Q. Then answer my question; if you said that, was that a fact?

A. When Mr. Booraem was out there inquiring for signatures I did not know and had not heard of any controversy.

Q. If you said that to me this morning, was that the fact—in answering my question this morning, if you said that to me, was that true?

A. Perhaps I misapprehended your question.

The stenographer reads from the cross-examination of the witness as follows:

"Q. I ask you the reasons for asking Judge Savage that question? A. My reasons were that a rumor was floated there that some people in Brooklyn were denying or disputing his signature to this will; that Mr. Van Wyck was disputing this will, and it was rumored there was going to be a contest about that signature, and it was important to find this signature so that it could be supported."

Q. Was that true—the reasons there quoted to you; is that statement made by you true?

The ORDINARY—That question is susceptible of an answer "yes" or "no."

A. I would like to explain it.

The ORDINARY—Answer the question, yes or no, and then explain it afterwards.

A. There was something of that sort; that is substantially true, but it was not in a conversation with Judge Savage; there was an apprehension of such things taking place.

Q. You are an intelligent man, Mr. Adams, and I asked you this morning what your reasons were for asking Judge Savage this question, and you made the reply which has been quoted to you at length; now, don't you understand what I mean when I ask you were those reasons true as stated by you this morning; didn't you understand me; didn't you understand that question?

A. They were substantially true; the true reason was that they were apprehensive that there would be such a controversy; I did not tell Judge Savage anything of that sort, nor was I told of any reasons, except that they anticipated that there would be a controversy about this will.

Q. You now say that you were apprehensive that there would be a contest?

A. Not that I was apprehensive that they were.

Q. Who?

A. Mr. Beckett, who was out there for the purpose of finding out some signatures of George P. Gordon.

Mr. COLLINS:

Q. Do you mean Mr. Beckett or Mr. Booraem?

A. I mean Mr. Booraem. They wanted to fortify themselves in case any such contest should arise; I had nothing to do with it except merely to accommodate them and find those signatures so that they could have them available in probating this will.

Mr. MILLER:

Q. You now say Mr. Booraem and Mr. Beckett communicated their apprehensions that it might be disputed; is that so?

A. Mr. Booraem was there for the purpose of getting these signatures to get them to show on the probate of this will.

Q. Did they communicate to you the fact that they were apprehensive of the dispute of this signature?

A. To prepare themselves for any such emergency.

Q. That is not my question; did they communicate to you the fact that they were apprehensive of the dispute of this signature?

A. No, sir, they did not communicate to me any.

Q. How, then, did you know they were apprehensive, as you testified a minute ago?

A. Because they took such pains to find out where they could find out such signatures so as to be able to prove the signature of George P. Gordon. And at that same time Mr. Beckett and myself went up and asked Mr. Shafer—at that same time asked Mr. Shafer.

Mr. COLLINS:

Q. Do you mean Mr. Beckett or Mr. Booraem?

A. Mr. Booraem, and then in order to get at it the question was whether he had any signatures there of Mr. Gordon's.

Mr. MILLER:

Q. We have had that several times now; your idea that there was an apprehension then was your own reasoning, gathered from the manner of Mr. Booraem or Mr. Beckett?

A. That is probably it; they never communicated it to me.

Q. And you now say that the reason you asked Judge Savage was because you were apprehensive from the manner of Messrs. Booraem and Beckett that the signature would be questioned?

A. I did not say because Mr. Booraem was there looking for them and I wanted to find them to aid his research.

Q. After hearing this all over now please answer this question; please tell me fully all your reasons

why you asked Judge Savage that question at that time?

A. Mr. Booram came there to find out and I tried to help him along.

Q. That is the only reason?

A. That is the only reason that I can recall; I do not know that I had any reason—Mr. Booraem came out there—interrupted.

Q. Have you any other reason than that just stated?

A. None that I can think of.

Q. And you pretend to reconcile that answer with what you gave us this morning?

A. I was under a misapprehension this morning.

Q. You have made all the explanation you desire to make concerning your answer of this morning?

A. All that I care for; Mr. Booraem was out there looking for these signatures, and I asked Judge Savage if he knew where the genuine signature of George P. Gordon could be obtained, and right after that I went to Mr. Shafer's office to find them there.

Q. This sickness of Mr. Gordon that you spoke of on your redirect examination was in June, 1868, was it not?

A. I think it was June, 1868.

Q. I mean the sickness and the visit for which he said he was grateful to you?

A. Yes, sir.

Q. June, 1868?

A. Yes, sir.

Q. How many days was he home then?

A. Ten days or more.

Q. Xt least about ten days with that sickness?

A. Yes, sir.

Q. And then he returned to business?

A. Yes, sir.

Q. Who was this Henry Speer you spoke of; he was not a doctor, was he?

A. I did not know what his first name was.

Q. What Speer was it?

A. It was not Harry Speer that lived over here; it was a Mr. Speer that had been in some operation over in New York with Mr. Gordon; he used to go there and visit freely and stay there, but what his first name was or business was I do not know.

Q. He was not a doctor, was he?

A. I do not know that he was.

Q. Can you fix the dates in June when Mr. Gordon was at home sick?

A. Well, sir, not exactly; but pretty near, I guess.

Q. According to your best recollection, please fix them?

A. I can get at it pretty nearly (witness refers to a red-edged book, a memorandum book or diary, and says) it was after the 18th, and between the 18th and the last of that month.

Q. Of June?

A. Yes, sir.

Q. Sometime between the 18th and 30th of June?

A. Yes, sir; I have here a memorandum I—interrupted.

Q. Never mind—you gave your answer, I do not care for your reasons—you spoke of a controversy or dispute you had with Mrs. Gordon, now what was the date of that?

A. I can give it to you pretty nearly.

Q. Give it us generally?

A. I can give it to you (witness referring to the same memorandum book says) it was on a day between these dates and it was before the 21st of June.

Q. Before June 21st?

A. Yes, sir, 1868.

Q. How long did that dispute last?

A. It did not last a great while.

Q. Fifteen minutes?

A. Oh, no; it did not last long.

Q. Did you have the best of feelings towards Mrs. Gordon after that?

A. I tried to treat her as well as possible.

Q. Did you have the best of feelings towards Mrs. Gordon after that?

A. No, sir.

Q. You had an unfriendly feeling towards her?

A. Not unfriendly.

Q. Did you have a friendly feeling towards her?

A. I did not have a friendly feeling for her; she was a strange woman and I took her just as she was.

Q. You neither liked nor disliked her; is that it?

A. Yes, that is it; I neither liked or disliked her.

Q. You did not care at that time to do her any harm?

A. No, sir; I would not have harmed a hair of her head; I would not have harmed her at all and I tried every way to live peaceably with her on Mr. Gordon's account.

Q. You did not have any particular liking for her?

A. No, sir.

Q. You did not care to have her particularly well provided for in Mr. Gordon's will?

A. All that was decent.

Q. You did not care to have her well provided for in Mr. Gordon's will?

A. I did not care; that is my private feeling; I did not care that she should get her clutch on a large property she ought not to have?

Q. That was your feeling?

A. Yes, sir.

Q. A. Sidney Doane was the nephew and confidential man of George P. Gordon?

A. Yes, sir.

Q. His most intimate friend?

A. So it was understood.

Q. Was employed with him in his business?

A. Yes, sir.

Q. With him all the time was he not?

A. Yes, I suppose so, he was over here and I was over there.

Q. Sydney Doane knows as much about Mr. Gordon's affairs as any one, as far as you know?

A. Yes.

Q. Who was Elizabeth May?

A. Elizabeth May was a sister of Mrs. Gordon's and a member of the Gordon family and lived there when I came down.

Q. How long did she remain in the Gordon family?

A. I think she stayed there until the latter part of the fall of 1869 and then left.

Q. Of 1869, and then she left?

A. No, sir, 1868; it was the latter part of the fall of 1868.

Q. Were you at all interested in Miss May?

A. Was I?

Objection by Mr. Collins as irrelevant. Objection overruled.

A. Well I was interested in her just as I was with any worthy person.

Q. Was she engaged to be married to you?

A. No, sir.

Q. Were you attentive to her with a view to matrimony?

A. No, sir.

Q. Was she an intimate friend of yours?

A. Well, we were friendly whenever I went to the house; we were good friends, I got along with her and Mary Gordon very well.

Q. Have you seen much of Miss May, now Mrs. Burlinghame, since that time?

A. No, sir, I have not seen her in more than twenty years that I can remember—stop a moment—no, sir, I have not seen her in twenty years until recently.

Q. Did she afterwards marry Mr. Burlinghame?

A. Yes, sir.

Q. Was she married before that?

A. No, sir.

Q. You do not know whether she was married to any one except Mr. Burlinghame?

A. I do not know.

Q. Look at Exhibit P3 of this date, which you say is in your own handwriting and then look at the handwriting of the will; do you feel that you have improved any in handwriting since that time?

A. Do I feel that I have improved any? Well, I wrote differently according to emergencies and the occasion.

Q. Is Exhibit P 3 a fair example of your handwriting at the date it bears?

A. No, sir; it is done in great haste—that is hasty writing; and this is one of painstaking (indicating Exhibit P 1); I was not a good writer and I took pains to make it plain.

Q. And Exhibit P 3 is more hastily written?

A. Yes, sir, it is; an off-hand rapid note—the body of this will (this paper) was written with a great deal of care so as to get everything plain; it was written in my best hand.

Q. This postal card, Exhibit P 4, postmarked "Orange, December 1st," do you know what year that was sent?

A. It is 1879; it was just after writing the letter to "Cuddy;" this one to Cuddy was on the 24th of November (referring to Exhibit P 4).

Q. What is the meaning of the word "Eureka" on the envelope Exhibit P 7?

A. "Eureka," that is a sort of a—

Q. A joke?

A. No, sir, no joke about it; I had seen Mr. King before, and I said if Edward ever discovered that package I will send you a message marked "Eureka;" "Eureka" means I have found it.

Q. Do you always sign your name "H. C. Adams"?

A. Generally so; but sometimes "Henry."

Q. Will you sign your name for us now on a piece of paper, with pen and ink—use your own pen?

A. Yes, (witness writes and says) will once do?

can write it another way; (writing, and says) I sometimes write it that way.

(Paper marked Exhibit D 6 for identification.)

Q. Did you derive information from which you answered the question as to the dates of Mr. Gordon's sickness from the last page of your diary which you referred to?

A. No, sir; I got that from memory.

Q. You did not derive it from the last page of your diary?

A. Oh, no, sir; it is not there; it is not in my diary; that is my memory—I got it from other circumstances that are written there.

Q. I want to call your attention to this—you testified this morning in reference to communicating the fact that this will existed to Cuthbert C. Gordon and Cuthbert O. Gordon and Sydney Doane in 1879—was that communication made to them after you learned that the Brooklyn will had been refused probate?

A. Yes, sir; after I heard a rumor of it.

Q. You say you were the scrivener of this will?

A. Yes.

Q. And you prepared it for Mr. Gordon at his request?

A. Yes, sir.

Q. And you did that professionally as a lawyer?

A. Yes, sir; I was not practicing law then—yes, I did it professionally.

Q. Did you ever make any bill for your services?

A. No, sir.

Q. You never made any charge whatsoever?

A. No, sir.

Q. You knew after his death that that will existed?

A. Yes, I knew it existed.

Q. You communicated, as you have said, that fact to these three people?

A. At least I knew that he had made one, but I did not know it was in existence.

Q. The will that you knew of was the one produced here this morning; that is the one you have had in mind?

A. Yes, sir.

Q. And you made no effort, and did nothing further that you have testified to, to have that will found or probated except that you communicated the fact, as you have said, to Cuthbert C. Gordon and Cuthbert O. Gordon and to Sydney Doane?

A. No, sir, I cannot think of a thing that I ever did other than that.

Q. And if you had not heard that Mary Gordon had made such a will as she had made, it never would have come to light so far as you are concerned?

Objection by Mr. Collins as being improper.

Question allowed.

A. I do not suppose my attention would have been called to it if it had not been for that controversy over there, and that excitement. I ought to be permitted to add that I have been for many years personally occupied with my own affairs and very busy, and hardly any time to look after the affairs of other people.

FURTHER RE-DIRECT by Mr. Collins:

Q. Mr. Adams, why did it seem to you improper that the wife of George P. Gordon should get a large share of his fortune?

A. Why did it seem improper that the wife of George P. Gordon should get such a large share of his fortune?

Q. You said so far as your private feelings were concerned, you did not want her to get her clutches on such a large fortune; why was that?

A. She never treated Mr. Gordon, never acted towards him like a good wife ought to do that I ever

saw, and was never deserving to have anything—any amount of property beyond what the law allowed her, and Mr. Gordon was suspicious of her. Mr. Gordon used to feel suspicious of her and her surroundings, and Mr. Gordon spoke about his fears of poison, and a woman that would put a man in that plight I do not think deserves anything.

Q. Who were the members of the Gordon household in 1868?

A. Of his household in 1868; Mrs. Gordon, Mamie and Elizabeth May and himself; they were the members of the household that belonged there; there was another person that was there almost all the time 1868 up to the month of May or June and then he was there almost constantly.

Q. Who was that?

A. Mr. Van Wyck.

Q. Who afterwards married the widow of George P. Gordon?

A. Yes, sir; he in May or June left there and went to Montana or Idaho and came back in the autumn.

FURTHER CROSS-EXAMINATION by Mr. Miller:

Q. Mr. Van Wyck was not there during the summer of 1868?

A. I understood that he went to Montana or some place out West in May or June and stayed until the autumn.

Q. I want you to say what you are willing to swear to from your own personal recollection?

A. Well, I did not see him go to Montana.

Q. Were you about there enough to see whether he was around the house or not?

A. In 1868, you mean?

Q. Yes?

A. I was.

Q. You know he was not there in the summer of 1868?

A. Well, I remember I saw him return from Montana or wherever he had been as our corn was right

up close to the Gordon house and land and as Mr. Van Wyck got out of the carriage on his return on that occasion he spoke of the corn as the most splendid corn he had seen and that was in September.

Q. Did Mr. Gordon tell you that he was afraid his wife was going to poison him, and that he was afraid of his wife?

A. He did not say that he was afrid she was going to poison him, but he said that he was afraid of poison.

Q. Poison generally; why do you connect her name with it then?

A. Because she was the only person in the house that could have a motive for it.

Q. I want to know how you knew that Mr. Gordon was afraid of poison?

A. I heard him say so.

Q. I asked you the question and you said no.

A. I did not say no; it was you put the words into my mouth and I did not say that; I said he said he was afraid he would be poisoned.

Q. You heard him say what?

A. That he was afraid of poison.

Q. He made that general statement that he was afraid of being poisoned, without mentioning any name, and you coupled that with what you knew about Mrs. Gordon; now, answer my question, please?

A. I knew there was no one there except Mrs. Gordon, who was exceedingly offensive to him and treated him as no woman should ever treat her husband.

(Question repeated.)

A. That is the only connection it could have; there was not another person in the house that would poison him.

Q. That is the reason you said what you did in answer to the question put by Mr. Collins?

A. Mr. Gordon used to talk about the unpleasantness of his life and his relations in his family and the

treatment he was getting from persons he was trying to get everything for and doing everything for; he was spending all the money that he could lavish on them about his home, and the only one that was treating him unkindly was Mrs. Gordon; it was not Elizabeth May or Mamie, and they were the only women there besides Mrs. Gordon, and there were no other person there that could be or could have any motive, so that it was a sort of logical conclusion.

Q. Why didn't you answer in that way when I asked you the question in the first place?

A. Perhaps I did not appreciate your question.

Q. When was it he told you that?

A. On several instances, but most emphatically when he was in this sickness.

Q. In June, 1868?

A. Yes, sir.

Q. How many times did he tell you?

A. Three or four times.

Q. Where did he tell you that?

A. At his house and on the piazza.

Q. How many times was Mr. Gordon at the Adams house during the months of June and July, 1868, to your knowledge?

A. I do not know, sir, except on this occasion when the will was executed.

Q. Do you mean what you said, that you thought Mrs. Gordon was only entitled to what the law would give her, do you mean that?

A. Do I mean that? Well, I should say she was not entitled to any more.

Q. I mean did you mean what you said when you said that—that she was not entitled to more than the law gave her?

A. Yes, sir; I meant that.

Q. You thought she was entitled to as much as the law gave her?

A. Well, I did not know what she was entitled to.

Q. I want to know what your personal feelings

were; you have gone into it extensively, now answer my question?

A. Mr. Miller, I will tell you what I think about it. I think she ought not to have been provided for at all; I think she ought to have been driven away from that home and not got a dollar, and I think that Mr. Gordon ought to have obtained a divorce from her long and long before, and as she said she had lived with him thirteen years, and if she had conducted herself in that way—the way she did there—snapping and snarling and hen-pecking and doing other things which were entirely out of place for a married woman to do, I think he ought to have got a divorce and then she ought not to have had anything.

Q. Your belief is that she ought not to have had anything, even as little as is given her by this will?

A. She did not deserve anything.

Q. You thought she was not entitled to as much as was given to her in this will?

A. No, sir; not on the score of merit.

EDWARD L. ADAMS, a witness produced in behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Collins.

Q. Are you a brother of the last witness?

A. Yes, sir.

Q. What is your age?

A. I am fifty years old in July.

Q. Where do you live?

A. I live on our place at Rahway, or near Rahway, in Woodbridge township.

Q. On the farm to which your brother has alluded?

A. Yes, sir.

Q. Adjoining the Gordon farm?

A. Yes, sir.

Q. Were you living home in 1868?

A. I lived there, but I was away part of the time.

Q. Had you anything to do with, or any knowledge of, this will that is now offered for probate?

A. No, sir.

Q. When did you first receive information that such a will had ever been made, and from who did you receive it?

A. My brother Henry told me last fall—it was late in October or early in November, I think—he said that such a paper he thought was in existence and wanted me to search among my father's effects and find it.

Q. Did he describe the character of the package in which it had been?

A. Yes.

Q. How did he describe it?

A. He said it was in a reddish brown package, and sealed with wafers.

Q. Did you make a search for it?

A. Yes.

Q. Did you find such a package?

A. I did.

Q. Where did you find it?

A. I found it in a closet in our house among a lot of papers—among other papers belonging to father.

Q. Where is that closet?

A. In the hall on the west or northwest side of the house, the northwest side of the hall, the upper hall.

Q. Who had the key to that closet?

A. I did.

Q. For how long had you had the key of that closet?

A. Well, I cannot say, I do not know when the key has been out of my possession since father died, but possibly it might have been left in the house sometimes, but I cannot say.

Q. You have no knowledge of it?

A. No, sir.

Q. You were the general custodian of it?

A. Yes.

Q. Were you a married man?
A. I have been married.
Q. When did your wife die?
A. A year ago last August.
Q. When were you married?
A. I was married in April, 1875.
Q. When did your father die?
A. On the 6th of February, 1875.
Q. Where?
A. He died at Orange at my sister's house.
Q. He died while on a journey?
A. Well, he was coming home and at that time I was residing in Herkimer and I was on my way home with him and stopped at Orange.
Q. How long was he sick?
A. We arrived there one day and he complained that night of not feeling well, and the next day he kept his bed and he died about three o'clock that afternoon I should thihk.
Q. Never had a chance to get home?
A. No, sir, never had a chance to get home.
Q. Had he an iron safe at Woodbridge?
A. Yes, sir.
Q. Did he make any disposition of that safe?
A. Yes.
Q. What was that disposition?
A. Gave it to me.
Q. And were the papers removed from it in order to take the safe from the house?
A. Yes, sir.
Q. And when did that happen?
A. Well, when I started we did not suppose he was very sick, and he gave me the key of the safe and directed me to pick out certain papers that were in the safe and take them over to my brother-in-law—he was with the Adams Express Co.; A. C. Babcock was his name—to take them over to him to keep them, and the other papers I could make any disposition of I wanted. The papers he wanted me to take out were some deeds; he specified them what they were, and I took them out and wrapped

them up and did as he directed—I took them to my brother-in-law, A. C. Babcock, at the Adams Express. And the other things I made other disposition of them, and I took these papers over to Orange or to New York—I cannot now say which—but anyway they were deposited in Adams Express Co.

Q. And the empty safe was removed?

A. Yes.

Q. Where was it taken?

A. It was sent to Herring's and built over and shipped to me at Herkimer.

Q. At the time of your father's death who composed the household?

A. My sister and her husband and two children were living there; and I am not certain, but I think my brother Henry lived there.

Q. What became of your sister?

A. She died.

Q. Where were Alonzo and John?

A. Alonzo was there—yes, sir, he was an inmate of the house.

Q. What happened to him?

A. He died.

Q. When?

A. He died, I think, on the 26th or the 27th of April, 1875.

Q. The same year as your father?

A. Yes, sir, about that time.

Q. And John, where was he?

A. John died in March.

Q. Of the same year?

A. Yes, sir.

Q. Where did he die?

A. In Rahway.

Q. At this place or in the city of Rahway?

A. No, sir, in the town.

Q. At this house?

A. No, sir, in the town of Rahway.

Q. What was the trouble with Alonzo?

A. Rheumatism of the heart.

Q. And of John?

A. Pneumonia; both of them were dead when I got here; I was telegraphed for and when I got here they were dead.

Q. That left who in the house?

A. My sister and her husband and two children.

Q. Did she die there?

A. No, sir.

Q. Moved away?

A. Yes, sir.

Q. When she moved away was the living part of the house locked up?

A. No, sir; I moved in.

Q. When she moved out you moved in?

A. Yes, sir;

Q. When was that?

A. That was in October.

Q. 1875?

A. About that time; I do not remember exactly.

Q. You had come down from Herkimer?

A. No, sir; it was October, the next year, the winter of 1875-1876; I was in Newark and the following October I went to the farm.

Q. And your sister went away?

A. Yes, sir.

Q. And then your wife and you lived there?

A. Yes, sir.

Q. Has anybody but yourself occupied that part of the house in which your father's effects were, in which this closet was, since?

A. We had a tenant there; we had a tenant for ten or eleven years and one summer he put some furniture in there and tried to keep some boarders, but that is the only occupant we had in that part of the house, but that is only five or six years ago, that is since.

Q. Except for that your things have been kept there?

A. Yes, sir; I have had things in the house all the while since.

Q. And always had the key to this closet?

A. I think it has always been in my possession; I do not know that it has been out of my possession.

Q. And who of the fnmily had charge and custody of the place, what member of the family?

A. I presume I had charge of it, I being one of the trustees of my father's estate.

Q. Do you recognize this Exhibit P 2 as the envelope in which the package was enclosed that you found there?

A. Yes, sir.

Q. Did it have some seals, wafer seals, on it then?

A. Yes, sir.

Q. What did you do when you found it?

A. I informed my brother that I had found it, and he wrote to me that he and Black & King would be over to see me about it.

Q. Did they come?

A. Yes.

Q. Did you see them?

A. Yes.

Q. Where?

A. At the Rahway depot.

Q. Did you show the package?

A. Yes, sir.

Q. What was then arranged to be done with it?

A. I don't know that any arrangement was made in regard to it at that time, except that I should keep it, and I was willing to do so.

Q. You kept it?

A. Yes.

Q. What was done with it?

A. Afterwards I got tired of the responsibility—I had no safe place to put it in, and asked them to find some safe place for it and they hired a box in the deposit company in Newark.

Q. And you went to the deposit company in Newark?

A. Yes, sir.

Q. Who went with you there?

A. I know that Mr. Booraem was there, and I think my Brother Henry and Mr. Black.

Q. Do you recognize that envelope (handing witness a paper)?

A. Yes, sir.

Q. What envelope is that?

A. The envelope of the Fidelity Trust Company in which that package was deposited.

Q. The package was put in just as it was?

A. Yes, sir.

Q. What was done after it was put in?

A. It was endorsed on one side by myself, and by Mr. Booraem on the other end.

Q. It was sealed first?

A. Yes.

Q. You wrote your name across it?

A. Yes, sir.

Q. And Mr. Booraem wrote his?

A. Yes, sir.

Q. And Mr. Black wrote the endorsement on the front?

A. Yes, I believe so.

Q. And then left it at the Fidelity Trust Co.?

A. Yes, sir.

Q. And it was deposited as it says in the endorsement "by Edward L. Adams for use by Black & King."

A. Yes, sir.

Q. Who got it out?

A. I took it out.

Q. You got it out with whom?

A. Mr. Booraem and Mr. Black met me at Newark.

Q. At the time you put the package in the reddish brown paper in that envelope had the reddish brown package been unsealed or opened?

A. No, sir.

Q. You had not opened it and you did not yourself know what was in it?

A. No, sir.

Q. And when you and Mr. Black and Mr. Booraem got the larger package from the Fidelity Title and Trust Co. what was done with it then?

A. I took charge of it and brought it to Jersey City.

Q. Who opened it?

A. The Ordinary, the chancellor here.

Q. And that document was then found in it (indicating Exhibit P1)?

A. That blue document there was the one that was found in it (indicating Exhibit P1).

Q. And you and other witnesses were here for the purpose of proving it before the Ordinary?

A. Yes, sir.

Q. Who put it in the box at the Safe Deposit Co.?

A. I did.

Q. And who took it out?

A. I did.

Q. Was that package done up in the reddish brown envelope out of your possession and custody from the time you found it until you handed it over to the Ordinary in the Court here?

A. I do not think it was out of my possession a minute—that is, when I was at home I put it in the drawer for safe keeping, and when I left home I carried it with me, and when I went to bed I put it under my head, and when I left home I put it in my pocket and took it with me and carried it around.

Mr. COLLINS—I offer the envelope of the Fidelity Title Guarantee & Trust Co. in evidence. (Marked Exhibit P8, April 15, 1891.)

CROSS-EXAMINATION by Mr. Miller:

Q. What do you know about the circumstances attending the finding of this will?

A. That I found it.

Q. How came you to look for it?

A. My brother Henry told me of the existence of it and asked me to look for it.

Q. When was that?

A. Well, in October or early in November, or about that time; I cannot tell exactly.

Q. Your brother Henry, you say?

A. Yes, sir.

Q. What did he say to you on that occasion?

A. He told me there was a paper of that kind in existence; that it had been drawn up at that time and was among my father's papers, and asked me to look for it, and I hunted around and found it.

Q. Is that all that he said at that time?

A. I don't know of anything else that he said.

Q. Nothing about his reasons for wanting it found?

A. No, sir; that is all he said—there was company in the house at the time and it had to be done privately; he called me aside and told me.

Q. How long did that interview last?

A. We walked off; he called me away from where the company was and we walked down as far as the barn and he then told me about it, and it might be it took as long as five or ten minutes.

Q. And made you promise to look for it?

A. Yes.

Q. And you did promise to look for it?

A. Yes.

Q. When did you commence to search?

A. The next morning, or perhaps I might have begun that day; I do not remember.

Q. Where?

A. I first went through a lot of old papers which were up in the garret—they were my father's old papers—and I did not find the package I was looking for; there was nothing there, and I then went down to this closet and searched down about there, and finally I found it.

Q. How long did your search take?

A. A little over a day—that is I did not look all the while—the house was cold and I would look a while and when I got cold I would run on down stairs and warm myself and then go on and search again, and I think I was at it maybe five or six hours during the day that I looked for it.

Q. Where were these papers found?

A. In this closet.

Q. Where else?

A. I don't know anywhere else except this closet and upstairs.

Q. Were there any other papers belonging to anybody else in any other place?

A. Yes, sir.

Q. I mean did you find any at the time you made this search?

A. Yes, sir.

Q. Where?

A. In the desk.

Q. Did you look through there?

A. Yes, sir.

Q. Before you went to look through the closet?

A. I don't know whether I did or not, but I think I must have looked in the desk before going up to look through the closet.

Q. I want to know the fact; did you or not?

A. Yes.

Q. What time of day did you find this package?

A. It might have been about 3 o'clock in the afternoon.

Q. Where were they located in the closet when you found them?

A. I was looking up on the shelf?

Q. Among other papers did you find this, or was it alone—lying alone?

A. It lay right together—that package with another package bundled up andwhen I opened out that package it proved to be my father's register and these papers or this package lay right on the top of the shelf.

Q. How many shelves are there in the closet?

A. Two.

Q. How high up did it lay?

A. I could not reach to the back of it quite without standing on a chair?

Q. Was it five feet high?

A. Yes, a little more.

Q. This envelope and papers containing your

father's register were the only things in that part of the shelf?

A. Oh, no, sir, there were some other things lying there, and they are there now, packages of different kinds.

Q. Please tell us how many other papers were near this package when you found it.

A. I cannot tell you how many—several packages, three, or four, were lying there on the shelf, and they are there now.

Q. All papers?

A. Yes, sir, all papers.

Q. You cannot tell how many there were when you found this?

A. That laid there right on the shelf, and the package which the register was done up in lay right on the top of it—right on the top of that.

Q. And that package was sealed at that time?

A. Yes, sir.

Q. Were there any marks upon it?

A. Not that I know of.

Q. How did you know it was the will of George P. Gordon then?

A. I did not know anything about it; I knew it was a paper, and that it was done up in a red package, as my brother Henry had described it, and I found some such package as he described, and I then sent him a postal card that I had found it.

Q. What was in the postal card?

A. Just a postal card, and I said I have found it.

Q. That is all?

A. I do not recollect anything else.

Q. Was this done up in any other paper?

A. No, sir.

Q. You found it just as the envelope Exhibit P 2 is now?

A. The package with the register in it was lying on the top of it.

(Question repeated.)

A. Yes, sir.

Q. Without any wrapping on it?

A. Yes.

Q. Without any mark on it?

A. Yes, sir.

Q. It did not have the words, "Will of George P. Gordon;" it had nothing on it, except that your brother had said that it was in a reddish brown package—just what he said about its color?

A. That is all I knew about it.

Q. And you wrote to your brother?

A. Yes, sir.

Q. How soon did he come out to you?

A. I got a letter from him the next day, I think, saying that he would be over—it might be the next day, or two or three days after—but he wrote to me that they would come over, and that they would meet me there.

Q. Can you give us the day and date?

A. That he would come over?

Q. Yes; was it after November 21st?

A. I hardly think so, yet I would not say.

Q. Have you no means by which you can fix that date?

A. No, sir, I do not know that I have.

Q. It was about November 21st, was it not?

A. It might have been about that time.

Q. Your brother's letter, marked "Eureka," is postmarked November 21st—does that refresh your recollection as to when your brother came to see you?

A. I never saw that letter.

(Question repeated.)

A. I never saw the letter.

Q. You heard your brother's testimony?

A. Yes, a part of it.

Q. When your brother got there the second time and you had this package, what was the conversation between you?

A. I cannot say.

Q. You had a conversation, now please tell us?

A. The first thing he introduced me to Messrs. Black and King as we went into the depot and they

stated that they would like to see that package, and I let them look at it.

Q. Where did you show it to them?

A. In the depot at Rahway.

Q. In any house?

A. No, sir.

Q. Not in any house?

A. Yes.

Q. Without any cover or mark on it, just as it appears now in evidence?

A. Just as it is.

Q. What did you say to them?

A. I guess I told them that that was the package that I found.

Q. Is that all the conversation you had at that time?

A. There was more, but I cannot remember it.

Q. Please tell us all you recollect?

A. I cannnot recollect any conversation now that passed between us; there was not much said about that.

Q. Was the word "will" used in that conversation?

A. I don't know that it was.

Q. Didn't you say "I found that will."

A. No, sir.

Q. Didn't they ask you how you knew it was a will?

A. They might.

Q. Did they?

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

Q. Will you swear that they did not?

A. No, sir, I won't.

Q. Did Henry tell them in your presence that that was the will?

A. Not that I know of.

Q. How long did that conversation last?

A. Some little time.

Q. What do you call a little time?

A. Well, we talked and walked and we took a

walk up to the Gordon Press Works and along the street, and talked of various circumstances.

Q. As long as ten or fifteen minutes?

A. Yes, sir, and more.

Q. That is all you can tell of a conversation of more than ten or fifteen minutes' duration; is that so?

A. I cannot tell you any more about it; we talked about what disposition we should make of that package, and I told them at once that I would not part with it until I was called upon to do so by some competent authority.

Q. How did you know it was a will?

A. I didn't know it was a will.

Q. Didn't your brother Henry say it was a will?

A. Yes, but I did not know it; I do not know but what he did say that; he might have said that that was the package in which the will was.

(Question repeated?)

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

Q. To whom was the conversation addressed?

A. I talked with all of them.

Q. Who besides yourself and your brother were there?

A. Mr. Black and Mr. King.

Q. Did you address any conversation to either of them?

A. Yes, sir.

Q. What did they say?

A. Well, now, how can you expect me to remember all that I said, or what they said in a conversation in regard to that paper; it did not amount to anything special; the conversation was in regard to that paper package, and I told them that I should keep it, and it was intended that I should keep it, and if it had not been I intended to keep it; and we walked around and talked about different subjects.

Q. What other subject did you talk about if you did not talk about the will?

A. About the weather, perhaps.

Q. You talked fifteen minutes about the weather?

A. It might be and more.

Q. What else was talked about besides the weather?

A. I don't know of anything except such occasional subjects as anybody would talk about in walking along the street.

Q. Did not Mr. King, Mr. Black or your brother speak of the Mary Gordon will?

A. Well, that might have been mentioned.

Q. Was it not mentioned?

A. Possibly it was.

Q. What was said about that?

A. Mr. Black and Mr. King said they were the attorneys that were contesting that will.

Q. What else?

A. I think they said Mr. Beckett was in Paris hunting up evidence?

Q. Against Mary Agnes Gordon's will?

A. Yes, sir.

Q. What did they say they wanted to do with this will?

A. They did not know what to say about it; they had not made up their minds what to say, and I put it in my pocket again.

Q. Did they ask your brother what the contents of it was?

A. Not that I know of.

Q. In talking with you or them in the presence of your brother did they ask as to the contents of the will at any time?

A. Oh, my brother and I had talked about the contents of George P. Gordon's will, because I had heard of the other one that had been found—the original draft that had been deposited with the Secretary of State.

Q. I am asking you now whether there was any talk about the contents of it at that interview when your brother came in response to your letter saying you had found it?

A. There might have been.

Q. Was there?

A. I would not say there was not.

Q. Do you mean to say that fifteen minutes was taken up talking about the package and the weather —that is all you have testified to?

A. I don't know; we perhaps were not quite fifteen minutes.

Q. Did they ask about your health?

A. Well, my health was pretty good then.

A. Did they ask you about the Gordon Press Works?

A. They asked me where it was located.

Q. What did they say about it?

A. That it was quite a concern.

Q. What else did they say—did they say anything about getting it under this will?

A. Nothing said about getting it.

Q. Simply admiration of the concern and no expression as to the ownership?

A. No, sir.

Q. Where did you leave these gentlemen?

A. At the depot.

Q. Did you show it a second time when at the depot?

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

Q. Did you tell them you would keep it?

A. I don't know whether I did or not; I did keep it, though.

Q. You don't know whether you did or not?

A. I don't know that I did.

Q. Did Mr. King or Mr. Black say to you, be very careful of this package?

A. Yes; and I proposed to be very careful of it myself.

Q. Didn't they say it?

A. They might.

Q. Have you given us all the conversation that occurred at that time?

A. All that I recollect, I did not charge my memory with it.

Q. You thought you had valuable papers in your possession, did you not?

A. I think so.

Q. And you think so still?

A. I think it is quite valuable.

Q. What did you do with it when you got to the house?

A. It was in my pocket until I went to bed and then I took it out and put it under my mattress and lay on it.

Q. How many nights did you do that?

A. Quite often.

Q. When did you take it to the Fidelity Trust Co.?

A. It strikes me it was some time about the middle of December; (referring to the envelope Exhibit P8 says) it was December 13th.

Q. Did you think it was a valuable package to you?

A. No, sir.

Q. You had no possible interest in it?

A. Not a bit, only to see that justice was done.

Q. Did you have any talk with your brother Henry between the time you found it and the time you took it to the Fidelity Trust Co.?

A. Oh, I might have had.

Q. Did you?

A. I think it is probable I did.

Q. How many times did he visit you?

A. I think he was there once between the time I found it and the time it was deposited in the Trust Co. and perhaps he was there twice.

Q. What conversation did you have then?

A. I told him that I had got tired of taking the responsibility of keeping that package and that I wished them to find some safe place to put it in.

Q. Did you visit him at Orange or did he come to you?

A. He came to me.

Q. During this time did you see anybody about this will except your brother, Mr. Black and Mr. King?

A. No, sir.

Q. Did you take it to Mr. Shafer's office?

.A Frequently when I was there I had it in my pocket.

A. Did you show it to Mr. Shafer?

A. No, sir.

Q. Did you speak of it to Mr. Shafer?

A. No, sir.

Q. Never mentioned it to Mr. Shafer?

A. No, sir.

Q. Are you positive of that?

A. I am positive.

Q. Who was with you when you took it down to the Fidelity Trust Co.?

A. Excuse me, I think I am mistaken; there was a time, I think, when Mr. Shafer saw a copy of that deed, but whether it was before it was offered here or not I cannot say.

Q. Saw a copy of that will, you mean?

A. Yes, sir.

Q. How came he to see it?

A. I had it.

Q. Did you show it to him?

A. Yes, I showed it to him.

Q. When?

A. I cannot tell you when.

Q. Where?

A. At his office.

Q. Before New Year's?

A. It cannot tell you when—whether it was before New Year's this will was brought here or not; but I think Mr. Shafer did not know anything about the contents of it until it was opened in this Court.

Q. Did Mr. Shafer come here to see it?

A. Mr. Shafer came here; he was here at the time that will was offered here for probate—Mr. Shafer was here.

Q. I did not ask you about that; I want to know about the time when you say Mr. Shafer saw a copy of the will?

A. I do not think he saw it until after the time it was offered here.

Q. What made you hesitate as to the determining the time when he saw the copy?

A. Because I could not remember when he saw it.

Q. You have a recollection, though, of his having a copy at the office?

A. Yes, sir.

Q. When did you first see that copy?

A. I cannot tell you; I think it was drawn up by Black & King, and my brother Henry brought it over to me and showed it to me.

Q. That was before it was brought here?

A. That was a copy of the draft that was filed in Trenton.

Q. And was not a complete copy of the instrument with the signatures?

A. I do not know; it was a copy of the paper taken and filed in the office of the Secretary of State.

Q. Will you say you do not know whether that copy had a copy of the signatures on it or not?

A. Certainly it had signatures on it.

Q. Where were the signatures obtained?

A. I cannot say.

Q. The draft your brother had had no signatures on it?

Objection by Mr. Collins.

Question withdrawn.

Q. Did the draft your brother had have signatures on it?

A. I don't know, I never saw it.

Q. The papers you saw in Mr. Shafer's office had signatures on hadn't they?

A. I think so, I would not be positive of that.

Q. Do you remember meeting Judge Savage on the street when with your brother Henry?

A. Yes, sir.

Q. When was that?

A. I think that was the time Mr. Booraem and my brother was out there.

Q. At the time you first showed them this paper at the Railway Station?

A. No, sir, long after that.

Q. Was it before the time you deposited it in the Safe Deposit Company?

A. No, sir, I think not, because I met Mr. Boor aem for the first time at the Safe Deposit Co.

Q. Then it was after the time it was deposited in the Safe Deposit box that you had this conversation with Mr. Savage?

A. Yes, sir.

Q. And before the will was probated here?

A. I think it was before it was probated, but I would not be positive of that.

Q. That is your best recollection is it not?

A. I cannot say whether it was before or after.

Q. You cannot say whether before or after it was probated?

A. No, sir.

Q. What was that conversation you had with Judge Savage?

A. In relation to this?

Q. The first conversation you had in the presence of your brother Henry with Judge Savage?

Mr. COLLINS—It was the other way, the conversation was with his brother Henry and Judge Savage, not with this witness and Mr. Savage.

A. He asked Judge Savage if he could identify George P. Gordon's signature.

Mr. COLLINS:

Q. Who asked him that?

A. My brother Henry, and he said he thought he could find a whole lot of his checks in the house.

Mr. MILLER:

Q. What was the question asked of Mr. Savage by your brother Henry?

A. If he had any way of identifying George P. Gordon's signature or whether he had any signatures of George P. Gordon?

Q. Whether he had any genuine signature of George P. Gordon?

A. Something to that effect.

Q. What did Mr. Savage say?

A. That he could find a lot of his checks in the house.

Q. Is that all the conversation that occurred that time?

A. All that I recollect in relation to this matter.

Q. Did you not subsequently have another conversation with Mr. Savage on this subject?

A. I did; after the story came out in the paper Judge Savage was out to see me.

Q. What did he say?

A. Well, he said a good many things.

Q. That does not inform us very much; tell us what he did say?

A. I cannot recollect all that he did say; he was very angry, and seemed to think that I was to blame for the whole trouble; that is about the heft of his conversation.

Q. Didn't you tell him that there was no necessity for the signatures of Mr. Gordon—that you had found one?

A. No, sir.

Q. You didn't say that at all?

A. Not to my recollection.

Q. Didn't you say to Judge Savage that you had taken a pencil and a piece of paper and made a copy of George P. Gordon's signature, and then compared it with the copy of the will in Mr. Shafer's office, and that it was perfect?

A. I did not say it was perfect; I said I had written with a pencil a signature of George P. Gordon's that was near what George P. Gordon's signature was; it was not very much different; there was not much difference; it was something like what he wrote.

Q. And that you had compared it with the signature in lawyer Shafer's office, and that the signature was perfect?

A. No, sir, I did not say it was perfect; I said it was something like the signature of Mr. Gordon—that it was something like it.

Q. Didn't you say you compared it with one in Mr. Shafer's office?

A. I do not recollect it.

Q. Will you swear that you did not say so?

A. No, sir.

Q. That you had compared it with one that you thought was Mr. Gordon's signature?

A. Yes.

Q. You did compare it with one you thought was Mr. Gordon's signature?

A. Yes, sir.

Q. At your house?

A. No, sir.

Q. Where?

A. At the office of Mr. Shafer.

Q. When?

A. At the time Mr. Booraem and my brother Henry was at the house.

Q. Before the will was probated?

A. Yes, it must have been before the time when the paper was opened here.

Q. Was that signature made in pencil or in ink?

A. Pencil.

Q. With what did you compare that signature in Mr. Shafer's office?

A. I do not remember what; it might possibly have been a deed or something of that kind which Mr. Shafer had, but I do not remember what it was.

Q. Was it not with the signature of this will that you compared it with—then and there, I mean?

A. No, sir.

Q. Are you positive of that?

A. I never saw the signature until it was opened.

Q. Are you positive of that?

A. Yes, sir.

Q. You cannot tell what the paper was that bore

New Jersey State Library

the signature with which you compared it in Mr. Shafer's office?

A. I don't remember.

Q. Had it a seal to it?

A. I do not recollect that.

Q. Or was it a check?

A. It was not a check.

Q. Some paper said to be Mr. Gordon's signature, which Mr. Shafer had?

A. Yes, sir, Mr. Shafer had it.

Q. Why did you do that?

A. Do what?

Q. Write George P. Gordon's name as you thought it ought to be and then compared it?

A. Because there was a question there as to his signature.

Q. What question?

A. The very question Mr. Booraem and my brother Henry had asked, and what Mr. Booraem came there for, to find something to compare Mr. Gordon's signature with.

Q. And that is the reason you wrote what you thought was an imitation of George P. Gordon's signature?

A. Yes, sir.

Q. And the one you wrote you thought was something like the one in Mr. Shafer's office?

A. It had some resemblance; the capitals were not alike, but the letters in the body of the name was something like Mr. Gordon's signature.

Q. You said you wrote one in pencil, trying to imitate the signature of George P. Gordon, as you thought he used to write it?

A. Yes, sir.

Q. What were the characteristics of the signature of Mr. Gordon?

A. In the pencil signature I drew the lines of the capitals straight down and he would write and draw or make a turn on the end of the capitals.

Q. Take the letter "G" for instance, you say you

drew the "G" with the lower point coming down straight?

A. Yes, sir.

Q. And how do you say Mr. Gordon used to do it?

A. All the signatnres I have seen here had the turn or curve or crook on the end of the "G."

Q. Or merely a curve?

A. A turn something like that.

Q. A crook was it?

A. Yes, sir.

Q. What other characteristics did you remember of Mr. Gordon's writing, that is as you did remember as you tried to write it?

A. Nothing but that; I wrote "George P. Gordon" and I thought when I wrote it that he made his uprights point right straight down without any curve.

Q. And that is the way you drew the one you compared in Mr. Shafer's office?

A. Yes, sir.

Q. Where had you seen Mr. Gordon's signatures?

A. I saw his signature among other things to a check he sent me.

Q. When?

A. Well, sometime; I cannot tell you exactly when, 1868 or 1870, along there.

Q. You remember that he once sent you a check and so last year you drew his signature as you recollected it from that check which he had give you in 1868?

A. Yes, sir.

Q. Had you at any time seen any other examples of George P. Gordon's handwriting?

A. No, sir.

Q. Had you seen any other signature of George P. Gordon excepting the one referred to in that check that you now remember?

A. Not since that time.

Q. Do you remember any conversation with Judge Savage about this will?

A. I remember I was sick at the time the story came out in the newspapers; I was sick and he came up to see me two or three times, and he wanted to talk in regard to this will and I did not want to talk very much about anything, and most of all in regard to this.

Q. Did not Mr. Savage state to you anything about the production ot Mary Agnes Gordon's will having some effect on your memory as to this will?

A. On my memory?

Q. Yes?

Mr. COLLINS:

Q. Didn't he say so; did Mr. Savage say anything of the kind?

A. Not that I recollect.

Mr. MILLER:

Q. Didn't he say that you remembered things connected with it and that it was a strange thing that this will should be produced now?

A. Yes, sir.

Q. What did he say about it?

A. I said I knew nothing about it.

Q. Didn't you tell him that the heirs of George P. Gordon knew about this will years ago?

A. It is possible that I told him that.

Q. Didn't you tell him that your brother Henry had told Sydney Doane about this will which was now found?

A. I would not say that I did or did not; I do not remember.

Q. Didn't you tell him that Henry had told Cuthbert C. Gordon about it?

A. I might, perhaps, have told him something of that kind when he was talking about this will not being produced before.

Q. And didn't you tell him that Cuthbert C. Gordon had said that he did not want to interfere with his poor brother's affairs?

A. Poor brother's? No, sir.

Q. You didn't say anything like that?

A. No, sir.

Q. Didn't you say that to Judge Savage, that Sydney Doane had said that he would not have anything to do with the present instrument?

A. I did not say anything of the kind, if I did I told him what my brother Henry had said to me; I did not know anything about what Sydney Doane had said about it.

Q. That is what I mean; did you tell him that?

A. Among other things he told me, he said that he would not be in my brother Henry's place for all the State of New Jersey, and I told him that I had no doubt my brother Henry could manage his own affairs, and then he said that I had better look out what I was doing, because if I didn't look out I would be in the same boat with him, and I told him that I was not going to get into any boat; that all I was going to do would be just exactly what the law required me to do.

Q. And at that time you told him what the heirs had said about that will back in 1878?

A. I might have told him something of that kind.

Q. Didn't you?

A. I would not say that I did or did not.

Q. Didn't you tell him that your brother Henry had said that he had written to young Gordon and that after some delay he had written back to your brother Henry and said that if the interview he asked for referred to another will of George P. Gordon he would have nothing to do with it?

A. I heard nothing about the latter part of your question until I heard it here. I heard that he had written to Cuthbert Gordon, or Cuddy, as he was called, and he wrote back that he did not want to have anything to do with it.

Q. You told your brother Henry what Judge Savage said to you?

A. Probably I did.

Q. And you told him that in justification of what

your brother had said about keeping the will back so long?

A. Yes, sir.

Q. When did your brother Henry tell you these things that you communicated to Judge Savage?

A. Oh, I asked him why this paper had not been hunted up long before?

Q. When did your brother Henry tell you these things?

A. I asked Henry why this paper had not been hunted up long before, and he told me that he had notified Sydney Doane that there was such a paper in existence, and he refused to have anything to do with it, and he had spoken to Collingwood Gordon —written or spoken—anyway, he had called it to his attention that there was such a paper in existence, and that Collingwood Gordon wrote to him that he did not want to have any controversy about his brother's property, or something to that effect, and then that he wrote to this son of his, and he wrote back that his father told him to ask him what it was he wanted.

Q. When—at the same time that this will was found, and during the time between October and the probate of this will in 1891—some time between October, 1890, and January, 1891?

A. Yes, sir.

Q. And you did not know anything about the existence of this will until your brother Henry told you about it?

A. No, sir.

Q. And you repeated what you did to Judge Savage simply because your brother had told you what he had about it?

A. Yes, sir.

Q. In that conversation with Mr. Savage how long did you tell him it had taken you to make a search for this will?

A. I told him I searched for it whatever time I did—a day and a half I think I told him—that is from the time I started until I found it.

Q. What did you tell him about finding it.
A. I found it.
Q. Did you tell him where?
A. It is likely; I do not know, though.
Q. Didn't you tell him you searched two days for it and then found it?
A. I might have told him I searched two days for it.
Q. Did you tell him it was found in a large envelope, and that on it there was the quotation, "Will of George P. Gordon?"
A. No, sir.
Q. You did not tell him anything of that kind?
A. No, sir.
Q. Did you tell him you kept it in your possession until you could go to the Chancellor with it?
A. Yes, likely.
Q. And that he opened it?
A. Yes.
Q. And you did not tell him anything about taking it to the Fidelity Trust Company?
A. I do not recollect whether I did or not.
Q. You would not swear you did not?
A. No, sir, I would not swear that I did not.
Q. Do you know Mr. Samuel Forbes, of Rahway?
A. Yes, sir.
Q. Have you had any conversation with him respecting the finding of this will?
A. Oh, I might have had some.
Q. Well, did you?
A. Perhaps I might.
Q. You probably did?
A. It is quite likely, because he always hunted around when he found out anything, so as to get the particulars.
Q. What did you say to him?
A. Well, I might have said what was published in the "World" in regard to the finding of it.
Q. What was published in the "World"?
A. The whole story.
Q. Did you interview the report of the "World"

A. No, sir; it came out while I was sick and confined to the house, and I read it while laying on my sick bed.

Q. Didn't he say to you: "How is it, Mr. Adams, I heard you found the will of George P. Gordon's;" did he say that?

A. Perhaps he might.

Q. Do you say yes?

A. Perhaps he might.

Q. Did you say yes to him?

A. It is quite likely I did.

Q. Did he ask you: "Why didn't you give it up before?"

A. I do not remember any such conversation; I do remember having a conversation with Mr. Forbes, and I do not remember his saying that, but he might.

Q. Did you then say to him: "You never thought of it; you were never called upon for it;" did you say that?

A. No, sir, I never did.

Q. You didn't say anything of the kind?

A. No, sir.

Q. Did you say anything about looking in your father's desk for it?

A. No, sir.

Q. Did you say "you had not opened your father's desk prior to finding it?"

A. I had not opened my father's desk prior to finding it.

Q. Yes?

A. I had my father's desk and opened it almost every day.

Q. Then you didn't say that?

A. No, sir.

Q. Did you tell him that you "found it in a long brown envelope?

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

Q. Perhaps you did?

A. Perhaps I did.

Q. Did you tell him you took it to the Chancellor?

A. Likely.

Q. Do you know Mr. V. G. Jayne?

A. I never heard of such a party that I know of.

Q. Never heard of him?

A. No, sir.

Q. Do you remember a man coming down to see you within the last two months, with a long beard?

A. Oh, yes.

Q. What did he say he wanted?

A. I mistrusted what he wanted; he had not been in the house two minutes before I knew what he wanted, and I gave him the conversation just as it was published in the newspaper; he pretended that he wanted to buy a place down there, and he gave his name as Gastin, and he said he was looking for a place to buy, and I mistrusted what kind of a place he wanted right away.

Q. What did you say?

A. I told him that I found that will, just as I have told you about the finding of the paper; he asked me how much I expected to get out of it, and I told him I did not expect to get anything, and he said if you don't make them pay, and pay well for it, you are a bigger fool than I took you to be; that is what he said—he came twice.

Q. Give us the first conversation?

A. That is the way it was, just as it was published in the paper; I have told you the same story here, and I have no other story to tell.

Q. He came and wanted you to go and see a farm with him, didn't he?

A. Yes, sir.

Q. Did you not point out the Gordon place to him?

A. Perhaps I did.

Q. Didn't he say what is the Gordon place?

A. Ask what it was?

Q. Yes.

A. I don't know that he did.

Q. Didn't you tell him, "That is the place that comes up in the famous Gordon will case?"

A. Perhaps I might if he asked about it; perhaps I did.

Q. Did you tell him Mr. Gordon lived there?

A. Not at that time.

Q. And did you tell him that your father and Mr. Gordon were well acquainted?

A. Likely.

Q. Did you tell him your father drew this will up?

A. Perhaps I might have told him that.

Q. Did you?

A. I think I told him my father planned it or had a hand in it; I do not remember that I ever told him anything about it.

Q. Did you tell him that old man Gordon had carried the will around in his pocket for three or four weeks or a month?

A. I did not know anything about it, and I did not tell him anything about it.

Q. Are you positive you did not tell him that?

A. I won't be positive about anything, and I won't be positive about that.

Q. You won't be positive about anything?

A. In regard to Mr. Gordon carrying it around in his pocket, because I do not remember anything about it.

Q. Did you tell him Henry copied the will?

A. Qnite likely.

Q. And that your father and your two brothers were the witnesses?

A. Quite likely.

Q. Did he ask you whether your father was living?

A. I do not know whether he did or not.

Q. Will you swear that he did not?

A. No, sir.

Q. Did he ask you where your brothers were that were the witnesses to it?

A. Possibly he might.

Q. Well, did he? 1C

A. He might have done so; I do not know whether he did or not.

Q. Did you tell him why the will was not discovered before?

A. I do not know that I did.

Q. You wont swear either way, will you?

A. No, sir.

Q. Did you say to him, "there is another thing about it—Mr. Gordon died in 1878 and he left another will, but told his heirs how to break it;" did you tell him that? 2C

A. No, sir.

Q. Did you tell him anything of the kind?

A. No, sir, I will swear I did not.

Q. What did you tell him, what did you tell this gentleman about that?

A. I told him nothing of the sort.

Q. Did you say to him after that that Henry had told Sidney Doane about this present will and that Mr. Doane then said he did not want to have anything to do with it? 3C

A. Possibly I might have told him so.

Q. Did you?

A. I won't say whether I did or not.

Q. Did you say that the matter ran along then until Mary Agnes Gordon died?

A. I won't say anything about that.

Q. Will you swear either way on that subject?

A. I might have said something to that effect.

Q. Did you say to him that when it was found that she had willed the fellow who had been her paramour the property that Henry decided and that he was determined that there should be another will found? 4C

A. No, sir.

Q. Did you say anything about that?

A. I mentioned nothing about a paramour, I knew nothing about that.

Q. Did you say to him that when it was found that Mary Agnes Gordon had willed her property

to strangers, that your brother Henry said there must be another will found?

A. That I said that?

A. Yes?

A. No, sir.

Q. Did you say to him that when it was found that Mary Gordon had willed her property to strangers there must be another will found?

A. No, sir.

Q. Did you tell him that there should be another will found, if you had to go to Germany to find it?

A. No, sir.

Q. Did you tell him that?

A. No, sir.

Q. Did you tell him that then you found it?

A. Then I found it? I gave him the facts just as I have given them here.

Q. You did not say that?

A. No; sir, I told him I found it, and I have told you the same thing.

Q. Did you say to him that Henry had said that he told Cuthbert C. Gordon's heirs about the will?

A. I would not swear that I did or did not, but I do not think I did.

Q. Will you swear that you did not?

A. No, sir, I won't.

Q. Did you tell him that Henry said the original ought to be among your father's papers?

A. I do not think I said anything of the kind, because I saw his object right away.

Q. I am asking you now what your recollection is; will you swear you did not say that to him?

A. No, sir, I won't swear I did not, although I am pretty well satisfied I did not.

Q. Did you say to him, "that Henry came over to see you, and told you that the original must be with your father's papers, and you searched and found the original, which George P. Gordon had carried in his pocket three or four weeks"?

A. Did I say that Henry came over—interrupted.

Q. Did you say to him that Henry came over to

you and told you that the original must be with your father's papers, and that you were to search and find the original, and you did search, and you found the original, which George P. Gordon had carried in his pocket three or four weeks?

A. Possibly I might.

Q. You won't swear you did not?

A. No, sir.

Q. Did you say, "you had found it and carried it in your pocket"?

A. I might have said that.

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

A. Possibly.

Q. You told him you took it over to Newark and put it in the trust company, did you not?

A. I don't know whether I did or not; I do not think I did.

Q. Where was all this conversation—such parts as you admit you did have with this man; where was it held?

A. Well, he came up there in the beginning, and I had just got off my sick bed, and he made some inquiries, and I gave him all the information he wanted; he professed to want to see me about buying a place, and I told him all I could about it, and he went away, and afterwards he came back again and came into the house; some of the conversation I had with him was outside and some of it was in the house.

Q. What was it you suspected about him?

A. By his persistent way of asking questions.

Q. What suspicions did you have of him?

A. I thought he was hired to come there and pump me.

Q. And this transaction was an open and fair one; what was the objection to it?

A. Not a bit of objection; I told him the story just as it was published in the "World."

Q. Why were you suspicious?

A. I thought he came there so as to load himself

up and then he would come here and swear against me.

Q. Why did you object to his talking about it?

A. Because I thought it was none of his business.

Q. Not because you were afraid of being tripped up?

A. Not a bit.

Q. You hadn't that fear?

A. No, sir.

Q. How long was he with you on that occasion?

A. I guess he stayed in the yard fifteen or twenty minutes and then he went away, and when he came back he came into the house and he might have been in the house half an hour or more.

Q. Did he tell you that the story sounded like a novel?

A. Not that I know of.

Q. Did he or not?

A. I do not think he did.

Q. Did he say to you that you had done a big thing for these people?

A. He might.

Q. Did he?

A. Possibly.

Q. Did he ask you where you came in?

A. Yes; he asked me that a good many times.

Q. Did he tell you you ought to get a stake?

A. Yes.

Q. What did you tell him about that?

A. I told him I didn't look for stakes or anything of that kind.

Q. Did you say that the will provided for the purchase of the Adams Place and that George P. Gordon had pledged his estate for the purchase of the Adams estate?

A. No, sir.

Q. Anything of the kind?

A. There must have been something mentioned about the clause in the will about purchasing our

estate, but I did not say anything about Mr. Gordon pledging his estate to do it.

Q. You spoke generally that you would be benefited by having the place purchased by the Gordon estate?

A. No, sir; I don't know of any such conversation; I did not have any such conversation, but he tried to get me to say these things.

Q. How do you know he did?

A. I could see by his manner and he was very emphatic, aud he said if I did not make them sweat, or words to that effect, I would be a bigger fool than he took me to be.

Q. You never referred to the clause in the will respecting the purchase of the Adams' place by the Gordons' estate?

A. I answered that before.

Q. Well, answer it again.

A. I might have.

Q, In what connection?

A. In connection with our conversation.

Q. What called it forth?

A. His pumping.

Q. And his asking you what you were going to make out of it?

A. Yes, sir.

Q. Did he ask you how you knew that the Gordon estate would want to buy this place of yours?

A. No, sir, I do not know that he did.

Q. Didn't he say that to you?

A. I do not remember any such conversation?

Q. Didn't you say to him emphatically, with a shrug of the shoulders, "Well, they will; or anything of that kind?

A. No, sir.

Q. Didn't he ask you where or whether the witnesses of the will were living?

A. He might.

Q. Well, did he?

A. I don't know.

Q. Will you swear he did not?

A. No, sir.

Q. Did he ask you whether the executors were living or dead?

A. I don't remember whether he did or not.

Q. Will you swear he did not?

A. I won't swear he did not.

Q. Did he say to you this is a smart job; you have coopered this will?

A. Well, likely.

Q. Well, did he or not?

A. He did; he had a good many of such sayings.

Q. Didn't you laugh and shrug your shoulders when he said that?

A. No, sir I did not.

Q. Did you point out to him the changes required to be made in the Gordons' place—these barns and such like, as provided for in the will?

A. No, sir.

Q. Have you had any conversation with any other people concerning this will and the finding of it?

A. I might have had.

Q. With whom?

A. I cannot say.

Q. You were not present when this paper (Exhibit P 1) was executed?

A. No, sir.

Q. Where were you?

A. I sannot say.

Q. Were you in Newark?

A. I might have been in Newark.

Q. Did you tell anybody you were at Newark?

A. No, sir, I did not tell anybody positively, because I did not know whether I was in Newark or where.

Q. Do you remember a reporter calling on you in Rahway within the last two months?

A. Well, they met me on the sidewalk near the church in Rahway, and he was up to the house and I was down town, and he came on down and met me.

Q. Did you say to him that you were a musician and was away at the time?

A. I told him I was a musician, and I might have been away; I was playing around with bands, and I said I might possibly have been away; and I might possibly have said I might have been at Newark; but I cannot tell where I was.

Q. Did you tell him that when you returned home you asked your father "Why you were not asked to sign the will as a witness?"

A. My father? I never said a word—I never had a word of conversation with my father about it—interrupted.

Q. You say you did not say that—did you tell the reporter that?

A. No, sir.

Q. Did you tell him that Alonzo and John were becoming old and that you were still young—still a young man, and that you ought to have been a witness?

A. No, sir.

Q. Did you say to him that your father said, "If I had been home I should have signed it?"

A, No, sir.

Q. Did you say to him "That your father took the will after execution and it had never left his possession?"

A. No, sir.

Q. Did you say that Henry, your brother, had never had it, and that it never left your father's possession?

A. I said that I never knew that my brother Henry had had it, but I did not tell him whether George P. Gordon had had it or not.

Q. Are you one of the trustees of this property—the Adams property—under the trust deed?

A. Yes, sir.

Q. Have you that trust deed?

Objection by Mr. Collins as irrelevant.
Objection sustained.

Q. Did you tell him you took possession of all your father's papers, and that the will was among them?

A. I did not say the will was among them; I did not know anything about it.

Q. You did not say that the will was among these papers?

A. I said it was probably among them.

Q. Did he say or ask you whether Mr. Gordon had not asked for the will after your father died?

A. He might have asked me that.

Q. What did you say to him?

A. I could not give him any information on the subject.

Q. You said you could not tell him why he had not asked for it after your father's death?

A. I don't know that I had any converration with him on the subject; I do not remember any such question being asked me; if he did ask me that, I told him I did not know anything about it.

Q. Did you tell him, "that I supposed Mr. Gordon wanted the first will broken"?

A. I never knew anything about his first will—whether he wanted it broke or not.

Q. The Brooklyn will?

A. The Brooklyn will.

Q. Did you say anything of that kind to this reporter?

A. Possibly I might have said that the way this will was executed—that it would be broken.

Q. The way the Brooklyn will was executed?

A. Yes, sir; from what I had heard; I was out in the West when all this occurred, though.

Q. And you told him you were out West?

A. I think I did.

Q. Did you write to the editor of a local paper at Rahway detailing the circumstances of the finding of this will?

A. No, sir.

Q. You did not?

A. I wrote to Mr. ——— in regard to the death

of George P. Gordon; I saw his obituary in the New York "Graphic," and I wrote to Mr. ——— to find out when he died, and that was the first intimation I had of it.

Q. You did not write an account of the finding of this Gordon will, and sent it to the publishers of the local paper to publish?

A. Yes, while I was sick in bed I wrote to him—I supposed you meant while I was out West—this was only a short time ago.

Q. You did write to the editor a statement concerning the circumstances attending the finding of George P. Gordon's will?

A. Yes, sir.

Q. And he published it as you wrote it?

A. Yes, sir.

Q. And you saw it in the newspaper afterwards?

A. Yes, sir.

Q. And that article was as you had written it?

A. Yes, sir.

Q. Before this first visit of your brother Henry when he wanted you to look for George P. Gordon's will, when had he been there last before that?

A. Oh, I cannot tell you exactly, he comes whenever he takes a notion to, it might have been—I cannot say how long before.

Q. A month or two?

A. Possibly and possibly more.

Q. Did your brother Henry at any time in the fall of 1890 have any conversation about any key of the closet?

A. No, sir.

Q. Who had that key?

A. I have it.

Q. Continuously?

A. Continuously since when?

Q. That is what I want to know?

A. I had it then and I think it has been in my possession, although I cannot say; I kept it locked up in another drawer.

Q. You have had it how long?

A. It has not been out of my possession in six years.

Q. Was it in your possession in 1878?

A. No, sir, it was not in my possession—well, now, I cannot say.

Q. Why do you hesitate about saying yes to that?

A. Because I am not positive about it.

Q. If you did not have it, who had it?

A. If I did not have it was in the house, put away in another closet.

Q. And you had the key of the other closet?

A. I think that was put in the closet I had the key of, that is to the best of my recollection.

Q. Have you had the key of the other closet in your possession continuously since 1878?

A. I think so; I do not think it has been out of my possession.

Q. Has not the place been left alone sometimes or in the custody of a man?

A. A farmer who had charge of the place, he has been there alone at times, yes, sir.

Q. You recollect no more about the custody of either of these keys than you have testified to?

A. No, sir.

Q. Was this closet kept locked all the time—was it prior to the fall of 1890?

A. Oh, yes, it was kept locked.

Q. From the time of your father's death down?

A. I cannot say as to that—all the while.

Q. Why did you keep it locked?

A. Well, sometimes I would have things in there that I wanted kept locked up.

Q. Did you keep it locked because you thought the old papers in there were valuable?

A. No, sir.

Q. Only because you had articles in there that you wanted to preserve?

A. I think it was kept locked all the time, although there might have have been portions of the time that it was not.

Q. Were you particular to keep it locked.

A. Not very; there were times that I would keep it locked up; I would have things in there I would not want meddled with; I do not know that there was anything of any great value there that amounted to anything specially.

Q. When was your father's safe taken away?

A. Shortly after his death in February, 1875; the papers were taken out.

Q. You took the papers out?

A. Yes, sir.

Q. Was everything taken out?

A. Yes, sir, and I left orders when I went back to Herkimer to ship it over to Herring's and it was done, and they repaired it and sent it out to Herkimer to me.

Q. Was this envelope in the safe at the time (indicating Exhibit P 2)?

A. I have no knowledge of the envelope at that time and did not know it was there—I did not know anything about it until I found it the last time.

Q. You took everything out of the safe that was in it?

A. Yes, sir.

Q. And selected as valuable certain deeds and papers?

A. Yes; sir.

Q. And others you bundled together as miscellaneous papers?

A. Yes, sir.

Q. Where did you put them?

A. Threw them up into this closet—that is my recollection.

Q. The fact is, you have no recollection at all about it?

A. The fact is I took the papers and threw them out without knowing exactly what I done with them.

Q. You have no recollection of what you did with them?

A: No, sir.

The ORDINARY:

Q. Did you open the papers and examine them, to see what they were?

A. No, sir, I did not; I was in too great a hurry and wanted to get away. My father told me to take certain papers out of the safe and take them over to the Adams Express Co. and have them locked up. This was when he was sick that he gave me the safe, and this sickness proved to be his deathbed. As I started for Orange, they overtook me between Orange and Newark, and I got back in time to see him breathe his last.

Mr. MILLER:

Q. He told you to take certain papers out of the safe?

A. Yes, sir.

Q. Did he make a list.

A. I don't know that he did.

Q. What papers were they?

A. Deeds and papers; I do not remember what thsy were, and I did it and sent them over to my brother-in-law.

Q. In selecting them you had to look through all the papers, hadn't you?

A. No, sir, I did not—they were all in one pigeon-hole in the safe and I found them without any trouble—what my father told me to get I found without any trouble—I think he said they are all in one pigeon-hole and told me where it was and in one compartment.

Q. Will you swear that you did not go through the other papers?

A. No, sir, I won't swear to that.

Q. Will you swear either way?

A. No, sir.

Q. And that safe never went back to the house?

A. Not after it left the house.

Q. And then the only place you have had for papers was this garret and this closet and this desk

—only three places?

A. Yes, sir.

Q. Your brother Henry did not ask you to examine for this will in 1879?

A. No, sir.

Q. He never asked you for it until 1890?

A. Not until this last fall.

Q. How many times have you seen Messrs. Black & King about this controversy?

A. Twice, I think.

Q. Only twice?

A. I don't say positively that I have not seen them more than that; they were out at Rahway and Mr. Black came out to Newark when we went to the Deposit Co. with the paper—that is to put it in the Fidelity Trust Co.—I don't recollect of seeing both together since the time they were at Rahway.

Q. Did either of them say anything to you about compensation for your services about finding this will?

A. No, sir.

Q. Has anybody connected with the estate said anything to you about it?

A. No, sir.

Q. You are without promise and without hope of reward?

A. Yes, sir.

Q. That is you attitude at present?

A. Yes, sir.

Q. Are you positive about that?

A. Yes, sir; positive.

Q. No verbal or other arrangement made about your compensation?

A. No, sir.

Q. You expect to get something?

A. No sir.

Q. You expect to go wholly unrewarded?

A. That is the way anybody does when they do acts of charity.

Q. Do you consider this as an act of charity?

A. Well you can suit yourself about it.

Q. Have you been furnished with any money from the other side?

A. Yes sir.

Q. How much.

A. Ten dollars.

Q. For your expenses?

A. Yes, for my expenses.

Q. Are you in the habit of dressing in the apparel you are in to-day?

A. No sir, I am not, when working around the farm I do not dress as I am to-day.

Q. You do not generally wear such good clothes?

A. No, sir.

Q. Have they been provided by the other side?

A. No, sir.

Q. Those are your Sunday clothes?

A. Yes, they are; I bought these clothes I may as well say for the funeral of my wife a year ago last August.

Q. You are not a man of any means?

A. No, sir.

Q. You are what is called a poor man?

A. Yes, sir.

The ORDINARY:

Q. Did your father leave a will?

A. He left a deed of trust?

Q. Of course that deed was executed before his death?

A. Yes.

Q. But was his estate administered upon?

A. It was left to us four trustees.

Q. By the deed of trust; but were letters of administration taken out after his death?

A. No, sir; nothing except that we had the deed recorded in Middlesex county and in two counties in New York.

The ORDINARY—I only inquired so as to ascertain who had the right to the custody and possession of his papers.

RE-DIRECT by Mr. Collins:

Q. No administration was ever issued on this deed?

A. On my father's deed?

Q. There were letters of administration issued in New York?

A. In the contest over there? yes, sir,—there has been a contest by the children of Alonzo—he left a son, and he claimed that this deed of trust had never been delivered.

Q. Who suggested the placing of the will in this package in a Safe Deposit Co.?

A. Well, I think it was either Mr. Black or Mr. Booraem.

Q. You sent word, as I understand you, that you wished to be relieved of the custody of it?

A. I told my brother Henry that I had no safe place to keep it in and I did not want the care of it?

Q. And through that it was suggested that it be put in a Safe Deposit Co., and this place was suggested and it was put there?

A. Yes, sir.

Q. How long have you lived in actual occupancy of the homestead in Woodbridge—from this time back how long?

A. I came there in 1886.

Q. And between 1876 and 1886 you were only there at intervals?

A. Yes, sir.

Q. You were out West for a while, as you say?

A. Yes, sir.

Q. Is the son of Judge Savage living in the Gordon homestead?

A. Well, he has been; I think they live in Rahway now; he has been living in Rahway.

Q. But he has been living in this homestead and claims to own it under some conveyance from the Mary Agnes Gordon estate?

A. Yes, sir, I think that is the way.

A. You went to live at your father's homestead after your father in 1876, and you were not there continuously living there, until 1886?

A. No, sir.

Q. But were there off and on and had charge of it?

A. Yes, sir.

Q. Nobody occupied it except the tenant farmer a part of it in that interval?

A. That is all.

Q. When Henry told you about his unsuccessful efforts to interest the Gordon family in this will that he had made, and of which he retained a copy, did he say why he gave up trying?

A. He said that when he wrote to Cuthbert Gordon in relation to the matter, and afterwards to his son, and he wrote back that his father wanted Henry to let him know what he wanted, or something of that kind, that made him a little vexed, and he thought that if they did not want to find out anything he did not know that he was bound to force the information upon them.

Q. Is it any object to the Adams heirs that the Gordon estate should take that Adams Place, is it of any special interest to them to do so?

A. That the Gordon people should now buy the Adams estate?

Q. Yes, at the price mentioned in the will?

A. My brother Henry don't want to sell it even at that price, but I would be disposed to sell it; I tried to farm it three or four years and got enough of it.

Q. Is there any special design on the part of the heirs that you know of to dispose of it—I mean under the provisions of the Gordon will?

A. I don't know how any of them feel except Henry.

Q. The register that you say you found in the closet is a lawyer's register or docket of cases?

A. Yes, sir.

Q. Is this it (handing witness a book)?

A. Yes, sir.

Q. Is it your father's register used by him for years?

A. Yes, sir.

Q. And had that formerly been kept in the safe?

A. I think it is quite likely.

Q. At the time that the Ordinary opened the inner package and produced this paper propounded as the will, had there been assembled here certain witnesses for the purpose of proving it if it should be discovered it was in that package, if it turned out to be the supposed will?

A. Yes, sir.

Q. Mr. Shafer and Mr. Hill of Rahway who knew the signatures?

A. Yes, sir.

Q. And your brother?

A. Yes, sir.

Q. And some of the Gordon people?

A. Yes, sir.

Q. And was the will after it was submitted to the Ordinary submitted to these people for inspection?

A. Yes, sir.

Q. Who subsequently made the affidavits which are before the Ordinary and attached to the document?

A. Yes, sir.

Q. Did any of the witnesses to your knowledge know what the document contained before they got here?

A. No, sir.

Q. Did Henry Adams, your brother, when he asked you to search for this package, speak as to how thoroughly you were to make your search and why, and if so what did he say?

A. Well, he told me I should be particular enough and find it if possible.

Q. And why you should thoroughly search, presuming you could not find it?

A. Well, so that I could say that I had made a search.

Q. He told you that?

A. Yes, sir.

Q. Do you remember whether the copy of the will that was at Mr. Shafer's office, or the copy of the former draft of the will was written manuscript or printed, that Mr. Shafer had?

A. It was type-written I think.

FURTHER CROSS-EXAMINATION by Mr. Miller:

Q. You don't remember whether it had signatures to it or not, that is the names?

A. I do not recollect about it.

Q. Either original or copied names?

A. I do not remember whether it did or not.

Q. I did not understand about this contest which you say there was about your father's estate; did you say that that was in New York?

A. Yes, New York city.

Q. How came it over there?

A. Well, we are residents of New York State, but this paper was made after my father came here, but this contest was brought in favor of my brother's son; he lived in New York and they were seeking and now seek to divide the estate; it is divisible property after the direct heirs are gone, and they claimed that since my brother has gone and left a son that the estate should be divided.

Q. That is a son of whom?

A. Brother Alonzo's son.

Q. In what year was this proceeding in New York?

A. I cannot say; I dot not remember; I never paid much attention to it.

Q. Who were the attorneys?

A. DeCosta and Godley.

Q. Is it within three or five years?

A. It has been going on longer than that because Everett P. Wheeler and Cortis have also had it in charge, and it must have been about 1881 I should think when it was commenced.

Q. Commenced in 1881?

A. Yes, I think so.

Q. Has there been a Chancery suit in New Jersey about this property? 10

A. No, sir; only a suit my sister brought; she thought she was not justly treated by the trustees and brought an action in 1878 or 1879.

Q. What is your sister's name?

A. Maria Babcock.

Q. And brought a suit in Chancery?

A. Yes, sir.

Q. Against whom?

A. The trustees.

Q. Against you? 20

A. Yes.

Q. And the other trustees?

A. Yes, sir.

Q. Is your brother Henry a party to that suit?

Objection by Mr. Collins as irrelevant and incompetent.

Question withdrawn.

Q. In one conversation you had with Judge Savage didn't you say to him that the title of his son's property would be safe, notwithstanding the finding of the Gordon will? 30

A. Not in those words.

Q. What did you say?

A. I said they would not be harmed and that they would be indemnified, because I had talked with Messrs. Black & King—I said I did not exactly like the idea of my nearest neighbor and friend being boosted out; that they had bought that property in good faith, and they said they should not be harmed. 40

Q. And Judge Savage told you that that was merely a verbal agreement and of no force, didn't he?

A. Something of that kind.

Adjourned to April 16th, 1891, at 10 A. M.

Pursuant to adjournment the parties met at the Chancery Chambers, April 16th, 1891, at 10 A. M., and the following evidence was taken before Hon. ALEXANDER T. MCGILL, Ordinary of the State of New Jersey, in presence of solicitors and counsel of the respective parties.

EDWARD L. ADAMS, being recalled for further direct examination, saith.

EXAMINED by Mr. Collins:

Q. In your cross-examination yesterday you stated in substance, in answer to a question, that you had seen no other examples of Mr. Gordon's handwriting than the check that was sent to you by him, and that you had seen no signatures of his since that time—what did you mean by saying that you had seen no other examples of his handwriting?

A. I meant that I had seen nothing since the time I had seen this check that I had reference to.

Q. You had seen before that time Mr. Gordon write?

A. Yes, sir.

Q. You said that you sent a letter to a Rahway editor; I show you a copy of the "National Democrat," issued in Rahway, New Jersey, February 13, 1891, containing the following;

"Letter from E. L. Adams." "The following extract from a note to the editor from Mr. E. L. Adams in relation to the finding of the Gordon will explains itself":

RAHWAY, February 10, 1891.

"Brother Henry never had the will in his
"possession. Mr. G. left it with my father
"and at his death it came, together with all
"other papers, into my possession as trustee.
"I did not know of its existence as a will, as it
"was sealed up with no mark upon it; when
"the controversy arose over Mary Gordon's
"will, brother Henry told me about this will

"and advised me to find it, and after a two days' " search I succeeded. Henry being in Orange " I made known that I had it, but still kept " possession of it until I handed it to the " Chancellor of New Jersey. Yours, E. L. " Adams."

Is that the issue of the paper to which you refer?

A. Yes, sir.

Q. And is a letter, a portion of which purports to be published, the one which you wrote?

A. Yes, sir.

Q. Does the notice contain all the letter or only the latter part?

A. No, sir, there was a little more of it that was not published.

Q. What was the occasion of your writing the letter?

A. Well, the New York papers had published something of the finding of this will, and they stated that brother Henry had made the search, and I merely wrote him (the editor) to straighten that out.

Q. Had there been something in the Rahway paper previous?

A. I think there had been something in the paper before that?

Q. Now, Mr. Adams, what was the occasion of your writing that with the pencil, what would resemble Mr. Gordon's signature?

A. I wrote that when Mr. Booraem came to Rahway to find people who were familiar with the signature of Mr. Gordon, in any possible contingency that there might be a contest. If that was the will of George P. Gordon it was thought that it might be necessary to have witnesses in this court to identify the signature.

Q. The will was sealed up yet?

A. Yes, sir.

Q. And could not be seen?

A. No, sir.

Q. Did he mention this as a reason, that the witnesses were dead?

A. Yes, sir.

Q. And it was necessary to have people prove the handwriting?

A. Yes, sir.

Q. And what were you trying to do in a general way?

A. I told him I had seen Mr. Gordon's signature, that I was familiar with it and I thought I could write his name something like the way he wrote it.

Q. So that Mr. Booraem could get a general idea of what the signature was like?

A. Yes, sir.

Q. So far as you know up to that time had Mr. Booraem seen any signature of Mr. Gordon's?

A. Not so far as I know.

Q. You indicated to him what sort of signature the man had?

A. As near as I could.

Q. You afterwards compared that slip with the signature found in Mr. Shafer's office?

A. Yes, sir.

Q. When your brother Henry had the talk with Judge Savage was that on the occasion Mr. Booraem came down there looking for signatures?

A. I think it was the same day.

Q. Up to that time it had not been given out that there was what was thought to be a will discovered, that is the time when Mr. Booraem came there?

A. Oh, no, sir.

Q. It had not been given out to the public?

A. No; sir.

FURTHER CROSS-EXAMINATION by Mr. Miller:

Q. You wrote the letter to the Rahway paper and it was a pencil letter?

A. I think so.

Q. And signed by you in your name, "E. L. Adams?"

A. Yes, sir.

Q. Will you write your name now; I cannot find

that paper now; write your name now and that will be the same thing?

Objection by Mr. Collins. I ask the Court whether this is a proper thing?

The ORDINARY—It is not proper at this stage of the proceedings.

Mr. MILLER—Does the witness object to writing his name?

WITNESS—I have no objection; it is just what Mr. Collins says.

Mr. COLLINS—I ask the Court whether it is a proper thing, and the Court says it is not.

The ORDINARY—The witness is at liberty to do as he pleases.

WITNESS—I wish to say here that when I wrote that signature I was in a sick bed and in a very low state; it was written in pencil when I was propped up in bed and I wrote it on the back of a book or on a board.

Mr. MILLER:

Q. Will the witness write his name or not?

A. Yes, just as Mr. Collins says.

Mr. COLLINS—I have no objection to the witness writing his name; my remarks are made purely from a scientific standpoint in the trial of causes.

WITNESS—I am very nervous and I generally write with a gold pen; this is a steel pen and goes through the paper (witness being handed a gold pen writes his name twice.)

Mr. MILLER:

I offer that and ask that it be marked for identification.

(Marked D 7 for identification, April 16, 1891.)

Q. You said that Mr. Gordon left the will in your father's possession; how do you know that?

A. Brother Henry told me so.

Q. That is all you know about it?
A. Yes, that is all I know about it.

HENRY C. ADAMS being recalled in behalf of the proponents says:

EXAMINED by Mr. Collins;

Q. Is this the first volumne of the glossary of which you spoke being from A to E?
A. Yes, sir.
Q. How many volumes is the work to consist of?
A. Three.

Mr. COLLINS—I offer this volumne in evidence. (Marked Exhibit P9 April 16th, 1891.

ELIZABETH TOWNSEND GORDON, a witness produced in behalf of proponents being duly sworn according to law on her oath, says:

EXAMINED by Mr. Collins:
Q. You are the wife of Henry Gordon, I understand?
A. Yes, sir.
Q. And he was the son of who?
A. The Rev. Cuthbert Collingwood Gordon.
Q. Was search made in your presence among the papers of the Rev. Cuthbert Collingwood Gordon who has been mentioned?
A. We searched together.
Q. He is dead?
A. Yes, sir.
Q. When did he die?
A. About seven years ago; I cannot remember the date.
Q. About seven years ago?
A. Yes, sir, seven or eight.
Q. And left an accumulation of papers?
A. Yes, sir.
Q. Were the papers heretofore marked Exhibits P3 and P4 found among his papers (handing the exhibits to witness)?

A. They were found among the brother's papers.

Q. Cuthbert O. Gordon's papers?

A. Yes, sir. This postal card my husband found, aud this letter we found in the garret among the papers of Cuthbert O. Gordon; there was a large collection of papers there.

Q. When did Cuthbert O. Gordon die?

A. Three or four years ago.

No Cross-Examination.

Mr. COLLINS—I now offer in evidence the papers heretofore marked for identification P 1 and P 2. The papers marked Exhibits P 1 and P. 2, April 16, 1891.

PROPONENTS REST.

Mr. MILLER—If the Court please, I assumed that the witnesses that would be called on the ordinary probate would be called first, and would probably occupy the Court until about twelve o'clock to-day, and so I asked my witnesses to come at twelve o'clock.

The ORDINARY—The Court will take an intermission until twelve o'clock in place of the noon recess.

RECESS.

Mr. GUMMERE—I move to dismiss the application for the probate of the alleged will of George P. Gordon on the grounds that this Court has not jurisdiction. That the proponents have not given any evidence as to the domicile of the alleged testator, such as is required by the terms of the order made by your Honor under which these proceedings are had.

The ORDINARY—The purpose of this order was not to place upon the proponents the duty of making more proof than was necessary for the original solemn probate of this will. The purpose of the order was to put the matters back in the place in which they were when the will was offered for probate and to require the probate of the will upon notice to the parties interested. That notice has been given and the will is here for the purpose of being reproved, or in other words, proved again in solemn form.

I think that the recitals in the alleged will and the evidence that has been offered furnish sufficient prima facia evidence of domicile for the purposes of probate as the case now stands, and I, therefore, will deny the motion.

Mr. MILLER—If the Court please I offer in evidence Chapter 633 of the Session Laws of the State of New York for 1874 (page 893), published by authority under the certificate of the Secretary of State entitled, "An Act to amend an act entitled, An Act to amend an act entitled: "An Act to regulate Elections in the City of Brooklyn, passed May seventh, eighteen hundred and seventy-two, passed May first, eighteen hundred and seventy-three.

Objection by Mr. Collins as irrelevant.

The ORDINARY—I will admit the act for the present on the assurance by counsel that it will be followed up with evidence which will make it pertinent to the issues in the case.

(Marked Exhibit D 8, April 16, 1891.)

Mr. MILLER—I also offer in evidence Chapter 365 of the Session Laws of the State of New York of 1873, published by authority under the certificate of the Secretary of State

entitled; "An Act to amend an act entitled, "An Act to regulate Elections in the City of Brooklyn," passed May seventh, eighteen hundred and seventy-two, found on page 548.

Objection by Mr. Collins as irrelevant.

Same ruling.

(Marked Exhibit D 9, April 16, 1891.)

Mr. MILLER—I also offer in evidence Chapter 575 of the Session Laws of the State of New York of 1872, published by authority under the certificate of the Secretary of State, entitled, "An Act to regulate Elections in the City of Brooklyn, passed May seventh, eighteen hundred and seventy-two.

Same objection by Mr. Collins.

Same ruling.

(Marked Exhibit D 10, April 16, 1891.)

Mr. MILLER—I call your Honor's attention to the provision in Chapter 10 of the Session Laws of 1874 of the State of New York, found on page 897, as follows: "The fourteenth section of said act is hereby amended by adding the following at the end thereof: "The poll lists shall within the same time be filed—one with the Board of Elections and one with the County Clerk. Canvassers shall sign each page of each return, and shall seal the returns before filing them."

I also call your Honor's attention to the act which requires the poll books to be bound and the inspectors to make their returns to the Board of Election.

GEORGE SANDHUSON, a witness produced in behalf of the defendants, being duly sworn aceording to law on oath says,

EXAMINED by Mr. Miller.

Q. Where do you reside?

A. 254 Vanderbilt Avenue, Brooklyn.

Q. What is your business?

A. I am clerk of the Board of Elections, Brooklyn, New York.

Q. How long have you heen such?

A. Pretty nearly five years.

Q. Are you still in that office.

A. Yes, sir.

Q. Have you brought with you any official records from that office?

A. Yes, sir.

Q. Please state what this book is you now produce?

A. This is the poll list for the year 1876 from the First to the Fifth Wards.

Q. Does it include the Second Distict of the First Ward?

A. Yes, sir.

Q. Please turn tc the pages covering that district?

A. Witness turns to a page in the book containing the following entry, which is marked "(D 11 for identification, April 16, 1891."

Number.	Residence, Street and Number.	Name of Voter.	Whole Number of Ballots Voted.	Election	State.	Judiciary (City).	State Officers.
382.	155 Columbia Heights.	Geo. B. Gordon.	4.	1.	1.	1.	1.

Copy of entry specially referred to in "D 11, April 16, 1891."

10 20 30 40

Q. What is this book I now show you?

A. The appointment book.

Q. Of what?

A. Of poll clerks.

Q. That is the official record of the appointment of poll clerks?

A. Yes, sir.

Q. By whom?

A. The Board of Inspectors.

Q. Does it show the poll clerks appointed for the Second district of the First ward for the election of 1876?

A. Yes, sir.

The book offered and marked "D 12 for identifieation April 16, 1891."

Q. What is that last book which I now show you?

A. That is the receipt book.

Q. Receipt of what?

A. Receipts for services rendered.

Q. By whom rendered?

A. By all the election officers, registry inspectors, poll clerks and canvassers.

Q. It shows the receipts for payments for services rendered by the poll clerks?

A. Yes, sir.

Q. It shows receipts for services rendered the Second district of the First ward for the election of 1876?

A. Yes, sir.

Q. On what page?

A. It is not paged.

The book offered and marked "D 13 for identification," April 16, 1891.

Q. Under the section of the laws I have read there is to be taken and kept a registry of all voters?

Mr. COLLINS—I object to the question as leading.

Mr. MILLER—I have not finished my question.

Mr. COLLINS—I beg pardon; I jumped before I came to the stile; but please don't answer the question until I have an opportunity to object.

Mr. MILLER:

Q. In what effice is the original registry book deposited?

Objection by Mr. Collins as irrelevant.
Question admitted.

A. In the office of the Board of Elections in the City of Brooklyn.

Q. That it the office in which you are employed?

A. Yes, sir.

Q. Have you made an examination in that offiec to find the original register of voters?

A. I have.

Q. Have you been able to find it?

A. No, sir.

Q. Do you know what has become of it?

A. The records of all the years previous to 1883 were destroyed by water.

Q. What is the book I now produce?

A. That is a printed copy of the original list.

Q. The copy printed under the act I have read and offered in evidence?

A. Yes, sir.

Q. Where did you bring it from?

A. From the office of the Board of Elections of Brooklyn.

Q. That is the one; a genuine printed list of the register and printed pursuant to that act?

A. Yes, sir.

(Book marked D 14 for identification, April 16, 1891.)

Mr. COLLINS—I ask the privilege of cross-examining this witness as to these books.

CROSS-EXAMINATION by Mr. Collins:

Q. What was the book you said was destroyed by water?

A. The original list.

(Question repeated?

A. The original book.

Q. What of?

A. The registry list.

Q. And the book that you have marked D 11 for identification is the one to which you refer as the poll list?

A. Yes, sir.

Q. When was the book bound in leather published so far as you know?

A. Well, they are published about two or three months after the election; that is they are bound; they are published before election; the printed lists are published three or four days before election.

Q. What were you doing in 1876?

A. I was in another business.

Q. How do you know that printed book contains a copy of the registry list of the second district of the First Ward of Brooklyn!

A. How do I know?

Q. Yes.

A. I went over this book and found it there.

Q. You found what?

A. In this book the list of voters of the Second district of the First Ward.

Q. I understand that there is in that book what purports to be the names on the register, but I now ask you, how do you know it is a copy of the original if you never saw the original.

A. I never saw the original.

Q. Then you do not know that it is a copy?

A. No, sir, I cannot swear positively to that.

Q. Is this large book "D 11 for identification" the original poll list or a compilation from the smaller books returned in by the poll clerks?

A. No, sir, this is the original book turned in by the poll clerks and we then have them bound.

Q. Is that the compilation of the list they make

at the time the voting goes on, or is it a return required by law to be made in the nature of a copy?

A. They make this list when the voting is going on.

Q. You don't mean that that particular one was made, but that is the custom?

A. Yes, sir.

Q. You don't know anything about that of your own knowledge do you?

A. Yes, sir.

Q. You find it there in the records that is all?

A. Yes, sir.

Q. These you say are public records?

A. Yes, sir.

Q. How do they get out of the jurisdiction of New York?

A. By consent of the president of the Board.

Q. At whose request?

A. At the request of Mr. Miller.

Q. What are you going to do if they have to stay over here?

A. I have to take them back with me.

Q. Oh, you will, eh?

A. Well, I will try.

Q. Mr. Miller seems to be a gentleman of influence with your people?

A. Well, you could get the same privileges if you wanted them.

Q. And bring them over here?

A. I have no doubt.

Q. Did Mr. Henry J. Cullen, Jr., ask to have them brought here?

A. No, sir, he did not ask me.

Q. Did he ask anybody?

A. I cannot say.

Q. How do you know that the original register was destroyed by water?

A. I ascertained that from one of the old clerks in the office.

Q. Then that is only hearsay evidence?

A. Yes, sir, he informed me that in the year 1883

they repaired the roof in the city hall and they took the tin off and during the night a severe thunder storm arose and the water came through and destroyed the books.

Q. That information you received from somebody else?

A. From another clerk who had been in the department sixty years.

Q. That is what you heard?

A. Yes, sir.

Q. Did you hear what was done with the damaged stationery?

A. Yes, sir.

Q. What?

A. They were thrown away.

Q. That is what you were informed?

A. Yes, sir.

RE-DIRECT by Mr. Miller:

Q. You made a search for the original list?

A. Yes, sir.

Q. Thoroughly and completely?

A. Yes, sir.

Q. Such as would have discovered it if it had been there?

A. Yes, sir.

Q. That printed volume marked "D 14" for identification is from the files of the Bureau of Election of the city of Brooklyn?

A. Yes, sir.

Q. And is a bound volume of the printed registry list in that office?

A. Yes, sir.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. Why did you search for the original registry list when you knew it had been ruined by water and destroyed?

A. I did not know it until Mr. Miller asked me to look for it and I looked for it and could not find it and then I made inquiries and they told me.

Q. Then that clears it up?
A. Yes, sir.

Mr. MILLER—I specially draw the attention of the Court to Section 7 of the act, Chapter 633 of the Session laws of 1874, to which I referred, which is as follows:

"The said Board of Registers and inspectors shall meet on the Monday occurring "two weeks before the day of general election in their respective election districts, at "the place designated as hereinbefore provided, for the purpose of completing "said registries of election; and for this purpose they shall meet from eight to eleven "A. M. and from four to eleven P. M. of that "day. And they shall then revise, correct, "add to and substract therefrom, and complete the said registries, and shall on that "day add to the said registries any person "who would on the day of the next election "be entitled, under the provisions of the constitution and laws of this State, to exercise "the right of suffrage in said district; but the "name of no person shall be entered upon "said registry unless the elector shall personally appear before said registers. On the "next day the said registers and inspectors "shall make and complete three additional "lists of said registry and enter therein the "names of the person registered, under the "headings of the streets or avenues in which "they reside, their age, place of residence "in numerical order, length of time of residence in the State, in the county and in the "ward, and in a column headed "remarks" if "to be "challenged."

"The said lists, when so completed, shall be "signed and certified by each register. One "of the said lists shall be retained by the "chairman of the Board of Registers and In-

" spectors, for their use on the day of elec-
" tion, and the other two lists shall be deliv-
" ered on the following Wednesday to the
" Board of Elections, and it shall be the duty
" of the said Board of Elections to print and dis-
" tribute for each ward respectively, fifty
" times as many copies of said lists as there
" are districts in the ward, in pamphlet form,
" so that each ward pamphlet shall contain
" the lists of the several election districts in
" each ward. It shall also be the duty of the
" said Board of Elections to hire all polling
" places and place them in proper order and
" condition; to furnish to the various election
" officers, provided for in this act, such regis-
" tries, maps, books, blanks, instructions and
" stationery, as may be necessary for the
" proper discharge of their duties."

I now offer in evidence the entry found on page 11 of the register list heretofore marked D 14 for identification.

Mr. COLLINS—I object to the admission of that book in evidence—to the copy of the registry list on several grounds—one peculiar to this exhibit and the other generally to all these exhibits that are not yet offered. The ground peculiar to this exhibit is that they have not accounted for the production of the original list. I am not speaking now as to the credibility of the books generally; I am speaking as to this registry list; they have not accounted for the non-production of the original list; all the evidence you have produced as to that is hearsay evidence.

The ORDINARY—I will reserve this question, but allow counsel to assume for the purposes of his proof that this is admitted.

Marked Exhibit D 14, April 16, 1891, a copy of which is as follows;

Residence Number or other designation if not number.	Name of Voter.	Age.	Length of time resident in State.	Length of residence in County.	Length of residence in Ward.	Length of residence in District.
155	George P. Gordon.	66	3 years.	3 years.	3 years.	3 years.

Copy of Entry specially referred to in "D 14 April 16, 1891."

JOHN S. COHEN being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller:

Q. Where do you reside?

A. 526 Quincy street, Brooklyn, New York.

Q. What is your business?

A. Clerk in the County Clerk's office of Kings County in the State of New York.

Q. Have you produced a record from that court by my request—if so, produce it?

A. Yes, sir.

Q. What is that?

A. The official poll list.

Q. Filed in the office of the County Clerk?

A. Yes, sir.

Q. Does it relate to the Second district of the First Ward, of the election of 1876?

A. Yes, sir, it does.

CROSS-EXAMINATION by Mr. Collins.

Q. How long have you been in the office?

A. Pretty nearly three years.

Q. When you say "official poll list" what do you mean?

A. It is filed in the Kings County Clerk's office.

Q. Supposed to be furnished by whom?

A. The Register of Elections.

Q. What was the book that Mr. Sandhuson produced, if you know?

A. I do not know—this is the book that is on file in the County Clerk's office of Kings County.

Q. What do you do in that office,—what are your duties?

A. I am a clerk there.

Q. In what capacity?

A. I am partially a record clerk and partially a copyist.

Q. What do you mean by "record clerk," recording instruments in books?

A. Yes, sir.

Q. You have nothing to do with the election department in the County Clerk's office?

Mr. MILLER—There is no such department in the County Clerk's office, and I object to the question.

The ORDINARY—Counsel may proceed.

Mr. COLLINS:

Q. Have you anything to do with that part of the County Clerk's duties which relate to elections?

A. No, sir.

The ORDINARY:

Q. Is there any such department in the County Clerk's office as that which relates to elections?

A. No, sir.

(Mr. COLLINS):

Q. He has to do certain things in connection with elections, hasn't he?

A. I believe he does.

Q. Who does it?

A. The clerks, as a general rule.

Q. What clerks?

A. All the clerks.

Q. You say you do not?

A. Well, there is no election department; when the books are brought in after election they are all taken and filed.

Q. Is there not some man specially appointed to receive such documents?

A. No special man.

Q. Not to receive papers of that description?

A. There are Deputy County Clerks; they are never returned to him.

Q. Who are they returned to?

A. Any of the clerks.

Q. Which one?

A. Any one; there are a couple of clerks detailed there, and they take the returns.

(The ORDINARY):

Q. Did you take that book from the files yourself?
A. Yes, sir.

(Mr. MILLER):

Q. Were you deputed to bring it over here?
A. Yes, sir.

(Mr. COLLINS):

Q. What shape do they come into the office in; are they bound like that (indicating the book)?
A. No, sir.
Q. Are they in loose sheets?
A. Yes, sir.
Q. You have seen them come in in that way?
A. Yes, sir.
Q. Who attends to the binding of them?
A. The binder.
Q. Who attends to it from the office?
A. I suppose the Deputy County Clerk.

(Mr. MILLER):

I ask that the entry in that book referred to be marked for identification D 15.

ROBERT S. BUSSING, Jr., being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller.

Q. Where do you reside?
A. 30 Garden Place, Brooklyn, N. Y.
Q. Are you in business?
A. Yes, sir.
Q. Where?
A. The Equitable Buildiug, 120 Broadway, New York.
Q. In 1876 did you have anything to do with the elections in Brooklyn?
A. I was poll clerk.
Q. What district and ward?
A. First ward, Second district.

Q. Are you the Robert S. Bussing named in Exhibit D 12 (handing witness the book)?

A. Yes, sir.

Q. Were you poll clerk of that election?

A. Yes, sir.

Q. Did you keep in your handwriting a record of voters who voted that day?

A. Yes, sir.

Q. Will you look at D 15 for identification, and state whether that contains the record you refer to?

A. It does.

Q; Please look at that record and state whether at that election George P. Gordon, of 155 Columbia Heights, voted or not?

Objection by Mr. Collins as not being the best evidence, and also on the ground that it is leading.

Question withdrawn.

Mr. MILLER:

Q. You were present that day when the voting went on?

A. Yes, sir.

Q. And made a record of every man that voted?

A. Yes, sir.

Q. And you made a record of the voting of "George P. Gordon?"

Objection by Mr. Collins as the document shows for itself if it is admitted, and this witness swearing to it cannot make it any stronger.

Question withdrawn.

Mr. MILLER:

Q. Did George P. Gordon, of 155 Columbia Heights, vote that day?

Objection by Mr.Collins on the ground that counsel must show that this witness knew the man.

Question allowed,

A. I will say yes to that.

CROSS-EXAMINATION by Mr. Collins:

Q. Had you any personal acquaintance with George P. Gordon in 1876, he who owned the Rahway Press Works?

A. No, sir.

Q. You had never seen him to your knowledge?

A. I cnnnot say to my knowledge that I have seen him.

RE-DIRECT by Mr. Miller:

Q. What day was that?

A. This election day?

Q. Yes.

A. The first Tuesday in November.

Q. What year?

A. 1876.

Q. You say you had no personal acquaintance—what do you mean by no personal acquaintance with George P. Gordon?

A. I say I did not know the man.

Q. Personally you mean?

A. Personally.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. Have you any means of knowing that George P. Gordon, of No. 155 Columbia Heights voted on that day other than as you find such a man's name as voting on that day on that book before you.

A. I will say in addition to what I have already said in answer to the question as follows: I have lived in the First Ward all my life and I have associated with these folks and with friends who have also lived in the First ward all their lives. The face of Mr. Gordon is familiar to me and his age is given here (witness looks upon the book and says.) I had the impression that the age of the voter was given here, but I see it is not. Now to answer your question more fully I should state that I think it is im-

possible in such a small ward as the First ward is, that a man purporting to live at 155 Columbia Heights or whatever his residence is, to come there and vote, I say it is impossible that some one among the many poll clerks and others associating with me there at the same time, and then Mr. Danks, one of the registers, who is now dead, was there at the same time; I think it is impossible for him to have voted in the year 1876, which was a very exciting campaign; you know it was the Tilden and Hayes campaign, and I remember the campaign expressly and all being located at the polls and a man to come there purporting to come from Columbia Heights, very near the district where I myself resided; it is impossible I say for him not to have voted as is registered in the book.

Mr. COLLINS—I ask that this be all stricken out.

The ORDINARY—Under the question asked I think I shall allow the answer to stand.

FURTHER RE-DIRECT by Mr. Miller;

Q. Is not that one of the most respectable streets and districts in Brooklyn?

Objection by Mr. Collins as immaterial.

Objection sustained.

Q. Is not that one of the most high-toned districts in Brooklyn?

Objection by Mr. Collins as immaterial.

The ORDINARY—I will allow it as introductory.

A. The First ward is peculiar from all the other wards, because it is made up largely of men who have lived there most of their lives, and consequently are known to each other more there than in any of the other wards,

Q. The old Brooklynites live altogether, you mean?

A. I did not say that; I say that the First ward—it is changed a little now, perhaps—but it was at that time

made up of people who have resided there all their lives, who have lived in the same houses pretty nearly all their lives, or at least for some considerable time, and who were all known to each other.

Q. Look at the record of the Board of Elections and state in whose handwriting the entry at the top of the left hand page is?

A. It is the second poll list clerk.

Q. Made by whom?

A. Fred Ropes.

Q. Do you know where he is now?

A. I understand he is out West traveling.

Q. Was it your official duty as each man voted to record his name?

Objection by Mr. Collins as it appears from the record itself what was required of him, and it is also leading.

Question allowed.

A. It was.

Q. Were these entries made seriatim of voters, one after another as they voted?

A. Yes, sir.

Q. Can you give the hour in which they voted from the list?

A. No, sir.

Q. Is it required by law to put on the margin of the list the hour when the voting commences?

A. Yes, sir; I see I have made a memorandum "12" and "1" o'clock, but I do not remember that that was a duty; I probably performed it if it was.

Q. The statute requires the hour to be placed on the margin, and you performed the whole duty as you understood it?

A. Yes; I see the record is marked; it must be between twelve and one o'clock; I had forgotten at the time I put that down.

Q. Did you perform your whole duty that day conscientiously?

Objection by Mr. Collins as immaterial.

Question withdrawn.

CROSS-EXAMINATION by Mr. Collins:

Q. What was your business in 1876, besides that of poll clerk?

A. I was studying law.

Q. With whom?

A. In the office of Van Winkle, Cambler & Jay.

Q. Have you never been with Mr. Cullen?

A. No, sir.

Q. You never have been?

A. No, sir.

Q. Are you a lawyer now?

A. Yes, sir.

Q. Practicing for yourself?

A. In a sense; yes, sir.

Q. In what sense?

A. I am doing work for a corporation at present, and for myself too.

Q. Not for a lawyer?

A. No, sir.

Q. What corporation?

A. The American Casuility Company.

Mr. MILLER—I offer these entries in the records which have been referred to, relating to "George P. Gordon," in D 11 for identification and D 15 for identification, and ask that they be marked in evidence.

Mr. COLLINS—I object, on the ground that they are irrelevant and incompetent; there is no proof that they are public records, and there is no law shown that they are evidence or can be evidence even in the State of New York, and they certainly would not be evidence in this jurisdiction; it is entirely incompetent to prove the fact of a man's voting in this manner.

The ORDINARY—I will admit them.

They are marked respectively Exhibit D 11, April 16, 1891, and Exhibit D 15, April 16, 1891.

Exhibit D 15 is as follows:

Number.	Residence, Street and Number.	Name of Voters.	Whole Number of Ballots Voted.	Election	State.	Judiciary (City).	State Officers.
382.	155 Col. Heights.	Geo. B. Gordon.	4.	1.	1.	1.	1.

Copy of entry specially referred to in "D 15, April 16th, 1891."

WILLIAM E. VAN VLEET, being duly sworn according to law, on his oath says;

EXAMINED by Mr. Miller:

Q. What is your residence?
A. Rahway, New Jersey.
Q. What is your age?
A. Forty-four.
Q. What is your business?
A. I am at present manager of the Gordon Press Works, Rahway, New Jersey.
Q. How long has that been your business?
A. I have been at the Gordon Press Works since 1873.
Q. You knew George P. Gordon in his lifetime?
A. Yes, sir.
Q. Intimately?
A. Yes, sir.
Q. What were your relations to him in business during his lifetime—in a business way?
A. Well, I was at the time a clerk in his office at Rahway.
Q. Up to the time of his death?
A. Yes, sir.
Q. Did you see him frequently?
A. Yes, sir.
Q. Do you know his handwriting?
A. I think so.
Q. Did you see him write frequently?
A. Yes, sir.
Q. You often saw his checks?
A. Yes, sir.
Q. And often saw his letters?
A. Do you mean letters that he had written?
Q. To you, or letters you saw him write to other people?
A. I may not have seen them frequently; he wrote letters at times at Rahway, but not, perhaps, frequently.
Q. You saw him write during the five years you were with him?

A. Yes, sir.

Q. Numerous times, did you not?

A. Yes, sir.

Q. Please look at the paper writing I now show you, and state whether the words "Geo. P. Gordon" are in the handwriting of George P. Gordon?

A. Do you want me to go through every check here?

Q. Yes, go through them all; keep them in the same order, and say whether the signatures are in the handwriting of George P. Gordon?

A. I believe they are.

Q. Have you any doubt about it?

A. I have no doubt of it.

Mr. MILLER—I offer these thirty-nine checks in evidence.

Marked consecutively "Exhibits D 16 to D 54," both inclusive, April 16, 1891.

Q. Please look at Exhibit A 1—at the signature of "Geo. P. Gordon" affixed to it—and state from your knowledge of Mr. Gordon's handwriting whether that, in your opinion, is his genuine handwriting?

A. I do not recognize it as such.

Q. Is it in his handwriting, in your opinion?

A. No, sir.

CROSS-EXBMINATION by Mr. Collins:

Q. You say you began at the Gordon Press Works, in Rahway, in 1873?

A. Yes, sir.

Q. Was George P. Gordon then owner and proprietor of those works?

A. Yes, sir.

Q. In what capacity did you begin your labor?

A. As clerk in the office of the Gordon Press Works.

Q. There at Rahway?

A. Yes, sir.

Q. And your work had always been at Rahway?
A. Up to within about three years.
Q. That is since Mr. Gordon's death?
A. Yes, sir.
Q. Where was it, in New York?
A. Yes, sir.
Q. At the time of Mr. Gordon's death what position did you occupy in the works?
A. The same position, clerk at Rahway, in the office as bookkeeper.
Q. Mr. Gordon died owning these works and the machinery and chattels therein contained?
A. As far as I know.
Q. It is a fact, is it not?
A. Yes, I believe it to be.
Q. You have continued until the present time, have you not?
A. Yes, sir.
Q. Who continued you?
A. Well, there was no discontinuance, whoever was in authority.
Q. You kept right on?
A. Yes, sir.
Q. Mr. Gordon left an only child, a daughter, Mary Agnes Gordon?
Q. Yes, sir.
Q. Did you continue under her?
A. Yes, sir.
Q. Who represented her, what man over you?
A. General Josiah Porter.
Q. And one Henry J. Cullen, Jr.?
A. Not that I am aware of as far as the Press Works were concerned; we looked to General Porter entirely.
Q. Did Mr. Cullen take some part with regard to the disposition of some of the real estate of which Mr. Gordon died seized in Rahway?
A. I think so.
Q. Did you purchase a house and lot?
A. Yes, sir.
Q. Where?

A. In Rahway, New Jersey.

Q. From whom?

A. From Henry J. Cullen, Jr., and General Josiah Porter.

Q. Did they claim under a deed from Mary Agnes Gordon?

A. And Mrs. Gordon.

Q. And Mrs. Gordon, the widow?

A. Yes, sir.

Q. Was that house and lot one of which Mr. Gordon died seized and possessed?

A. Yes, sir.

Q. So you are interested in overthrowing this will?

A. My interests don't influence me whatever in what I am saying here on this stand.

Q. I haven't said it did; I only want to know the fact; now you are interested in overthrowing this will?

A. I suppose so, but I have not allowed it to influence me one minute.

Q. That is perfectly proper; I only ask you if it is so; you saw this will, or the paper that purports to be the will, at the Secretary of State's office in Trenton after the formal probate, did you not?

A. I did not know anything about any probate.

Q. You saw this will, or the paper that purports to be a will, at the Secretary of State's office after January 17, 1891, didn't you?

A. I cannot tell you.

Q. You saw it opened, didn't you?

A. I presume it is the same paper; it looks like it.

Q. You examined the signature, then?

A. Yes, sir.

Q. And you told divers people that you thought the signature was not genuine?

A. I have not told divers people.

Q. Well, some people?

A. I was asked the question by some people, and I said what I thought about it.

Q. And you said you thought it was not genuine?

A. Yes, sir.

Q. Did you tell more than one?

A. Yes; those intimately associated with me in a confidential way.

Q. Why did you examine this paper at such considerable length here in court to-day.

A. To make assurance doubly sure.

Q. Had you not satisfied yourself on that point previously?

A. I had.

Q. From whom did Mr. Miller procure these checks that have been identified by you?

A. What checks?

Q. Those you said were signed by George P. Gordon?

A. I don't know.

Q. They purport to be returned checks that had been paid by the bank and sent back to the drawer?

A. Yes, sir.

Q. Where were such checks kept?

A. They were at Rahway, a couple of boxes of papers, and I presume they were in there?

Q. Did you give these boxes of papers to any one?

A. By direction I forwarded them to the Mercantile Trust Co. of New York.

Q. How many checks were there in these boxes or packages?

A. I don't know.

Q. When you sent them?

A. I don't know.

Q. A great many thousands?

A. I should think so.

Q. And they produce only 39?

A. Yes, sir.

Q. Were these checks that you had at Rahway drawn in Rahway; did he keep a check book in Rahway?

A. No, not necessarily; they were papers sent from the New York office.

Q. Was it customary to keep at Rahway a check book?

A. Yes, sir.

Q. And another one at New York?

A. Yes, sir; I suppose so; I do not know anything about New York, or I did not at that time, only I should say yes, naturally.

Q. During your time did Mr. Gordon keep an account in a Rahway bank as well as in a New York bank?

A. He kept an account in a Rahway bank.

Q. And not in New York?

A. I don't know.

Q. You don't know that?

A. No, sir.

Q. Where is the stub of the check book from which these checks were taken; the checks shown you?

A. In among the papers, I presume; in these boxes.

Q. When were the boxes sent to the Mercantile Trust Co.?

A. I cannot give you the date now; I do not know.

Q. Well, about?

A. A month or so, and it might be two months ago; I cannot give you the exact date.

Q. Not over that?

A. I would not say; it might be over that.

Q. Probably?

A. I am going to answer the question, please.

Q. I hope you will, and answer that one?

A. I have answered it.

Q. Probably not more?

A. I don't know.

Q. You don't know whether it is probably or not?

A. No, sir.

Q. Who told you to send them?

A. Who told me? I had a note from Mr. Cullen.

Q. Henry J. Cullen, Jr.?

A. Yes, sir.

Q. Did you send everything there was there?

A. Everything that had come from the New York office, I think; I have no doubt of it.

Q. If you were connected and acting under General Josiah Porter, why did you send papers upon the order of Henry J. Cullen, Jr.?

A. Because General Porter, as I understood it, was acting under the Mercantile Trust Company, and I understood that Mr. Cullen was acting under the Mercantile Trust Company—that is what I understood.

Q. And you took orders from Mr. Cullen?

A. Yes, sir.

Q. From whom did you understand that?

A. From no one.

Q. Then how could you have such an understanding?

A. Well, I had an impression from the general circumstances.

Q. Were these checks sent after you had heard that there had been a will discovered—an old will of George P. Gordon's discovered?

A. Undoubtedly; yes, sir.

Q. You have examined 39 checks here in court, and you said you believed them to be signed by George P. Gordon, had you seen them before?

A. I don't know that I have; I may have seen them and I may not; I do not know.

Q. Have you looked at any papers since you learned of the discovery of this will, in order to fix his signature in your mind?

A. Yes, sir.

Q. What; checks?

A. The checks of 1868.

Q. Then I ask you if you have seen these checks before?

A. Are they 1868 checks?

Q. Yes.

A. Then I must have seen these checks.

Q. Are there no more than 39 checks in 1868?

A. I presume there are any number more.

Q. I now show you the checks—of the 39 checks—that will be numbered in the order of Exhibits D 21, D 29, D 33 and D 43, and I ask you whether the body of the check, as well as the signature, is in each case in the handwriting of George P. Gordon?

A. I think they are, all of them.

Q. And the endorsements of D 33 and D 43?

A. Yes, sir; I think so.

Q. Did you call yourself just now the manager of the works?

A. Yes, sir.

Q. Did not Josiah Porter claim that title?

A. Well, the General was the manager; I am now speaking of the press works proper; he was the manager of the whole business.

Q. Were you not really head-booker; was not that your position?

A. My position here in New York was book-keeper, associated in the immediate management and the manager of the Gordon Press Works.

Q. You are not a mechanic, a printing-press maker?

A. No, sir.

Q. That is a man by the name of who that superintends the manufacture?

A. Mr. Rathburn.

Q. There at Rahway?

A. Yes, sir.

Q. What became of the papers at the New York office?

A. They went to the Mercantile Trust Co.

Q. Who sent them?

A. General Porter.

Q. When?

A. I cannot give you the date.

Q. Since the discovery of this will?

A. No doubt; yes, sir.

Q. And before the appointment of the receiver by this court?

A. Yes, sir.

Q. And the papers from Rahway were sent also before the appointment of a receiver by this court?

A. Yes, sir.

Q. When did Mary Agnes Gordon die?

A. My recollection now is May 29th.

Q. What year?

A. 1890.

Q. Did General Porter continue the management of the Gordon Press Works' business just the same after her death as before?

A. Yes, sir.

Q. No cessation whatever?

A. No, sir.

Q. At the time the papers and books were sent down to the Mercantile Trust Co. were you also sent down yourself to make that your office?

A. Well, I was compelled to go there to get certain facts necessary in the conducting of our business.

Q. Did you not conduct your business from that place?

A. No, sir.

Q. Were you not down there for a week?

A. No, sir.

Q. Nearly all the time?

A. No, sir.

Q. Did you not write letters concerning the business from there?

A. I do not think I ever wrote a single letter from there concerning the business.

Q. Did not the receiver find you there?

A. I was there as little as I could be.

Q. Did not the receiver find you there?

A. The receiver found me there, but I do not think I was writing letters; I do not think I wrote any letters out there; I did fill out a certain circular and send them out—it was a rebuilt circular, and I send them down to some of the customers because I could not take the correspondence away, and I think I did fill in about half a dozen of them and send them, but I do not recollect of writing any letters while I was there.

Q. What did you pay for this property you bought in Rahway?

A. Seventeen hundred dollars.

Q. Cash or mortgage?

A. There is a mortgage on it.

Q. How much?

A. Fifteen hundred dollars.

Q. To whom?

A. To Henry J. Cullen and Josiah Porter.

Q. What has been your wages from 1873 down to now?

A. Part of the time $20 a week, and part of the time, upon a cut and stoppage which occurred after Mr. Gordon's death, $16 a week.

Q. Go on?

A. That I say $20 a week and $16 a week.

Q. Was it after you was raised—were you raised from $16 again?

A. Yes, sir.

Q. When?

A. When I came to New York.

Q. Raised to what?

A. Twenty dollars.

Q. And continued at $20 a week until the receiver took possession?

Q. Yes, sir.

Q. In what name is the business conducted—simply the Gordon Press Works?

A. Yes, sir.

Q. Ever since Mr. Gordon's death?

A. Yes, sir.

Q. Same as before?

A. Yes, sir, I think so.

Q. Using the same sort of letter heads?

A. Yes, sir.

Q. How have checks been drawn and signed since Mr. Gordon's death, and who signed them?

A. General Porter, as attorney, I think, for Miss Gordon up to her death.

Q. Where are those checks?

A. Now I really—I guess the Mercantile Trust Co. have them.

Q. In what bank was the account kept after the death of Mr. Gordon?

A. After the death of Mr. Gordon?

Q. Yes?

A. I presume in the Nassau Bank; I think I have checks signed by Sydney Doane a great many of them, and I think all of them were drawn on the Nassau Bank.

Q. Mr. Doane was retained after his death?

A. Yes, sir.

Q. When?

A. I cannot give the date; three years ago, I guess.

Q. You came to the Gordon Press Works before his death?

A. Yes, as I told you in 1873.

Q. You were not in the New York office till after his death?

A. Yes.

Q. Did you go there after his death?

A. Yes, sir.

Q. From the time you went there three years ago or so, in what bank was the account kept?

A. Up to the time I went there?

Q. No, from the time you went to New York?

A. In the Nassau Bank.

Q. And continued so until the Receiver was appointed?

A. Yes, sir.

Q. Did you fill out checks?

A. Yes, sir.

Q. Who signed them?

A. Well, no, that was since the Mercantile Trust Co. took hold.

Q. No, I say three years ago, when you went to the New York office; they did not take control then?

A. No, sir.

Q. The Trust Co. hadn't anything to do with the matter until after Mary Agnes Gordon's death?

A. No, sir.

Q. From the time you went to New York, did you have to do with drawing checks, drawing them up for signature?

A. Yes, sir.

Q. Upon what bank account were they kept?

A. The Nassau Bank.

Q. What name was the account kept in?

A. The Gordon Press Works.

Q. Who signed the ckecks?

A. Josiah Porter as attorney.

Q. Josiah Porter, attorney.

A. I think so.

Q. Will you swear to thc fact that he wrote "Attorney" after his name?

A. Yes, sir.

Q. To the checks?

A. Yes, sir.

Q. Not simply Josiah Porter?

A. Oh, no, sir.

Q. Was there an account kept in Rahway too after Mr. Doane's death?

A. No, sir.

Q. After Mr. Gordon's death was there?

A. Yes, I think there was a pay-roll account.

Q. For how long?

A. I cannot tell you that; quite a while; Mr. Doane, for convenience sake, made deposits in that bank.

Q. And the account of the Gordon Press Works were kept there?

A. Yes, sir.

Q. It appears that Mr. Gordon kept the account himself, and signed "George P. Gordon"?

A. When in Rahway?—I suppose so.

Q. When was the style of it changed from George P. Gordon to the Gordon Press Works?

A. I presume after his death.

Q. Mr. Gordon had a great variety of handwriting, hadn't he?

A. I don't know, sir.

Q. Have you seen anything but signatures?

A. Yes, sir; I have seen his letters.

Q. The greatest familiarity you have with his handwriting is his signature to bank checks, is it not?

A. Yes, generally speaking.

Q. What letters have you seen?

A. Yes, I saw a letter from him; Mr. Van Wyck showed it to me.

Q. Just one?

A. He had several, and I might have looked at them, but I think only two particularly; I think there was one other one directed to Mr. Van Wyck particularly.

Q. Then you were not in the habit of seeing his correspondence?

A. Well, I knew the characteristics of his handwriting; I had seen it at Rahway a good many times—a good many letters—and his signature I was familiar with, but it did not come under my observation every day during his life time; I am speaking—(Interrupted).

Q. What do you mean by two letters?

A. I mean Mr. Van Wyck had just come from the South, and I met him on a ferryboat and he showed me the two letters he had received from Mr. Gordon.

Q. When did you see it?

A. It seems to me about two months ago; I cannot fix the date.

Q. Then you are not able to fix seeing any other letters at any time.

A. No, sir, I cannot; of course I cannot fix any date.

Q. Or any circumstances of seeing the letters?

A. I cannot locate it; it is too long ago.

Q. Nor what about?

A. No, sir.

Q. He had no occasion to write to you, had he?

A. Yes, I wrote lots of them when I come to think of it.

Q. Will you produce them—I would like to see them.

A. If I can find them I will certainly.

Q. Where would you have them?

A. At Rahway in the desk.

Q. What would they be about.

A. When he went to Norfolk he wrote to me about the business, and I wrote to him frequently about the business.

Q. We would be glad to see those letters if you have them?

A. I believe I have them—quite a number of them?

Q. Has any one except Mr. Van Wyck shown you letters recently—within the last few months?

A. No, sir, not that I recollect.

Q. Who showed you the 1868 checks?

A. I had them in my possession.

Q. You said you looked over the 1868 checks?

A. Yes, sir, I put them in my pocket when I went to Trenton and I looked them over.

Q. Where did you get them?

A. From the papers at Rahway.

Q. Was that before they were sent to the Mercantile Trust Co.?

A. Yes, sir.

Q. Who asked you to go to Trenton?

A. General Porter asked me to go; he said the Mercantile Trust Co. people would like to have me go—Mr. Alexander, I think.

Q. Why were they interested?

A. You know better than I do.

Q. General Porter had no interest in anything or in having you go?

A. I cannot answer that question; of course, I do not know why.

Q. Is Mr. Porter here in the court room?

A. I do not know.

Q. Don't you know him when you see him?

A. Yes, sir; I do not see him here.

Q. Is Mr. Henry J. Cullen, Jr., here?

A. I do not think he is; I do not see him.

Q. Has either of them been here to your knowledge?

A. Not that I know of.

Q. Have you seen since the discovery of this will now offered any letters of Mr. Gordon's written in the year 1868—you have seen checks you say, but have you seen any letters written in 1868?

A. Well, I think I have.

Q. Where?

A. At the Mercantile Trust Co.

Q. From whom had they been procured?

A. Well as I told you they had come in this box.

Q. I mean letters written by Mr. Gordon to other people?

A. Oh, in letter books, the copies of them, no letters of course.

Q. Only copies?

A. Yes, sir.

Q. Have you seen at any place letters that have been procured by parties interested in overthrowing this will written by Mr. Gordon to outside parties?

A. I do not think I have; I do not recollect any?

HENRY W. OSBORN being duly sworn according to law on his oath, saith:

EXAMINED by Mr. Miller:

Q. Where do you reside?

A. 504 Franklin avenue, Brooklyn, New York.

Q. What is your business?

A. I am Clerk of the Surrogate's Court, Kings County, New York.

Q. How long have you been such?

A. Since the 1st of January this year.

Q. Who is the Surrogate of Kings County?

A. The Hon. George B. Abbott.

Q. By the direction of George B. Abbott, Surrogate of Kings County, did you take the paper writings filed in the office of the Surrogate of Kings County, called "The 1873 Will of Gordon" to any place, and if so where?

A. About a week or ten days ago I took it over

New Jersey State Library

to New York for the purpose of having the signature photographed.

Q. Where did you take it?

A. First to the office of Mr. Carvalho at 265 Broadway and from there we went around into Reade street; I went with Mr. Carvalho and did not pay particular attention where we went to.

Q. All this time the paper was in your custody?

A. Yes, sir.

Q. And never left it?

A. No, sir.

Q. Did you take it back to the office of the Surrogate exactly as you had received it.

A. Yes, sir, I never let it pass out of my sight.

Q. Look at that paper and say if that is a photograph or autotype of the signature to the paper you so carried (handing witness a paper)?

A. I will say this is a copy of the signature of the paper I took to New York.

Q. A photograph of it?

A. Yes, sir.

Mr. MILLER—I ask that that photograph be marked for identification.

Marked D 55 for identification, April 16, 1891.

CROSS-EXAMINATION by Mr. Collins:

Q. When you say this is a copy you mean that it comports with your memory of what the signature is?

A. Well, I do not know that I can answer your question in that line.

(The ORDINARY):

Q. Did you witness the process?

A. Yes, sir.

(Mr. COLLINS):

Q. The process, but not the development; there was no paper developed before your eyes?

A. No, sir.

Q. It was in the camera?

A. Yes, sir; I presume this was taken from the process first taken on the glass; it is taken on glass first and then taken on paper afterwards.

Q. You say this is a copy because you assume—(Interrupted).

A. Let me give you the answer in my own way; that paper I have handled so many times that I know every line in that signature simply because within the last month or so I have made several copies of it, and I paid particular attention to the signature.

Q. You recognize the lines in this autotype as being the lines of the signature?

A. Yes, sir.

Q. And it is a mental picture of what you remember and what you now see on this exhibit?

A. Yes, I now say that.

Q. Where is the will now?

A. In the safe in our office.

Q. And you say Surrogate Abbott sent it over to New York by you?

A. By direction of the Surrogate I took it over to New York.

Q. Was the Surrogate ever a clerk with Mr. Cullen?

A. No, sir.

Q. Was he ever identified with him?

A. I believe he was; I believe he was a student and studied law with him in his office.

Q. That is what you mean?

A. That is what I understand; the Judge was at one time proctor for Mr. Cullen, the public administrator, and I know it because I was a clerk in the office of the public administrator at the time.

Q. In the office of Mr. Cullen?

A. Yes, sir.

Q. Who told you to come here to-day?

A. I came at the request of Mr. Miller.

Q. You were not subpœnaed?

A. No, sir.

Q. And not asked to bring the original will?
A. I was not.

RE-DIRECT by Mr. Miller:

Q. Were you in the room when the negative was developed?
A. Yes, sir.
Q. Did you look at the negative?
A. Yes, sir.
Q. And you say this is a correct photograph of the original?
A. I do; yes, sir.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. Who were present when the photograph was taken?
A. Mr. Carvalho, a gentleman by the name of Murray from our office, who went there with me, and the gentleman who did the photographing himself.

RE-DIRECT by Mr. Miller:

Q. Did the Surrogate send the paper in the custody of two officers?
A. Yes, sir.
Q. And Mr. Murray was an officer in his court?
A. Yes, sir.
Q. And it was returned in the custody of the two officers?
A. Yes, sir.
Q. And returned just as it was taken away?
A. Yes, sir.

FURTHER CROSS-EXAMINED by Mr. Collins:

Q. That will, or the paper purporting to be the will of Mr. Gordon's, was denied probate?
A. It was denied probate, as I understand and gathered from the records; it was previous to my time, and it was denied probate for the reasons—(Interrupted).
Q. Never mind the reasons; it is there?

A. It is there among the files.
Q. Of rejected wills?
A. Yes, sir.

RAPHAEL N. MATTESON, a witness produced in behalf of the defendants, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller:

Q. Where do you reside?
A. New York City.
Q. Where?
A. At 250 West 132d street.
Q. What is your business?
A. Paying-teller of the National Bank of New York.
Q. How long have you been such?
A. Since 1866.
Q. Continuously?
A. Yes, sir.
Q. George P. Gordon kept an account in the National Bank?
A. Yes, sir.
Q. Are you familiar with the handwriting of George P. Gordon in his lifetime?
A. Yes, sir.
Q. Frequently paid checks drawn by him on your bank?
A. Yes, sir.
Q. Please look at these checks (handing witness Exhibits D 16 to D 54 inclusive), and state whether, in your opinion, they are in the handwriting of George P. Gordon, and if you know of the payment of any please identify the check?
A. Those are all Mr. Gordon's signatures, and that one I paid to him myself—I paid him the money (handing counsel one check).
Q. That is check D 33; how do you know?
A. From the private mark on it.
Q. Paid to him over the counter personally?
A. Yes, sir.

Q. How much is it for?

A. Five thousand dollars.

Q. This check marked D 33 in pencil is filled in in the handwriting of Mr. Gordon, is it not?

A. Yes, sir.

Q. And the endorsement?

A. Yes, sir.

Q. Please look at the signature of George P. Gordon attached to the will propounded in this cause, and marked Exhibit P 1, and state whether, in your opinion, that is in the handwriting of George P. Gordon?

A. I do not think it is.

Q. Would you pay money on that signature?

Objection by Mr. Collins as not being a proper question.

Question overruled.

CROSS-EXAMINATION by Mr. Collins;

Q. Have these thirty-nine checks that you have glanced over here to-day been shown to you before?

A. I presume they have; I recognize this one as having been marked by myself when I paid Mr. Gordon the money.

Q. You misunderstand me—(interrupted).

A. How do I know these are the same? We have passing through our hands hundreds and hundreds of checks—hundreds have passed through our bank of his checks.

Q. Have the lot been shown to you before to-day?

A. Yes, and that $5,000 check is one of them.

Q. When were they shown to you before?

A. Several days ago.

Q. About as many as there are there?

A. I should imagine that is the same batch of checks, although I cannot say that they are.

Q. When were they shown to you?

A. Within a week.

Q. By whom?

A. The counsel here, the gentleman who examined me (indicating Mr. Miller).

Q. When you had the bundle of checks to look over a few days ago did you compare them with Mr. Gordon's signature on the signature book?

A. No, sir, I didn't consider it necessary.

Q. Do you know Mr. Hyde?

A. Yes, sir,

Q. You do know him?

A. Yes, sir.

Q. He is a dealer at your bank?

A. Yes, sir.

Q. Did he come to you some little time ago to ask you if you would be willing to identify a signature of George P. Gordon if shown to you?

A. I do not remember his having done so.

Q. Do you remember anything about it—one way or the other?

A. No, sir.

Q. Didn't you tell Mr. Hyde that you would not undertake to do so unless some of his checks should be brought to you—that is, it was so long ago he dealt with the bank that you could not remember his signature?

A. With Mr. Hyde this conversation?

Q. Yes, that is my question?

A. Well, sir, I do not remember that I have had any conversation with Mr. Hyde in regard to Mr. Gordon's will.

Q. Did you have any conversation with some one of the general character that I have indicated?

A. Our cashier and I have been spoken to together in regard to this transaction, and when shown these checks the matter came up; incidently it came back to me, and I could remember the circumstances of paying that check to Mr. Gordon, even if it is twenty years ago, and I wanted to see the checks so as to bring it back to my mind.

Q. That is it, eh?

A. Yes, sir.

Q. Did you ever see these two checks before, and

if so, how recently (handing witness Exhibits P 10 and P 11)?

A. Not to my knowledge; I do not know whether I have ever seen these checks before, except possibly this A. Sydney Doane check may have gone through me—I say gone through me—it is my province to examine checks when they come in from the exchanges, and I examined that check that day when it came in from the exchange, but I have not seen it lately to my knowledge.

Q. Now the other one?

A. I never saw it to my knowledge—that check—but I recognize it as Mr. Gordon's signature.

Q. Do you know Mr. Black, this gentleman here present?

A. I have seen the gentleman.

Q. Did he wait on you and the cashier in your bank with some checks purporting to be those of Mr. Gordon's, and requesting you to compare them with a photograph of a signature such as I now show you (handing witness a paper)?

A. No, sir; not to my knowledge.

Q. Did some one do it?

A. Did this gentleman?

Q. Yes.

A. No, sir; not to my knowledge.

Q. Did some one do it about a month ago, or perhaps only three weeks—three weeks or a month ago?

A. Some one came in; I do not remember whether it was Mr. Black or not, but I imagine it was this gentleman (indicating Mr. Miller).

Q. Mr. Miller?

A. Yes, sir, that is the gentleman; I asked it this gentleman, that was his name.

Q. Had Mr. Cullen been to see you?

A. Not to my knowledge.

Q. How did it get into your mind?

A. The cashier and I were speaking about it while coming in the carriage.

Q. How did he—the cashier—get acquainted with it?

A. I don't know.

Q. Did not some one bring one or more checks to you and photographs of Mr. Gordon's signature, and ask you about it?

A. They did not bring them to me; they brought them to the bank, and I was asked to come into the room and see them.

Q. Didn't you say to this gentleman, whoever it was, that after showing you some of the checks produced and this photograph, or copy of the signature, that it was so long ago you couldn't recall it?

A. I might have said that before I had seen the signature, and there is the signature; when shown to me I remembered it just as distinctly as if it was only just written—yes, sir.

Q. I am asking you about the two checks and the photograph?

A. I do not know who it was.

Q. I refer now to the time when two checks were produced and protographs or photographic copies of the signature and the two checks were placed before you?

A. I do not remember that; I know two or three times somebody has been there with checks, but whether this gentleman or not I do not know.

Q. Well, that gentleman, whoever it was, when he came did he produce a couple of checks and a photograph of a signature?

A. I remember looking at some genuine signatures, and also at some photographs, but I canuot say that is it (handing counsel back the photograph).

Q. Something of that character?

A. It was a photograph of a signature.

Q. And did you not say, with these two checks before you on that occasion, that it was so long ago that you could not recall Mr. Gordon's signature?

A. I do not remember saying anything of the kind; no, sir.

Q. You said a little while ago you might have said it?

A. I may have said it until I saw the signature.

Q. I refer to the occasion when you had the two checks before you?

A. You say he showed me these two checks; well, I do not remember seeing those checks.

Q. I did not say that, but I intend to prove that these are the ones; all I asked you was, whether two checks—without regard to these two checks—were not shown you; there is no trap laid for you?

A. There can be no trap laid; there is Mr. Doane's signature, and that indicates that it has been through the bank; I have examined between 600 and 700 signatures to-day; I recollect seeing a fac simile of this signature—a photograph of it—but whether this is it or not I do not know.

Q. My question is not based on these two checks; it is on some checks—two checks—shown you by Mr. Black or somebody else, and with these checks before you, did you not say to him that it is so long ago I cannot recall Mr. Gordon's signature?

A. I might have made a remark such as that before I had seen the signature, but as soon as the signature was shown me, I recollected in a moment, just the same as if it had been only yesterday.

Q. You see the two signatures on these checks?

A. Yes, sir, I have seen these checks two or three times within a month or so perhaps.

Q. One has the signature of Mr. Doane and the other Mr. Gordon?

A. Yes, sir.

Q. You spoke of Mr. Henry J. Black as if he was a stranger to you—is it not a fact that some years ago he was a deposftor in your bank?

A. Most assuredly; I know his face.

Q. You are not intimately acquainted with him?

A. No, sir, we never had any sociabilities outside to my knowledge.

Q. It is some six or seven years since he ceased dealing with your bank?

A. Yes, I remember the gentleman very distinctly, although I could not have told you who he was.

Q. Now since your mind has been refreshed; do you remember witnessing the will of Mr. Thomas Lockyear?

A. Where?

Q. In New York; he was the father-in-law of Mr. Joseph Jefferson?

A. Oh, I think I do; but that is a long while ago.

Q. Mr. Black was the lawyer who had charge of it?

A. I remember the gentleman, but I cannot tell whether he was in our bank or somewhereelse.

Q. Don't you recollect that he did call and see you and the cashier—your memory being refreshed—during the last month or so?

A. I do not remember that it was he, I know I have spoken two or three times about this thing in the office and with the cashier.

Q. And when somebody came there?

A. Undoubtedly.

Q. Do you know Henry J. Cullen, Jr.?

A. Not to my knowledge.

Q. Has Josiah Porter kept an account of the Gordon Press Works in your bank since the death of Mr. Gordon?

A. Josiah Porter, attorney? I think the account was kept there.

Q. You say "you think," do you know?

A. I know he signs his name Josiah Porter, attorney—there is none there now, the account is closed.

Q. During the time it was kept?

A. I think it was as attorney—the Gordon Press Works, Josiah Porter, attorney; I imagine that is the way.

Q. You are not certain about "attorney?"

A. I would not take my oath to it, but we can produce the check and show you.

Q. When was the account closed?

A. I cannot tell you that; the cashier is in the room, ask him.

Q. About?

A. I cannot tell you; I did not watch the account at all.

Q. Did you hear at the time that a receiver had been appointed?

A. No, sir, it is not my province; I am paying teller and checks presented it is my duty to pay them if they are good, and I attend to that duty.

Q. Do you know Josiah Porter?

A. I do not know that I do; I do not know that I ever saw the gentleman.

Q. Does he have an individual account also in your bank?

A- Not to my knowledge.

Q. Is it not your duty to know when the account is closed?

A. It is my duty to know when a check is presented that it is right.

Q. If the account is closed you would be informed of it?

A. It would be the duty of the bookkeeper to inform me.

Q. Cannot you tell us anywhere near?

A. No, sir.

Q. Cannot you tell us when you stopped paying checks?

A. No, sir; if you want to get this information you will have to get it from the cashier, or call me again on some other occasion when I can give you the information.

Q. Does Josiah Porter keep an individual account in your bank?

A. No, sir.

Q. Does Mr. Cullen?

A. No, sir.

RE-DIRECT by Mr. Miller:

Q. You remember seeing me once at the bank?

A. Yes, sir; I remember seeing you there.

Q. I brought you three checks and you went over the checks with Mr. Rogers, and you saw the marks on them before you gave any opinion as to them?

Objection by Mr. Collins on the ground that the question is leading.

Question allowed.

A. Well, I can tell just as well from one check as from 500; but I really do not remember making that expression.

Q. You were averse to looking at the checks when I first showed them to you?

A. Most decidedly.

WILLIAM H. ROGERS, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller.

Q. Where do you reside?

A. In Brooklyn.

Q. What is your business?

A. Cashier of the Nassau Bank.

Q. How long have you been such cashier?

A. Twenty-one years.

Q. In that bank before you became cashier?

A. Yes, I have been there since 1857.

Q. And behind the desk as paying-teller?

A. I have been either temporarily or permanently at every desk in the bank.

Q. Do you know whether George P. Gordon kept an account there in his lifetime?

A. Yes, sir.

Q. Were you familiar with his signature?

A. Yes, sir.

Q. Look at these exhibits numbered from D 16 to D 54—thirty-nine in all—and state in whose handwriting the signatures to these checks are if you remember any circumstances about any of them, state them.

A. The signatures are all George P. Gordon's; there is one check I certified myself.

Q. Acting as paying teller?

A. Yes, I must have been at the paying teller's desk; that is my certification.

Q. What number of Exhibit is that?

A. No. 27.

Q. Do you see any marks on any of the checks which enables you to identify them as being paid in the bank?

A. There is one No. 1776, Exhibit No. 23, that has a private mark on it which we put on the checks paid at the counter to the person drawing the check —that is, the check for $5,000 containing the teller's mark as being paid to the man himself.

Q. Any blue marks on them enabling you to tell what either of these checks were done with—whether paid through the bank or not?

A. They came through different banks—that check is from the Park Bank (handing a check to counsel).

Q. What mark is on it?

A. At that time the Clearing House was started, and it was found necessary to form the banks into some order and to systematize it so that all the work could be done in a systematic manner, that is the detail of the work, and they took the oldest charter and placed that first and numbered it "No. 1" Bank of New York, and so on consecutively, and so it came about in time that every bank had a number, and in fact among bank clerks generally, when we salute them, we do not salute each other by name but by the bank; we salute them by the number of their bank, whatever number it may be, and under the old system, when a bank received a Clearing House exchange it was received in the bank and numbered by some blue pencil mark or other method with the number of the bank the check was received from. For instance, Exhibit No. 52; that check came with a lot of others to the bank; of course, the whole exchange was from the Park Bank to us, and when we get them in and the exchange is checked off on the slip to us, then if the amount corresponds, the clerk goes over each check and marks them with the number of the bank from whom they come, and they call that the Clearing House number. That check, after being dated and the endorsement being cor-

rect, goes to the ledger, and if anything irregular occurs and we want to send it back to the Bank from which we received it; for anything irregular being in the check, that number, as we call it the Clearing House number, gives us the bank from which it is received. Now the practice is that the bank sending out the check usually stamp their number on it before letting it go to the Clearing House, so that the bank receiving it will have an authentic stamp on it.

Q. That check was paid through the Clearing House?

A. Yes.

Q. Look at the signature of George P. Gordon appearing at the end of the will propounded here, Exhibit P 1, and state whether in your opinion that is the handwriting of George P. Gordon?

A. No, sir, it is not.

Q. Have you, during your experience in banking, given any particular attention to handwritings?

A. Yes, sir.

Q. And been called as an expert in cases?

A. Some people have so called me.

Q. Have you been frequently consulted as an expert in your experience?

A. Yes, sir; I cannot say frequently, because of late years I have refused to receive any applications that have been made to me.

Q. You consider yourself an expert in handwriting?

A. As I said before, others have told me I am; I do not profess anything of the kind myself.

Q. You say others have considered you an expert and modesty prevents your saying so?

Objection by Mr. Collins as improper.
Question excluded.

Q. Are you not an expert in handwriting?

Objection by Mr. Collins as leading.

Question excluded.

Q. Are you an expert on handwriting?

A. I have been frequently consulted, and given my opinion as to handwriting; when I say I do not profess it, I mean I have not taken it up as a profession, and I refuse to receive any applications made to me.

Q. And formerly you did?

A. Yes, sir.

Q. Look at these names—"Henry Adams, Alonzo C. P. Adams and John Q. Adams"—and state whether, in your opinion, they were written by one or more persons?

Objection by Mr. Collins on the ground that the witness is not shown to be an expert; that he has not had such experience as would qualify him to give an opinion.

The ORDINARY—I understand the witness disclaims that he pursues the employment, not that he is not an expert.

A. I have formerly been consulted in regard to handwriting, but our bank has been growing so large I could not attend to it, and I had to refuse applications made to me for my opinion.

The ORDINARY:

Q. What did you do in that line?

A. I have compared writings and given opinions in court.

Mr. MILLER:

Q. You made it a matter of study?

A. Yes, sir.

Mr. COLLINS—I object to the witness answering the question, because I do not know of any rule of law that permits a witness to be shown different signatures, and by asking

him the question, "do you believe they are written by one person"—our statute and ecclesiastical law permits the comparison of a disputed signature with genuine papers; as the law used to be, at common law they must be papers otherwise proved in the case, but by the statute now, any paper the genuineness of which is admitted; but I do not understand that the witness is permitted to be asked such a question as this, and I think your Honor, before admitting it, ought to give the matter a little more consideration (counsel reads the 19th section of the evidence act, page 381 of the Revision).

The ORDINARY—I will allow the witness to answer the question at present, and reserve my ruling on it.

Q. Look at these names—"Henry Adams, Alonzo C. P. Adams and John Q. Adams"—and state whether, in your opinion, they were written by one or more persons?

A. I think they were written by one man—one person.

Q. Look at the paper which I now show you (handing witness a paper); you have never seen this paper before?

A. I do not know.

Q. Look at the paper I now show you (Exhibit D 5), look at the signature, "A. C. P. Adams," appearing over the words "Overseer District 4," and assuming that is the genuine signature of A. C. P. Adams, and comparing it with the signature of "Alonzo C. P. Adams" where that name appears as subscribing witness to Exhibit P 1, and state whether, in your opinion, the two names were written by the same person?

A. No, sir.

Q. Look at the name "A. C. P. Adams" appearing on the fly-leaf of Exhibit D 2, and state whether, in

your opinion, the name "Alonzo C. P. Adams," where it appears as attesting witness to Exhibit P 1, was written by the same person as wrote the "A. C. P. Adams" in Exhibit D 2?

A. No, sir.

Q. Look at the name "Henry Adams" as it appears in Exhibit D 1, April 15th, 1891, in the signature book of the Rahway Bank or the Farmers Mechanics' Bank of Rahway, and compare that with the name "Henry Adams" where it appears as subscribing witness in Exhibit P 1, and state whether, in your opinion, these names were written by the same person?

A. No, sir.

CROSS-EXAMINATION by Mr. Collins:

Q. How long is it since you have testified in any cause in court on the subject of handwriting, unless it be with regard to checks that have been drawn on your bank?

A. I cannot say how long; three, four or five years; something like that.

Q. Is it not more?

A. I cannot fix the date.

Q. In what cases have you testified on the subject of handwriting, aside from checks drawn on your bank?

A. All of them?

Q. I would like to have all of them.

A. Some never came to court; in regard to the first question, there is a party in the room could fix the date for the last case I was in; that was a case of a contract—the signatures to a contract.

Q. What is the name of the party?

A. Mr. Haines.

Q. What case was it in?

A. It was the signature to a contract in Prouty's case.

Q. What court?

A. The court room was in the United States Court building at the City Hall in New York—no,

not the City Hall, in the Post Office building.

Q. Did you and Mr. Haines testify to the same purport or in opposition to one another?

A. I think to the same purpose.

Q. Did you testify that the signature was genuine or forged?

A. Forged.

Q. Did he say it was forged, too?

A. I belive he did, but I do not really remember; I do not carry these things in my mind.

Q. What other cases?

A. I have been consulted in regard-to some—(Interrupted).

Q. I did not ask yon about consultation—what cases have you testified in?

A. I cannot call many to mind; I cannot call any but the last matter to mind.

Q. I would like to have any other but the Prouty?

A. I have been often called to court in regard to books of account and matters of that kind and as to the usages of banking and I place them all in one category in my mind; taken to court to testify to something and I did not classify them.

Q. I refer to cases where you have been employed as an expert to testify?

A. I haven't them in mind.

Q. Were you paid in the Prouty case?

A. Yes, sir.

Q. Have you been paid in any other case?

A. Yes, sir.

A. What one—cannot you recollect; you might bring to mind that circumstance?

A. I have got out accounts and been paid to get them out.

Q. How do you mean?

A. I mean copying accounts from our books and then testifying to them—clerical labor.

Q. You cannot give us any other case but the Prouty case where you testified as an expert?

A. I have no recollection of any just at present; I cannot call to mind.

Q. Did you expect to be paid in this case?

A. Yes, sir.

Q. Have your fees been agreed upon?

A. Yes, sir.

Q. How much?

A. Fifty dollars.

Q. Is Mr. Porter a dealer in your bank?

A. General Porter?

Q. Josiah Porter?

A. Do you mean Josiah Porter that ran the Gordon Press Works?

A. Yes.

A. He was a dealer.

Q. Individually as well as the Gordon Press Works?

A. That I do not know; I cannot say.

Q. Do you know how he signed checks for the Gordon Press Works?

A. Either as agent or attorney.

Q. You don't remember which?

A. The name of the account was "Gordon Press Works," and the signature was separate from the title of the account.

Q. There was no such corporation as the Gordon Press Works?

A. No, sir; but the name of the account was run in that manner in that way.

Q. There was no such corporation?

A. Not that I know of.

Q. Do think it was "agent" or "attorney?"

A. I think "attorney."

Q. Are you sure he signed anything except his own name?

A. I cannot remember; we have those books, but I cannot remember.

Q. Has Mr. Henry J. Cullen an account with you?

A. No, sir.

Q. Is your bank in any way connected with the Mercantile Trust Co.?

A. No, sir,—one moment—the Mercantile Trust Co., when the temporary administrator of Mary Agnes Gordon, had their account with us.

Q. Do you know Mr. Henry Hyde, a dealer in your bank?

A. Yes, sir.

Q. Did he call upon you and the paying teller, or upon yourself alone either and asked if you would be able to recognize the signature of George P. Gordon if brought to you?

A. He had some conversation in regard to that subject with me.

Q. And did you tell him that you would have to have some check brought to you before you could identify the signature that he showed?

A. I told him I should have to refer to an original signature.

Q. Did Mr. Edward G. Black, who is sitting behind me, wait on you three weeks or a month ago with a couple of checks purporting to be genuine checks of George P. Gordon and with a photographic copy of what purported to be a signature of his (being Exhibits D 10 and D 11 and the photographic copy of P 1)?

A. I think Mr. Black was in to see me about this and I recollect this fact about this Doane check with the Gordon endorsement.

Q. Did you tell Mr. Black that it was so long ago since you had come in contact with Mr. Gordon's signature that even with those checks you could not recall sufficiently to pass upon the phtographic signature?

A. Not that I know of.

Q. What did you tell him on that subject?

A. I told somebody—either Mr. Hyde or Mr. Black—that our original signature book was destroyed; that Mr. Gordon had signed his signature in it many years back, and that that book had been destroyed; that when we moved space was so valuable I could not take the old books, and so all the old books that were unnecessary we sold and had

ground up in the paper mill, and that second one in the history of the bank was one of the books that had gone to the mill, and we hadn't it, and that it would be necessary for me to have something that was positively authentic—a writing that could be seen, or we could say nothing about it.

Q. You say one of these checks went through your bank?

A. Yes, sir.

Q. Have you any doubt about the genuineness of the signature of that check?

A. No, sir.

Q. You haven't any?

A. No, sir.

Q. Have you any doubt as to the other one which you hold in your hand, or the endorsement on the other?

A. No, sir; these signatures I have no doubt of at all; I would not express an opinion on it; it is drawn on the Union Bank of Rahway, and not on us (witness refers to Exhibit P 11).

Q. The Doane check is on your own bank?

A. Yes, sir.

Q. Did you not tell Mr. Black, after looking at these checks, it was so long ago that you had been accustomed to see George P. Gordon's signature that you would not undertake—you could not recall sufficiently to undertake to decide as to the genuineness of the photographed signature, or words to that effect?

A. No, sir; words to that effect; I think it was words to the effect that I hadn't a genuine signature on our books in our bank; that they had all been destroyed, and that it would be necessary for me to see a genuine signature—or not one, but a dozen.

Q. Then you don't agree with Mr. Matteson; he said that one was as good as a dozen.

A. Well, I would have to bring some collateral evidence to make me believe that that was correct; I should want to compare it with something.

Q. You have just been passing upon the genuineness of signatures you never saw before in your life?

A. This—I have been shown a copy of this before (indicating the testatum clause in Exhibit P 1).

Q. I mean—referring now to Exhibits D1, D2 and D5—you never saw these before?

A. No, sir.

Q. You never did?

A. These are told me to be genuine.

A. Yes; Exhibits D1, D2 and D5?

A. Yes, sir.

Q. You never saw them before to-day?

A. No, sir.

Q. You answered the question, with the single exception of Exhibit D1, immediately, and that with a perceptible delay, didn't you?

A. Yes, sir.

Q. After seeing Exhibit D1 you took perhaps a minute?

A. Yes; that is right.

Q. Now look at Exhibit D5; that is a bill made out by somebody, and it says, "Township of Woodbridge to A. C. P. Adams, overseer, Dr.", and then the bill is signed "A. C. P. Adams," do you see that fact?

A. Yes, sir.

Q. Did the same person write the "A. C. P. Adams" there, in your opinion, in both places—write both names?

A. No, sir.

Q. I show you Exhibit P3, "A. C. P. Adams" signature, and ask you what you think of that; that has not been shown you before?

A. In regard to what?

Q. I ask you whether you think the same person wrote that that wrote any of the others you have seen?

A. Wrote any of these?

Q. Yes.

A. I think the same person wrote that that wrote this (referring to Exhibit D5).

Q. You think the same person wrote the receipt to Exhibit D 5 as the writings in Exhibit D 2 and D 3?

A. Yes, sir.

Q. I now call your attention to the heading of Exhibit D 5, which reads, "Township of Woodbridge to A. C. P. Adams, overseer," do you see that?

A. Yes, sir.

Q. And I show you a book marked Exhibit D 4, as well as the writing in D 5, "Township of Woodbridge to A. C. P. Adams, overseer," and I ask you what you have to say—whether the same person wrote those two writings or not?

A. Yes, sir.

Q. You have taken about three minutes to study the question, haven't you?

A. Just about that.

Q. Now, Mr. Rogers, how long is it since you have been consulted for pay in matters of handwriting?

A. Three or four years and five years may be.

Q. In what case was that?

A. As I said, the last case was the Prouty case.

Q. Yes, sir, that was the testimony you say you have been consulted on.

A. I say distinctly that I have refused all other applications.

Q. When did you commence to do that?

A. At that time, I can tell you, it is about 4 1-2 years—at that time I worked some nights on writings, and I thought I hurt my eyes, and I always reserved all my forces for the bank and I have declined since.

Q. In what cases, aside from the Prouty case, before that have you acted and received payment?

A. On handwriting, you mean?

Q. Yes.

A. In the case of anonymous letter writing before Judge Birdseye; he had the case; I do not recollect the name of the case; it was anonymous letter writing.

Q. When was it.

A. It was some year or so before that.

Q. Have you any objection to stating who the person was who consulted you?

A. Judge Birdseye.

Q. Of the firm of Birdseye, Cloyd & Bayliss?

A. Yes, he is a tall gentleman and wears eye-glasses.

Q. Any other cases?

A. I was consulted in the Chamberlain cases sending postal cards in the United States Post Office case.

Q. Any others?

A. I cannot recall any others to mind.

Q. Have you given up consultation and testimony and refused to be employed on handwriting?

A. Yes, sir.

Q. Then how is it you are here in that capacity to-day?

A. Partly by solicitation, and partly because I thought I would have to come if I did not.

Q. So you thought you might as well obtain the fees connected with it?

A. Not that.

Q. Did Mr. Matteson come here for pay, too?

A. Yes, sir.

Q. How much?

A. Fifty dollars.

Q. Did Mr. Black offer you any compensation?

A. I do not recollect anything about it.

Q. You don't remember that he did not?

A. There was nothing said on the subject.

Q. Mr. Matteson was in your office during Mr. Black's visit, both of you were together?

A. I do not remember.

Q. You do not remember?

A. The teller's desk is in the bank and mine is—(Interrupted).

Q. Don't you recollect calling him in?

A. I recollect calling him in to somebody, but I do not remember who.

Q. Didn't Mr. Black ask you to hunt up in the records of the bank the power of attorney given by Mr. Gordon to Mr. Doane by which you would find such a signature?

A. That was talked about, but I do not recollect whether it was Mr. Black or not.

Q. You did not look it up?

A. No, sir; I said to somebody that the dead powers were put away among our old papers and it would be hard work to find it, and it might perhaps have gone to the paper mill; I did not know.

Q. You said you came partly by solicitation; who was the one that solicited you?

A. Mr. Miller.

RE-DIRECT by Mr. Miller.

Q. Now tell the story how you came here?

Objection by Mr. Collins as leading.

Question excluded.

Q. Tell us how you came as a witness and how you were to be paid $50; whether you asked $50 to come or whether it was a voluntary payment?

Objection by Mr. Collins on the ground that the question has already been answered, and I do not think it proper for the witness to tell a story which may or may not be relevant; counsel must ask the question properly.

Question withdrawn.

Q. Tell the circumstances under which you appear here as a witness.

Mr. COLLINS—I think that question is equally improper.

Question allowed.

A. Mr. Miller came to me and said it was very material that I should be here, and I told him I did not want to come; that the whole matter of going into court was very obnoxious to me in the extreme and I did not want to come, and that I refused every-

thing of that description and did not want to come; I had refused to go to court hitherto. Well, he came in again and he positively said that I must come, as my evidence was very material and that he would do anything for me and pay me anything I wanted. I told him I did not believe my evidence was worth anything, but I said that if it would be worth anything to him that, as I was lame, if he would send a carriage for me I would go over and testify for him; and he went home, and he sent me a letter containing two checks, one for me and one for Mr. Matteson, each for $50.

Q. Did you give any opinion before you came here?

Objection by Mr. Collins as incompetent.
Question excluded.

CROSS-EXAMINATION by Mr. Collins:

Q. Why did you think your testimony was not worth anything?

A. Because I could not see that I had anything to do with the trial, in fact I did not know what the trial was over, and I did not want to examine into it, and did not want to have anything to do with it.

Q. Did not Mr. Black tell you the whole of the controversy?

A. He told me that there was a question in regard to the signature of a will.

Q. You knew what it was, then?

A; That is about all I knew.

Q. Would not that be enough to inform you as to how important the testimony would be?

A. In a general way, yes, sir.

Q. Why did you think your testimony would not be worth anything then?

A. That is a statement I made to Mr. Miller because I did not want to come.

Q. Then you told him what was not true?

A. No, sir; it was not that my testimony then was

no good; I had not examined any of the papers, and he brought the papers in to show me afterwards.

Q. You had seen Mr. Black's two checks and photograph before that?

A. Yes, sir, but they were not in my possession and I had not made any examination of them.

Adjourned to Wednesday, April 22d, 1891, at 10 A. M.

Pursuant to adjournment the parties met at the Chancery Chambers April 22d, 1891, at 10 A. M., and the following evidence was taken before Hon. ALEXANDER T. MCGILL; Ordinary of the State of New Jersey, in presence of Solicitors and counsel of the respective parties.

Mr. MILLER—I have produced here this morning the checks requested by the other side, obtained from the Mercantile Trust Company of New York; they belong to the Mercantile Trust Company, and cover a period extending from 1864 to 1875.

Mr. COLLINS—If that is to go on the record, I desire to say that such a request was not made, as I remember.

Mr. MILLER—Then I withdraw—

Mr. COLLINS—Interrupting—I don't mean to be understood as objecting to your stating that you produce these checks, but my objection is that such a request was not made; I don't criticise counsel for producing the checks.

Mr. MILLER—I understood that the request was made to produce them; and if the gentleman wants to look at them he may do so.

Mr. COLLINS—I don't want any part of this to go on the record unless the whole thing is on; my point is either that they must produce them themselves, voluntarily, as part of their evidence, or say nothing about it in court.

Mr. ABBETT—Request was made to produce 39 checks, but not all of them, as I understand it.

The ORDINARY—There was a request of that kind made.

Mr. COLLINS—My own recollection of it is, that I asked the witness if there were not a great many more checks.

Mr. MILLER—And we agreed to produce them.

MR. COLLINS—But there can be no agreement, except by the consent of both parties.

Mr. MILLER—Well, we said we would produce them.

Mr. COLLINS—Oh, that's different; is all this to go on the record?

The ORDINARY—The stenographer can let what has been said remain in his notes.

WILLIAM E. VAN VLEET, being recalled, testified as follows:

EXAMINED by Mr. Miller:

Q. I show you five checks purporting to be signed by George P. Gordon; will you state whether, in your opinion, they are in his handwriting or not?

Mr. COLLINS—If the Court please, I have been looking up the matter of—

Mr. MILLER—Interrupting—They were part of the 39 checks.

Mr. COLLINS—Did Mr. Van Vleet prove the checks before; I think not.

The WITNESS—Yes, sir.

Mr. COLLINS—If you prove those checks—oh, yes, he did; I won't make an objection.

The checks offered in evidence and marked D 56, D 57, D 58, D 59 and D 60.

A. Yes.

Q. They are in Mr. Gordon's handwriting?

A. Yes.

Q. Mr. Van Vleet, were you present at Mr. George P. Gordon's funeral services?

A. Yes.

Q. Where were they held?

Mr. COLLINS—Objected to as irrelevant.

The ORDINARY—I suppose this is proof of domicile?

Mr. MILLER—Yes; it is proof of domicile.

Mr. COLLINS—Where the proof is circumstantial it should be admitted on the undertaking; the Court will assume, of course, that counsel are acting in good faith as tending to prove a chain of circumstances; the trouble about this is that poor Gordon had no part in this; as to what happened after a man is dead to be introduced as evidence of his residence in his lifetime is, I think, not permissible.

The ORDINARY—I will allow the question.

Q. Where was the funeral services held?

A. At No. 155 Columbia Heights.

Q. Brooklyn?

A. Brooklyn.
Q. Did he die in that house?
A. No, sir.
Q. Do you know where he died?
A. No.
Q. You say Columbia Heights, Brooklyn?
A. Yes, sir.

Mr. MILLER—That is all for the present; I will call you again when some papers arrive for which I am waiting.

Mr. COLLINS—I would like to ask Mr. Van Vleet a question; not, perhaps, so much cross-examination of what he said this morning as of his other testimony—his whole testimony—by permission of the Court.

Q. When you went into the employ of George P. Gordon was not Mr. A. S. Doane his business manager?
A. Yes, sir.
Q. And you remained in business connection with Mr. Doane for some years?
A. Up to his death, of course.
Q. When did you first go with the Gordons?
A. In 1873.
Q. And when did Mr. Doane die?
A. I think 1887 or 1888; I really cannot give you the exact time—about three years ago.
Q. 1888 you mean?
A. About three years ago.
Q. But you do not mean 1878?
A. No, sir, 1888.
Q. Didn't you have unfriendly feelings towards Mr. Doane?
A. No, sir; on the contrary, I had very friendly feeling for him.
Q. Weren't you for a time on bad terms with him?
A. No, sir.

Q. Didn't you feel aggrieved by his unwillingness to loan you money?

A. No, sir; I never asked him for a loan.

Q. (Handing witness a paper) Is this letter in your handwriting?

A. Yes, sir; that's my handwriting.

Mr. ABBETT—This is not cross-examination.

Mr. COLLINS—It shows the animus of the witness towards Mr. Doane; the Doane family were beneficiaries under this will.

Mr. ABBETT—I don't know what the letter contains; is it to contradict the testimony that the witness has just given?

Mr. COLLINS—It is to refresh his memory.

Mr. ABBETT—But not to contradict him?

Mr. COLLINS—No; it is for the purpose of refreshing his memory. (To the witness): Just read it carefully.

WITNESS—Shall I read it aloud?

Mr. COLLINS—No, to yourself.

Q. Does the reading of that letter refresh your memory?

A. Not so far as any loan I might have asked.

Mr. ABBETT—Hold on; just answer the question.

A. No, sir, it does not.

Q. It does not refresh your memory so far as any loan you might have asked?

A. No, sir; I think I can explain it.

Mr. MILLER—But we don't want any explanation.

Q. Doesn't that indicate—(Interrupted).

Mr. ABBETT—Hold on—

MR. COLLINS—You need not answer the question until it is finished.

Does not that letter indicate an unpleasant feeling on your part towards Mr. Doane?

Mr. ABBETT—I object to that question on the ground, first that there is no letter in evidence. The letter should first be offered in evidence before questions should be asked concerning it. We have had no explanation of the letter up to the present time, something to which we are entitled; and second, I object because counsel is endeavoring to contradict the statement of his own witness in this line of testimony.

The ORDINARY—I will overrule the question.

Mr. COLLINS—That is all.

Mr. MILLER—That is all for the present, Mr. Van Vleet. Please stay in the court room.

DAVID N. CARVALHO, a witness produced on the part of the defendant, being first duly sworn according to law, on his oath testified as follows:

EXAMINED by Mr. Millller:

Q. What is your age?
A. Forty-two years.
Q. And where do you reside?
A. New York city.
Q. What is your business?
A. Examier of questioned handwriting, inks, &c., and photographer.

Q. How long have you been engaged in that business?

A. The former fifteen years, the latter twenty years.

Q. And what do you mean by the former?

A. As examiner of questioned handwriting, inks, &c., fifteen years; as a photograper, twenty years.

Q. Tell us generally your experience in these departments?

A. I have been frequently called in the courts of this State and New York State, and other States of the Union, for the purpose of testifying where handwriting and inks were in question, and have repeatedly had occasion either to make myself or superintend the making of photographs illustrated and enlarging handwriting.

Q. Have you been engaged in many cases as an expert?

A. I have testified in over four hundred cases.

Q. When were you first requested to look at this Gordon will signature?

A. I first saw it on the 20th day of February, in Trenton, in the hands of the Secretary of State, in his office.

Q. At whose request?

A. At the request of a Mr. Richards.

Q. Did you see it afterwards?

A. Yes, sir; I saw it again, I think, about the 13th of March.

Q. Where?

A. At the same place.

Q. Did you see it again?

A. I saw it again in this room, when it was photographed.

Q. Did you photograph it?

A. I superintended the photographing of it. I did not do the manual labor in the making of it.

Q. That was in this room?

A. Yes, sir.

Q. Did you also take photographs of the attesta-

tion clause and of the names of the subscribing witnessess to the will?

A. I did, sir.

Q. Please look at these papers and tell me whether they are copies of the photographs you took?

A. They are prints made from negatives on that day, sir.

Q. In this room?

A. In this room.

The papers handed witness were marked for identification as of April 22nd, 1891, respectively D 61 and D 62.

Q. Describe the process by which they were taken?

A. The two paper prints are photographs—prints which are known as photographs in printer's ink, and differ from the ordinary Silver print as follows: —The affinity of light as between light and gelatine, which has been introduced by the use of bi-chromate of potash. In exposing the negative of the plate prepared by a composition such as I have described, the light operates through the transparent portions of the photograph or negative and makes the plain gelatine insoluble, and after sufficient time has elapsed to make the exposure, they are washed in bi chromate of potash, the potash washes out and the gelatine remains almost in its pure state; it is then allowed to dry, and again wet and the gelatine on which the light has not operated takes and holds the water. The roller then containing the lithographing ink is rolled over the other (and this ink contains large quantities of grease) and on the principle that water and grease will not mix, the portions of gelatine containing the water refuse the ink, and the portions on which the light acts, which have an extraordinary affinity for grease, and also of the printer's ink, that takes the ink, so we are able to go on till the whole process is completed; then the paper

is put on and passed off the press and the print is made.

Q. It is printed, then, from the glass?

A. It is printed from plate glass on which is a film of nitrate of silver and gelatine.

Q. By what process do you manage to get satisfactory details of the subject photographed?

A. You get more satisfactory details in that way. This is an easier or much better method of producing handwriting.

Q. Does this method correctly reproduce the original?

A. They are to all intents and purposes fac-similes of the original.

Q. Under the process you have given?

A. Yes, sir.

Q. Did you take any photographs of any checks, and if so, will you state of what date?

A. My recollection is that they were dated July 18th, 23rd, 24th, and two checks dated July 27th, 1868.

Q. (Showing witness Exhibits D 56, D 57, D 58, D 59 and D 60.) Are these the checks you photographed?

A. They are.

Q. The alleged will bears date July 25th, 1868. What is the nearest date of any of those checks to that?

A. The check as numbered here 1756, being Exhibit D 59, of April 22nd, 1891, which bears date July 24th—the day before.

Q. July 24th?

A. Yes, sir. And checks numbered 1757 and 1758 being respectively Exhibits 58 and 60 of April 22nd, 1891, bear date July 27th, 1868—both of them the same date.

Q. These checks are dated one the day before and two, two days after the date of the alleged will?

A. Yes.

Q. Did you make photographs of the signature to those checks?

A. Yes.

Q. (Handing witness a paper.) Is that it?

A. That is. And also printed on the bottom is the photograph of the attestation of the will, making six signatures in all

Q. Will you kindly mark on the margin of that the dates of the signatures and the dates of the checks of which these are photographs. And do it in ink?

Q. Do you desire to have the last signature marked?

Q. Just mark it "Will, July 25th, 1868." Does that photograph fully and fairly—is it a full and fair photograph of the original signatures before us?

A. They are.

Mr. COLLINS—I object to it. The originals are here and speak for themselves.

Q. Did you at any time take similar photographs of the paper purporting to be the alleged Brooklyu will of Mr. Gordon?

A. Yes.

Q. Did you take that in the same process?

A. Yes, sir.

Q. Is that a copy of a photograph, of one of the photographs?

A. It is.

Q. Those fully and fairly represent the signature which was brought to you at that time?

Mr. COLLINS—Objected to on the same ground.

The ORDINARY—Photographs may be used provided the originals are present—otherwise they cannot.

Q. Is it fairly taken?

A. The negative when compared with the original when it was made is a fair photograph.

Mr. COLLINS—By whom?

WITNESS—By myself, under my supervision.

Mr. COLLINS—Can the witness give an opinion whether it is a good photograph or not?

The ORDINBRY—If the original is present I have no objection to the witness replying as to its being a fair photograph, fairly taken.

Mr. MILLER—What I want to get at is, is it as near to the size of the original as it is possible to get?

WITNESS—It is as close as we could get it, yes, sir.

Mr. MILLER—I offer Exhibits D 61, D 62, and 63 in evidence as photographs.

Mr. COLLINS—If the court please I object to the offer of exhibits of D 61 and D 62, being photographs of the signature to the will and the attestation clause, on the ground that they are secondary evidence and not permissible—the document itself being here.

The ORDINARY—For what purpose are they offered?

Mr. MILLER—For the purpose of comparison and for the purpose of saving handling of the original, if not for the purpose of convenience.

The ORDINARY—I will admit them for the purpose of comparison, the original being present.

Mr. COLLINS—I now object to the admis-

sion of Exhibit D 63 on the ground that our law gives no permission to use photographs of a genuine writing for the purpose of comparison, but only allowed the use of the genuine writing. They are here in court. If it be desirable for your honor to place these signatures in such a position you can do so. I can understand the convenience of it, but I desire to make the point.

The ORDINARY—It is difficult to rule upon these papers at present, until the purpose for which the paper is desired appears.

Mr. COLLINS—Of course I have to assume it was for the purpose of comparison, but maybe that is not the object of counsel. Otherwise it is irrelevant.

The ORDINARY—I will let the three papers be marked for identification at present, and will rule upon their use as occasion may require.

Mr. COLLINS—I had supposed the rule to be not that the court could not look at these things, but that they were not evidence. Of course the court can look at any reproduction.

The ORDINARY—I understand the rule to be, aside from the statute, that photographs may be used for the purpose of comparison, experts having used the originals to form their opinion, but may not be used in the absence of the original. It is proper to use the photograph so far as the experts may desire in illustrating. But of course their opinion must be based on the originals.

At this point the examination of Mr. Carvalho was suspended for the present.

HENRY W. OSBORN, being recalled, testified as follows.

(Examined by Mr. MILLER:)

Q. You have been called before as a witness?

A. Yes.

Q. You are the Clerk of the Surrogate's Court of King's County?

A. Yes.

Q. Have you brought with you from the office of the Surrogate of Kings County a paper in writing known as the last will of George P. Gordon?

A. Yes.

Q. Was there any condition attached by the Surrogate to its production here.

A. Yes, sir.

Q. What was that condition?

A. That I take it back with me.

Q. Will you produce that paper now?

A. I will on that condition.

Mr. MILLER—Yes, that matter has been arranged.

Mr. COLLINS.—I accept the condition.

At this point the examination of Mr. Osborn was suspended, he having produced the document.

Will marked D 65 for identification.

WILLIAM E. VAN VLEET, being recalled, testified as follows.

EXAMINED by Mr. Miller:

Q. Please look at the name, George P. Gordon, subscribed to the paper marked D 65 for identification, and state whether in your opinion that is the handwriting of George P. Gordon, deceased?

Mr. COLLINS—I object to the question. I have carefully gone over this matter of the proper proofs of standard ands I did not object to those checks, because to my mind they seemed likely to be correct. I wish to put no (what you might call practical) objections in the way of counsel. Those checks seemed to be on their face genuine papers, and Mr. Van Vleet was a perfectly competent witness, as was the bank officers, to prove writings of such a character as they have to deal with, but here is a formal document and I don't want that proved in this way. That document purports to be the will of George P. Gordon, deceased. I think that document cannot be proved by calling witnesses to say whether they believe or do not believe the signature to it to be the signature of George P. Gordon.

The ORDINARY—The Court is to pass on the standards. This is measurable proof of a standard, whether it is sufficient or not, must be determined when use of the standard is sought. I will allow the question. This is a mere opinion of the witness upon his general knowledge of Mr. Gordon's handwriting. Whether or not I will suffer a writing thus proved to be used as as tandard is another question.

Mr. COLLINS—As I understand the opinion of the witness as to the genuineness of the writing is not permissible. I simply make the point.

The ORDINARY—I will allow the question.

Q. Question repeated ?
A. Yes, sir.

At this point the examination of the witness was suspended.

DAVID N. CARVALHO being recalled, testified as follows:

EXAMINED by Mr. Miller:

Q. Did you make an enlargement of these signatures by photographic process?

A. Yes, sir.

Q. Please state the process by which you enlarged them?

A. The process is known as the solar camera process, which consists in placing in a camera arranged in a window the photographic negative from which the enlargement is to be made, and putting in front of it a large lens in order to concentrate the rays of light, and in front, on the inside, looking into the room, a proper photographic lens, and then merely transferring the direct rays of the sun-light through this denser portion through the negative, and thence to the lens, and then throwing up on a properly-arranged board the picture or writing that it is desired to enlarge, and placing, first in front of it, a sheet of white paper, which is not sensitive at the time, getting the correct focus, and then preparing the paper with the sensitive solution or emulsion, and allowing the picture to pass through and on to the sensitized surface of the paper. The paper is then immersed in a bath of hypo-sulphiate of soda for the purpose of fixing, and then goes through the process of washing. Then it is mounted on a stretcher and becomes what we term a photographic cartoon.

Q. When signatures are so enlarged are they enlarged in different proportions?

A. They are enlarged on a natural scale, that is, one portion being enlarged in the same proportion as any other portion.

Q. And so enlarged as to justly represent an enlarged picture of the original?

A. Yes, sir.

At this point the examination of the witness was temporarily suspended.

WILLIAM E. VAN VLEET being recalled, testified as follows:

EXAMINED by Mr. Miller;

Q. (Handing witness a paper) In whose handwriting is the body of that document?

A. I don't know, sir.

DAVID N. CARVALHO being recalled, testified as follows:

EXAMINED by Mr. Miller:

Q. Did you, by this process, enlarge the photograph of the signature of George P. Gordon to Exhibit P 1?

A. I did.

Q. How many times—to what scale?

A. There are several—at various scales—running perhaps from thirty enlargements up to ninety, that is, in diameter; but in area you would multiply it by itself and have very large enlargements.

Q. Did you enlarge, also, the names of the subscribing witnesses to the attestation clause of Exhibit P 1?

A. Yes, sir.

Q. Please produce these enlargements?

Q. Did you enlarge the signature to either of the checks, and if so, which checks?

A. The checks that are dated July 18th, July 23d, July 24th, and two checks dated July 27th, 1868.

Q. You enlarged those to certain scales?

A. Those checks? Yes, sir.

Q. Did you make enlargements to different scales of some of them?

Yes, I made one or more to the same scale. They are not all made on the same scale, however, as they were made for different purposes.

Mr. MILLER:

Q. Please produce these enlargements to which you refer?

WITNESS:

A. The cartoon I hold in my hand is an enlargement of the five checks just enumerated, being the signatures appended to the name of George P. Gordon.

Q. To what schedule is that enlarged?

A. That one is enlarged about 14 times.

Q. You say that is an enlargement of the signatures to Exhibits——

A. D 56 to D 60, inclusive.

Cartoon was marked D 66 for identification.

Mr. MILLER:

Q. Produce the other enlargements you have and state what they are?

WITNESS:

A. The one I now hold in my hand is an enlargement of the name "George P. Gordon," as it appears in the will.

Q. The contested paper?

A. Yes, sir.

Q. Exhibit P 1?

Mr. COLLINS—Exhibit P 1 is the paper. He doesn't know.

Mr. MILLER—I offer that cartoon for identification. Marked D 67 for identification.

Mr. COLLINS:

Q. Did you say the number of times that was enlarged?

WITNESS:

A. I did not.

Mr. MILLER:

Q. How many times is it enlarged?

A. About 14. These two cartoons I have produced here were not made by the process I last described. These are what are called bromide prints, and all the others are prints such as I have referred to. The intention was to make them to the same scale, but I cannot say they were made exactly to the same scale. But all the others are on the same scale.

Q. Exhibits D 66 and D 67—by what process was they produced—what is the cartoon you now produce?

A. It is an enlargement by the bromide process of the signatures of the witnesses to the will.

Q. You have not stated that process?

A. No, sir.

Q. Just state the bromide process?

A. The bromide process prints different from the others in this respect, that bromide of silver is material that is used on paper which is prepared in the same manner as what is known as the dry process, which is used in making pictures and other matter on glass plate, and is much more sensitive to the action of light than the ordinary silver process —so much so, that these three pictures were made by lamp light, the only difference being that the solar prints (the word solar calling attention to the sun) the light used being the sun-light. And the three prints, Exhibits D 66, D 67 and D 68 are made by lamp light and the print is developed just the same exactly as in what is known as the dry process. The plate is developed by that process just as correctly, but you cannot take as much liberty with them in making extraordinary enlargements.

Q. So that by that process you can only make limited enlargements?

A. Yes, sir.

Q. Does it give as correct results as the solar method?

A. Just as correct, yes, sir.

The last cartoon produced was marked Exhibit D 68 for identification.

Q. Now produce the other cartoon that you have prepared—that is that large one?

A. The cartoon I now hold in my hand is also a reproduction and enlargement of the witnesses signatures to the will, but made after the process first described by me and known as the solar process—the solar camera picture.

Marked D 69 for identification.

Mr. COLLINS:

Q. I understand that all of these are made from photographs?

WITNESS:

A. Yes, sir, original photographs.

Mr. COLLINS:

Q. Photographs from negatives?

WITNESS:

A. I suppose they are called negatives.

Mr. COLLINS:

Q. You superintended the making of the negatives, as well as these?

WITNESS:

A. I superintended the making of the negatives and personally superintended the making of these cartoons. I did not do the manual labor, but it was done under my supervision, and I am willing to take the respon-sibility as to their correctness.

Mr. MILLER—Produce the next one?

WITNESS—The one I hold in my hand is an enlargement of the signature appearing on what has been termed the Brooklyn will.

(Marked D 70 for identification.)

WITNESS—The large cartoon that I have here consists of four signatures, being respectively the signatures appearing, first on the check dated July 24th, 1868, and marked D. 59; the next being the signature appearing on the will Exhibit P 1, and the two following being respectively from the checks dated July 27th, 1868, and marked, respectively, D. 58 and D 60.

(Marked D 71 for identification.)

The ORDINARY—The upper one is D 59?

WITNESS—Yes, sir.

The ORDINARY—And the next is the paper referred to as Exhibit P 1?

WITNESS—Yes, sir.

The ORDINARY—And the next is D 58?

WITNESS—Yes, sir.

The ORDINARY—And the lower is D 60?

WITNESS—Yes, sir.

Mr. COLLINS—That is the first described process—the solar process, is it not?

A. Yes, sir.

Q. About how many times is that magnified?

A. About thirty, I should think.

Q. How much?

A. About thirty times.

Q. What do you mean by thirty times?

A. Thirty times as high and thirty times as long.

Q. By that you mean about nine hundred times as large?

A. Yes, sir.

MR. COLLINS—It can hardly be nine hundred times as large.

Mr. MILLER—I should say ninety times.

WITNESS—Ninety times. The next three are signatures to the will, enlarged about eighty times, and made in three sections, the first containing the word "Geo." with the dot and a portion of the "P."

(Marked D 72 for identification.)

Q. What is the other you produce?

A. The next is the letters "P" and "G" of the same signature, with a dot in front of the "G," and the "O" in the word "Gordon." That is enlarged to the same scale, the camera not being removed, except simply to slide the negative.

(Marked D 73 for identification.)

Q. What is the next you produce?

A. The last is the "don" of the Gordon. It is made on the same scale as the two former ones.

(Marked D 74 for identification.)

WITNESS—And the last is the word "Henry" that appears in the name Henry Adams, among the witnesses to the will.

Q. The subscribing witness?

A. The subscribing witness.

(Marked D 75 for identification.)

Q. What is the purpose of making these enlargements?

A. The purpose was, first, for comparison by juxtaposition of the disputed signature and the standards, or admitted signatures, and, secondly, the enlargements were made for the purpose of bringing out the characteristics of the handwriting, and also anything that might be present that the naked eye could not detect.

Q. Is it not a fact that experts do make examinations of signatures by using a magnifying glass?

A. Frequently; always, in fact.

Q. What is brought out by use of the glass?

A. In this kind of a microscope the field is so small that it covers hardly more than a single letter, so that in order to make a comparison one has to carry what the eye has seen in order to compare it

with some other matter, and make the comparison in that way—by the use of large photographs.

Q. Your magnifying glass discloses places where the pen has been taken off, or put on?

A. If it is there, yes, sir.

Q. That's one of the means of discovery?

A. Yes, sir.

Q. Does it show pen pressure?

A. It does. The photograph does not, except to show a difference in the color within the lines, by showing the thick lines. By "pen pressure" I mean the depth to which the pen went in making furrows.

Q. You don't mean shading?

A. That is it, shading, due to pen pressure.

Q. Will enlarged photographs disclose properly the width of the shading?

A. It will.

Q. But the magnifying glass on the photograph shows the depth better?

A. Yes, and also the width.

Q. With the exceptions you have named, then, the enlargement by means of photography will substantially disclose what appears by the use of the magnifying glass?

A. Yes, sir.

Q. You said you were asked to make an examination of this signature by Mr. Richards. Did he say for what purpose?

Mr. COLLINS—Objected to.

Q. Did you examine the signature with a view to determining its genuineness as it appears in the will, Exhibit P 1?

Mr. COLLINS—I object. I don't see that the purpose has anything whatever to do with it.

Mr. MILLER—This is introductory entirely, Mr. Collins.

Mr. COLLINS—All right, if you go no farther.

Q. Have you made a comparison of the disputed signature to Exhibit P 1 with the signatures to the various checks that are marked from D 16 to D 54, and then from D 56 to D 60?

A. I have certainly made a comparison with respect to D 56 to D 60 inclusive, but in respect to the others I examined a very large number of checks. I don't know whether those were the ones or not.

Mr. MILLER—The clerk will produce the checks.

Mr. Haggerty produces a bundle of checks.

WITNESS—I cannot even tell whether these are the identical ones. I examined a large number of checks with signatures like these. But I did not mark them. I know I went through the months of July, August and October, and a number of other months in that year, 1868. These happen to be all in that year, so that presumably they are the same checks.

Q. After the examination that you made of the signature to P 1, the name George P. Gordon, and the signatures to the standard, did you form an opinion as to the genuineness of the signature to P 1?

A. I did.

Q. Please state what your opinion is?

Mr. COLLINS—I don't know exactly what the rule that your honor has adopted is—whether a witness is to give his opinion as to the genuineness of the signature, or whether he is simply to point out the resemblances or variations, as the case might be. I simply raise the point.

The ORDINARY—The purpose of expert testimony is to aid the Court in making the comparison, as I understand.

Mr. COLLINS—Allow an expert who never saw the man to give his opinion as to the genuineness of his signature?

Mr. MILLER—It was sufficient possibly to make the comparison between the disputed and the genuine. This comparison statute is an enabling statute. But at common law it was proper and lawful to examine an expert as to the genuineness of a signature. I am proposing to ask him his opinion of the genuineness of the signature.

Mr. COLLINS—My point is that no expert witness can come in Court and say: It's my opinion that that is my handwriting. His personal equation is not to come in. I think he can only compare it. Before the statute there could be no comparison in New Jersey, unless possibly in ecclesiastical courts. I now quote from "Rogers" on expert testimony.

The ORDINARY—I think that the opinion is of little or no importance unless it is supported by the reasons or facts upon which it is based. A person who has seen another write, or who has corresponded with another, may give an opinion. Why may not an expert who has compared genuine writing with that in dispute? Both speak from comparison. I will admit the question.

Mr. COLLINS—There is another subject to which I wish to call Your Honor's attention, and which should receive attention. I presume that our friends intend to call other experts. I notice some with whom I am acquainted. I think it right that the other experts they have, other than the man now on the stand, should not be present while his testimony is being given. There is no objection to the experts who are here for one side

or the other, hearing the testimony that differs with theirs, but it seems to me highly improper that an expert should be in the room while another expert called to testify on the same side is on the stand. We want each expert to give his version for himself.

Mr. ABBETT—I don't think that the expert on one side should be compelled to leave the room unless the experts on the other side are also compelled to leave the room. It is not right to deprive one side of the presence of its experts. Expert testimony is as to the knowledge of the expert derived from his experience. If you are going to take our experts away from the Court room there is no reason why we should not insist upon the exclusion of the experts on the other side. I don't think it is fair to us to exclude our experts and not the experts on the other side.

The ORDINARY—I understand the counsel's point to be that the experts testifying on one side or the other should not be allowed to reap advantage from testimony given on the same side.

Mr. COLLINS—I admit that the subject is discretionary with the Court, and I simply leave it to the Court.

The ORDINARY—I will exclude the witnesses. The experts who are in the room will please retire.

Mr. ABBETT—All the experts?

Mr. COLLINS—I don't understand that the court so ruled.

The ORDINARY—All the witnesses who are called to testify on the same side with the witness now on the stand will retire.

Q. What is your opinion of the genuineness of the signature George P. Gordon to Exhibit P. 1?

A. It is not the signature of George P. Gordon as it appears on the five checks marked D 56 to D 60 inclusive.

The ORDINARY:

Q. In other words you mean to say that the signature attached to Exhibit P 1 is not in your opinion written by the same person as the signatures to the five checks to which you have just referred?

A. That is correct, sir.

(Mr. MILLER:)

Q. Will you please look at the other checks marked respectively from D 16 to D 54 inclusive, for the purpose of comparison?

A. The bunch of checks, D 16 to D 54 inclusive, belong to the same family or group of checks as do the five checks marked respectively D 56 to D 60 inclusive, and are in the same handwriting so far as the signatures are concerned, but differ from the signature attached to Exhibit P 1.

Q. Will you state why, in your opinion, that is not the handwriting of George P. Gordon? I mean the signature attached to Exhibit P 1, basing it on a comparison of that signature with the genuine signature on the check to which you have referred?

Mr. COLLINS—I object. Is this opinion founded entirely upon comparison.

WITNESS—Upon comparison and internal evidence of the will itself.

Mr. COLLINS—I don't understand what you mean by internal evidence.

WITNESS—I have examined the disputed signature very carefully and I think there are certain things—— (interrupted by Mr. Collins).

Mr. COLLINS—That is in the signature. I thought you said in the will.

WITNESS—I meant as to the signature.

Q. Your opinion now with reference to the signature is based upon a comparison between these checks—the signature on these cheeks and the signature in Exhibit P 1?

Mr. COLLINS—He said inherent.

WITNESS—Inherent in the signature.

Mr. COLLINS—I object to the question on the ground that no such question is permissible by the law, passing for the time being on the ruling made by the court, to which I submit, that the witness can give an opinion who has never seen the party write. I don't understand that, unless asked by the other side, he can be permitted to give the reason for that opinion.

The ORDINARY—I have qualified that question by asking the witness if his opinion is founded on comparison.

Mr. COLLINS—I still object to the question.

WITNESS—Looking now and referring to Exhibit D 71. Out of a large number of checks I have selected the three checks nearest in date to the date of the will of George P. Gordon, I find from making a comparison of those three checks with the other large number that they are—— (interrupted).

Mr. COLLINS—I object to any testimony of comparison of these checks with the other large number which he can't tell about.

The ORDINARY—I understand that he did not recognize the thirty-nine checks.

Mr. MILLER—I asked him to look at those checks and he said that they were of the same family or group of checks as the five marked D 56 to D 60, inclusive.

Mr. COLLINS—On what is he basing.

Mr. MILLER—His statement is parenthetical. He says looking at those nearest to the date of the will of George P. Gordon I find by comparison with a large number—— (interrupted).

Mr. COLLINS—Did he say so?

Mr. MILLER—And he was about to say—— (interrupted).

WITNESS—While I am unable to say that I have seen that particular bunch of checks, I did see the signatures to checks running through 1868, and running about two months before and two or three months after the date of the will, and my response to counsel was that probably these were the same; that they looked like the same.

Mr. MILLER—They are what?

Mr. COLLINS—I object. It is impossible for it to be lawful for him to state.

The ORDINERY—The objection of counsel is sustained. It must be connected.

Q. Are you speaking from any documents except the checks lying in front of you on the table? Exhibits D 16 to D 54 and D 56 to D 60, both inclusive, and which are before the court—were you in your answer speaking from any document except those?

A. The first examination I made—I cannot connect it in that way.

Q. You said that the three signatures appearing

on the cartoon, D 71, were of a date nearest to the date of Exhibit P 71, you were about to say — (interrupted).

MR. COLLINS—I object.

Q. Were you going on to compare them with the ones on the table?

A. With any I have seen.

Q. Please confine your testimony to those on the table, which are in evidence.

A. To the three on the cartoon?

MR. COLLINS—Do I understand that the witness is going to make a comparison after the examination he has made here? Are you going to state an opinion about something based on a comparison made right here in court, or based on a comparison made at some previous time?

WITNESS—Both, sir.

THE ORDINARY—It is proper to state such an opinion within proper limits.

WITNESS—The three signatures on the cartoon that are standards are a fair average of the standard signature of George P. Gordon, as I have been able to see in the comparison with the checks in court and other checks that I have seen.

MR. COLLINS—I object to the witness' answer.

MR. MILLER—Please confine your comparison to those on the cartoon for the present.

WITNESS—The habit of Mr. Gordon in writing, so far as the swing of the hand was concerned, in the writing of the signatures to the checks is what is termed "spencerian"—that is, the forearm is held close to the desk.

and the movement actually made by the muscles of the forearm. The signature as it appears on the will is not made with the forearm movement, but is made with the finger movement. The method of pressing the pen is entirely different. The signatures of George P. Gordan, as illustrated on the cartoon, I find that at the apex of the "G's" that the pen has an initial stroke—that the initial stroke of the "G" is made to its apex, and that it is to be seen in the two "G's" in the upper signature, and also in the "G's" in the two lower signatures. That I find to be the habit of Mr. Gordon. At the same time it is fair to say that I have seen in the check marked D 56, in the body of the same, in the making of the top of the "G," a "G" where that peculiar habit is not illustrated, where the "G" is close and made in one movement. And when we come to the actual slope of the handwriting, there is an average of six degrees difference in the slant or slope. I made it carefully with the protractor, and I found it to be in one about 34 degrees, and in the other about 40 degrees.

Q. That's the average?

A. Yes, sir, of these three checks.

Q. That is the average of the slope?

A. Yes.

Q. State in what way the slope differs.

A. The slope of the disputed signature, there is more angle to than there is to the other, and by angle I mean it approaches more nearly to what you call the horizontal. I find from examination of the three checks that are on the cartoon, and also in connection with the other two checks that are included in the Exhibits D 56 to D 60 inclusive, that the habit of Mr. Gordon is to write on the line. I find that in the disputed signature (if we look carefully we can see the line running through and on the will itself) the George P. Gordon is written just a little ways

above the base line, and in that respect it differs from the habit, as illustrated by the standards. I find, also, the pen pressure, where the pen is pressed down in writing (though Mr. Gordon's habit was exaggerated more in some ways than others) that it was the habit of the writer of the disputed signature to press his pen close to the top. In the disputed "H" the pen pressure is almost at the top—not quite so much in the "G" in the name Gordon in the same signature. But the average is generally to be seen throughout. While to go further I would call attention, for instance, to the "G" in the second signature on the cartoon. Now, referring to D 60: that same evidence of pen pressure is to be found in the "G" of the Gordon, very near to the top. Also in D 58, in the same word. The pen pressure as illustrated in the disputed signature, instead of beginning at the top and ending before it reaches the bottom, begins about the middle and gradually thickens out, making its belly portion, as illustrated in the first and second "G's" and in the "O," and running down to the bottom. Now, in respect to the make-up of the "G." In the standard on the cartoon the "G" is from right to left, and the writer makes a stroke up to the apex, in the disputed signature the "G" begins from the left below the belly of the "G" and then continues, without a break at the apex, and in that respect differs largely in its habit from the standard. I will state that though in the signature in the words "Geo. P. Gordon" on Exhibit D 56, I find that same initial stroke, that is to say, absence of large sweep, but beginning from the left and passing up, but instead of a light loop forming a half circle it is almost a straight line, and the curve is the reverse.

Now, taking the final stroke of the "G" where it finishes: Mr. Gordon finishes without any effort, and finishes off into a thin line, the pen pressure being about the middle or nearer the bottom, whereas the disputed signature it passes around and makes another turn and crosses the down line to the left with the pen pressure well over to the end, showing and

indicating to my mind an entire different touch. I might also call attention to the disposition of the writer, as evidenced in the "G's" to be found on the cartoon, first, with reference to Mr. Gordon, his disposition is either to make a full loop, as is illustrated by Exhibit D 59, D 60 and D 58, and where he does not make a full loop he makes a blind loop. But in the disputed signature there is no attempt to make either a blind or an open loop. The square nib of the pen shows on top and goes around to the finish.

Now the letter "E," the habit illustrated by this cartoon—the habit of Mr. Gordon as illustrated by this cartoon was to make his "E's" like the figure "3" reversed, making what is termed a "Greek E." And I would call attention to D 60, where it is still more exaggerated, and D 58, where the blind loop is to be seen with the loop pointing upwards, in contrary distinction of the habit illustrated in the disputed signature. In other words, the relative position and location of the "E," the genuine signatures being a very long letter and the outline being well up to the top, the "E" in the disputed signature being not so far up.

In respect to the "O"; If we take away the initial stroke of the "P," because in the signatures I have seen of George P. Gordon, and as illustrated here the "Geo." of the "Geo. P." connects in the standards with the "P," whereas in the disputed signature it is written alone. I make no special point about that, because sometimes people do join and sometimes do not join their letters in that way. But I do want to call attention to the fact that in the genuine signature here the final stroke of the "O" passes up; it does not pass over and above up to the initial stroke as it does in the disputed signature.

Now, taking up the "P" after the "Geo.," and leaving off the initial stroke, because, perhaps, Mr. Gordon sometimes did write without that initial stroke, but I don't find it here. But I call attention to the loop, if you please, or the "W," as it were, in

the genuine signatures, which represent, in fact, the "P." It cuts below the top of the staff, whereas in the disputed signature it is right on the very top of it, and does not intersect the staff at any point whatever. Another thing: In the genuine signature the initial stroke begins from above, comes down, passes around, makes a loop and passes off again, whereas in the disputed signature it begins from below, passes up, makes a very large loop, disproportionate with the writing of Mr. Gordon, and instead of being a beautifully curved top, runs to a sharp, angular point, passes down with great pressure and then bisects that line about the middle and does not have the long finishing stroke that Mr. Gordon makes as he takes his pen off.

Calling attention now to the capital "G" in the word Gordon, I have to say the same thing in respect to that "G" as I did in the first "G," therefore I will pass that.

I find the habit of Mr. Gordon is sometimes to leave his "O's" a little open. Now, calling attention to Exhibit D 59 and Exhibit D 60, I find that he closes them; so that the fact that in the disputed signature the "O" is closed is no evidence in regard to the different habit in that particular respect. But when he closes them, as is evidenced in Exhibit D 60 and D 58, he begins his initial stroke above where he is going to finish the "O." In other words, after the "O" is made you will find that the initial stroke or beginning of the "O" is above the finishing stroke, whereas in the disputed signature the initial stroke of the "O" is begun below where it finishes; its finishing stroke is above its initial stroke.

Now, calling attention to the "R": I find that Mr. Gordon does sometimes, as is evidenced in Exhibit D 60, makes almost a straight stroke, and I might call attention to a difference in that respect again to Exhibit D 58, but he makes a swift, rapid stroke, whereas in the disputed signature it appears to be made slowly, with a great deal of effort. Mr. Gor-

don makes his "R's" in a variety of ways. It is illustrated again in D 59, where the "R" is simply a line brought down, and he makes a turn with great rapidity; and that same rapidity is illustrated in D 58 and D 60, but it differs so far as the general picture affect is concerned. But the same habit of pen pressure is illustrated in them all, whereas the "R" in the disputed signature the pen is brought down with great pressure and the turn made with considerable deliberation, and where it turns from the "R" to finish it is almost angular, whereas in Mr. Gordon's genuine handwriting that peculiarity does not exist; it either turns off abruptly and is made without any effort, or, if there is a bend, it is round; it is not angles.

Coming now to the "D," which is one of the most characteristic features of his handwriting, Mr. Gordon makes a very large "D," so far as width is concerned, that is to say, the belly portion (the "O" portion) is even larger than the staff, and it certainly in those I have here on the cartoon and in the two other checks which are on some other cartoon appears that the belly portion represents at least one half, or very nearly so, whereas in the disputed signature the belly portion represents much less than one half. The disposition of Mr. Gordon, as illustrated in the cartoon in the make up of the "D," is to begin the initial stroke from below, passes upward and then makes the "O" portion as illustrated in D 59, and very much more exaggerated and plain in D 60, and not so much so in D 58; but the same habit is apparent in all, whereas in the disputed signature the initial stroke of the "D" is carried forward. It does not start from below, but from the right, and almost on the line. The habit of Mr. Gordon in the standards is to make a handsome curve, sometimes a little more handsome than at others; but it is made with great rapidity, is artistic and very beautiful, whereas the "D" (the "O" portion of the "D") in the disputed signature is made very slowly, with great care, apparently, and is any-

thing but handsome. It does not describe a curve at all.

Now in respect to the staff of the "D": Mr. Gordon makes a very thin line—that is to say, the up line going to the staff, the initial portion of it, passing down again as is illustrated in Exhibits D 59, D 58, and D 60, and are what may be termed very thin lines with a considerable opening almost like a capital letter "A"; whereas the habit, as evidenced in the disputed signature, is to make the staff thick and club-like, passing down without any delicacy of touch at all, and finishing off to the "O," without that wide open "A" stroke before the "O" as far up as is the "O" same stroke, as indicated in Exhibits D 59, D 58 and D 60.

Now we come to the next "O": the habit, as indicated by Mr. Gordon's genuine handwriting is as before stated with reference to the first "O"—sometimes he leaves them open, and sometimes he closes them. In that respect I might almost say I don't desire to say anything, except to say that his habit always is to make the downward stroke of the "O" above the finishing stroke, and it is made with great rapidity; whereas in the disputed signature the initial or downward stroke is not the thin line that can be seen in the standard, but is thick and club-like, on a par with the staff of the "D," beginning much lower down, and not patterned after the "O's" of Mr. Gordon at all.

Now referring to the finishing portion of the "O" and the initial portion of the "N" I find it the habit of Mr. Gordon to hesitate a moment, and a very slight moment, and then go on and make his "N"; this is not so apparent in D 59 and it is in Exhibit D 60, but he does not put his pen down; there is no pen pressure, and the pen continues on; whereas in the disputed signature the pen not only

but there is great pressure; the two nib points of the pen dig into the paper, and running along to the right. In the genuine signatures, coming on to the "N," the initial strokes are beautifully formed, and,

consequently, with not very much pressure as may be seen in Exhibit D 58, D 59 and D 60; whereas in the disputed signature there is considerable pen pressure and a very club like line, and instead of making what he intends always to make, as will be seen in D 58, though not so much in D 60, but somewhat in D 59, a loop, there is nothing to indicate a loop. At the first staff of the "N" the pen came down and went up to complete it. In the second initial stroke of the "N" in Mr. Gordon's genuine handwriting, you will find it is almost, not quite, however, on the line with the first; that is to say, if a straight line was placed on top of the "N's" they would be found to be very nearly approximate in regard to the perpendicular. That may be seen in Exhibit D 59 and in Exhibit D 60 it is so; and in Exhibit 58, if anything, it passes up beyond the second staff of the "N," whereas the first staff is much lower than the second staff, showing the general habit. In the final stroke of the "N" in the standards of Mr. Gordon's signature he passes down to the right with a delicate and beautiful line, which are to be seen in Exhibits D 58, D 59 and D 60, whereas in the disputed signature there is considerable pen pressure, and the beautiful movement of the hand is not seen; it is made with a great deal more care. In the final stroke, or come back again of the initial stroke Mr. Gordon's habit was to make it with great rapidity, and it is a very beautiful and artistic swing, and that may be seen in the three exhibits, D 58, D 59 and D 60; while in the disputed signature, which is Exhibit P 1 the final stroke is made with considerable pressure, in contrary distinction to the habit displayed in the genuine one, and without that wide open space, making almost a long egg-like shape, which may be found in all of Mr. Gordon's genuine signatures. Now there is another feature in all the signatures I have seen, and calling particular attention to those included in Exhibits 16 to 54 inclusive, and 56 to 60 inclusive which are here, Mr. Gordon's habit was to put a

period as is shown by the exhibits in court—to put a period after his name; whereas in the disputed signature, there is no period after the name. I do not mean to say by that, that men will not sometimes leave off a dot to his name, but it is fundamental in the sense that it is not his regular habit.

Now calling the attention to the flourish under the name: one is made (and I am now referring to Exhibits D 59, D 60 and D 58) with great rapidity and without any effort and the pen pressure will be found, if anything, on the lower lines and not on the top. Again, the habit of Mr. Gordon in the making of his flourishes was to commence from the right pass to the left, thence to the right and back again to the left, thus completing it, that being indicated by the pen pressure. The final stroke of the first part of the flourish must have been made with the pressure of the pen, as the pen passing upward could not have made that stroke, hence that must have been made as the final portion of that flourish; whereas in the disputed signature the line is commenced from the left, or, in other words, that portion of the flourish that I have last called attention to in the genuine signature as being the last part of it, in the disputed signature was the first part; in other words, the habit of the writer of the disputed signature was the reversed of the writer of the standards. So that if Mr. Gordon's habit was to begin at the right and then pass with great rapidity to the left, the habit in the disputed signature was to begin at the left and pass to the right; and that is plainly illustrated, because the initial portion of the stroke could not be made by the pushing up of the pen; it must have been made by putting pen pressure on it and passing on around. To that same point attention may be called in the second part of the swing—that is to say, in regard to the second part of the flourish.

Now, taking up Mr. Gordon's signature as a while—

Q. How many times has the pen pressure been displayed in Mr. Gordon's signature? State how begun and how ended.

A. I have called attention to the fact that in the first portion the pen began about where I placed the point (indicating). This one is again so (indicating), and (indicating) this is again so. The trouble occurred in that initial stroke there as made in "P 1." The last part of it is made from about there (indicating), passes around about the middle of it, passes around to the right, makes the egg-shape form and then passes off. It is divided up into a good many pieces.

Q. Now as to the last part of the flourish in Exhibit P 1?

A. In other words, the last part of the flourish in Exhibit P 1 is made in three pieces, whereas the habit of Mr. Gordon, as is shown in Exhibits D 58. D 59 and D 60, is to make it in one piece.

Now, taking the disputed signature separate and alone: I find that in making a comparison of the points that I have called attention to with the standard or genuine signature, I find that the disputed signature is made in pieces—that is to say, taking in particularly the flourish.

Calling attention now to the initial stroke of the "N" on Exhibit D 74 for identification: Mr. Gordon's habit is not to lift his pen in the making of his "N's," but to go right on and make that initial stroke. In this case the pen was lifted, put on again, and then proceeded. I think that the disputed signature is made up by sections; that is to say, it shows evidence of careful, slow, laborious and studied work. On the other hand, the signatures of Mr. Gordon show evidence of no thought, no study, no labor; they are written, as it were, right along, without a moment's hesitation. And in view of what I have stated I have no hesitancy in stating that the hand that wrote the George P. Gordon, as illustrated in Exhibits D 58, D 59 and D 60, is not the hand that

wrote the George P. Gordon as illustrated in the disputed signature attached to Exhibit P 1.

Q. Does any nerve characteristic enter into the handwriting?

A. I have called attention to the fact that one is written with the finger movement and one with the forearm movement.

Q. Do not the nerves have considerable to do with the characteristics of a man's handwriting?

MR. COLLINS—I object to the question.

THE ORDINARY—I will overrule the question.

A. They have everything to do with it.

Q. What apparent nerve action is there attached to the signature in Exhibit P 1?

A. It is another handwriting. It is not the same handwriting. It is somebody else's handwriting. There is no evidence here, for instance, in the making of the "or" to correspond with the "or" in the standards. In the sense that they are different it is a copy of Mr. Gordon's handwriting, but there is nothing that is Gordon's there; there is not a single letter in it that will compare favorably with the signature of Mr. Gordon. There is a difference in pen pressure, there is a difference in the way the pen is held, there is a difference in the slope, there is a difference in the signature in reference to the base line, one being made with the forearm movement and the other being made with the finger movement. It's a different handwriting. It's somebody else's handwriting.

MR. MILLER—I offer in evidence Chapter 76 of the Session Laws of New York of 1851, which are part of the Revision and appear in Volume 2 of the Revision, 8th and last edition of the Revised Statutes, page 1094.

Marked D 76.

FRANK R. BISHOP, being duly sworn according to law, on his oath testified as follows:

EXAMINED by Mr. Miller.

Q. What is your residence?

A. 312 Lafayette avenue, Brooklyn.

Q. What is your employment?

A. I am employed in the tax office, in Brooklyn, in the mailing department.

Q. Have you produced here to-day any records from the tax office in Brooklyn?

A. Yes, sir.

MR. MILLER—Produce the books and tell us what they are.

Witness produces four books.

WITNESS—I produce the assessment rolls of the first of March, respectively of 1875, 1876, 1877 and 1878.

Q. Is there any entry in those books relating to the assessment of a personal tax against George P. Gordon?

A. Yes.

Q. Please turn to it in the year 1875.

A. It is found at page 219.

Q. What is this book?

A. The assessment roll of the First Ward.

Q. What does that entry say?

MR. COLLINS—I object to the question.

Q. Are you familiar with these books?

A. Yes, sir.

Q. Please explain the nature of the entry without reference to the book. State what the first column contains.

A. The first column contains the index number, the next column contains the name, street number and street, the next the amount assessed, and the next the tax on the amount assessed. This here (indicating) is another matter. The amount received and cash book and folio.

Q. And this is the original book of entry from the Brooklyn tax office, is it?

A. Yes, sir, this is the original tax book—the original assessment roll.

Q. Does it appear from that record that George P. Gordon was assessed for personal taxes, in the year 1875, in Brooklyn?

MR. COLLINS—Objected to on the ground that the book will speak for itself.

Objection sustained.

MR. MILLER—I offer in evidence the entry at page 219, index number 1969.

MR. COLLINS—I object to the offer on the ground that there is no statute of this State that makes such a book evidence, and on the further ground that the evidence, if established, would be irrelevant.

Objection overruled.

MR. COLLINS—I object to it as irrelevant and as an incompetent method to prove residence.

WITNESS—The entry reads:

Index No.	Names.	Street No.	Description.		Valuation of Personal Estate.	Genl. Tax.	
1969	Geo. P. Gordon	155	Columbia Heights	Pd. Dec. 7, '75	$10,000	$350 34	

40 30 20 10

Q. What does the green stamp "Pd. December 7th, 75" mean?

MR. COLLINS—Same objection.

A. It means that the tax on $10,000 on personal property was paid December 7th, 1875, namely, $350.34.

Q. Now turn to the same entry for the year 1876. Is there a warrant on the back of the book?

A. Yes, sir.

Q. What is it?

A. The warrant for the collection of the Tax.

MR. COLLINS to the stenographer—At the top of the page in manuscript is "Personal property." The witness says the same printed blanks are used for real and personal property taxes; that the assessment of real estate is in the back of the book, but that the line "real estate" controls in this case.

Q. Do you produce now the book showing the assessment of personal taxes for the year 1876?

A. Yes, sir.

Q. For the assessment of personal taxes against George P. Gordon for the year 1876?

A. Yes, sir.

MR. MILLER—I offer that entry in evidence.

Same objection. Same ruling.

WITNESS—The entry reads as follows:

Index No.	Names.	Street No.	Description.		Valuation of Personal Estate.	General Tax.	
1923	Geo. P. Gordon.	155	Columbia Heights.	Pd. Dec. 5, '76 F.	$10,000 00	$333 01	

40 30 20 10

Mr. MILLER—The stenographer will note that the "Pd. December 5, '76 F." is in green stamp. Right after that under the heading "Valuation of Real Estate," the word "Real Estate" is ruled out with red ink.

Q. And does the stamp "Pd. December 5, '76," indicate the same as the same kind of stamp in the last entry?

A. It indicates that the tax was paid December 5th, 1876.

Q. Now turn to the year 1877?

A. I produce a book showing the assessment and tax on personal property of George P. Gordon for the year 1877, and it is to be found on page 207.

Mr. MILLER—I offer the following entry in evidence.

Same objection.

Same ruling.

Index No.	Names.	Street No.	Description.		Valuation of Personal Estate.	General Tax.	
1933	Geo. P. Gordon.	155	Columbia Heights.	Pd. Dec. 10, '77.	$10,000 00	$322 56	

10 20 30 40

Mr. MILLER—The stenographer will please note that the whole page is headed, in handwriting, "Personal Property."

Q. Does the same testimony apply to these two books for the years 1876 and 1877 as the testimony with reference to the year 1875 applied?

A. Yes.

Q. And does the blue stamp "Pd., December 10, 1877," have the same meaning as a similar entry in 1875?

A. The same meaning—that the tax was paid December 10, 1877.

Mr. MILLER—I also offer in evidence the entry on page 208 for the year 1878, which reads as follows:

Same objection.

Same ruling.

Index No.	Names.	Street No.	Description.		Valuation of Personal Estate.	General Tax.	
1973	Geo. P. Gordon.	155	Columbia Heights	Pd Dec. 31, '78	$10,000 00	$278 44	

Q. For what year or years were these taxes imposed—for the years previous to the dates of the entries?

A. The tax was confirmed November 15, 1878, for the year 1878.

Q. Can you tell by whom that last tax was paid?

A. No, sir.

Q. I show you a check for $278.44 stamped for deposit by City Treasurer James Tanner. Has that check been through your office?

A. That check has been through the tax office.

Q. From the date and stamp what would you say about it—that it was payment of the last tax referred to?

A. Yes, Sir.

The four books produced by the witness were marked respectively D 77, D 78, D 79 and D 80, and the check for $278.44 was marked D 81.

Mr. COLLINS;

Q. Do you know anything about taxes of non-residents in Brooklyn?

A. No, sir.

Q. Have you looked at the assessment rolls for 1879 and 1880?

A. No, sir; I have not those here.

Q. Have you looked at them over there in Brooklyn?

A. Not for this matter. I have looked at them very often.

Q. Haven't you looked to see whether George P. Gordon was assessed for taxes on personal property for 1879 and 1880?

A. I couldn't tell you.

Q. Isn't it a fact that he is assessed in those years?

A. I couldn't tell you. I looked over the books for a gentleman, but for what years I could not remember.

Q. You don't know who the gentleman was?

A. I don't know his name. I know him by sight.

Q. Was it Mr. Mercer?

A. I think so.

Q. Well, do you find that Mr. Gordon was assessed for personal taxes in 1879 and 1880?

A. I find that he was assessed in some years and not in others.

Q. But was'nt he assessed for these years?

A. What years he was assessed in I could not state. I merely made a memorandum for him.

Q. Are these all the books you brought?

A. Yes, sir.

Q. Will you bring over on a day to be named by the court the books for 1879 and 1880?

(Mr. MILLER:)

Q. Did you look back to 1874?

A. No, sir.

(Mr. COLLINS:)

Q. You will produce the books for the years 1879 and 1880 here, will you?

A. If they are sent for; yes, sir.

RECESS.

DAVID N. CARVALHO being recalled:

Examined by Mr. MILLER:

Q. Have you completed your statements of the analysis or comparison of the disputed and other signatures—you went through the letters and the scroll and spoke of the general characteristics?

A. Now I wish to refer to the signature in its make-up, in regard to the spacing that the average distance between the "G" of this and the Gordon of the admitted signature is much smaller than it is in the disputed signature. I think that is all, except ——(Interrupted).

Q. Did you say anything about the space occupied by the scroll?

A. Yes, it is much larger. And I want to say also that the signature taken as a whole from what appears to be the initial stroke of the "G" to the finish occupies more space than in the signatures, any that I have seen.

Mr. COLLINS—I object to the last statement.

Q. Did you see any of the checks in evidence?

A. Yes.

Q. Have you examined the body of this will, Exhibit P 1.

A. I have.

Q. Have you examined the handwriting throughout?

A. I have.

Q. Have you examined the handwriting in which the names of the subscribing witnesses appear?

A. Yes, sir.

Q. Have you made any comparison between the handwriting of the will and the subscribing witness?

Objection by Mr. Collins as immaterial and no comparison authorized by law—a comparison of handwritings is as to the genuine with the disputed.

Question admitted.

A. Yes, sir.

Q. Is it your opinion that the body of the will was written by different persons, or by a different person from the person that wrote "Henry Adams" where that name appears as the name of a subscribing witness?

Objection by Mr. Collins. It is in evidence that Henry C. Adams wrote the body of the will, and I suppose that is not disputed, although I do not know whether it is or not.

Now I presume it would be proper to prove that this signature was written by Henry C. Adams, and it can be done by a comparison with his admitted handwriting. If that is the purport of the question, it being conceded that the body of the will is written by Henry C. Adams, and that that is only in the way of asking the question, and I object besides in the same line as the general, objections heretofore made to the form of the question, I do not think it is competent.

THE ORDINARY—I understand the question to be an introductory question.

MR. MILLER—I propose to show that the handwriting in the body of the will is the same.

THE ORDINARY—I will admit the question.

A. I believe it to be the work of one hand, the two writings. The Henry Adams and the body of the will—I can qualify that some.

Q. In what respect?

A. The "Henry Adams" is only a variation of the writing in the body of the will; it is the work of the same hand.

Q. I ask you the same question respecting the handwriting of Alonzo C. P. Adams.

Objection by Mr. Collins.

Question withdrawn.

Q. Is it your opinion that the body of the will was written by a different person from the person that wrote Alonzo C. P. Adams where that name appears as the name of a subscribing witness?

By MR. COLLINS—I object on the ground both as to the form and substance and question. As to the substance that there is no rule of law permitting an expert to testify to this, and also on the ground that it is irrelevant and incompetent.

THE ORDINARY—I will admit it as introductory to be followed up by a comparison.

A. My opinion is that it is the work of the same hand.

Q. Is it your opinion that the body of the will was written by a different person from the person that wrote "John Q. Adams" where that name appears as the name of a subscribing witness?

Same objection.

Same ruling.

A. I state that the "John Q. Adams" is the work of the same hand that wrote the body of the will.

Q. Now, Mr. Carvalho, state to the court the reasons for that opinion.

Objection by Mr. Collins on the same ground previously made.

THE ORDINARY:

Q. Those reasons involve a comparison of the body of the will?

A. Yes, sir.

MR. MILLER:

Q. Point out why you state that.

A. A careful examination of the will, taking it page by page, indicates the habits of the writer, what the habits of the writer were—in relation to the base line to write slightly above the base or rule line—that I find throughout the entire way. Coming down to the signatures, I find the three signatures, "Henry Adams, Alonzo C. P. Adams and John Q. Adams," also are written slightly above the base line, and in that respect they agree with each other. In respect to the slope or angle, I find that the body of the writing of the instrument and the three signatures to be precisely of the same slope, of the same average slope; there might be a variation of a degree and a half, but the general writing is the same.

Q. Of the letters and the writing?

A. Yes, sir. I find in respect to the general make-up that while Henry Adams, Alonzo C. P. Adams and John Q. Adams are apparently different so far as a general picture effect is concerned, when placed under a microscope the same habit in regard to pen pressure (interrupted).

Objection by Mr. Collins.

THE ORDINARY—You may make the general statement and then illustrate by particular references.

I find that the three signatures, Henry Adams, Alonzo C. P. Adams and John Q. Adams, that none of them have punctuation marks following the "Adams," all blank, no dot put after them. I find also in the "Henry Adams" the "ams" is made as one piece. In "Alonzo C. P. Qdams" the "ams" is made as one piece. In the "John Q. Adams" the "ams" is also made in one piece.

I find that the "A" in "Henry Adams" is made separately and alone. I find the "A" also in "Alonzo C. P. Adams" is made separately and alone; and I also find the "A" in "John Q. Adams" made separate and alone.

I also find that the "d" in "Henry Adams" is made separate and alone. I also find that the "d" in the "Adams" of "Alonzo C. P. Adams" is made separate and alone. And I also find the "d" in the "Adams" of "John Q. Adams" that that is made separate and alone. In that respect the three signatures of "Adams" correspond in each and every particular, that is to say, in the general make up of the signature.

I want to say also that the ink used in the writing of the three signatures of the three witnesses——

Interrupted.

Objection by Mr. Collins as not being responsive to any question asked.

Objection overruled.

WITNESS—It is very thick, and hence what appears to the eye, and also what appears under the microscope, and looking through the overlapping ink, shows that the method of making the initial stroke of "A" is precisely the same, that is, the same habit throughout.

Mr. COLLINS;

Q. Do you mean the small "a"?

A. Yes, sir. I did find in respect to the letter "m," that is, the three "m's," as they appear in the word "Adams," do not correspond, but the "m" in the second and the third do, whereas in the first one it does not.

The ORDINARY:

Q. Why not?

A. Because they have been made in the first "Adams" sharp on the top and in the latter two round on the top; but there appears to be in the signatures, taking them collectively, an evident desire to vary the three signatures.

Mr. COLLINS—I object to the voluntary statement of the witness.

The ORDINARY;

Q. How does that appear?

A. Taking now the three "Adams" together, the size of the second Adams is relatively about the same size as the first, while the last one is opened much more and occupies a great deal larger space.

The "m" of the second "Adams," and the "m" of the last "Adams" do not exactly comport, and yet for the first two staves they are approximately the same. In other words, taking the "m" by itself, the habit of Alonzo C. P. Adams was to take and make

his "m," the first stave going down to the base line and the second the same, and then to follow the initial stroke as it was made to make that second stave. The last stroke, the initial stroke in it varies. In other words, if I cover up the last staff of the middle "Adams," Alonzo C. P. Adams, it will be found to correspond with the second and the last staffs of the upper "Adams," whereas it does not correspond with the last two staffs of the last "Adams." Now, if I slip the paper and cover up the last staff of the "m," it will be found that the first and second do correspond with the first and the second of the last "Adams," while it does not with the first and the last staffs of the first "Adams," so that the Alonzo C. P. Adams name and writing is inconsistent in that respect, that is, part of it corresponds with the first "Adams" and part of it corresponds with the last "Adams," and hence I say there has been an evident desire there made to vary the signature of the "Alonzo C. P. Adams."

We now take the "Henry." That don't spell "Henry;" it spells "Hemry." The strokes are distinct and clear. I find on the top of the "H," the stroke originally beginning where I put the pointer on cartoon D 68, about three-quarters of an inch from the top. It begins there and passes on down to the base line as it did on the second staff; the two in that respect correspond.

In other words, I will cut off with this piece of paper the way I think the "H" was originally made, and after it was made that little base, as is represented here and is shown on cartoon D 68, has been stuck on to elongate and make the "H" longer than it was originally. I find on comparison being made with the body of the writing of the will this effort to make straight lines, like those indicated in the "L," and yet there is an exaggeration of the writing in the will. But when we come down here to the small "d" in the three "Adams" it will be seen that the staff passes down and that it suddenly turns and

makes a very sharp bottom, as it were, before going up towards the "a."

I call particular attention to the "d" in the word "Woodbridge," in the same handwriting as that in the body of the instrument; that same habit is indicated there as is indicated in the small "d" in the word "Adams."

On the cartoon D 69 a little blurring may be noticed—this being a developed print and the sunshine being used to develop it brings out more of the internals of tfie writing, that is more than there is on the other print which was made for the purpose of making more of the details. There is a blurring around these letters, a sort of haze, that is not to be seen in the body of the writing in the will, and that is due to the fact that the ink used in the writing of "Henry Adams" appears to have been dampened or to have run into the fibre of the paper—not from blotting, but probably from damping, and that is why the blurring is seen here. If your Honor would like to see it under the microscope I can show it to you.

The ORDINARY—I have noticed it.

WITNESS—Now calling attention to the "J" of the "John," the same "J," that is to say, the upper portion of it and the method of making it is to be found in the word "July" immediately above the signature of Henry Adams, where it reads "this 25th day of July."

Mr. COLLINS:—

Q. Is it out of slope?

A. Yes, sir; there is a good deal more tail to the "J" in the "John," but if you bisect it you will find it compares very closely. I do not suppose the writer wanted to indicate his own handwriting when he put it there.

Mr. MILLER:

Q. What have you to say about the "z" in Alonzo and the "J" in "John"?

A. I find there that long space indicated in the "J" of the "John," that that is present and on a comparison you will find that that is to be found in some of the other letters.

Q. Look at the word "article" where it appears in the will and make a comparison between this "A" in the word "Article" and the letter "A" in the will—I refer to the letter "A" in article 6 and 8?

A. The initial stroke with the turnings to the left, the bagging out as it were under the head of Article 6 and the capital letter "A" is after the same pattern in that respect as the "A" in Henry Adams. Referring to article 7, the capital letter "A," that is almost a duplicate so far as the initial stroke is concerned, to the letter "A" in "Henry Adams," I bisected the "Adams" of the "Henry Adams," joined them together and the two make the capital "A"—the half of one makes the other half of the other.

Q. Now is there any comparison between the characteristics—the nerve characteristics—of the writing, as found in the will and the writing of the signatures of the subscribing witness?

A. The writing of the body of the will is a finger movement and the pen was held in the same manner as it was held in writing the signatures of the three subscribing witnesses. I think that I see the same habit of writing throughout.

Objection by Mr. Collins to the last statement.

The ORDINARY—You may explain what you mean.

A. Well, the will is composed of a large mass of writing and it was written without any apparent deliberation by some one who is in the habit of writing or engrossing papers of this kind; because the line for the initial letters seems to run very straight and seem to run remarkably even in the different pages.

An examination of this document indicates that the habit of the writer was to hold his pen with his fingers and use what we term a finger movement. There is no effort to flourish, and it is written with a great deal of deliberation in that sense. An examination of the word "Adams" shows also great care in the make up, but the same habit is shown in respect to the pen pressure.

Q. Look at the name "H. Adams" in Exhibit D 1, April 15th, 1891, appearing in the signature book of the Farmers' and Mechanics' Bank of Rahway and compare it with the name "Henry Adams," where it appears as subscribing witness in the will, and state in your opinion whether the "Henry Adams," the subscribing witness, is written by the same person as wrote the name in Exhibit D 1?

Mr. COLLINS—Is it necessary, your Honor, to make objections every time—this question has been ruled upon heretofore and I do not suppose it is necessary to make the objection every time.

The ORDINARY—This is merely introductory of a comparison.

A. Other than the fact that the letters in the name of "H. Adams" are patterned after the same style of letters in the signature of "Henry Adams" in the will there is no resemblance at all; it is made differently.

Q. Explain why you say they were written by different persons?

A. I will take the word "Adams" and juxtapose it directly underneath the "H. Adams" in the bank book the "H" in the "Adams" in the bank book begins with a dot and acurved initial stroke; whereas the "H" in the "Adams" in the will is a straight line. The second stroke or staff of the "H" in the bank book begins with a dot and finishes off with a litfle turn on the bottom; whereas in the disputed or in the "Henry Adams" of the will it begins with a sloping tnrn there is no dot to it and it finishes very abruptly.

The mark or cross bar supposed to make "H" in the bank book begins at one staff and passes to the other horizontally almost; while in the "Henry Adams" in the will it begins from the second staff; it does not touch the first, and makes a loop and passes round to the "e."

In respect to the capital letter "A," the "A" of the "Adams" in the book, there seems to be no pen pressure. That is to say, no difference in the pen pressure; that is the initial stroke of it and the staff of it, they are about an even thing; one is concave and the other is convex, that is, the initial stroke.

Q. What is it in the bank book?

A. That I should take as a concave and the one in the will as convex.

In respect to the crossbar: The "A" in the "Adams" of the bank book starts from the second staff or the staff, so to speak, passes back to the capital stroke and so on to the "d." Whereas in the disputed one it begins from the bottom and the initial stroke passes upward and then comes down, making a different character of loop.

In respect to the letter "A," the apex of the second stroke here has a very strong staff, whereas it is very light in the other.

Referring now to the relative size of the small and the large letters in the bank book, they approximate more nearly in regard to the size, being about one half the size so far as the height is concerned, as the capital, that is, the small letters; whereas in the disputed writing, taking the word "Adams," the small letters are only about one quarter the size of the capitals, so in that respect there is a difference.

In the small "d" in the word "Adams," the belly or first portion of the "d" occupies about one half of the "d," taking into consideration the staff, whereas in the disputed "d" it occupies only about one third.

In the bank book there is a final stroke to the "d" passing over to the "a," whereas in the final stroke

of the "d" of the writing in dispute it ends off abruptly and does not pass over at all.

The "d" in the bank book: The "d" continues on and passes into the letter "a;" then a turn is made and the "a" stroke coming down and cutting off a circle in half, as it were, and then coming down to a fine point, whereas it is to be seen in the will in dispute at the letter "a" that there is no initial stroke to the letter "a" at all; it begins at the top and passes off, and the staff is made and goes on to the end.

In respect to the letter "m," there is no pretext of a likeness except so far as they are both the letter "m." The one in the bank book is what we call underwriting—as it is called underwriting—whereas in the other writing it is overwriting, that is the pen is used the other way, and it does not appear at all that there is any likeness any more than that they are both the letter "m."

In respect to the letter "s," it also does not appear that there is any likeness except so far as that they are both the letter "s;" there is no mark—I do not find any characteristics to indicate that they are written by one and the same person at all.

Q. Compare the signature "A. C. P. Adams" under the words "received payment" in Exhibit D 5 with the "Alonzo C. P. Adams" where it appears as the name of the subscribing witness in Exhibit P 1, and state whether in your opinion the two signatures are written by the same person.

Objection by Mr. Collins. I would ask your Honor if it is necessary to make objections each time the question is put when there has already been a ruling on the same subject matter?

THE ORDINARY—I will admit the opinion provided it is supported by reasons drawn from comparison. It is not necessary to make the objection each time, Mr. Collins.

A. I say that in my opinion they are not the work of the same hand.

Q. State the reasons why you say that.

A. There is not a single letter that will compare. To be sure there are two "A's," but to start with, one is written offhand and freely—that is the signature to the receipt—while the one on the will is a labored and very hard to write signature.

Q. You say they are entirely different; now give their lines and the letters and words.

A. Well, to begin with, there is at least ten degrees in the difference of the slope of the writing; the "A" in the receipt, taking the capital, taking the staff in the capital stroke, there is considerable pen pressure—there is a very beautiful and artistic portion of the letter "A," and that has begun from the bottom, or rather I should say it begins at the top in the receipt, passes down and finishes. Whereas to make the letter "A" in the "Alonzo C. P. Adams" it was begun from the bottom; that is, in the disputed one it was begun from the bottom and finished upwards, showing a different habit in the two persons' writings.

In respect to the second portion of the "A" in "Alonzo" made all in one piece. Now, referring to the will the "A" in the "Alonzo C. P. Adams" is made in two pieces, and in that respect it is different.

Now as to the letter "C"—one is an enlargement of a small "c" and the other is a capital "C," so they do not compare at all.

In the letter "p" one stands up perpendicularly and the other lies right over. In one the stroke and the staff is well up to the top, while that in the receipt the loop is well down, and in respect to the word "A" of the word "Adams" I have the same statement to make that is in respect to the first "A."

In respect to the letter "d," they are both "d's," and the one in the receipt is made a little "o" first, and made almost like a capital, and I think there is

no comparison to be made between the two. They ain't alike, they are made after almost entirely different patterns, one having a strong and straight staff to it and the other cutting itself in the lower portion of the "d" and passing over to the letter "a."

In respect to the letter "a" there is no comparison to be made between the two, because in the first place the pen pressure is not to be seen in one whereas it is in the other.

If I take the turn upside down in the receipt, the signature of "Alonzo C. P. Adams," then I would produce the "m" and make it in the pattern of the "m." to be seen in the "Alonzo C. P. Adams" in the will, but they are made exactly opposite each other; there is no resemblance at all in that respect.

So far as the letter "s" is concerned, they are patterns after each other, only in the signature to the receipt it goes up into a sharp point with no disposition to make a blind loop, and passes down, and then with the usual flourish and finishing the stroke "m," Whereas in the "Adams" of the will there is a blind loop and it passes down, not crossing back through its initial stroke, but coming to a stop underneath and with a sort of labored flourish; there is no resemblance to the one in the signature other than that the word "Adams" is all written in one piece in the receipt, whereas the word "Adams" in the name of "Alonzo C. P. Adams" in the will is written in three pieces, so that there is no comparison to make.

Q. Have you compared the handwriting of the body of the instrument with the handwriting in which the words "George P. Gordon" at the end of the instrument appear in Exhibit P 1, and formed any opinion as to those two writings—the writing of the signature and the body of the instrument, whether they were made by different persons?

A. Do you refer to the signature of testator?

Q. Yes.

A. I have formed an opinion.

Q. State your opinion.

Same objection by Mr. Collins.

THE ORDINARY.—I will admit it provided the witness goes on and explains.

A. I believe the whole will is the work of one person.

Q. State whether you believe the name "George P. Adams" is written in the same handwriting as the body of the will?

A. I would like to make a comparison on a large scale with "George P. Gordon," but as I have not got it I will have to do it on a small scale.

Q. Take it and show it to the court?

A. Now I have called attention to the fact that throughout the entire will the handwriting is the handwriting—that it is written a little above the base line. I will make the same statement in regard to the signature of testator; the "Henry Adams, the Alonzo C. P. Adams, and John Q. Adams," so that in that respect they all agree they are all written above the base line a little. In respect to the slope, I have also stated that they all agree, with a very slight variation perhaps, in individual letters in regard to the slope. I have also called attention to the class of pen pressure—that the method of holding the pen and the pen pressure also agree. I have also called attention to the fact that taking the four sigatures, not one of them has any punctuation marks following them; so that in that respect they all agree.

I have called attention also to the very long staff of the small letter "d" in the word "Gordon," and the very long staff in the small "d" in the name "Henry Adams," and the very very long staff in the letter "d" of the name "Alonzo C. P. Adams" and a long staff also in the "d" of the name "John Q. Adams."

Q. Have you spoken of the letter "n"?

A. I was just going to put it under the microscope.

Q. What is it?

A. The letter "n" in the word "Gordon," the last letter (witness puts the paper under the microscope and says).—Now I first desire to call attention to the blurring which I spoke about as being illustrated on the cartoon and then also to illustrate that the point of the pen came sharply down and makes almost a square top in the second stroke of the letter "n."

Q. Does that characteristic appear in the body of the will?

A. Sometimes. I call attention to the two "n's"—they appear in the words semi-annual on the page before the last of the will, where the name of "George P. Gordon" appears, and just the twelfth line of writing immediately above the words "George P. Gordon." Now what I want to say is; that the signature of "George P.Gordon," appearing on that will, while it looks a little like the "George P. Gordon," as illustrated in the genuine signature I am able to see another handwriting present and recognize the handwriting that is in the body of that will.

Mr. MILLER—I offer in evidence for the purposes of comparison the Brooklyn will, the one attempted to be proved by Mr. Van Vleet.

Mr. COLLINS—I object on the ground that it is not a writing which has been proved to be genuine.

Mr. MILLER—Mr. Van Vleet was an employee of testator and one who knows more about the writing of Mr. Gordon than any one at present living.

The ORDINARY—It does not come with the same strength as these checks which have already been put in evidence.

Mr. MILLER—Except that it comes from the custody of the court where it has been offered for probate and where it was rejected —of course I understand that it must be established entirely to your satisfaction, but under the circumstances and being produced from where it is—— (Interrupted).

The ORDINARY—So far as I know this paper at present, it is a rejected will.

Mr. MILLER—Yes, that is so.

The ORDINARY—I think I shall require you to produce further proof as to the genuineness of this signature. A standard should be proved by stronger evidence than the mere opinion of a witness who has seen a person write. Now the checks come supported by very much stronger evidence of their genuineness, for they are produced from the place where the testator's checks have been kept and they have also gone through the bank in which the testator's account was kept.

Mr. MILLER—I propose to show by the record of the court in Brooklyn why this will was rejected. That it was rejected because of the absence of the subscribing witness.

The ORDINARY—You have already standards here and the evidence, now offered. will be without value unless the standard is reliable. The initial step in introducing expert testimony should be to produce absolutely reliable standards. I cannot admit a standard supported only by the opinion of a person who has seen the testator write. Such person speaks only from comparison.

Mr. MILLER—In offering this paper I will state here that I will follow it with the exem-

plified copy of the record of proceedings in Kings County under which it appears that the will was rejected—it was not rejected for the reason that the signature was not genuine, because of the absence of the subscribing witness.

The ORDINARY—I shall exclude the will for the present.

Mr. MILLER—I also offer in evidence these cartoons which have been marked for identification D 66 to D 75, inclusive.

Mr. COLLINS—I object to them as evidence in the case on the ground that there is no law, statute or otherwise, permitting such documents to be evidence, whatever may be said about their being used to-day in court.

The ORDINARY—These cartoons have been used in furtherance of the testimony of the witness and may be marked—they are not evidence in themselves, but they serve to illustrate and they are admitted merely for the purpose for which they have been used and they may be used in the same line.

CROSS-EXAMINATION BY Mr. COLLINS:

Q. What is your principal vocation?

A. I am an examiner of questioned handwriting and inks, I think that is my principal vocation.

Q. Do you find sufficient employment in that vocation for a livelihood?

A. I would like more, sir.

Q. What other business do you follow than that?

A. I do some writing, some literary work and I do some photographic work, and altogether I make a livelihood.

Q. Have you a photographic parlor or salon?

A. I have no skylight now of my own, but up to 1884 I was one of the largest photographers in New

York, since which time I have given up the actual photographic portion of my profession and now when I have to make reproductions of handwritings I have the use of an operating room for that purpose.

Q. So you do nothing except in questions of dispute in handwritings?

Q. That is all.

Q. So all you do at present is to examine disputed writings and testify on them and do some literary work?

A. Yes, sir.

Q. What general character of literature of literary work do you do?

A. I have written articles for magazines on scientific subjects, more particularly on photographic works and theory, and I have written several articles on that subject. I have also gone into the question of inks and given much study to that.

Q. And written of it?

A. Yes, sir, more or less.

Q. Where is your office?

A. 265 Broadway.

Q. Rooms there?

A. I have had for some years.

Q. You say you have testified in a great many cases—I presume in many of the cases the court or jury has reached a different conclusion from yours?

A. Of my own knowledge I do not know, but I presume some; it would be very strange if it were not so.

Q. There have been in all these cases, or nearly all of them, experts called by the adversary, haven't there?

A. Sometimes yes and sometimes no.

Q. And in cases where an expert on handwriting would be called as a witness for the opposition side to that for which you testified you have differed in opinions on the same signature, have you not?

A. Yes, sir.

Q. Frequently?

A. Yes, sir.

Q. That is true as to some of the most distinguished experts?

A. Yes, sir.

Q. You have testified, for example, that a signature was in your opinion genuine or otherwise, and they have testified to the contrary?

A. Yes, quite right.

Q. You have testified recently before Surrogate Abbott in the Myra Clarke Gaines will contest, haven't you?

A. I have.

Q. What did you there testify to, with reference to the genuineness of the signature of the will?

A. I testified to the whole will; it was an olographic will, and it was all a forgery.

Q. Did you testify in a case in Minnesota called the Blasedell case?

A. Yes, sir.

Q. In St. Paul, was it not?

A. In Minnesota.

Q. Was that a will case?

A. No, sir.

Q. What character of case was it?

A. The allegement was that $325,000 worth of notes had been pledged by one man, and this was a criminal case as to those notes.

Q. The question was as to the genuineness of the signature on the endorsement of those notes?

A. Yes, sir, the endorsements of those notes.

Q. What did you testify to?

A. I testified that I believed them to be genuine.

Q. Have you not very long since testified in regard to the handwriting as to the genuineness of a signature in a case in Minneapolis?

A. I never testified in Minneapolis.

Q. Did you testify anywhere in Indiana?

A. Never in Indiana in my life.

Q. Did you in Illinois?

A. Never in Illinois.

Q. In Ohio?

A. Never in Ohio.

Q. In St. Louis?

A. Never in St. Louis.

Q. In the courts of what States have you testified?

A. I have testified in Massachusetts, Connecticut and New Jersey, principally the Hall Extradition case and the bookkeeper of the city of Newark, who was convicted and sent up. I have also testified in the Gerard case at New Brunswick in this State, and I have testified in the capital at Monmouth county—interrupted.

Q. Just what States; you need not particularize.

A. In the State of New York; I have also testified in Alabama; I have been as far south as Alabama; I have also testified in Maryland and Pennsylvania, I have testified also in Maine.

Q. And Minnesota we know about?

A. Minnesota you know about, that is all I recall at this moment.

Q. You know of the controversy as to the genuineness of a letter, copies of which were circulated in a political campaign in 1880, called the "Morey Letter?"

A. Yes, sir.

Q. What did that letter purport to be?

A. That letter purported to be a letter written by the candidate then for President, Mr. James A. Garfield.

Q. To one Morey?

A. Yes, sir.

Q. Did you testify with respect to the genuineness of the signature to the letter?

A. At the Police Court proceedings I testified in respect to the signature being the same as the standard submitted to me, I so testified.

Q. That the signature was the same as the standard writing given to you of the handwriting of James A. Garfield?

A. Yes, sir, the standard handed to me.

Q. Can you state the cases in which Mr. Daniel T. Ames and yourself have testified on one side and the other or on opposite sides?

A. That Blaisdell case you referred to is one case that I remember, and I testified also on a case down at Freehold, and the jury came in six and six, which I called a pretty even thing.

Q. That is about the way I stand myself on expert testimony?

A. I don't know as I can remember or call them by names, but I want to be frank with you, and I think I may say that I have been in fifteen or twenty cases.

Q. In which you were opposed to each other?

A. Yes, sir.

Q. You have also been opposed by William J. Hogan?

A. Yes, sir.

Q. He testified in the Myra Clarke Gaines will. contest exactly opposite to you?

A. I heard so; I did not know it of my own knowledge—he did testify with Mr. Ames in the Blaisdell case.

Q. Contrary to your opinion?

A. Yes, sir.

Q. Yet both of these gentlemen stand high in the profession?

A. I think a great deal of them.

Q. It goes to show that doctors can disagree?

A. If different standards are submitted.

Q. In these standards have been a few checks and some other standards have been offered to you?

A. Yes, sir, I have seen a lot of material; and I can only specify those that I have seen.

Q. Have you ever observed that men are apt to have what is called a "check signature" who are habitually using checks?

A. That is a characteristic.

Q. Quite common, is it not?

A. Yes, sir.

Q. And that signature might be quite different

from the other genuine signatures or from another genuine signature?

A. That is right.

Q. What part of the will Exhibit P 1 in your opinion—the whole document, everything on it in writing—is in the natural handwriting of the penman?

A. I think the entire body of the instrument generally is the natural handwriting of the penman?

Q. Then do you think that the man that drafted that will wrote the four signatures that are in controversy here in a disguised hand, do you?

A. I think he has endeavored to disguise his own handwriting.

Q. But that the characteristics nevertheless show through?

A. The ear-marks are present.

Q. There is one thing I am not quite or I cannot quite understand, and that was that you thought the three "Adams" signatures were by the same hand because of similarities, and yet you thought there were found cases of dissimilarities—do I misstate you?

A. No, sir, I do not think you quite understood me. I made my examination based on the following theory, and I tried to follow it as closely as possible, that it is not a similarity of any two given pieces of handwriting that go to make up the genuineness of a signature, but the natural similarity based on the fact that a man never twice writes exactly alike. And in the examination that I have made I did not hunt for similarity specially for the purpose of determining whether the signature is genuine or not, but I tried to find out what is the characteristics of the man as generally indicated and how he exaggerates them occasionally, and if I find those running through the writing submitted to me then I pronounce them the same.

Q. Did you not, in answer to a question whether you thought they were written in the same hand-

writing, did you not point out a variety of similarities?

A. I intentionally called attention to similarities in the picture.

Q. But did you not do so in details?

A. Yes.

Q. Did you not do that in order to give the reason why you thought they were in the writing or written by the same hand?

A. If you understood me to be trying to give the idea that I was picking out similarities or looking for similarities, then I have been misunderstood, because, while two letters may look exactly alike, yet, as a matter of fact, they are not exactly alike, and the similarity—(Interrupted.)

Q. Did you not point out to the court a number of what you said were similar movements in the three signatures?

A. Yes, sir.

Q. Did you not do so in order to show that they are written by the same hand?

A. That was one idea; yes, sir.

Q. Did you not point out a number of variations also?

A. Surely.

Q. And did you not make argument from that that the writer had tried to disguise his hand?

A. I pointed a similarity of the characteristics, and pointed out where the disguise was attempted.

Q. In other words, where you found a similarity you said that that argues the same writer, did you not?

A. I did not say so.

Q. Did you not in effect?

A. No, sir.

Q. Don't you say so now?

A. No, sir.

Q. You don't?

A. No, sir.

Q. Then if you found a similarity you would not say that it was the same writing?

A. If I found two things exactly similar I should then say they were the same.

Q. Did you not point out instances, for instance, the "A" in the first of the two "Adams" signatures that you said were in your judgment substantially alike?

A. I said they were substantially made alike, but that they were not alike; I could not say that they were when they ain't.

Q. Are they not substantially alike except as to the final terminal portion or the mark at the lower end of the capital?

A. I said they were alike in regard to the habit and the general make up of the letter, but in respect to their likeness, one being exactly like the other or similar to the other. why I could not say that—(Interrupted).

Q. Did you not, as a matter of fact, point out similarities?

A. In that sense, yes.

Q. I did not ask for the sense; my question was, did you not point out similarities?

A. If you put it that way, yes, I did.

Q. Letter by letter?

A. Yes, sir.

Q. Did you not do so in order to show that the same man wrote the handwriting?

A. In that way, yes, sir.

Q. Did you not then point out dissimilarities?

A. I certainly did.

Q. And then did you not say that that indicated to your mind that he had attempted to disguise his hand?

A. Yes, I did.

Q. Do you mean to say that he tried to have three disguises?

A. No, sir, I do not suppose the man was a fool; I supposed that, when he sat down to write three different handwritings, that he would try to make them as nearly alike as he could.

Q. Do you think that he had something before him to copy from?

A. Well, he did not have a signature of Henry Adams and Alonzo C. P. Adams, such as is shown to me as a standard; in regard to John Q. Adams, I do not know about that; on the second paper he did not, nor anything like that.

Q. Now, what I ask you is, do you think that he had something he was trying to imitate, or was he, in your judgment, making a mere imaginary signature?

A. Well, he might have been very familiar with these signatures, and wrote them from habit; and yet, on the other hand, he might have had something to copy from; but I do not think there is any great skill shown in the writing of these names, or even in writing the name of George P. Gordon.

Q. Do not forgers generally have a copy?

A. Sometimes he does, and sometimes he does not.

Q. If he wanted it to pass as a genuine signature, he does?

A. Yes, sir.

Q. And the better forger he is, the more like the original it would be?

A. Yes, surely.

Q. Have there not been forgeries that have escaped detection?

A. I suppose there are, and I suppose to-day that there are any number of forgeries that are undetected lying around to-day.

Q. Have not many men been confronted with their own signature on checks which were forged, and who at the time it was presented to them did not detect it?

A. Yes, there is an instance I quite remember; that is John J. Sisco, he did it. A man cannot tell his own signature independently sometimes.

Q. Does not the very fact, as in your case, you suppose the signature to be one and a forgery indi-

cate that the writer had some copy in his mind to follow?

A. Well, he certainly did not have a check signature before him, if the signatures in the cartoons are fair averages of the check signatures. Certainly he did not have one of those three—(indicating D 58, D 59 and D 60).

Q. Is it not fair to presume that he had a signature before him if this is a forgery?

A. He might.

Q. Would not the mere fact of his adopting this particular forgery show that in many respects the point that you have indicated on the other signatures do not exist in that one indicate that he had a copy?

A. Well, he probably used what he had.

Q. What then becomes of the force of many of these points of dissimilarities that you have pointed out?

A. Well the force becomes as follows: If the upper signature, taking D 59, is a fair specimen of the check signature on the cartoon, and the forger did not have a check signature to forge from, then he would forge from what he had. I have stated already that I have found in the filling in of many of these checks a signature of George P. Gordon where that sweeping business does not appear.

Q. You have found none or pointed out none where the belly portion of "P" crosses the top of the staff as it does in Exhibit P 1; you found not of those on the checks?

A. I have not seen it in any of the checks that I have seen.

Q. Do you suppose that a forger with such a "P" in the middle letter as found in checks D 58, D 59 and D 60 would make such a "P" as is found in Exhibit P 1?

A. I think he would be a foolish man if he did.

Q. Then we gather very little light from the fact that in the check produced the letter "P" is made as in the checks shown?

A. The same argument, that a forger would not do it and Mr. Gordon would not do it either.

Q. You did not point out the fact that the "scroll," as you call it, in Exhibit P 1 had one dot and the others had two?

A. I ought to have done so.

Q. Do you regard that as an element?

Q. No, sir, I call that a circumstance.

Q. Well, it is an element is it not?

A. Yes, it is the same as the dot in the word "Gordon;" we take them together as elements.

Q. In your opinion is the penmanship of the three Adams signatures equal in point of beauty to the penmanship of the signature of "George P. Gordon" in the will?

A. I think the "George P. Gordon" is the prettiest of the three.

Q. Is it not much the finer penmanship?

A. I think it is the better signature, yes, sir.

Q. By far, is it not?

A. Yes, I think there is more care exercised in its make up.

Q. Do you think, assuming the "Adams" to be the genuine handwriting of either one, two or three men, do you think the writer of either would be capable of writing "George P. Gordon" on Exhibit P 1?

A. Well, it would be due to how much capacity they had—either one, two or three men had.

Q. I am assuming that to be the normal handwriting?

A. I cannot answer that question; you ask me if they could paint a sign or draw a picture, and I would at once tell you that I do not know what their capacity is.

Q. Yes, but men have varying skill in penmanship?

A. They have.

Q. Are you not able by looking on the normal type of handwriting to form an opinion of the writer of the standard shown you, as to his capability of

executing another sample shown you which is better in execution?

A. No, sir, because—interrupted.

Q. You say you could not tell it?

A. Well, I would like to qualify that a little. Now, you have referred to Mr. Ames; now Mr. Ames as a man writes ordinarily about as mean a hand as you will find in a day's journey, and yet when he sits down to write or to do engrossing he can do it better than any other man living, I think; he can write just like copperplate. So that it does not follow if you take a man's handwriting, as I have said before, if you took Mr. Ames handwriting, his ordinary hand, and then compare it with some engrossing which he does, you would at once say that it was not his, you would not think it possible that he could do it so well.

Q. I say normal?

A. That is his normal natural handwriting.

Q. Is not that a distorting handwriting?

A. No, sir, it is his normal handwriting—his natural handwriting.

Q. Assuming this to be in the ordinary handwriting of the persons whose names they bear, do you say there is, or do you see any indication that the writer would be able to write the signature in Exhibit P 1?

A. I cannot answer that question; I say I can see the same handwriting in both?

Q. You think so?

A. I don't think at all, I say I do.

Q. You are not prepared, are you, to state that you still think that you have never been mistaken?

A. I do not say that.

Q. I would like to know what you think about that?

A. Well, I don't think I am infallible.

Q. You don't, eh?

A. No, sir.

Q. So then really what you mean to say, or must mean to say is that you think you see the same handwriting?

A. I say I think it, and that that thinking is based on a belief based on comparison.

Q. And that is what it always is?

A. Yes, sir.

Q. You have told us that the ink seems to have spread, and you attribute that in the George P. Gordon's signature to damp or moisture; is it not also true in three attestation signatures?

A. Yes sir, I refer particularly to the attestation signatures, and to all four of them; all four, not only have they spread sideways, but they have gone through the paper, and not only gone through that paper, but they have gone through and on to the next paper or page.

Q. And you attributed that to a certain cause—I forget whether you used the word "damp" or "moisture," "wet" or what—what did you say about it?

A. I said it looked as if it was caused by dampness or wet.

Q. Do you mean dampness or wet applied to the paper after writing was upon it—the writing of the signatures; or do you mean that the names were written on damp or wet paper?

A. I mean to say that if that sheet of paper had been in a very damp place and then taken out and the signatures of testator and the three subscribing witnesses placed on it in its damp condition, such effect would take place, as I see due to the ink.

Q. Writing upon a damp surface?

A. Using an ordinary ink; but what it is that has made that ink go through three sheets of paper, I do not think it is that.

Q. But the appearance of the signatures might result from writing upon a damp or moist surface, as I understand you?

A. Yes, sir.

Q. And you think the ink would not go through?

A. I say it might go through. Take an ordinary ink it might show a litttle through on the back, but I do not think an ordinary ink would go through

the two sheets of paper that is shown on that exhibit—it is right straight through the two sheets.

The ORDINARY:

Q. That would indicate, then, that the body of the instrument were written before the signatures were attached?

A. Yes, sir; because there is no spreading of the ink in the body of the instrument at all.

Q. Is the date the same, does that go through the same way.

A. Yes, sir; the date also goes through in the same way.

Mr. COLLINS:

Q. Do you think that the writing upon the moist paper with a rather thick ink, while it would cause the spread that is alluded to, yet it would not cause the impression of the signatures to go through to the next page?

A. Taking the three signatures?

Q. Yes?

A. Well, that transfers to this page (indicating the next sheet).

Q. Yes, and then transfers back again here also showing right through?

A. Yes, sir; I do not think ordinary ink would do it.

Q. What would?

A. Extraordinary ink.

Q. You are of opinion that the ink in the signatures and that date is a different ink from the ink used in the body of the instrument?

A. There is no doubt about it.

Q. Have you given any attention in this examination of yours to the age of the writing?

A. I have superficially, yes, sir.

Q. To what conclusion did you arrive from your superficial examination?

A. There is something very strange about that writing.

Q. That does not answer my question. I asked you to what conclusion you arrived at from your superficial examination?

A. That is my conclusion, that there is something very strange about it; do you want it in detail?

Q. I want to know whether you arrived at the conclusion that it was recently written or whether it was written a good while; that is, the instrument?

A. I think the body of the instrnment, the writing, is older than the signatures.

Q. You think the body of the instrument is older than the signatures?

A. Yes, sir.

The ORDINARY:

Q. Have you any means of knowing or ascertaining how much?

A. It is impossible without testing and even that would only approximate.

Mr. COLLINS:

Q. You have spoken of what you call "pen pressure," is that the same thing that some other people call "emphasis"?

A. Yes, sir, "emphasis" would be right.

Q. And "shading"?

A. That word is synonymous.

Q. There are in your profession various technical names for different parts of handwriting?

A. Yes, sir.

Q. And the scientific name for this "shading" or "pen pressure" is "emphasis," I believe?

A. Well, I believe that down in Pennsylvania they call it "emphasis," but in New York we call it "shading."

Q. Have you heard it called "emphasis" anywhere else?

A. No, sir.

Q. Does not brother Ames call it "emphasis" in his books?

A. I do not know about that?

Q. Have you not seen it called "emphasis" in books on that subject? 10

A. Yes, sir.

Q. What is the technical name for what you call "flourish"?

A. "Scroll."

Q. Did you ever hear the name "rubric"?

A. It is a "rubric," but that is a name which is never used, because an ordinary juryman would not know what it meant, and we never use it now.

Q. It is a "rubric"?

A. Yes. 20

Q. And you call the upward line in a letter or slanting line as the "staff"?

A. Yes.

Q. What is the "staff" of a capital "G"?

A. It is the staff to it—that is the only portion of it what it rests on.

Q. What do you call the other portions?

A. That is—well, if that was started here (indicating) and made up there (indicating) it would be called "the initial stroke"—it is or occupies what is known as the "initial stroke." 30

Q. Is there any name given to the terminal flourish, such as appears in these various checks and signatures?

A. You have named it—"terminal flourish."

Q. Now to return to "emphasis"—we will take the Philadelphia name for it—does not the spreading of the ink account in some measure for the "emphasis" or "pen-pressure," or "club-like appearance" of certain letters? 40

A. If you had allowed me I should have told you on my direct examination this morning. I think it is fair to say that the ink used was a very thick ink, and that a great deal that makes it thick in appearance is due to the ink. But I want to say also that there has been a great deal more ink put there than was necessary, and that all appears and can be seen very easily by the use of the microscope; it appears

to me as though it was painted—a painted and traced signature,

Q. It appears to you that it is painted—that is an important part of your testimony?

A. Well, you objected to my saying anything about the ink.

Q. Then in your judgment the George P. Gordon's signature in Exhibit P 1 is a repainted and retouched signature?

A. I will swear it is as a matter of fact, not as a matter of opinion, but as a matter of fact. I can say that any man that has eyes by putting this under a microscope can see that where the line is painted originally written the signature made, and then it is painted and the ink put on subsequently,

Q. Any man can see that has any eyes, you say, he can see the same thing if he is used to using a microscope?

A. Certainly; I might perhaps see it more quickly than a layman.

Q. I mean a man that understands the microscope?

A. If he wanted to see it he could.

Q. You mean if you could see it he could.

A. Yes, sir.

Q. What did you mean by telling me that if he "wanted" to see it he could see it—do you mean to say that experts only see what they want to see?

A. I will tell you about this, that if a man's attention is called to a thing—if a man's attention was called to that thing, his notice attracted to it, then he must see it unless he is blind.

Q. And yet you seem to imply that men skilled in the use of the microscope would not see it unless it was shown to them?

A. I am sorry to say that there are men that do not see things unless they are shown to them.

Q. Then I should judge that you do not have much confidence in expert testimony, barring your own, or barring a few whom you think are honest?

A. I cannot say as to that; whoever has to pass upon my testimony—(Interrupted).

Q. Well, never mind. You say that if I can see and am willing to see, could you point out that patch, that painting or retouching, as you call it?

A. I will try to. (Witness prepares the microscope and illustrates or exhibits this point.)

Q. Is not the patch generally perceptible to the naked eye?

A. If very patent.

Q. Is not what you spoke of in the top of the staff in the letter "H" in "Henry" in the attestation signature a sort of retouching?

A. Yes, that is stuck on there—the intention was not to lap one over the other, but that has been added subsequently. What I mean by "patching" is the signature of George P. Gordon after the writing has been rewritten in certain places by retouching, or putting back the pen on that particular spot, and, as we call it, "painting."

Q. A great many people do that?

A. Yes, sir; if I followed on the line I might do that line, but here you see the line don't follow, it shows that it was added so as to make it consistent?

Q. Point out on Exhibit P 1 where the painting is?

A. I call attention to the staff of the letter "D' in the "Gordon" on D 75 for identification.

Q. What is there that indicates painting there?

A. There are two separate and distinct lines—the lower line projecting where there has been a slope of the pen in making that—the line should have gone on, should have extended over, and under the microscope you can see two distinct lines that are shown there; there is no break in the continuity of the line of the original as shown here (indicating).

Q. Such a thing might have been written by Mr. Gordon?

A. Certainly; I do not say that Mr. Gordon could not have written his signature there, and then taken

up his pen and gone over it all, gone over his signature again, but I do say that it is not likely.

Q. It is not so very unlikely, taking the paper there was, and writing his signature on the moist paper?

A. Well, it is hard to say.

Q. The pen does not run on old and moist paper as it does on some other kinds of paper?

A. No, sir; it does not run on a linen paper very nicely; it is a different thing when you have a well sized paper to write upon.

Q. Undoubtedly in this "rubric," here the pen caught in the paper, did it not?

A. No, sir, there is no catching there, they did not know how to make it; it is a mistake, that is it.

Q. You don't see any catching in the paper?

A. No, sir, the line goes to the end just as true as possible, and the pen lifted.

Q. How many different movements are there in the first "G" in Exhibit D 60 in the word "Gordon"; Mr. Gordon didn't know how to make that "G"?

A. Yes, sir, he did, and he made it without hesitation and there is nothing hidden in it.

Q. There is nothing hidden in the "rubric," is there?

A. No, sir.

Q. Now I am asking you about the "G," how did that occur?

A. His habit was to make his stroke line in a single stroke; that in my opinion is an evidence of genuineness.

Q. When you find such a state of facts you say it is evidence of genuineness, but when you find it in one that is supposed to be a forgery you say that shows a want of genuineness?

A. I did not say so. I mean to say that in this signature there was a trouble with the pen, that is to go further into the "G" there is a bad blot in the middle of it, that was an unusually strong signature of Mr. Gordon's; the ink in that signature was thick, and yet there is no evident hesitation in the writing

of it; the "G" being missed here, he went back and put his pen on it again, and wrote it again (indicating D 60).

Q. What is the little pendant below the initial movement of the "G" in this Exhibit D 60?

A. I cannot tell what that pendant is.

Q. If a genuine signature of George P. Gordon should be found containing instances of most of the variations that you have pointed out, would that have any effect on your mind, that is, variations between the signature in Exhibit P 1 and the standards you have used?

A. If you can show me a standard of Mr. Gordon's handwriting that will compare with the disputed signature I will have to take back all that I have said.

Q. I did not ask you that; I asked you if the variations or discrepancies can be shown each by itself, not to be discrepancies, but to be rather a normal and existing signature; would that have any effect on your mind?

A. I would like to see them.

Q. Well, what would you say?

A. I would like to see them before I told you.

Q. You think it could not be done?

A. I do not think it could.

Q. Then that means that if you saw that it would have some effect on your mind?

A. Certainly.

Q. Now when you spoke of writing on the line I did not see that these signatures of Mr. Gordon are on the line, that is, the genuine signatures.

A. The base portion is—the habit is to write on the line—I mean to say that they are not above the line, and that the general habit is to make it on the line.

Q. Or below it?

A. Yes, sir, or below it; sometimes it is written a little above for a couple of letters in this case, but here it is even with the bottom of this writing, there is no variation; the "G" is above the "E," and then

it runs down to an angle and touches the angle as in D 59. The second "G" and then there is a little rise and at "R" it is considerably down, and here it is just a straight even writing as I ever saw (indicating).

Q. Suppose a number of signatures proved to be genuine of George P. Gordon's should be produced, in which there was a great variety in the style of the writing, and not a conformity to the type such as is found in Exhibits D 59, D 60 and D 58, what effect would that have on your mind?

Mr. MILLER—I object to that unless counsel says that he will prove such signatures.

Objection overruled.

A. I think Mr. Gordon's handwriting, as indicated on the cartoon, wrote a very fanciful hand, and I have no doubt that there could be shown me a lot of handwriting full of idiosyncracies and strange things I haven't any doubt of it.

Q. I said variety, not fanciful or strange.

A. Well, that is fanciful—some one used the word.

Q. He might have taken a fancy to write a good straight hand like in Exhibit P 1?

A. I do not think you can find one.

Q. Haven't you found that often men when they undertake to write a solemn document like a will allow the solemnity of the occasion to enter into the writing?

A. There is no solemnity in that, it is more positive than solemn, it is not the fanciful writing of George P. Gordon; there is no solemnity about it, it is a botch.

Q. Did you ever notice a tendency in some men to revert occasionally to what you might call a school-boy hand?

A. As a man grows older?

Q. No, now and then he will come back to the copy book hand of former days?

A. You mean on solemn occcasions?

Q. Yes.

A. I cannot answer.

Q. Is it not a fact that in writing men will teach a class of boys that are developing in penman to write so that they will have a great similarity in the writing?

A. Yes.

Q. And that they develop their individual characteristics later in life?

A. Yes, that is right.

Q. And is it not a fact that now and then, unconsciously, perhaps, a writer will revert to that early standard?

A. I think there are times when his physical condition will make a difference in his handwriting, and perhaps sometimes, when more studied than at other times, he will write more of the nature you described.

Q. Won't a man writing under informal conditions in a strange place, with perhaps awkward writing materials and conveniences, be likely to write a signature in different ways or in a different way from his ordinary check signature as he would draw it at his office under normal and usual conditions?

A. I think if he had to write with a glove on or had to stand up, or that the pen, ink and paper were not in good condition, and twenty other things might be named all of which would be going to operate against his signature, but take a man who, after he reaches a fair age—say the age of forty-two—I say he will have formed a habit of writing; for instance, that is my age, I have formed a habit of writing, my hand has become trained to a certain class of writing, and I cannot get rid of my personality in my writing no more than I can fly, and yet when I write unconsciously my hand falls naturally into its habit and follows along in that same habit of writing.

Q. Well, suppose you tried to write consciously?

A. Then I would not be writing, I would be drawing, I would be trying to copy what I recollect.

Q. Haven't you ever seen a man try to write his name, for instance, in an autographic album and he would write it so that none of his friends would believe that it was his writing, when he wanted to write it nicely—you have seen that happen, haven't you?

A. Yes, sir.

Q. You say you have seen that happen?

A. Yes, sir.

Q. Have you formed an opinion as to what sort of pen the signature in Exhibit P 1 was written with —a gold or steel pen?

A. I think it was written with a steel pen.

Q. And what do you think wrote the other three names, the "Adams" names?

A. A steel pen.

Q. And you think that the three "Adams" signatures and the "George P. Gordon" signature in Exhibit P 1 and the date 25th are written in the same ink also?

A. Yes, sir; I do.

Q. Did you form any opinion as to what sort of pen was used in writing the checks which are shown here?

A. Yes, sir.

Q. What?

A. A gold pen.

Q. I show you ten envelopes with the face of each cut out so as to expose in each case the name "Geo. P. Gordon"; we will have these marked for identification in the proper numbers, and I would like to have you look at these signatures as they are if you will, without taking them out of the envelopes, and tell me what you think about them (the envelopes are marked P 12 to P 21 for identification, inclusive); I mean are they genuine signatures of George P. Gordon or not?

A. These are submitted to me as a test; now, if counsel will write down and hand to the Judge whether they are genuine signatures or not, I am willing to be bound by the opinion I give, but I

must say that unless I am ordered by the Judge to do so, unless you will consent to do this, I shall decline to do it, unless the Court says that I am to do it; you see I am here on my reputation.

Mr. COLLINS—I ask you the question; answer it or not, as you choose.

The ORDINARY—I think that the conditions the witness proposes are fair.

Mr. COLLINS—The witness may decline to answer the question or to answer it without conditions.

The ORDINARY—I will sustain him if he declines to answer unless you comply with his condition.

Mr. COLLINS—The witness took 39 checks, and on hastily looking over them, without any hesitation said they were genuine; why cannot he do the same as to these?

WITNESS—Well, you see these are isolated signatures.

Mr. COLLINS—Then do you need something besides the signature before you can give an opinion as to the genuineness of the signature?

WITNESS—No, sir, I do not, but there are sometimes more or less occasions when a man cannot even testify to the genuineness of his own signature, isolated and away from any other paper; for instance, suppose a man had presented to him a check for $500 with a well executed forgery of his name attached to it—a name that independent and isolated from the check he would pronounce to be genuine, but seeing it attached to a check drawn for $500 when he knew he never drew a check for $500 that would at once indicate to him that there was something wrong, and that it must be a forgery, but if he is shown merely the signa-

ture and that only he might not be so certain about it not being genuine.

MR. COLLINS—Well, do you decline or not to answer the question?

A. I am anxious to have the good opinion of the court, and if I am wrong, he will know it, and if I am right he will know it, too.

Mr. COLLINS—Well, I am bound to tell you that I do not know whether these signatures are genuine or not.

A. If you don't know yourself then I am willing to tell you that I think they are all genuine.

Q. And yet some of them have characteristics lacking, that is, many of the things that you spoke of are lacking; are they not?

A. Yes, they are.

Q. For example many of them have not any final period?

A. I don't know that I looked through as to that, I only looked as to the general run of the writing.

Q. This is one that has no final period (handing witness P 12 for identification)?

A. That is not a signature to a check—you just made the distinction between check signatures and other signatures, and you asked me if a man who is in business did not have a different signature for his checks, and I told you yes.

Q. Now the signature in P 1 is not a check signature, is it?

A. No, sir; it is not.

Q. Has P 21 any period?

A. It has not, as far as I can see, it don't go very far back.

Q. Has P 13 any period that you can see?

A. Well, if it has you cannot see it.

Q. Now I ask you the same question as to P 19?

A. No, sir; it has not.

Q. The same question as to P 18?

A. It has not.

Q. The same question as to P 17?

A. These appear to be signatures not to checks. No, sir; it has not.

Q. Now, then, as to P 15?

A. No, sir.

Q. Now as to P 14?

A. No, sir.

Q. P 15 has but one dot in the "rubric," has it not.

A. It has but one dot in the "rubric" and a double curl.

Q. P 16 has no dots at all, but a little curlicue?

A. The intention was to make two dots there.

Q. Do you think so?

A. Yes, there is a little something like a "U" and then he commenced and went on and made a loop.

Q. Now as to P 20 that has a different "rubric," more approaching the one under the name "A. C. P. Adams" is it not and not at all like the "Geo. P. Gordon" rubric?

A. Yes, sir; that is right.

Q. Many of them have no rubrics?

A. Many of them, I think, haven't any rubrics.

Q. Now P 12 has but one dot?

A. No, there are two dots there, one dot there beginning at the second portion of the rubric.

Q. The letter "P" in that one has no period after it (referring to P 13), and also the same as to this one (referring to P 19).

A. No, sir; they have not.

Q. Now P 21 has none either after the "Geo." or the "P"?

A. No, sir; it has not.

Q. And P 13 has no dot after the "P"?

A. Not after the "P"; no, sir.

Q. And P 14 and P 15 have no dot after the "Geo."?

A. That is right.

Q. Don't you find great variety in the signatures?

A. Unquestionably.

Q. And yet you think they are genuine?

A. I am inclined to think they are genuine.

Q. You now say you are only inclined to think so?

A. I said so before. I went through them rapidly and I believe I said I think so, yet I have not any reason to change my opinion. The very dissimilarities you have shown to me are the strongest evidence of their genuineness, because, in one case, it is written at the very bottom of the page and in another a little further up, and there is quite a number of physical conditions which illustrate—— (Interrupted).

Q. Then you think these dissimilarities in these signatures which I have shown you is an evidence of genuineness, and yet you say that the dissimilarities in Exhibit P 1 is an evidence of the want of genuineness?

A. I did not say so, and I do not think I was understood so. You handed me a bunch of signatures and there are no two alike, and as I said the very fact of these dissimilarities is an evidence of their genuineness. Now when we come down to the characteristics or the habit, the unconscious part of the writing, we find similarities in that respect.

Q. How do you distinguish between the conscious and the unconscious portion of a man's writing?

A. The conscious portion is the writing you have called attention to, which is written in a copy book or in an autograph album, when a man sits down and tries to write beautifully, then he is conscious of what he is doing, he is trying to make a picture, the fact of a man sitting down to write such a thing he writes with hesitation and thought, but when a man writes his signature to a check he sits down and writes without hesitation and without thought, he is then writing his natural signature, and what he does he does unconsciously, and in that sense, on looking through the checks at the check signatures, and at the other signatures which are written unconsciously you will find the same unconscious habits imported throughout.

Q. You observe that nearly all these have no connection between the "Geo." and the "P."

A. I think you are right.

Q. They do not have any, do they?

A. I say I think you are right.

Q. Then why have you not followed it out?

A. I left it out specially in my own direct testimony.

Q. Why mention it now?

A. I said I leave that out because I have seen handwriting that did not have it, and the handwriting of the disputed signatures did not haye it, and I left it out intentionally. I positively and definitely stated that I was not going to revert to it because it was not fair.

Q. Then why revert to it?

A. I begin at the "G," and between the "O" and the "P"—(interrupted)—I call that a spencerian movement or style.

Q. Do you mean that P 20, take the scroll of it, has that the spencerian line in it?

A. I speak of spencerian in respect to the forearm movement only.

Q. The "G" is entirely different from the "G" in the specimens you refer to?

A. Yes, sir, they are; that comports more with this "G" in the body of the first check (Exhibit D 56 for identification).

Q. It is a different style?

A. Yes, sir.

Q. How does it compare with it?

A. It is after that pattern; it has not got that immense swing to the left.

Q. And it is not made with a separation at the end of the loop of the "G," is it?

A. No, sir, and there is a reason for that.

Q. Well, you mentioned that, as one of the elements to his signature to the checks that the loops at the top of the "G" were not joined?

A. I did, and I specially mentioned and called attention to it, to that fact that I had known of one

of these identical checks that it was not so, and I have no doubt that there are plenty of others.

Q. Why mention it?

A. Because I am testifying here and trying to be fair and trying to tell you everything, and I suppose I am called here to try and illustrate the truth as far as I am able to do so, and I am telling you everything I see.

Q. Is there a single one capital "G" that has that peculiarity that your check signatures have?

A. No, sir, not one.

Q. And yet you find on all the checks that you have examined only one incident where it don't exist, and that is in the signature?

A. That is correct.

Q. The first "G" in "Geo." in P 12 is entirely different from any other "G," is it not?

A. That is a part of this "G" of this style of "G" I am calling attention to. I am glad you brought that out, because it illustrates how Mr. Gordon was in the habit of making this "G." If I add that stroke in that movement to that I would make that portion of the "G" indicating on Exhibit D 59 for identification.

Q. You have a loop, haven't you?

A. We have one here, too (indicating on Exhibit D 58).

Q. It is not the same "G"?

A. It is after the same pattern.

Q. Don't you find a deviation from nearly all the things you have specified as belonging to Mr. Gordon's signature in nearly all these points in these signatures (referring to the "P" series of exhibits)?

A. I do find in all the signatures you have shown me a wide variance in regard to the separate and individual letters, but I do not find any difference in the general characteristic sweep of the hand, and the pen pressure, and this point in any of these.

If you want me to take Exhibit P 12 I will show you where the two signatures will compare together.

Q. Then does it come to this, the line analysis— instead of that, that you are governed by the general appearance?

A. I take the general appearance, I look for habits.

Q. You look at these I have handed you to-day and you looked through them very rapidly, didn't you—the whole inspection did not occupy above two minutes?

A. No, sir; I am pretty well familiar with Mr. Gordon's signature now; I have given the matter considerable study.

Q. Answer my question, please?

A. I think that is about it.

Q. You did not attempt, then, to analyze the signatures letter by letter?

A. No, sir, not letter by letter.

Q. So that what guided you was the look of the thing?

A. Yes, it is the look, taking the general appearance of the thing; now, for instance, I can take a dozen photographs of you and run right through them without any loss of time, in a moment or two, and I could recognize you at once.

Q. You would be satisfied it was me?

A. Yes.

Q. You did not advert to it until I called your attention to it—that is to the absence of these punctuations?

A. I gave my attention to the cartoon and there is no punctuation marks to be observed from it.

Q. Question repeated?

A. Because I did not take it as I said in my direct and cross-examination, I did not take that as a necessary reason why it should be genuine or not. But I do say that the habit of Mr. Gordon so far as his checks are concerned and the signatures that I have seen was to add a dot.

Q. Now, in these various details, if you found them absent, how could they help you?

A. It only shows us that sometimes he adds them, and sometimes he does not.

Q. What good does it to the court?

A. Well, he has gained that information, too. Presumably the court wants everything that there is before us, and I try to give it to him.

Q. You now think, after you have inspected these samples which you believe to be genuine, that the matters in which they differ from these standards may be dropped out by the court?

A. I do not think the court should take into consideration the matter of the dots as an absolute element to decide whether the signatures are genuine or not genuine, as absolute evidence I mean.

Q. The court can leave out the fact of the existence of the rubric altogether?

A. Yes.

Q. The court can leave out the fact of there being only one dot in P 15 in the rubric?

A. Yes.

Q. The court can leave out the dot after the "Geo;" also and after the word "Gordon," and also leave out the dot of the terminal flourish after "Gordon," cannot it?

A. Yes.

Q. In Exhibit P 19 it can leave out all the things that I have mentioned as to the other three or four shown you?

A. Yes, sir.

Q. It can also in P 21?

A. Yes, sir.

Q. And, of course, it can leave out this swinging initial of the "G" throughout?

A. Yes.

Q. Here is one with an entirely different flourish to the large "G," with a double curve (handing witness a paper)?

A. Yes.

Q. Then it can leave out of consideration the fact that this "G" are ended as they are and not curled under?

A. That is right.

Q. Here is one without a Greek "E" at all?

A. That is the same as on the top of the check, that has not a Greek "E" either.

Q. Then we will lay no stress on the Greek "E"?

A. No, sir.

Q. Here is an open "O" in the end of "Geo." in Exhibit P 20?

A. That is right, I think; I specially said we had no right to compare the "O" in that sense, because sometimes Mr. Gordon left that open and sometimes he closed them.

Q. Yes, you did; here is one in Exhibit P 16 where in the first "O" in "Gordon," where he made a longer pause than you thought he was in the habit of doing, before leaving the "O" to go to the "R," it does not go with the curve?

A. No, sir, he went right along there.

Q. Didn't he make a little pause?

A. No, sir, he did not. But now coming back to P 18 and P 15—you called my attention to the rubric as being different to the ones on the cartoon; now when you come to the pen pressure of the final stroke, you will find that is there and in the other one it is there, but you do not find it on the disputed signatures?

Q. Is it not possible while on that subject for a man to end up a rubric like that with an upward stroke of the pen and leave it in that way?

A. That could not be ended with an upward stroke of the pen.

Q. It couldn't be done on damp paper?

A. It could not on that paper.

Q. Was not the rubric at D 60 begun the same as the others?

A. That was begun same as D 59 was, but not begun or ended same as the disputed one was.

Q. Why not? Do you see any difference between the ending between the disputed signature and this one in D 60?

A. Yes, that has begun from the right hand and

running to the left and with the pen sweeping in that manner (indicating).

Q. And Exhibit D 60 also?

A. Yes, sir.

Q. Why could not the other be used?

A. In was not done so.

Q. Does not the terminal of that rubric point upward?

A. There is a little point.

Q. Would it not be as difficult to run that point up as it would that one (indicating)?

A. No, sir; the pen was put on the paper this way here, and it run like that (indicating), and under the microscope I could show you how the one nib of the pen—that is in the one Exhibit P 1 and the other D 60, which have been referred to, how one nib of the pen followed the other, showing that it was an upward movement, that one nib was here and the other went there (indicating).

Q. I will show you one more envelope with the face open as before, and which is marked P 22; what do you think of that one, whether genuine or not?

A. Well, I should say that was genuine.

Q. Why?

A. Because I think I see the same habit running throughout.

Q. That is because where the belly part of the "P" crosses the top of the staff?

A. That is one way—it goes away above the staff.

Q. That will take away the element of doubt in your mind, because of the fact that this one does not, will it not?

A. Yes; it leads me to believe that he had a copy before him when he wrote this Exhibit P 1 signature.

Q. The forger?

A. Yes, sir.

Q. So that what he had before him looked like George P. Gordon's signature?

A. Somewhat.

Q. Then you do not say that the signature in Ex-

hibit P 1 does not have a general likeness to Mr. Gordon's signature?

A. I don't say that; I said there was a general likeness to it, but it was a picture effect.

Q. Do you not find also a great difference in the size of the signatures that you think are genuine—take the length, for example, in P 22 and P 12?

A. Yes, sir; there is great variation.

Q. Both in the length and in the height of the letters; the length of the signatures and the height of the letters?

A. Yes, sir.

Q. Does not Exhibit P 17 differ more greatly from what you consider the standards that you have examined—that is, the checks—than Exhibit P 1 does?

A. No, sir.

Q. Does not the staff of the letter "D" come down in the very way you criticised the one in Exhibit P 1 coming down?

A. It comes entirely down.

Q. Entirely different in the three "D's" in the check signatures on the cartoon D 71?

A. Yes, sir; that is right.

Q. Entirely different?

A. Yes, sir.

Q. Is not the same true as to Exhibit P 18?

A. Yes, sir; that is wide open all the way to the top of the "D."

Q. Is not the same true as to Exhibit P 15?

A. Yes, sir.

Q. And as to Exhibit P 13?

A. That approximates the signatures on the board.

Q. How about Exhibit P 14?

A. There the loop is further down—the turn is further down.

Q. Than what?

A. Than the ones on the board.

Q. And more like Exhibit P 1?

A. In that respect.

Q. Then we cannot gain much in that respect—

that the staff comes out in that way instead of opening out and making a capital "A," as you might call it?

A. Not by that.

Q. If one by one we find examples that are like the disputed signature in detail, what do you then have to stand on, your recognitions of the photograph?

A. No, sir; you take and pick up separate letters and ask me to compare separate letters together and whether they are exactly the same or not; I should not expect to find them exactly the same, and I so stated.

Q. Did you not do that at great length yourself?

A. No, sir; I spoke of the manner and way of making letters, combining the letters together and the habit in doing it.

Q. You gathered them—that habit—from the standards shown you?

A. Yes, sir.

Q. You found instances in those you think are genuine where the habit was not manifest, did you not?

A. No, sir; I did not say that; I think in those you have shown me I find the same general habit running throughout; of course I can pick out instances where you have the rubric with one dot and sometimes two, and take a letter where in one case it opens up more than another.

Q. I asked you if you did not have to come to the last analysis; I am speaking now of the general habit you speak of, in regard to the habit of forming letters or groups of letters; if you find variations from what you call habit, how can you say it is a habit?

A. I say George P. Gordon is under the handwriting of the standards; I say further that the hand that wrote Exhibit P 1 has endeavored to make a copy, as far as his ability has permitted him to do so, and in doing so he perhaps copied some few little things in regard to a picture effect, but it is without the unconscious habits; the unconscious habits are

absent in Exhibit P 1; I do not find them in that signature.

Q. Did you mention Mr. Gordon's habits in respect to particular letters and parts of words?

A. I did.

Q. Do you find instances in these exhibits which I have shown you of variations from what you call habits in respect to these letters?

A. I find differences certainly.

Q. Then with these instances before you, and believing the signatures genuine, how can you say it was a habit, how can you tell which was the habit, those you have seen or the instances now shown you as to those particular letters?

A. Well, I have to judge from what I have before me in order to form an idea of his habits.

Q. Then when I show you instances that differ from what you have before you, do you still say it was his habit?

A. I do not.

Q. Have you never been shown anything but check signatures?

A. I think possibly I might have seen several, but I do not remember enough about that to be able to say so. I did see a great many checks; I know that.

Q. Who selected the five which have been shown you.

A. I did.

Q. Are those the ones you gave special study to?

A. Yes, sir.

Q. And to no other signatures have you given special study?

A. No, sir; not special study.

Q. What was shown you besides the checks, if anything?

A. I think I saw some letters.

Q. Then you had a sample in sundry letters of his general handwriting apart from his signature?

Q. Well, I did not have them in my possession,

but I had these checks, I had some of his genuine handwriting in the body of the instrument.

Q. Was there not a great variety of signatures in these other papers?

A. think he wrote a very fanciful hand, I think he varied his handwriting more than an ordinary person would do.

Q. Now I show you Exhibit P 23 and ask you what you think of that?

A. Well, I should say that that was Mr. Gordon's signature, but written under most extraordinary circumstances, I think his physical condition, his nerves were all unstrung; it is a very nervous signature, a very erratic signature.

Q. A nervous signature?

A. An erratic signature, very odd, but it is good.

Q. Well, he made entirely different sorts of capital "G's" there, didn't he?

A. Only parts of them entirely different.

Q. Have you ever noticed any signature with the tail of the "G" brought down below the line?

A. I do not recall any except that there was one in the lot you showed me this afternoon where it is very nearly brought down below the line, but I do not recall any particular one.

Q. Suppose we should produce a number of that character, what would you think then?

A. Well, I would not be surprised.

Q. You say you think this last one, Exhibit P 23, was written by Mr. Gordon?

A. I said if Mr. Gordon wrote Exhibit D 59 then Mr. Gordon wrote the last one you showed me.

Q. You say Exhibit P 23 in your opinion that it must have been written when he was in an extraordinary state?

A. I think his nerves were unstrung; it is not a normal signature; it is an erratic signature.

Q. Suppose we produce quite a number, a large number with the same general characteristics what would you say then?

A. The same general characteristics of what?

Q. Of this capital "G" you think so extraordinary? 10

A. At this place here where it turns over the line?

Q. The one you thought extraordinary?

A. It is extraordinary because he has left out part of his signature, but that is an evidence of genuineness, he has left out that stroke——(Indicating).

Q. He has left out the flourish at the top?

A. Yes, but the habit of the man is to make his "G" this way (indicating) when he does not begin from the bottom line and go up (indicating). 20

Q. Why did he begin at that point (indicating)?

A. I cannot tell; he might have been drunk; I can tell you where this began (indicating).

Q. Where did he begin?

A. Well, he put his pen down and it did not seem to catch, and so he made this mark. I do not know what to call it, but it looks more like a snake than anything else—and then he began and made this portion of the "G" around here, that is the first "G," he does not get like this one, and the second "G" he finished up and got it like this one (indicating D 59). I think it is a very erratic signature, but it is Mr. Gordon's handwriting; there is no doubt about that. 30

Q. Suppose you found a great many of that character, would you call them all erratic?

A. I have seen enough of Mr. Gordon's signatures to say that his was a very erratic signature.

Q. Then why should he not write Exhibit P 1? 40

A. He couldn't do it.

Q. Why not?

A. Because he hadn't the capacity.

Q. You say that Brother Ames writes the most wretched handwriting you ever saw, and yet you also admit that he has the capacity of writing like copper-plate?

A. Yes, he has.

Q. Then why should not Mr. Gordon do it?

A. Because he would have to import himself into it, and he is missing there.

Q. Mr. Ames does not import himself into the copper-plate writing, does he?

A. No, sir, he does not; I don't call that copper-plate.

Q. Don't you consider that good writing?

A. It is a good business handwriting; it is more readable than Mr. Gordon's.

Q. Well, he wrote a little better this time than usual, if he wrote it you think?

A. He could not have written it; in other words I will say what I think; Mr. Gordon's signatures, even in the erratic ones you showed me, are full of life, they almost speak; and this, why that is a dead signature, just as dead as it can be; there is no life or animation or anything else into it.

Q. Somebody writes like that—I don't know what you mean—somebody writes like that?

A. Yes, sir, there is some one I am sure; a forger has to do two things—first he has to forge the handwriting he is going to forge, and import the handwriting into the one he has forged, and secondly he has to sink himself, sink his own individuality.

Q. And you think it is not done here?

A. I think it is very poor; I think the body of the instrument or the handwriting of the body of the instrument is imported into that signature. If you tried to copy your own signature one would be a full, lively signature, and the other one would be a dead signature, and yet one would resemble the other.

Q. Have any of your cartoons been retouched to sharpen the outlines and make the edges better defined?

A. In no manner, shape or form; they are simply the raw prints just as they were made without retouching or anything else.

Q. I was not intimating that there had been anything done, I simply wanted to ascertain the fact.

A. They have not been retouched.

Q. Have you not observed a family likeness in the handwriting of different members of the same family?

A. I have.

Q. In brothers for instance?

A. Yes.

Q. And between father and son?

A. Yes, I write very much like my own father myself.

Q. Now, if your father and you sign as witnesses to an instrument, you would hardly like it to be said that one man wrote both, would you?

A. I would not like it.

Q. Have you not seen cases where it has been almost impossible to tell the difference?

A. I have seen one man that was able to copy his father's handwriting so closely that his father could not recognize it.

Q. Haven't you seen cases where father and brother wrote naturally without attempting to copy each other, so that the signatures were very nearly identified with each other?

A. I have seen family signatures very closely resembling each other.

Q. You noticed that the signature on the bank book was "H. Adams"?

A. I did.

Q. Presuming that to be the ordinary way that Henry Adams, senior, signed his name, would he not be quite likely in writing his name in a formal way in full to make that very error that is apparent there of an "M" for an "N"?

A. That "M" might be a natural error.

Q. That might happen to any one called on to write his full name?

A. Yes, sir, he might have left out the "A" in the "Adams" for that matter.

Q. Does not that point to genuineness, other things aside?

A. Other things aside I should say it was evidence of genuineness.

Q. Just the same as omissions or similar things that you have spoken of?

A. Yes, sir.

Q. You compared the signature of Alonzo C. P. Adams with what signature?

A. I compared it with Henry Adams.

Q. I mean with what genuine standard, said to be?

A. There was a paper; I think it was called a receipt.

Q. What else, you had that in court, what did you have in your investigation?

A. I had nothing.

Q. You had nothing?

A. No, sir.

Q. Was your only comparison of Alonzo C. P. Adams' signature here with the normal standard of that man's writing the one comparison made in court to-day?

A. The only comparison was with the body of the instrument and the two Adams' signatures, and I came to the conclusion from that, and to-day I was shown for the first time the receipt of Alonzo C. P. Adams, which I found was in the handwriting of the Alonzo C. P. Adams in the will.

Q. Did you compare this whole signature of Alonzo C. P. Adams with any other writing until to-day?

A. Yes, I compared it with the writing on the white paper attached to the paper Exhibit P 1.

Q. Why that is my handwriting; did you comprre it with that?

A. Yes, I made a comparison with that. I went out to examine that paper, and I compared it with that.

Q. You compared it with no standard, there was no paper given to you as a standard?

A. No, sir.

Q. Have you ever been shown any handwriting of the standard of John Q. Adams?

A. I do not think I have seen any standard writing of his. I think Mr. Miller showed me the sig-

nature of some Adams in a book written in lead pencil, if my memory serves me right.

Q. (Exhibit D 2 shown to witness, who is asked): Have you seen that before?

A. That is the handwriting on the receipt.

Q. That is not John Q. Adams' handwriting?

A. No, sir. You asked me if I had been shown any, and I say I have seen this book, the first time for some weeks, and I remember that I had seen some writing in a book, I had made up my mind, I will say frankly, as to the Adams signature.

Q. Do you think that was a fair thing to do?

A. I would rather have seen genuine signatures, but after seeing genuine signatures, I find that I am right.

Q. Did you ask for genuine signatures?

A. I did.

Q. And without seeing any genuine signatures of John Q. Adams you are willing to give an opinion that he did not write that in Exhibit P 1?

A. Well, I hav'nt ever seen a genuine signature of John Q. Adams, so far as I know, and I have given an opinion that somebody wrote that—who ever wrote the body of that will, whether it was Henry Adams, Alonzo Adams or John Q. Adams; but if somebody else wrote John Q. Adams' signature, then John Q. Adams did not write the signature on that will, and that goes without saying.

Q. Have you been shown any genuine signatures of Henry C. Adams?

A. I think not; I do not remember if I have.

Q. Then you have nothing to guide you as to who drew the body of Exhibit P 1?

A. Of my own knowledge I do not know.

Q. The extent of your testimony is, that you think who-ever drew it signed all these names to it?

A. Yes, sir.

Q. Do you think that the handwriting on the white paper that you saw presents any similarity to the Adams signatures?

A. I have not gone into that; when I went out to

examine that will that writing was there and I went through and examined everything, and made a complete comparison, and of course I had not had the will in my possession.

Q. There are various handwritings on the paper, are there not?

A. I do not know how many there are.

Q. Did you examine them all?

A. I cannot say whether they are all here or not; I presume they were, although I cannot swear to that.

Q. Did you examine all that was annexed to the will?

A. I think all attached to the will I ran over.

Q. Will you look at the one that is signed "Edward L. Adams"?

A. I have the signature which says "Edward L. Adams."

Q. Have you looked at that before?

A. I think I ran over that, but I did not look at it very closely; I went down there to examine George P. Gordon's signature and the signatures of the attesting witnesses.

Q. What do you think of Edward L. Adams' signature, as compared with the body of the instrument?

A. I think it resembles it; there is a sort of family resemblance between that and the body of the instrument—there seems to be a family resemblance.

Q. Will you look at the affidavit signed "Henry C. Adams"? Have you ever looked at that before?

A. That was on the will too.

Q. You mean it was on the paper annexed to the will?

A. Yes, sir.

Q. Did you examine that?

A. Only casually; I merely went through it to see what it was.

Q. Then you never put either of these signatures in juxtaposition, or in comparison with the signatures on the will?

A. No, sir.

Q. What do you think of the "Henry C. Adams"?

A. Well, I think that is the hand that wrote the body of the will.

Q. Why, if in Edward L. Adams you see a familiar resemblance to the body of the will, can you say any more than that as to these three Adams signatures to the attestation clause, to wit: a family resemblance to the body of the will?

A. Well, I have enlarged these and studied them very closely as enlarged; I have taken my photographs and submitted them to the microscope and given a long study and made comparisons, and I give you this opinion just the same as I do for the signatures of George P. Gordon, which you say you do not know whether they are genuine or not, and I give you my best judgment upon it; but if you would like to know anything further about it, and want me to study them and take them home, I would be very glad to do so.

Q. What is the family resemblance of Edward L. Adams?

A. Well, I don't know as I can explain it, there is a little something there that looks familiar.

Q. I would like to have you tell us?

A. I do not think I could go to work and tell you now in detail.

Q. I would like to have you try?

A. I think that signature "Edward L. Adams" is a forced one, a very forced signature.

Q. What do you mean?

A. I mean to say it is not an average signature.

Q. Suppose we show you some we have here which was written in court at the request of counsel (handing witness Exhibit D 7). Here are a couple of names; what now is the family resemblance between the Edward L. Adams signature and those on the will?

A. Well, when you get close together the resemblance is not so striking.

Q. Does it disappear?

A. I do not think Edward L. Adams wrote the will.

Q. I am glad to know that, but that is not the question I am asking. I know you do not think that. I want to know what the family resemblance is?

A. I do not know as I can define it.

Q. As a matter of fact, does not Edward L. Adams' signature more nearly compare with the "Adams" in the John Q. Adams than any other "Adams" signature on the will?

A. Yes, sir; it does.

Q. And yet you think he did not write it?

A. That Edward L. Adams wrote the "John Q. Adams?"

Q. Yes?

A. I do not think he did.

Q. Then where is the strong family resemblance?

A. There is a family resemblance same as persons in families; they have the same color of eyes and hair, and yet are different in every other feature.

RE-DIRECT by Mr. MILLER:

Q. Have you ever seen any other example of the signature of George P. Gordon, except as shown you in Exhibit P 22 in which the staff does not cross above the belly of the "P"?

Q. That is the only case.

Q. Is the belly of the "P" in Exhibit P 22 of the same characteristics as the belly of the "P" in Exhibit P 1?

A. It is not—all of the tops of the "P's" in Mr. Gordon's signatures are, as I stated this morning, quite flat, so far as curves are concerned, they are not angular and pointed like this, and in this Exhibit P 22 favors the Exhibits D 59, D 60 and D 58, but does not the disputed ones.

Q. The summary of your testimony is this, after analyzing these various exhibits you said that the court might leave out various characteristics, various variations in respect to parts of the letters, but that

they could not leave out the construction the vital construction of the hadwriting; is that the summary of your testimony?

Objected to by Mr. Collins on the ground that the question is leading.
Objection sustained.

Q. Were you sent for by Mr. Beckett to testify in this case on their side?

Objection by Mr. Collins as immaterial.
Question overruled.

Adjourned to April 23d, 1891, at 10.30 A. M.

Pursuant to adjournment the parties met at the Chancery Chambers, April 23d, 1891, at 10 A. M. and the following evidence was taken before Hon. ALEXANDER T. McGILL, Ordinary of the State of New Jersey, in the presence of solicitors and counsel of the respective parties.

THOMAS W. CANTWELL, a witness produced on behalf of the defendants, being duly sworn according to law, on his oath testified as follows:
EXAMINED by Mr. Miller:

Q. Your name in full, Mr. Cantwell.
A. Thomas W. Cantwell.
Q. What is your age, Mr. Cantwell?
A. Forty-four.
Q. Where do you reside?
A. Albany, New York.
Q. And what is your business?
A. A banker.

MR. COLLINS:

Q. A bank clerk do you say?
A. A banker.

MR. MILLER:

Q. What position do you hold now?

A. Well, I am now—I have resigned my position as cashier of the Exchange National Bank of Albany to come to the National Collection Bank of New York.

Q. Did you say the Exchange National Bank of Albany?

A. Yes, sir.

Q. How long were you the cashier of that bank?

A. About 14 months.

Q. Were you connected with the bank before that time.

A. Yes.

Q. How long?

A. Twenty-two years.

Q. In what capacity?

A. Receiving teller and paying teller.

Q. With that bank?

A. With the Albany City National bank.

Q. How long?

A. Twenty-two years.

Q. And then you became cashier of the Exchange National Bank of Albany?

A. Yes, sir.

Q. Have you had any experience in the examination of handwriting?

A. Yes.

Q. Have you been called as an expert to testify with reference to disputed handwriting?

A. I have.

Q. State generally your experience in that line.

A. I have been accustomed to appear for the government in Albany, Syracuse, Rochester and Buffalo, and I also appeared in the State of New York in the Canal cases; I am generally called as an expert in that section. I was a witness in the Thompson will case, the Carrick case, and very many others—probably two hundred in all.

Q. You spoke of having been a witness in the

Canal cases; do you mean Governor Tilden cases?
A. Yes, sir.
Q. Retained by Governor Tilden?
A. Yes, sir, by the State.
Q. Have you made an examination of the signature to Exhibit P 1 in this case?
A. Yes, sir.
Q. At whose request?
A. At the request of Mr. Richards.
Q. Have you made an examination of any of the checks that are in evidence in this case, the standards?
A. I have.
Q. Please state which ones you have examined.
A. I have examined those (indicating) and——interrupted.
Q. Give the numbers.
A. D 56 to D 60 inclusive.

MR. COLLINS:

Q. Those are the five?
A. Yes.

MR. MILLER:

Q. Have you examined any of the other checks?
A. I have, sir.
Q. Which ones?
A. I have examined the thirty-nine checks—D 16 to D 54 inclusive.
Q. Have you made a comparison of the original signature—that is, the signature to the will, Exhibit P 1—with the standards with a view to giving formal evidence, or for the opinion as to genuineness of the signature attached to Exhibit P 1?
A. I have.
Q. And after making such comparison will you state what you opinion is as to the genuineness of the signature—the name "Geo. P. Gordon," annexed to the will Exhibit P 1, stating whether or not

you are of opinion that it is in the same handwriting as the standards?

MR. COLLINS—I object to the question as incompetent.

THE ORDINARY—I will admit it under the same ruling as I have admitted other testimony of like character.

A. It is not written by the same hand.

Q. Will you please state to the court as precisely as you can your reasons for that opinion?

A. The writing of the signature to the will is not, could not be made—that is, the writer of the signature to this will could not make the signatures to the checks for the reason—interrupted.

Mr. COLLINS—I object to any such general statement as that. On cross-examination sometimes such things are properly brought out, but for the witness to simply state it as his opinion that it is not the same signature—that it is not within the capacity of the writer to do thus and so is putting in the case his own individual opinion in place of the Chancellor's. He has a right to call the Court's attention to the similarity or dissimilarities or general structure of the handwriting and a variety of other things, but I think he has no right to make any such general statement.

The ORDINARY—I understand that the witness's position is substantially this: He says that the writer of this signature could not have made certain characters for the reasons that he is about to state.

Mr. COLLINS—That is the very thing I object to.

The ORDINARY—It is not the opinion of the

witness; it is simply his statement of a proposition that he means to prove it.

Mr. COLLINS—But if it is not a proper thing to state why should he state it?

The ORDINARY—I will allow him to state it as a proposition, and proceed with his reasons to sustain it, based upon comparison with the standards.

WITNESS—The writer of the signature to the will has not the same penmanship skill as is displayed by the writers in the standard exhibits. The construction of the signature as a whole differs in these respects: The style of the "G" in P 1 and in the standards are not made the same; they don't show the same created power of the writer that the signatures to the standards do. The letters "E" in the word "George" in the standards are larger than the "E" in Exhibit P 1; the letter "O" is usually made smaller by the writer of the standards from the other letters, while the opposite habit is observed by the writer of the signature to Exhibit P 1.

Q. (Mr. COLLINS) Does the witness mean to say that the "E" in the disputed signature is larger than the "E" in the standards?

A. I mean to say that the "E" in the standards is very much larger than the "O," while in the disputed signature the "O" is of the same size.

Mr. COLLINS—You said "opposite," and I wanted to know if it was larger.

WITNESS—The writer of the standards joins his "eo" and the pendant of the letter "p" together; the pendant describes the letter "5" in construction.

The writer of the signature attached to Exhibit P 1 does not observe this habit; the "eo"

and the pendant of the letter "P" is not joined, but is made entirely distinct; the pendant of the letter "P" rises beyond the double loop which constitutes the upper portion of the letter "P" in the standards, while the pendant in Exhibit P 1 simply touches the top and does not rise beyond the double loop.

Mr. COLLINS—You say "pendant," that's what some people call the staff?

WITNESS—Either the staff or pendant. The habit of the writer in the standards is to make the "P" somewhat smaller than other letters in the signature, while the letter "P" in the signature to Exhibit P1 is larger than the other principal letters, and in about the same proportion as the other. The letter "O" in the word "Gordon" in the standards describes an easy swing where it joins with the "N" in the word "Gordon," while the top part of the "O" in Exhibit P1 shows a loop, or an attempt to make a loop, which is not to be found in the standards.

The letters "G" in the standards are generally made in two sections, while the letters "G" in Exhibit P 1 are made all of one movement—constructed with one movement.

The signature in Exhibit P 1 is longer and extends much beyond the usual length of the genuine or standard signature.

The flourishes at the bottom of the signature in Exhibit P 1 are about twice the distance usually displayed by the placing of the same characters under the standard signature.

Mr. MILLER:

Q. In which direction?

A. In width; and they are longer as well. The construction of those flourishes are made with effort and not with the same quickness and skill displayed

in the standard signature. The second section of these flourishes are made in three parts in the signature to Exhibit P 1, while no such construction is shown in any of the standards.

The pen pressure, as shown in the signature to Exhibit P1, is greater, heavier, and the effort generally is not as easy or as skillful as shown in the standard signature. That's about all.

Q. Have you anything to say—do you note any difference in the "D's"?

A. I notice that the "D's" in the standard signatures, in the upward stroke, is not as close together as it is in the signature to Exhibit P 1. They seem to be an open space, describing the letter "A."

Q. In which signature?

A. In the standards there is an open space there and that does not appear to the same extent in the signature to the will, Exhibit P 1.

The "D's" as a rule in the name "Gordon"—— (Interrupted).

Mr. COLLINS—In the standards?

Witness continues—In the standards, yes sir—are larger than the "D" in the signature to the will, Exhibit P 1, and yet that varies somewhat in some cases. But it is not material in construction to change my opinion as to the difference.

Q. Is there any characteristic difference as to the bottom of the "G's," the capitals, I mean?

A. The bottom of the "G's" in the standards are usually brought around with a free, open flourish, while in the bottom of the "G's" in the signature to Exhibit P 1 there's a sort of knot or loop that characterizes that part of the construction of the "G's."

Q. In Exhibit P 1?

A. Yes, sir.

Q. Is that an easy movement or otherwise?

A. It is not an easy movement; it is made by a muscular effort of the thumb, a quirk.

Mr. COLLINS—A what?

WITNESS—A quirk. The "G" in the "Geo." in the signature to Exhibit P 1, does not show so much skill as in the other "G," in which there is a little more ease displayed. But that does not appear in the standard signatures—that loop.

Q. Have you anything to say respecting the relative characterisics as to the freedom or style of the penmanship?

Mr. COLLINS—He did at first, that's the first thing he spoke about.

Q. For all these reasons you judge there was a difference between the standards and the disputed signature to Exhibit P 1?

Mr. COLLINS—The question is objected to as leading.

Q. Do you lay any more stress on one or more of these reasons?

Mr. COLLINS—I object to the question.

The ORDINARY—I will overrnle the first question. I will allow the second.

Q. If upon either of the reasons you lay more stress than another state which it is?

A. The general appearance of the signature itself, as a whole.

Q. Have you examined the body of the handwriting, or rather the handwriting in the body of this Exhibit P 1?

A. I have.

Q. Have you examined the handwriting where the names of the subscribing witnesses appear—the handwriting in which they do appear?

A. I have.

Q. Have you formed an opinion as to whether the

handwriting of the names of the subscribing witnesses is the same or different from the handwriting in the body of the will in respect to either of them?

Mr. COLLINS—I suppose in such questions he is asking the witness the same things as he did in the first part of the examination. I don't think that is a competent question.

The ORDINARY—This question is susceptible of an answer "yes" or "no." He does not ask the witness's opinion.

Mr. COLLINS—True. But if it is not proper for him to express an opinion it is not proper for him to answer the question?

Q. Have you formed an opinion.

A. I have formed an opinion; yes, sir.

Q. And what is your opinion as to whether there is any difference between the handwriting in the the body of Exhibit P 1 and the handwriting of the names of the subscribing witnesses or not?.

Mr. COLLINS—The question is objected to.

The ORDINARY—I will admit it for the reasons before stated.

A. I believe they are all in the same handwriting, in my opinion.

Q. State to the court the reasons for that opinion, making the comparison and stating the facts on which you base that opinion?

Mr. COLLINS—My objection was not based on the fact that he was asked generally to state a thing, I want to state that I extremely dislike to make objections which may seem catchers, but I do want to place my objection on the record to a certain class of proof in order to have it always there. And I want to be sure that the court understands me. The

part of my objection is, our statute does not authorize any such class of proof. It permits comparison of handwriting; they may compare genuine examples with disputed examples of handwriting, or they may seek to prove that it is not in the handwriting of Henry Adams. But I don't know of any authority in this State that permits this examination of different handwriting that is not being compared with genuine standards of different handwiting. I don't know that it is not so, but I myself know of no statute that permits of such a thing.

THE ORDINARY—Isn't one a standard for the other?

MR. COLLINS—I am not aware of any statute that permits it. I think it is not within the statute.

THE ORDINARY—I will admit it.

Q. Go on and state the reasons.

A. First the general appearance and style of the writing of the signatures compared with the writing in the body of the instrument.

Second, by a comparison of the letters that form the names of the subscribing witnesses to other letters corresponding with such letters in the body of the instrument.

Q. State the details of what you mean.

A. I mean the letter "J" in the words "John Q. Adams," and the same letters in the word——Interrupted.

Q. Capitals?

A. Yes, sir, the capitals. The "D's" in the names Adams compare with the "D's" in the body of the will. The "S's" in the names "Adams" and the "S's" in the body of the will, and, as I have already stated, the general style of writing.

Q. Have you compared the capital "A" in the

name "Adams" with any letters in the body of the will?

A. I never saw this before this morning, and I never made any comparison.

Q. After an examination of the handwriting in the body of the will and the handwriting of the testator's signature in Exhibit P 1, have you formed an opinion as to whether both are written by the same hand or not?

A. I think they are.

Q. But state your reason.

A. I find a general appearance of similarity in some of the letters in the signature, and also in the body of the will.

Q. State what you refer to particularly?

A. The letters "R."

Q. Yes?

A. The letters "N," the letters "O" and the letters "D"—the "D" in the word "Gordon," and the "D's" in the body of the will.

THE ORDINARY:

Q. In what particulars?

A. In the way of constructing the letters.

Q. What way of constructing?

A. I don't know that I can explain that without comparing—I mean the general style of the writer in the construction of these letters.

Q. Describe the style to which you refer.

A. The pen pressure is about the same.

MR. MILLER:

Q. In what letters?

A. In the word "Gordon" and in the word "and" of the words "and given" next to the last line of the will proper. Of course, I have not seen this will before this morning, and I have only made a hasty examination of it. I have seen the photograph of the signature.

Q. What did you say as to the "D" in the second line of article 10 of the will?

A. The "N" in the word "conduct" at the end of the tenth line of article 10.

Q. Look at the "D" in the word "Adams" and the "D" in the word "Gordon" and the "D" in the word "Date"?

A. Which Adams?

Q. In the third Adams—John Q. Adams.

MR. COLLINS—And what other words?

MR. MILLER—The "D" in the word "Date" in the last line of the will proper.

WITNESS—I should say they were written by the same party.

THE ORDINARY:

Q. Why?

A. Their general resemblance to each other, the method of construction, the pen pressure and the amount of ink used in the construction—the volume of ink used and the general habit.

THE ORDINARY:

Q. You lack details. You should describe what you mean by the quantity or volume of ink used. The court must make up its own mind from that which you point out. Your opinion is of little or no value without description.

A. I mean to say that the general appearance of the three "D's" referred to are similar in regard to the general style and the manner of constructing the letter—the general appearance throughout—that's about all I can say.

THE ORDINARY—That is too general. You leave the court to pick out the particulars.

MR. MILLER—Speak of each part of the letters—the staff and the belly, etc.

WITNESS—The staff rises to about the same distance, the loop forming the bottom part of the "D" is about the same size, the manner in which the top and bottom are joined together where the loop begins to turn up to join the

other letters is about the same size, and there is the same swing of the pen.

MR. MILLER:

Q. Did you examine that signature "A. C. P. Adams" to Exhibit P 5?

A. No, sir, I did not.

MR. MILLER—Cross examine the witness.

MR. COLLINS—I have no questions to ask the witness.

WILLIAM E. HAGAN a witness produced on behalf of the contestants, being duly sworn acording to law, on his oath testifies as follows:

EXAMINED by Mr. Miller.

Q. Where do you reside?

A. At Troy, New York.

Q. What is your business?

A. My business is in the main that of an expert in handwriting. I am also—my education was that of a chemist and for years I followed that profession, until within the last seventeen years during which I have been largely engaged in the examination of disputed handwritings. That's part of my business.

Q. Please state your general experience in that line?

A. I have been employed in the examination of handwriting (disputed handwriting) in some hundreds of cases, particularly for the United States government in the Whittaker case at West Point.

MR. COLLINS:

Q. What case?

A. In the case of Cadet Whittaker. I was also engaged in the forgery of President Garfield's name in the Morey letter case, in the Carrigan Will Case before Surrogate Robbins and in the Duncan Murder trial in New York State.

MR. MILLER:

Q. Were you in the Blaisdell case in Minneapolis?

A. Yes sir.

Q. You are an expert in handwriting?

A. Yes sir, I am. A large portion of my time for twenty-five years has been engaged in that business.

Q. Have you made an examination of the signature to exhibit P. 1 in this case.

A. I have.

Q. When did you make it?

A. I made it in March, at Trenton; I cannot give the date.

Q. Have you made more than one examination of it?

A. No sir. I made a microscopic examination.

Q. That is of the signature?

A. Of the signature and of the will.

Q. What standards have you examined, if any?

A. I have examined a series of bank checks purporting to be the signature of George P. Gordon.

Q. What checks did you examne—their numbers please?

A. No. 2832, 2833, 2834, 2835, 2853 and the checks marked Exhibit D 56 to D 60 inclusive. I made a microscopic examination of those exhibits.

Q. Have you examined other checks?

A. Not microscopically.

Q. Have you made any other examination of any other checks?

A. No, I have not.

Q. Have you looked at the other checks here?

A. I have looked over them.

Q. Have you examined them?

A. I made an examination with a small glass.

Q. Did you make a comparison of the signature to Exhibit P. 1 (the disputed signature) with the standards for the purpose of forming an opinion as to its genuineness?

Q. I did, yes sir.

Q. After snch examination made please state what your opinion is as to the genuineness of the signa-

ture as compared with the standards?

A. Assuming that the exhibits which I have examined are the genuine writing of George P. Gordon, in my opinion the signature attached to Exhibit P 1 is not the writing of the same person.

Q. State in detail the reason for that opinion?

A. The first point that suggests itself—the first difference is the general appearance of the two signatures, or the general character of the two signatures. Signature to Exhibit P 1 is written with more pen presure; the habit—the physical habit of the writer is very strongly developed in it, and when compared with the standards a great difference occurs in the general appearance, that is in the character of the pressure, the form of the letters and the curving of the letters, and the stroke of the terminal on the end of the signature "Geo. P. Gordon." Take the form of the "E" in the word "Geo." and there's very little resemblance between the two signatures—nothing more than would occur in the same signature written by different people. When you come to an examination of the habit of the writer the difference is very great. By an examination of this signature with the microscope and a determination of the relative strokes that the pen makes in forming the letters, and the manner in which they cross each other the physical habit of the writer may be determined—that is the physical motion of the muscles of his hand, which in no two persons are alike. In the standards the physical habit of the writer is that of a person writing mainly with the wrist, not bearing on the paper at all, showing the emphasis of the signatures appearing generally above the line. The emphasis is above the center there, (indicating) and above the center here (indicating)—Exhibit D 59.

Q. State it in a fractional way?

A. Pointing to the signature D 59 in cartoon D 71 the emphasis in the "E" for instance, the pen pressure comes down very near to where the turn in the bottom of the "E" commences to move up. Now in the other—that is in the signature to Exhibit P 1,

immediately below the signature on the cartoon greater density occurs clear to the bottom of the "E." It is so in the "O," while in the "O" in the signature above the emphasis is uniform all the way from the top to the bottom.

Now, taking the "O" in the "Gordon": The density of the pressure is at the bottom; it is also at the bottom of the "R" in the same signature; it is also in the "D" and in the final "O"; and it is also in the "N." The writer of this signature appearing on cartoon 71—the enlargement of the signature attached to Exhibit P1 displays a very peculiar capacity in the motion of the thumb, by which when, as I indicated to the Court, when the pen moved down there was a facility of turning the pen by the writer; there was not that joint motion so that there could be thrown into this point on the bottom this density of shade and pressure, which does not occur in any of the standard signatures of George P. Gordon—that peculiarity—the existence of that peculiarity occurring in the thumb, as manifested in the other, as I have stated. I have noticed the same peculiarity in other parts of the writing. The loop in the bottom of the "G" of the signature attached to Exhibit P1 (the disputed signature), in both of the "G's"; also in the make-up of the "P" in the same signature. The emphasis of the shades is shown in the bottom of the letters, which is totally wanting in all the writings of the standards—occurs in none of them.

The general appearance of the signatures, as above stated, is quite different in respect to pressure in the disputed signature. Take the standard of the "D" in the word Gordon, for instance, where the pressure is much greater all the way down in the disputed signature. There's emphasis to it in all the standards, but very little emphasis as compared with the other writing.

Then again, the manner of making these letters in the disputed signature is quite different in the manner of making them in the stnndards. Take either

of the "G's": The writer of the standards makes a "G" by commencing at the top of the letter, coming down, making the curved staff to the left and then putting on the finishing stroke to form the loop in the top of the "G." That occurs in every signature of the standards I have examined. I have seen one body signature that does not contain it, but in all signatures written for the purpose of signature I find that that occurs. There's a difference in the manner —a very striking difference in the manner of making the "G" in the disputed signature; there the writer commenced at the bottom toward the left, rose and made it continuously in one effort, while in the standards they are made by two efforts.

Now, the capital "P" in the disputed signature is very different from the capital "P" in the standards; the manner of making it is different. In forming the loop in the disputed signature the writer commences upon the line and forms an "O," then carries it outside the line over the staff of the "P" to produce the top line of the letter capital "P." In all of these movements this peculiar habit to which I have referred I find to occur in the writer of the disputed signature. And it manifests itself in other ways; all the curves made in a line to the right are made by the thumb pressure, and wherever the thumb performs its function easily the tendency is to increase these curves and make them more demonstrated, as they are in the bottom of the "G" and the top of the "P." I am speaking now of the habit of the writer of the disputed signature. This is all wanting in the standards, where I find nothing approaching it.

Now, examining the top of the "O" in the word "Gordon"—the first and second "O"—in the disputed signature the "O" is made by making a complete pass of the pen movement at the top, then carrying it horizontally with pressure—starting with pressure and diminishing to connect with the top of the "R," forming almost a loop; while in the standard signatures the "O" is left open, or if not left open, closed; no loop is formed at the top by this peculiar organ-

ization of the writer's thumb, which makes its appearance in the disputed signature.

The final loop of the disputed "Gordon" is made very heavy, and not made with the freedom of movement that occurs where the same loop is found in the standards. The line is heavy—the down line; there's a difference between the shading, some parts being more heavily shaded than others, whereas in the standards there is uniformity of pressure all the way through.

Now, coming to the flourish beneath the standard signature—the left hand member of the flourish under the signature of the standards commences at the center, moves to the left and finishes by returning again to the right, so as to cross the first movement. In the disputed signature the movement commences at the right and moves to the left and finishes at the center, thus just reversing the procedure exactly of the first. So much for the left hand member of the flourish.

Now, as to the right hand member of the flourish: In the disputed signature it is made in four sections. It commences in the same method as the same member in the genuine signature, but is broken up and pieced out by separate efforts—the first or initial piece making one part, a continuation of that by a retouch of the pen forming the second part, and the loop in the center forming the third part, and the flourish at the bottom making the fourth; whereas in the genuine signatures one movement—the whole operation is in one movement. The habit in the disputed signature is a studied, irregular one, not done with any freedom. I am satisfied from the examination that I have made that I have reached a proper conclusion as to what the physical habits of the writers are, and that they differ widely, and although no two signatures of the standards are alike, they are all written with one general co-ordination of muscular movement, while in the disputed signature the habit is that of another person with an entirely different co-ordination of muscular movement. And

the effects of the two co-ordinations are very different. On that I base the opinion I have given.

Q. Have you made an examination of the body of the will—I mean the handwriting in the body of the will.

A. I did.

Q. Did you make an examination of the signatures of the subscribing witnesses?

A. I have.

Q. Have you made any comparison in the handwriting in the will and the handwriting of the subscribing witnesses to the will?

A. I have.

Q. In your opinion are they written by different persons?

A. By one and the same person.

Q. State your reasons for that opinion in detail?

A. The same physical habit which I have described as appearing in the disputed signature occurs in the signature "Henry Adams," in the signature "A. C. P. Adams" and in the signature "J. Q. Adams," and this peculiar habit is clearly demontrated. The same individualism or personality of habit, in which that capacity of the thumb and forefinger is present makes manifest the movement of pen at the bottom of all the letters. According to Exhibit D 69 in the word "Henry," or "Henry" as it is written, it occurs in all those letters, in the flourish given at the end of the "Y" in the word "Henry," in the loop in the capital "A" in the word "Adams," in the bottom of the "A" and in the cross loop in the capital "A." It is strongly manifested in the bottom of the standard "D" in the bottom of the small "A" in the word "Adams" in the bottom of each members of the "N" and in the "S." It also appears in the word "Alonzo"—in the bottom of the "L," in the bottom of the "A," in the loop or belly portion of the "Z," and in the bottom of the "O." It also is manifested in the capital "C" in the signature "A. P. C. Adams." It also occurs in the "A" in the second witness's signature—the capital "A" in the

initial movement. It also manifests itself in the bottom of the standard of the capital "A"; also in both of the members of the "D," in the succeeding "A" in the "M" and in the "S." This same physical habit or thumb movement is also found in the loop formed at the commencement of the capital "J" in the word "John"; also in the "O" and in the "H" and in the "N" of the signature "John Q. Adams." It also occurs in the off-throw or Q of the signature "J. Q. Adams," at the bottom of the "O"; at the bottom of the "A," at the bottom of the "D" and also in each of the letters; and also in the terminal "S"; and also in the scroll added on the terminal "S" at the top of the loop, in which the thumb impress is very strong. I find the same thing in examining the capital "J" in July, in Exhibit D 67, and as occurring in the will itself, there is a peculiar loop made by a down throw of the initial movement and an upthrow to connect with the top of the "J."

And on examining the signature "J. Q. Adams," I find an enlargement of the same thing, commencing with the initial movement in the "J. Q. Adams." I find it at the top of the "H" in the "H" of the "John" of the signature "J. Q. Adams"—a perfect facsimile in the word or in the letter "H" of the word "his" in the fourth line from the top of the last page of the body of the instrument.

The ORDINARY—That is in the attestation clause of Exhibit P 1?

WITNESS—Yes, sir. I find in addition to that, the same thing in the manner of finishing the bottom of the standards of the "T's" and the "D's," which calls for the same effect in writing. I also find it to be the same in the signature "Henry Adams" in the standard of the "D," and also in the letter "T" in the word "at"—being the first word of the fourth line of the attestation clause to Exhibit P 1.

An examination of the capital "A's" that occurs in the body of the instrument, Exhibit P 1, shows that

there is one peculiarity which occurs in them that is strongly marked in these signatures—that is, this unreal peculiar condition of the thumb which I have described; it forces into the "A" and instead of making a straight line, there is a breach in it or disturbance about the centre. In the first "A" of the word "Alonzo," it is not as plain as it is in the "A" of the word "Adams," but a microsccpe shows the same disturbance there. but not to the same extent, as in the "A" of the word "Adams." But the difficulty is manifested there, as it is also in the terminal "S"—the "A" and "S"—all of them, wherever they occur in these signatures.

I will take the "A" and the "M" in all of the three signatures of the witnesses to Exhibit P 1, and they are written with a great deal of uniformity—that in the word "John Q. Adams" being written heavier it is true; but they are uniform in appearance, in the manner of making and in the physical habits shown in their detail.

The terminal "S" in the name "A. C. P. Adams" and in the name "John Q. Adams" with the exception of the flourish to the lower and middle "Adams" are written with the same habit; the same physical detail is manifested in the production of the letter "S" throughout the instrument.

In my opinion the physical writer of all the "Adams" signatures was that person who wrote the body of the instrument.

And I find it to occur in the body of the instrument wherever I have examined it.

Mr. COLLINS—I object to the last statement made by the witness unless he means what he has pointed out.

WITNESS—That's what I mean.

(Mr. MILLER:)

Q. Have you made a comparison of the handwriting of the will with the name, the signature

"George P. Gordon" in Exhibit P 1, with a view to forming an opinion as to whether they are in different handwriting?

A. I have.

Q. And what is your opinion?

A. That they were written by the same person.

Q. Please give the reasons, comparing the point from which you base your opinion?

A. I base it on the fact that I find the same physical habit to occur in the writing in the body of the instrument, in the signatures of the witnesses and in the signature of "George P. Gordon." I have described the physical habit in the make-up of the "G" already. I have also described that same habit as occurred in the body of the instrument, and also in the writing of the signatures of the witnesses. Upon that I base my .opinion

Q. Compare the "O" in Woodbridge and the "O" in "Gordon," and tell us what you find?

A. I find the "O" in "Woodbridge" closed in the same manner, showing the same physical effort—the same lateral movement of the thumb that occurs in the disputed signature, the first "O" in "Gordon" and also in the second "O" and also in the "O" in "Geo.," that is peculiar to that habit of the writer.

Q. You say the same reasons; refer to the letters that you say compare with those in the will?

A. I find that the "Geo.," in the disputed signature made by the same habit in this way, that is to say the general lines of the curves, the general pen pressure, the manner in which the pen splits cross each other at the bottom, all appear in the disputed signature; as they do in the same way in the body of the instrument. I find also that the form of the letters in many respects indicates the same effort that produces them in the body of the instrument. I find in the staff of the "P" evidence of the same thing; and also in the part of the "ordon." It occurs in every single letter. And I find that to occur all through the body of the instrument wherever I have examined it.

Q. And does not occur in the standards?

A. And does not occur in the standards at all.

Q. Have you made any observations as to the slopes of the disputed signature and the others?

A. Yes.

Q. What do you find by comparison?

A. The angle of the slope is greater in the disputed signature.

Q. You mean it slants more?

A. Yes, sir; slants more.

Q. Is that same characteristic present to the signatures to the will?

A. No, the signatures to the will correspond.

Q. I mean the signatures of the subscribing witnesses to the will?

A. They correspond with the signature of George P. Gordon to the will.

Q. And do they correspond in slope, too.

A. They do. They are written on the same angle.

Q. Did you say anything about the characteristic thumb pressure in the scroll?

A. I did. I explained that.

Q. (Handing the witness Exhibit D 5.) Will you please compare that signature with the signature "A. C. P. Adams," where it appears as one of the subscribing witnesses to Exhibit P 1, and state whether in your opinion that is in the same handwriting—I mean the signature "A. C. P. Adams"?

A. So far as I can make an examination in court I should say it was not. It is pretty difficult to give a positive opinion without making a thorough examination, and I am not able to do that here.

Q. In general character and appearance is it different or alike?

A. Oh, its different, different. I have never examined that paper before.

Q. Please, also, look at the signature "A. C. P. Adams" in Exhibit D 2 and state whether, in your opinion, it is the same as the same signature as one of the subscribing witnesses to Exhibit P 1?

A. From such examination as I can make in court I should say it was not.

Q. I want you to compare the "don" in the words George P. Gordon at the first line of the will and the first word in the signature and state whether you see the same pen habit in the "on,"and point to the court?

A. I find the same habit of reproduction.

The ORDINARY.—Describe it?

WITNESS.—The "On" in Gordon in the first line of Exhibit P 1, the right hand member of the small "o" is below the top of the connection made between the "O" and the "N" and after the "O" is completed by the pen movement, and the pen moved off to the end, it moves horizontally to connect the top of the "N." The first member of the "N" is made lighter than the second in pressure, and the terminal movement of the "N" is finished heavier and on an angle a little to the right of the first member of the "N." And the rising finish of of the "N" in Exhibit P 1 terminates, while in the signature it is connected to a flourish. They are almost fac-similes one to the other in their manner of production and in their appearance.

Q. What in respect to the thumb movement there?

A. It has to do with the formation of the "O"; that lateral movement is indicative of the habit of the writer as I have named, occuring all through this signature.

Q. Please look at Exhibit D 1 of April 15th, the words "Henry Adams" where they appear in the signature book marked as I have stated and compare that with the handwriting of the word "Henry Adams" in the attestation clause to Exhibit P 1 and state whether in your opinion they are written by the same person, the same hand, Compare it with the will. To refresh your recollection I will show you the photograph.

A. Well, from such examination as I can make here, I dont think they are the writing of the same person. There are manifested differences,

Q. state what they are?

A. Of course I have not examined them with the microscope and therefore cannot give details. I can give general appearances. The whole pressure of the pen movement is entirely different. The "H" is made by an entirely different movement. The manner of crossing the "H" is entirely different. The manner of making the "A" and the downward, left hand movement of the "A" is strikingly different from that to the signature to the will. The staff of the "A" is different in the manner of production. The "D" is different. In the signature in Exhibit D 1 the proportion of the staff of the "D" compared with the lobe part of the "D" is much longer in the signature to the will than it is to the signature in Exhibit D 1, The "A" is much larger in proportion to the other letters than the "D" and the three members of the letter "M" are made very differently as regards regularity at the bottom. The "S" is made by an entirely different movement from that occurring in the signature to the will. I can see no more resemblance between the two than I can see between the same signature written by two different people.

Q. You have examined a great many writings in the course of your experience, Mr. Hagan?

A. A great many.

Q. You have examined a great many signatures?

A. A very great many—thousands.

Q. Do you notice whether men write their names differently in the body of an instrument than they do when writing their signature?

A. Most always. Take a man writing his signature to a check and it is customary for him to write his personality in that signature, and then again you take a man who writes his name in the body of an instrument he doesn't exercise the same great care. In fact I have never known of any cases where men

did not write differently in the body of a document than in the signature.

Q. In writing important instruments is it usual for a man to write his name differently in the body of that instrument than in the signature of it?

MR. COLLINS.—I object to the question. This witness is called to make comparison—to give his opinion after making those comparisons.

The ORDINARY.—Objection sustained.

MR. MILLER.—I think I have a right to show by this witness who is an expert, that he has found it the general habit of men to write their names in the body of an important document differently from the manner in which they write their signature. I think that is proper and admissible evidence. He is testifying from a large experience, having seen many signatures to important instruments and the same names written by the same hand in the body of the instrument, and I think I have a right to benefit by his experience in respect to that point—in respect as to whether important instruments usually written in one way are written in a different way in the signature to the instrument, but with the same style and characteristics.

The ORDINARY.—That is, he is testifying to what he has observed to be the habits of men?

MR. MILLER.—Yes sir, of the handwriting of men, in which he has had a large experience. Truly he is an expert, if anybody is in this country.

The ORDINARY.—I can see that such examination is proper for cross-examination as suggested by counsel. It is questionable how far it should be allowed upon direct examination. I don't know that a witness can be called to say what his observation has been as to the characteristics of men in writing, but I will

allow you to ask the question under objection. I will rule upon its competency hereafter.

Mr. MILLER:

Q. In your observation of the handwriting of men do you find that men adopt one style in writing their signatures to important instruments, such as checks, deeds or wills, and perhaps vary it in their signatures to letters or where they write their names in the body of a letter—what is your experience?

Mr. COLLINS—I object to the question on other grounds than the general one spoken of to your Honor. The question is objectionable in its structure; instead of putting words in his mouth—words which he desires him to use really, he should have asked him if he had observed anything of that kind in the habit of men and what it was.

Mr. MILLER:

Q. Have you observed, in your experience, any difference in the way men sign their names to important papers, such as checks, wills and deeds, as opposed to their signatures to letters or their names when incorporated in the body of letters—have you observed the difference?

Mr. COLLINS—That is the same question that your Honor has said is justly criticised.

The ORDINARY—You may answer the question.

A. I have observed that they write differently.

Q. In what respect?

A. More carelessly; that is to say, hurriedly, as if there was no importance to reproducing their signature in the ordinary course of correspondence, whereas in signing their name to an important instrument, such as you have referred to, they write their individuality, their personality as it were. I

find also that men writing their names in the body of an instrument—a man in signing an important instrument will write his signature in full, but when he incorporates it in the body of an instrument he will give only his initial.

Q. Have you ever noticed that men adopt a different form of letters?

A. A different form of letters. I think it is the general rule so to do. I don't know of an exception under my observation.

Mr. COLLINS—Your Honor will see what a wide field this opens. This testimony is very broad.

The ORDINARY—Yes. I will overrule this testimony.

CROSS-EXAMINATION by Mr. Collins:

Q. Mr. Hagan, what did you say your principal business was?

A. Expert in handwriting.

Q. Do you make a living at that? I don't mean do you make more or less money—but is that all you have to do?

A. No; I have other business; I used to follow the business of an expert in chemistry and mechanics.

Q. But you are engaged principally as an expert in handwriting?

A. Yes.

Q. Of course you do it for a compensation?

A. Yes, sir.

Q. May I inquire what compensation in this case?

A. I can tell you what I have been paid; I can't tell what more I will charge; I was to be paid $100 for going to Trenton and making an examination and taking a number of checks home and examining them there.

Q. Does that include all up to your appearance here at this session?

A. Yes; that includes all charges up to coming down here.

Q. When did you come?

A. Tuesday—Monday night by boat.

Q. Where were you on Tuesday; with the other experts in consultation?

A. I think Tuesday I was in Carvalho's office a little while in the morning; and I had to go to see some family friends who live here; and I saw Carvalho in the afternoon.

Q. Did you see Ames?

A. I saw Ames once; I didn't see Ames Tuesday.

Q. But you have seen him?

A. In court.

Q. Did you exchange views with him?

A. I presume we have exchanged views.

Q. And with Carvalho?

A. I hav'nt had much time to talk with Carvalho.

Q. I mean on Tuesday?

A. I think we talked about another case; we may have incidentally mentioned this case; I know our principal talk was with reference to the Dempsey case.

Q. Are you together or opposed in the Dempsey case?

A. Together.

Q. You have been opposed?

A. Yes.

Q. You are not sure whether you talked over the Dempsey case or the Gordon case with Carvalho?

A. I don't think we talked much about this case that morning. We had a good deal of conference about the Dempsey case. I have not completed my examination in that case yet.

Q. How about the afternoon?

A. I was only with him five minutes in the afternoon.

Q. You couldn't do much talking in that time. But you did talk the case over with him, didn't you?

A. Yes, likely. I don't remember.

Q. And you then talked over your matters?

A. Yes.

Q, How about Cantwell—did you talk with him?

A. Yes.

Q. And the other experts you know? I don't know if there are any more or not?

A. I don't know who you mean.

Mr. COLLINS—I don't know. They said they had a whole swarm of locusts.

Q. Did you talk with Tolman, Professor Tolman, of Chicago? You saw the Carvalho cartoons?

A. No, I didn't see those until they were brought here. I saw part of them. I saw one of the witness's signatures on Exhibit D 69, and the one beneath it, Exhibit D 66.

Q. And the others you saw in court?

A, Yes, sir.

Q. You were here all day yesterday?

A. I was in the building; yes, sir. I was not here when the testimony was being given.

Q. You heard Carvalho's testimony, didn't you?

A. I was not in the court room when his testimony was being given.

Q. You heard the general purport of his testimony, didn't you?

A. I have not heard it. I have not talked with him about it, as I knew I was to be a witness myself.

Q. You did your talking beforehand?

A. Yes, sir. I thought possibly you would ask me the question.

Q. You sized me up, didn't you? I see some difference between you and Carvalho. I suppose you think you are right?

A. I don't presume to be infallible. My judgment is liable to error.

Q. Isn't after all the judgment of an intelligent man, of a man who has good judgment, in the long

run better than the things that you form an opinion from?

A. I think a man who forms an opinion without reason, his opinion is not worth having.

Q. If you point out things that convince you to a man and he is an intelligent man, they should convince him also, shouldn't they?

A. That depends on circumstances—on a man's capacity to understand such things.

A. I said an intelligent man?

A. I beg pardon. I think it should have a reasonable effect upon the mind of an intelligent man.

Q. If you can see it, the Court should be able to see it, shoudn't it?

A. I think so.

Q. You have testified on opposite sides with Mr. Ames, haven't you?

A. Yes, sir.

Q. Quite a number of times?

A. Two or three times out of forty or fifty, I think.

Q. Have you ever testified on opposite sides with Mr. Cantwell?

A. I think in one case; I don't remember any other.

Q. What case—that canal case?

A. I was not in that. It was another case.

Q. What case was it?

A. I think it was brought against the New York Central R. R. Co.

Q. Which side were you on?

A. I was for the road.

Q. Who was the other side—private parties?

A. Yes.

Q. How about Professor Tolman—have you ever testified on opposite sides with him?

A. We have never disagreed. He and I have always come to the same conclusion.

Q. What did you testify as to the alleged holographic will of Myra Gaines, now in contest before

Surrogate Abbott—that it was a forgery, or genuine?

A. I testified that it was a genuine production from the standards furnished.

Q. And those standards were proved in court?

A. I don't know. I suppose they were.

Q. Now you said that up to Monday night you have been paid $100, and that that was your entire charge up to this time, including to-day's work?

A. I don't know as I have made up my mind what to charge yet.

Q. Have you any agreement?

A. No agreement.

Q. None at all?

A. No, sir.

Q. You expect to charge for your time?

A. I shall charge for my time and expenses, certainly.

Q. Did you testify in the Blaisdell case, in Minnesota?

A. Yes.

Q. That was a criminal case?

A. Yes.

Q. Did you testify that the endorsements were genuine or forged?

A. I testified that they were forged.

Q. Who testified on your side there?

A. Mr. Ames, Mr. Tolman and myself, and I don't know—quite a number of others; I didn't stay to hear them.

Q. And on the other side, Carvalho?

A. Yes.

Q. And who else?

A. Mr. Southworth, and Dr. Piper, of Washington.

Q. Now we will ask you a few things. You said you had examined microscopically certain checks, of which you gave the numbers of the Exhibits—I suppose you have got the numbers here to-day?

A. I took the memorandum of them.

Q. But the numbers were put on in court—you

say you made memorandums?

A. Yes.

Q. So that comparing the memorandums with the numbers marked as Exhibits you found them to be identical—that's right?

A. Yes.

Q. Now then, you have thought that you detected a peculiar movement of the thumb of the writer of the body of this will and the signatures to it; I would like to have you describe that a little better to me?

A. I will do so if I can; I thought I had made it very plain.

Mr. COLLINS—I only asked you to presume that I was ordinarily intelligent.

WITNESS—I have no doubt.

Witness here showed the movement with a pen and ink, and states:

The custom of the muscles of the inner side of the thumb are more largely developed than on the outer side, which gives the facility of rolling the pen on the ball of the thumb.

Q. You have observed people who hold the pen the way I indicate—I don't know how I can describe it—writing away from the shoulder, the same effect of which could be obtained by holding the pen with the first and second fingers of the hand?

A. No, I don't think the same effect would be produced.

Q. Isn't the general effect the same whether you hold the pen pointing over your right shoulder that it would be holding the pen between the first and second fingers?

A. It is not.

Q. It is similar, isn't it?

A. Similar, but I think I could detect the difference; that same proposition was put to me in the Whittaker case to test my capacity.

Q. Wouldn't it be comparatively easy for any one to produce the thumb movement here referred to if he held the pen in this position (indicating)?

A. No, sir; you could not.

Q. You think it is a different kind of movement?

A. Yes; the difference would be by the splits of the pen in the three instances you have stated?

Q. A man who habitually uses the forearm to write with would not make use of the thumb movement that you speak of, when so writing, would he?

A. No; people who write with the forearm use the fore finger, which is the only one that gives any movement; they merely hold the pen well raised, and the forearm close to it.

Q. Is that what is called the "Spencerian" movement?

A. Well, I don't know; I am not a writing teacher.

Q. In that movement does the writer rest his arm or hold it loose?

A. He holds it loose.

Q. Do you speak of the same thing when you speak of the raised and forearm movement?

A. They mean about the same thing; in the raised arm movement the member resting on the table would be the little finger.

Q. There is a raised movement of the forearm and a movement of the fore finger, a sort of combination of the two?

A. Yes; it may be called a combination.

Q. If a man accustomed to use this combination movement should use the finger movement, there would be nothing to indicate from his other handwriting which he used—the forearm movement or the rotary movement?

A. If he wrote one with the finger movement and the other with the raised and forearm movement there would be a difference in the development—that is, they would not be alike.

Q. You mean to say that a signature written by a

man with the finger movement who generally wrote with the forearm movement would differ?

A. I think so; yes, sir.

Q. You have known people who wrote both ways?

A. Oh yes; that is to say, people writing signatures make it larger—makes the capitals with the raised movement and makes the rest of the signature with the forearm movement.

Q. A man who likes to write—a man who is nimble with the pen and likes to try different ways?

A. I don't know; I think as far as signatures are concerned men try to give their personality—their individualism to their signature.

Q. But aside from signatures?

A. Aside from signatures men vary in their writing—men often change their motion, but the same general features would remain.

Q. Well, it would be possible, of course, for a man to write his signature with the finger movement, although accustomed to write with the forearm movement?

A. It would be possible.

Q. And then it would be quite dissimilar from his method of writing it with the forearm movement?

A. I think so.

Q. You could not tell by observation whether the signatures were made with the forearm movement of the rotary action, or with the finger movement?

A. I don't think I could.

Q. You criticised what I will call the lower end of the staff of the initial "P" (the capital "P") in Exhibit P 1. I don't know whether that's where the writer began or ended?

A. He began at the bottom.

Q. And you thought that was made by this thumb movement?

A. It is manifested.

Q. You said you had not observed it in any of the "P's" of the standards that you have examined?

A. I have not.

Q. What do you say as to the one in Exhibit D 58?

A. That is made by an entirely different movement. This (indicating) makes an angle from the point of commencement down to where it goes to curve on the angle with the part it curves, while in this case (Exhibit P 1) the pen turned clear around so as to make the curve. And in this case (Exhibit D 58) it came down straight to the point where it commences to curve—nearly straight.

Q. Was that "P" begun at the bottom?

A. I think so. To make it clear to you a microscopic examination the movement of the pen splits is peculiar, and can be determined under the microscope. If I put that up to the light you will find a difference whether the pen turns clear around or makes an angle and curve.

Q. Is there not a marked difference between the pen marks in a signature when made by a gold pen and when made by a steel pen?

A. No; the general habit would be the same; they would vary with the stylographic or fountain pen—would be different; but not with an ordinary pen. The difference would be in the measure of their spreading apart—whether a soft or stiff pen was used.

Q. Wouldn't a sharp, stiff steel pen make a very different set of marks from a soft, loose, diamond pointed gold pen?

A. Yes, sir.

Q. The steel pen would actually make its way into the fibre of the paper, wouldn't it?

A. Yes; it may mark the paper considerably, even if writing lightly.

Q. A man writing with considerable pressure with a gold pen would find, with the same pressure with the steel pen, that he was boring into the paper a good deal, wouldn't he?

A. Yes, sir.

Q. Do I understand that the capital "J" in the signature "J. Q. Adams" to the attestation clause in

the will presents any indication of the thumb movement in its terminal?

A. No, sir; in the top loop, ending in the terminal —the initial movement.

Q. Where was that "J" begun, in your opinion?

A. I think the left hand member was put on afterwards, in my opinion.

Mr. MILLER—I will show you the will.

Mr. COLLINS—Why, I thought the enlargements were to make us see better.

Q. Then, too, in order to give an exact finish, the make-up of that final curve must have been by pushes of pen to the left?

A. Yes; a case of thumb pressure.

Q. Rather remarkably, isn't it, that there should be so much emphasis?

A. Oh, no; the pen might have been soft enough to give it that emphasis.

Q. Or, if the ink spreads apart, you get this emphasis, so Carvalho told us?

A. Yes; there's a good deal in the spreading of the ink.

Q. So that your point as to emphasis is unreliable in this case?

A. No, sir; the line of ink delivery is very deliberate, but the size of it may make it look larger in the photographs in that respect.

Q. I call your attention to the final mark in the two capital "G's." Are they instances of the rotary movement of the thumb?

A. Yes, sir.

Q. If you should find just such examples in other letters of Mr. Gordon's you would think then that he did rotate his thumb?

A. If made in the same way.

Q. Are you an anatomist?

A. I studied medicine; I studied four courses of medicine, but did not care to take a diploma; in my

time I have devoted a good deal of attention to medicine.

Q. Cannot all of us rotate our thumb?

A. Oh, no, sir; no two men can rotate their thumb alike.

Q. You have noticed that people can be taught by professors of penmanship to write very similar hand—a great many people—can't they?

A. Yes; to a layman they might look alike.

Q. You have seen advertisements where the specimens given of handwritings were alike?

A. Very much alike.

Q. So that the hand can be trained to do about the same work with a great variety of subjects?

A. It can, just as two men can be trained to make a picture. But when it comes to adapt that to business men it is a different thing; they have to write comfortably; people are not generally known to write a letter or a set of books in that way. Its a matter of painting you may say. Still even their work can be identified.

Q. Isn't the fact of the word "Henry" being written "Hemry" rather a sign of genuineness than otherwise?

A. I should not take it into account in any ordinary case of writing.

Q. Why?

A. Well, a man writing his signature is supposed to write it correctly.

Q. But suppose he was in the habit of writing merely the letter "H"?

A. I can't tell what a man might do, all men are not alike.

Q. If a man customarily signs his name "H. Adams", and came to write it in full for formality sake, he would be more likely to make such a blunder as that, than if he always signed his name "Henry"?

A. Yes, I think he would.

Q. You would hardly expect a forger to put that error in purposely?

A. No.

Q. Nor would you expect a forger to put a botch scroll under the name purposely?

A. Unless he had a copy of some kind—unless he was amaking a copy of something he had before him.

Q. If the genuine signature had been "Hemry" you think a forger might copy it "Hemry"?

A. Yes.

Q. A forger would hardly be likely to make a scroll of the character of that one under the name Gordon purposely?

A. I would think he was doing the best he could to make an imitation.

MR. COLLINS.—It does seem to be so.

WITNESS.—It does look like a poor specimen. They don't make their scroll in four pieces.

Q. Nor would a forger have made anything that approaching the right hand member of the scroll under the name Gordon?

A. I don't know that there are any. I don't know and am not prepared to say. But it does seem that a man who had Gordon's signature before him should have made a better imitation. He may not have had in his hand a proper form of scroll, and doing it from memory he may have made a mistake.

Q. After he had seen he had made such a botch, it would have been a simple thing for him to rewrite it?

A. Yes if he knew he was going to be found out.

Q. But a forger trying to make a signature does his best to copy his master?

A. Yes. He may think that too.

Q. Why would he think so?

A. I can't tell.

Q. Is it not just such a botch in a scroll that a man writing his own signature might make, and not what a forger would?

A. I don't think I can answer yes to that. That word George P. Gordon was written with steadiness

and care, and I cannot think a man writing with steadiness and care would make such a terrible scroll.

Q. Isn't that very fact evidence that the man writing with such steadiness and care was not forging a scroll?

A. A forger would have to write that from memory

Q. Wouldn't he make a scroll with steadiness and care?

A. He would have to try to.

Q. Do you see the first "G" in Exhibit D. 60.

A. Yes.

Q. Are those names evidence of genuineness or forgery, in your mind?

A. Both may look—both may be genuine efforts I should say. There is nothing in one that is inconsistent with the other, nor very unusual.

Q, But if you were passing on that disputed signature would you regard those marks as helpful to genuineness, or the reverse?

A. I should say they were—if I should have to depend upon one signaturc—interrupted.

Q. The question was whether that fact would tend to support or reverse your theory?

A. If it was only one signature that was to be acted upon you could not infer that he made the signature with two efforts.

Q. I am assuming that this signature was the disputed one that you are called upon to pass on (Exhibit D 60); have you had other standards which do not present the peculiarities that this one does, and would these peculiarities be to your mind rather evidence of genuineness, than otherwise?

A. I think they would.

Q. They would?

A. Yes, sir.

Q. Did you say that you had examined the body of that will itself, at Trenton?

A. Yes, sir.

Q. Microscopically?

A. I used a small microscope on it all.

Q. And you examined the signature George P. Gordon?

A. Yes.

Q. Did you examine the Adams signatures?

A. Yes, sir; at the same time.

Q. Did anybody give you the standards of the genuine handwriting of the men who signatures those purport to be?

A. I have had none of those, except those in court.

Q. And only while on the stand?

A. Yes, sir.

Q. Then the only comparison you have made of the signatures of the witnesses has been with the other writing in Exhibit P1?

A. Yes, sir; except those examined in court.

Q. Have you had any genuine specimens of the handwriting of Henry L. Adams furnished you?

A. No.

Q. If it should be developed in this case that the various points that you think you see of difference in the signature of George P. Gordon in Exhibit P1 from the standards that you went by exist in other genuine signatures of George P. Gordon, would not those points lose their significance?

A. I think they would affect my opinion, if positively developed.

Q. And then would you be driven to the general effect theory? What would you have to guide you then?

A. If, as to the physical habit of George P. Gordon, I found that I had made an incorrect statement of it, it would have a general effect. I would not judge any signature by general appearance; it aids in the examination of handwriting, but general appearance can be so closely copied.

Q. Didn't you judge the name J. Q. Adams by that theory?

A. No; I found the physical habit to occur in his writing that I found to occur in the body of the instrument; that is what I judged by.

Q. You have had cases where you could not make

up your mind about the genuineness of signatures, haven't you?

A. I have in some instances where the standards were too old, where too long a period had elapsed between the date of the writing and the signatures given me for comparison, and in those instances I would not undertake. I have never failed, except in one instance, to find out what the physical habit of the writer was; I did not fail then, but gave up in despair; it was a question of anonymous writing, and I could not satisfy my conscience that I was right, and would not give an opinion.

Q. Mr. Hagan, I suppose you would not condemn this signature on any one of these points of difference you speak of, would you?

A. I would not condemn it for its want of general resemblance — general appearance — because that varies a good deal, if I did not find the physical habit of the writer present.

Q. For example, you would not condemn it simply because of that open "O" in Gordon?

A. No, sir; that might be explained.

Q. And the bringing down of the staff of the "D" might be explained?

A. Yes.

Q. And the putting of the belly of the "P" over the top of the staff might be explained, mightn't it?

A. You are treading on dangerous ground.

Q. Dangerous for who, sir?

A. That is, it would be—interrupted.

Q. Dangerous for who, sir?

A. I was going on to say that it would be—interrupted.

Q. I asked you dangerous for who, sir?

A. It would be dangerous for me in doing justice to the case; I could not form an opinion—interrupted.

Q. Doing justice to whose case, sir?

A. I mean doing justice to my view of the case.

Q. So you are vindicating your view of the case?

A. Yes; I am trying—interrupted.

Q. Then it occurs to you it might be dangerous to your view of the case?

A. I mean that in coming to an honest conclusion it would be dangerous for a man to confine himself in two or three points leading to one conclusion. I would form an opinion on one, or two, but when it comes to three or four or five, it begins to get pretty strong. What I mean is, it would be a dangerous thing, in making an investigation, to throw away a conclusion because you find one point difficult of explanation.

Q. But suppose you find all the various points occurring in the genuine writing?

A. You could not find them.

Q. Suppose you did?

A. If you found it entirely different it would not be the same thing.

Q. You say you would not act on only one—interrupted.

A. I would on physical habit.

Q. That's your pet theory, isn't it—that physical habit theory?

A. That is a true theory.

Q. You make more stress on that than on almost anything else?

A. I do.

Q. That's rather what we may call the Hagan theory, isn't it?

A. It's done by Professor Tolman and others.

Q. Have you and Professor Tolman always been together in cases?

A. Except in two cases.

Q. Mr. Carvalho doesn't think so much about physical habit?

A. I don't know.

Q. Our brother Miller has said something about nerves. Is that something that enters into your theory?

A. I don't know anything about brother Miller's ideas; I don't know what his views are.

Q. I mean the muscular habit of the writer. Have

you not heard some experts talk of about nervous force used by some writers and not by others?

A. Yes.

Q. But you didn't take much stock in that?

A. The nerves do have something to do with the control of the muscles and give character to writing.

Q. But nervous action varies?

A. Yes.

Q. As for instance a man may tremble if excited, and his writing will tremble?

A. I think a man's writing is made more permanent, it will be more intensified according as he is nervous—there will be those variations in writing.

Q. We don't want to digress from the point of these differences that you have taken occasion to show. I want to get back to the differences. You said that one such difference would not pay much attention to, two may indicate a lack of genuineness more strongly, three still more strongly, and when it came to four or five it became quite convincing —that's about it?

A. Yes, you may infer so.

Q; Now my question is, if in genuine signatures these various differences could be accounted for, would not they cease to have any probative force in your mind and wouldn't you be driven to an impression that the thing as a whole had upon you?

A. If you could get into somebody else and do the work I would believe. But I don't believe anybody can incorporate into writing the characteristics of another man's writing.

Q. I am now speaking apart from habit—whether the differences in themselves would have any radical weight if shown to exist in the genuine writing?

A. If all grouped together, I don't know. A fly might light on a man's nose, or something else might occur—I should have to find those things frequently occurring to have any impression whatever with me. If he could make the thing at one time he could make it at another.

Q. You might find a great many differences in

looking over a thousand checks—for instance, a piece of fuzz might catch in the pen. Do you think the pen caught in the paper in this scroll, in the signature at the end of Exhibit P 1—the right hand scroll?

A. I can't tell you. This instrument, this glass has not power enough to tell.

Q. Then you can't tell?

A. No, I can't tell, not from anything I have at hand. I can make an examination of it after we adjourn if you desire.

Q. Mr. Hagan, isn't it true that you frequently can find certain letters, or combination of letters in different hands, written by different people that are almost identically the same on general comparison?

A. In general appearance they may be; yes, sir.

Q. And on pretty close comparison?

A. If, to illustrate what I mean by general, you bring me two engravings that are fac-similes of each other, and putting them to the window, they coincide with each other, you will then give me a microscope and I will tell you which engraver made the two.

Q. Isn't it necessary, in order to come to a safe conclusion that two writings are by the same hand, that there should be similarity as to character, without the material negative points?

A. Yes, sir; there should be everything to tend to one conclusion and nothing to tend to any other conclusion.

RECESS.

RE-DIRECT BY MR. MILLER:

Q. During recess have you examined the second or right hand portion of the scroll under the microscope?

A. I have.

Q. Have you it arranged now so that it can be seen by the court?

A. I have now adjusted the instrument or microscope.

Q. At the point to which your attention was called by counsel for the other side, where the tail of the scroll is in the right hand portion of it, is there any evidence of the tearing of the paper?

A. No, sir; the pen did not even catch in the paper.

Q. You were asked the difference between the effects of a steel and gold pen in regard to the signature upon the paper. Now I ask you if the difference resulting from the use of a steel or gold pen will account in your opinion of the difference between the disputed signature and the standard?

Objection by Mr. Collins on the ground that it leaves us entirely without means of testing—it is merely the opinion of the witness—he speaks of certain pen pressure and I learn from his testimony that it is different where a gold pen is used to that of a steel pen. These are facts. Now these facts he can bring out any way he pleases, of course any fact, but to ask a result is not in my opinion admissible whether it would account for that or not.

Question admitted.

A. I think they would not account for the difference.

Q. After an examination in the microscope state or tell us where the course of the pen in describing the marks constituting the right hand division of the scroll in Exhibit P 1 indicates the course of the pen and the result?

A. The pen movement was made as indicated, commencing under the first "O" of the word "Gordon," running to the left and then curving to the right and coming to a little over one half the distance and then dropping down to finish. And then the pen is put down again and this loop portion put so that it would

tangent it on the line already made. And then the line commences again and went to the extreme right where it is broken and then the pen is put on again and commences that dip or down curve and then an upward curve to the left.

Q. You said you had seen no specimen of Henry C. Adams handwriting, did you not tesify that Henry C. Adams wrote the bodyof the will?

A. No, sir I did not.

Q. You have seen that, if that is so?

A. Yes, sir.

Q. You meant you have seen none out of court?

A. No, sir.

Q. Please look at the paper I now show you and compare it with the standard and compare the name "George P. Gordon" in the body of the will and at the end of it with the standards and with the disputed signature and state which they resemble in characteristics?

Objection by MR. COLLINS on the ground that it is not re-direct examination or new subject matter and new exhibits and as having no reference to the cross examination.

THE ORDINARY.—I will allow the question to be asked and counsel may cross examine upon it.

A. I find that the words "George P. Gordon" in the body of the paper, in its general appearance was written in a different way in making the top of the "G." It was made very much in a similar manner as occurs in the disputed signature. I find that in the signature, at the bottom of the letter "G", the capital "G" was made by two efforts, one of them producing the upward or top portion of the "G" and the bottom of it in the continuity, and then finishing the top of the loop by a line curving downwards to the left. I find both "G's" made in that way.

Q. Have these two names the characteristics of the standards or of the disputed signature?

A. They have the characteristics of the standards in general appearance,I have not examined them in detail but my impression is with such as I have been able to make with this glass the details are the same.

Q. Both the forms are somewhat different?

A. Yes.

Q. Both names in that paper are in the same handwriting?

A. In my opinion they are.

Paper offered and marked D 93 April 23, 1891.

Q. They have not the characteristics of the disputed signature?

A. None of them whatever excepting that resemblance in the form of the "G" if that is a characteristic.

Q. Have you testified whether the pen was taken off in making each of the scrolls in the standards and in the signatures?

A. I have, all that I have examined, the pen has been taken off in making the top of the "G."

Q. The scrolls—have you testified as to the standards whether or not the pen has been taken off in making the scroll of the standards?

A. The pen has not been taken off excepting to make the two members, and there is also the two dots, it is taken off, and in making the two members of the scroll and taken up once in making each of the members of the scroll or flourish.

Q. You have been a chemist?

A. Yes, sir, I have been for twenty years of my life.

Q. Are you familiar with inks?

A. Yes, sir, I have manufactured and analyzed inks.

Q. Have you noticed the will propounded Exhibit P 1 that the ink of the signature "Geo. P. Gordon" and the ink used in making the names of the subscribing witness has soaked through the paper?

Objection by Mr. Collins as new examination.

Question allowed.

A. I have.

Q. Is that necessarily evidence of age?

A. In this case?

Q. Yes.

A. I think not, I think it is due to the character of the paper largely.

THE ORDINARY.

Q. Or is it due to dampness?

A. Well it is a paper with very little size in it and ink put on it will go through it very easily it is merely unsized stuff, I have examined it very carefully and ink will flow through it readily it filtrates through it very easily and it makes a stained appearance on the paper on the other side—I think it is due to the character of the paper largely.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. You do not observe it except in the signatures to the attestation clause and the "Geo. P. Gordon" signature, and in the figures "25"?

A. Yes; it occurs in the body of the instrument.

Q. Where?

A. It comes through there, an ink stain under the word "manufacture" at the bottom of Article IV., and it comes through there (indicating some of the lines of Section 5 of Article III.); that is, it comes from the writing on the other side or on the next page. Also at the bottom of the page on which Article II., Section 3, is contained.

The ORDINARY:

Q. Does that indicate that it has been laid away in a damp place?

A. If the ink had dried on the paper before it had been put in a damp place I do not think the ink would take up moisture enough to do that; I think it went through largely when the writing was done. After ink of that kind dries it don't take up moisture

readily; in fact very few do; they are not apt to do that; they are made up on purpose not to do that.

Q. How does it get that brownish cast?

A. That is the paper, in my opinion; in it is contained Prussian blue; I found a piece of Prussian blue visible in the paper under the microscope; I assume this ink to be made of a chromate of potash and logwood—that is, the body of the instrument—and that ink in going through chromic acid would decompose the prussiate of iron, having a greater affinity than cynagen, and would produce a brown oxide and carbonate of iron, commonly called iron rust.

Q. What length of time would be necessary?

A. I cannot tell you.

Q. Would it be immediately, or require some length of time?

A. I do not think the brown color would appear immediately; it would depend on exposure and certain conditions.

Mr. MILLER:

Q. Do you understand that my question originally addressed to the fact that the signatures of the testator and the signatures of the witnesses had not only gone through the sheet of paper they are written on, but that they go through that and reappear on the sheet underneath?

A. I will answer as to that—Interrupted.

Q. Was that an evidence of age?

A. No, sir, it is not; it is due to the character of the paper.

Mr. COLLINS:

Q. Go on and say what you were going to say?

A. These inks in which the signatures are written is a copying ink; I find carbon in large quantities—free carbon—in the ink; and the flat part of it, owing to the uncalendered and unsized condition of the paper, the thinner portions of the ink would go

through and stain it; they would not do it if the paper had been a calendered and sized paper, because there would be no chemical actions.

Q. The ink in the signatures is different from that of the body of the instrument?

A. Yes, sir.

Q. I want to call your attention to the fact that the belly of the "G" crosses the top at the staff in the letter which was shown you (handing witness Exhibit D 93)?

A. Yes, sir.

Mr. MILLER:

Q. Is the top written in the same sweep in the same style as the top of the signature in dispute?

A. No; it is not.

Mr. COLLINS:

Q. Are you an analytical or organic chemist?

A. I have studied both; I have done a little in organic chemistry, but not to any great extent; my particular attention has been called to analytical chemistry.

Q. You have made no experiments to test what you have testified to?

A. No, sir.

Q. You are giving us what you think from the appearance of things?

A. That is all.

Q. I show you a paper marked Exhibit P 24, and I ask you whether, in your opinion, the signature shown in the openings cut in the envelope is the genuine signature of George P. Gordon?

A. Well, I cannot tell you or give you an opinion that is worth anything looking at it here. I recognize, in a general way, some features belonging to it. Before giving a positive opinion I should have to take some time to it, but my impression is that it has some features of Mr. Gordon's writing.

Q. Why not tell without taking time to it when

you were willing to tell as to certain other signatures without taking any time?

A. Well, I gave some opinion, the same as I do in regard to this; I said such examination as I could make in court; I modified my opinion in regard to that paper, deciding—Interrupted.

Q. You mean the receipt?

A. No, sir; this letter; I find nothing there from such examination as I could make in court—Interrupted.

Q. Did you find anything there?

A. There is some features about this that shows some differences. I would have to analyze some of the differences but it would take time to do it.

Q. Take the time.

A. I should want to know what the fact of this is and have these facts deposited with the court whether it is genuine or not.

Q. Do you and Mr. Carvalho agree upon that?

A. No sir; it is a common matter that these lawyers are often trying to put up jobs on us and it is a custom we have of looking out for you.

Q. You think it is a put up job?

A. No sir, it is a thing so common among you gentlemen, though, that we are on the lookout for you.

Q Perfectly proper for you to do it.

A. Perfectly proper for you to give us time—if the character of this paper is made satisfactory to the court I will make a microscopic examination of it, if not I shall decline.

Q. Mr. Miller's opinion is that it is genuine if that will help you any?

A. I think it looks so but I will not give you a positive opinion—I did not give you a positive opinion about that letter but I thought it would do—Interrupted.

Q. You decline to state whether this is a genuine signature or not without further study?

A. Yes, sir.

Q. I ask you another question—tell me how the

left hand rubric or member of the rubric or scroll was begun, and how the scroll was constructed in regard to that member?

A. Well, it was commeuced at the right hand of the member, carried along to the lett hand and then with a return loop or elbow and then ended in the scroll.

Q. Please indicate the one under the word "Gordon," using that as a guide, state how this was formed?

A. From such examination as I could make I should say it was—Interrupted.

Q. Turn round and point it out?

A. I should say it was commenced here and carried round here and brought round here and then the loop put on it (indicating).

Q. On the one below now?

A. Commences here and carried round so (indicating).

Q. In other words it was commenced exactly as you say the one under "Geo. P. Gordon" was?

A. No sir, exactly different.

Q. Did you mean to say that the one there shown under "Gordon" was commenced there (indicating).

A. Yes, sir.

Q. And went round that way (indicating).

A. Yes, sir.

Q. And you differ then from Mr. Carvalho?

A. I do not know what he said.

Q. You now say, no matter what you said before, you now say that the left hand rubric under "Geo. P." was begun at the lowest point now in the rubric, went to the left, took the loop across the first bar and ended with that snake's head (indicating).

A. Yes, sir, that bunch.

Q. You now say that?

A. Yes, sir.

Q. You think the one just shown you was made the other way?

A. Yes, sir, from such examination as I could make of it. To properly examine it it ought to be

held up to the tranaparent light and examined by the microscope so as to follow the splits of the pen on the paper and you cannot do this now it being in the envelope.

Q. You did not examine the will in that way?

A. Yes, sir, I did.

Q. How were the rubrics on exhibits P 25 and P 26 made?

A. I cannot give you an opinion as to those—Exhiqit P 26 I cannot look through it, I cannot see the movement of the pen splits.

Q. Now as to exhibit P. 25.

A. I would not attempt to say as to P. 25 either. If you will let me take them out and examine them through a transparency I can give you an answer, if I can see the splits, I can in the first but not in the two last it would be a mere guess work.

Q. I thought you went by physical habit?

A. I do, but I cannot tell what the habit was without seeing which way the pen moves and that is determined by the splits ot the pen.

Q. All the microscope would show without looking at it now to see whether the paper was torn or not, was that little projection there?

A. Yes, sir, with that power which I had on now —I used a very high power to examine as to that point.

Q. Well then the physical habit is to be gathered from a microscopic examination of the pen's stroke?

A. Well it is made up, it is determined—the movement of the pen determines the habit, now the movement of the pen besides being a mere mark has some significance as the pen is moved along the splits open and by that means it shows a line which relatively would determine the way they move, either left to right or right to left—in the first I cannot see because the ink is so heavy.

Q. Mr. Carvalho took about twenty exhibits and ran them through in a moment or two and pronounced an opinion?

A. Well, I cannot say anything about that.

Q. You thought it was imprudent to do it?

A. No, sir; I did not say so.

Q. You say he would use some number of peculiarities and pick them out in that way and you would not do it as he does?

A. No, sir; his capacity may be good in that line I do not say as to mine.

Q. You would not trust general appearances?

A. I would not alone.

Q. Now speaking about putting up a job, was your attention directed to an imitation of the signature in a will case made by the person interrogating you—that is myself, Mr. Collins—and submitted to Mr. Ames; do you refer to that?

A. I know nothing about it.

DANIEL P. AMES, a witness produced in behalf of the contestants, being duly sworn according tc law, on his oath saith:

EXAMINED by Mr. Miller:

Q. What is your residence?

A. Elizabeth, New Jersey; my place of business is 202 Broadway.

Q. What is your business?

A. My general business is that of pen artist; I am also engaged in the publication of works on penmanship, and in connection with the examination of disputed handwritings.

Q. State generally your experienee as an expert in the examination of handwriting?

A. My experience reaches over a period of about twenty years in that special line, in which I have given testimony in five hundred or more cases.

Q. State generally if any of them have been important cases?

A. I was engaged on the latter cases, especially in the case of Cadet Whittaker investigation at West Point and the Morey Letter forgery, in the forgery cases at Washington, the frauds in the Bureau of Medicine and Surgery in the Navy De-

partment in Washington, in the Indemnity Bonds question brought up in Washington in the United States courts there; the Sidney Hall will case in the Redfield estate at Syracuse.

Q. Did you make an examination of this will?

A. I did.

Q. When?

A. I should say the early part of February, I cannot state the day exactly, some time in February.

Q. This year.

A. Yes.

Q. Where did yon make that examination?

A. At Trenton.

Q. At whose request?

A. At your request.

Q. How long an examination did you make at that time?

A. To the best of my recollection half a day, in the afternoon.

Q. Did you examine it subsequently before it came here?

A. Not the will itself until it was brought here.

Q. You examined it here in the court again?

A. Yes, sir.

Q. Have yon examined any standards used for the surpose of comparison; if so, state what?

A. I had a package of checks; I should say somewhere about fifty.

Q. Are these the checks you examined (handing witness a package)?

A. I probably cannot tell positively; I did not put any mark on them, but it was a package of checks of about this size.

Q. Did you notice the dates?

A. I did notice some of the dates; there were some of which we have photographs here that I noticed specifically, as they were dates approximating more nearly to the date of the signature in question than others.

Q. Those just before and just after the date of the will?

A. Yes, sir; those I remember specifically, as to

the others I merely used them as specimens for comparison. I think I remember these as they are dates which I have in my mind and I should say that this was the package which I had—my impression is that it is about the same size, and I believe it to be the package (referring to Exhibits D 56 to D 60 inclusive).

Q. They are the same appearance of signature?

A. Yes, sir. I recognized a few of these checks specifically as having been among the package I had (referring to Exhibits D 16 to D 54, inclusive).

Q. That is a few of these thirty-nine checks?

A. Yes, sir.

Q. And you also believe the others are the ones you saw?

A. Yes, sir.

Q. Have you made an examination of the handwriting of the will itself?

A. Yes, sir, I did.

Q. Have you made a comparison of the signature to the will, Exhibit P 1, and the signatures to the checks which you say you used as standards for the purpose of determining the genuineness of Exhibit P 1?

A. I have, or about that.

Q. In your opinion is the signature in exhibit P. 1 of "Geo. P. Gordon" in the same handwriting as the signature in the standards?

A. It is not.

Q. Please state to the court in detail your reasons for that opinion?

A. In instituting a comparison between the signature in question of which we have an enlarged copy upon this cartoon (indicating Exhibit D 71) and the signature to Exhibit P 1 photographed as it is here with three genuine signatures which in my judgment are fairly average signatures—interrupted.

Objection by Mr. Collins to the last statement of the witness.

Q. Average of what?

A. Of Mr. Gordon as manifested upon the standards that I have examined.

Objected to by Mr. Collins on the ground that the witness assumes the standards that have been given him to be standards—I do not think it is proper, the standards are here and speak for themselves.

(The ORDINARY)

Q. Do you mean a fair average of the five signatures you have examined?

A. Yes, sir, and also my intention was to include all the standards which I did examine as I believe that to be true.

Q. If you can, produce those standards here?

A. I can produce positively some, some I recognize positively among the lot of 39 checks. Their numbers are Exhibits D 40, D 36, D 27, D 29, D 46, D 16 and D 31 as signatures which I have before me.

MR. COLLINS—I submit that we are capable of seeing whether they are fair averages or not, and I move to strike out this statement of the witness "that these are a fair average."

The ORDINARY—This as I understand it is merely introductory of a comparison—I will allow it to stand.

WITNESS—The first impression made upon me in the examination of the signature in question and comparing it with the standards—Interrupted.

MR. COLLINS—We do not want to know the working of his mind, his first impressions—is that proper?

THE ORDINARY—That is just what we do want—I will allow it to stand.

WITNESS—I would be pleased to modify the word "impression" and make it "observation." My first observation was that the signature in question as compared with the standards was very heavy; presenting a different school, so to speak, of handwriting, every downward stroke was emphasized and strong while in the standards it was a light, unemphasized line—scarcely any difference between the up lines and down lines, which are very obvious throughout the standards when brought in contact or in comparison with the signature in question.

For instance taking the first "G," there is a very strong emphasis at the base of the turn in "G" in each instance, whereas the emphasis is not strong comparatively in the standards and in almost every instance where it does occur it is at the center instead of at the extreme base—indicating an entirely different habit in reference to location as well as degree or pen pressure.

The "E" in the standards is upon a much larger scale—approximating almost the proportions of a capital "E" in every instance unusually large, which gives it nearly the emphasis of the much smaller "E" in the questioned signature.

Reaching the "O" there is scarcely any emphasis on the first downward stroke. It is no heavier than the second which is an upward stroke. Of course a blind loop appearing at the right gives it a little the appearance of weight, but the blind loop is composed of two lines—while the first stroke of the questioned signature is a strong line different to the standard. It also appears that the strong line on the top of the first "O" finishes the shading and then continues with a loop and passes directly to the next letter. Although I have noticed that there are exceptions to this.

The letter "P" is a letter of very large proportion in itself that is considered by itself in the questioned signature, and also as compared wtth the letter "P" in the standards and very heavy in two instances in the pen shading and finishing with a very compli-

cated and formal dot worked out so carefully as to constitute almost a complete circular dot.

Mr. COLLINS—

Q. Will you state how that staff of the "P" was made, whether from below or how?

A. I propose to speak of each of these letters particularly hereafter.

Taking the "O" in the standards—the first stroke is a comparatively light line with the shading in the center instead of being at the extreme base and very heavy as it is in the questioned signature.

The up stroke forming the right half of the stroke is light—is a light up stroke with no return in each instance, while in the questioned signature in each instance it returns and forms a dot and not quite closing with the other the first member being short.

The "D" is comparatively light. The first part being composed of two lines—the first part being thin as compared with the "R" in the questioned signature.

The "D", is a heavy staff as against a thin staff and the "O" and the "N" both members of it then it appears a little heavier in this instance because it forms a complete loop—the two hair lines are not along side each other but eaeh of them are no heavier than the down line while it is a heavy line in the one in question—while it is a light stroke in the standards, it is a very formal staff and heavy line in the questioned signature.

So far as the pen pressure is concerned in its place and degree there is no resemblance between the standards and the signature in question, not one.

Now with reference to the formation of the letters as a genaral description, The form of the loop in the letter "G" is quite full. It is also nearly divided so that there is about one third of the first member of the "G" below where it crosses against two thirds above. It is made in my judgment in all of these check signatures—there are some exceptions that I have seen in others where it begins at the base

line, that is the initial stroke and is constructed in a different movement. But in the check signatures of the standards the "G" begins first at this point, at the top (indicating) the body of the letter is made, the flourish part and that stroke forming the right half of the loop is added subsequently. There can be no question about that in my mind, because this is a down stroke, this swelling curve stroke at this point could not possibly be made on an upward movement because the pen pressure is the result of the opening of the pen—the pen being put on here, the pressure laid on and then passing up to here, the nibs of the pen passing up perfectly flat, and then forming a little opening the nib here (indicating) opens out and then passes off in the line. This is the case in the first signature in the cartoon and also in the other signatures showing conclusively that the stroke forming the flourish of the last half of the loop is a stroke made down wards.

I cannot say which is made first, the flourish here or that which is made second—only in the natural sequence of making the letter I should suppose, the letter made first and the extras added afterwards, so that I believe that the first part is first made and the flourish made afterwards. It is possible that the flourish is put on afterwards, but my experience is that any writer will make the thing itself first and then add the extras—it is my belief that the "G" is made by beginning the body of the letter at the top and then adding the flourish afterwards.

Now the general proportion of these letters. In the genuine signatures the "G" is separated, for instance, if I was to cut off this line here and separate them the length of this loop and the length of the latter part of the "G" would be about equal, that would be about the rule throughout and so it would be all through.

These "G's" are all with curves very nearly equal —if I should cut the enclosure of the "G" in the centre there would be about an equal amount of enclos-

use above and below—that is the upper loop of the genuine signature.

If I should cut the loop of either of the "G's" in the questioned signature at the centre, the opening would be almost entirely above the bend where I cut it —not only the shading and the lines are different and in their position and shading, but their relationship which they sustain to each other are entirely antagonistic.

This loop really extends nearly to the base of the letter "G"—this line forming the loop strikes the up line at its base in each instance, while here it strikes it one third of the way up(indicating). If I divided in the center here (indicating) it is about the same —the result is about the same. The one in the questioned signature is a mere moiety of the one above it as compared with the standards.

There is no relationship that I can see between the "G" in the questioned signature and the standards except that they happen to be composed of letters which will stand for the letter "G."

Now the shade in the first place here is one in the first "G" of the questioned signature in Exhibit D 1. In my judgment there was an actual rest, that the pen came to a rest in the first turn at the base of the first loop of the "G"—it was a hesitation, the party was in doubt whether to proceed and the line is patched and broken.

In the standards, the lower part of the "G" is comparatively a light line, but where there is a shade it is a gradual swell from the top to the center and a gradual diminution to where it strikes the base line. Directly oposite of what it is in the first "G" in the questioned signature and considerably different from what it is in the second, and the relationship between the two "G's" shows itself in the result to my mind that they haven't the harmony, the symmetry or homogeneousness with the "G," being in all the standards the strokes are made by the unconscious hand of the writer.

Next, the hand being moved sharply he has uncon-

sciously put the shading in one place here in one "G" and in another in the other "G."

In the terminals, as a general rule, it ends uniformly just with a uniformal sweep, with no tendency to return downward or to form an enclosed space or dot, while in each of the questioned "G's" it returns very formally, forming an enclosed space in one instance nearly triangular and in another by a long loop slanting to the left at this point (indicating). These are not sufficiently alike to be the natural handwriting of the same person; the internal evidence would be sufficient to stamp them as spurious.

Passing to the small "E's" in the standards, it is made as a capital and almost to the height of the first part of the "G." It is a Greek "E" used as a small "E." In the questioned signature it has a different proportion with the other letters; it sustains no such proportion to the "O" in height as it does to all of the standards signatures, every one of them.

At the top it begins with a hook, with an informal stroke in the standards.

In the center it is a mere triangular space or curving in almost, while it is a more formal or radically emphasized stroke in the standards. In the first standard it is a long blind loop, reaching to the top of the top member; in the second one it is an open one, reaching clear beyond the center. In the third it is a blind loop, and see the proportion of this "G"; although each of them will pass as Greek "E's," there is no sort of relationship between them.

In the standards it is a round full turn; in the signature in question it is an angle almost closed at the base.

Hence there is no relationship in the lines that form the letter or in the lines that bind it to the next letter.

The "O" I have already commented on as being in most instances a blind loop. The up line stroke near the center, and in the one in question it races off the top, and in fact but for the heavy shading it would be an open angle, so it appears to strike the

"O" as it does in the standard signatures, but if it was a line like the standard signatures it would be open and there would be no closing at all.

Finishing with the formal dot, that closing the dot —it is not after the informal habit or manner of the general handwriting of Mr. Gordon as manifested by the standards. The first are uniform and ends in conformity in all his letters. While here is extreme formality, almost circular the dot is worked out and developed, and the others are not.

The letter "P" is usually connected with the abbreviation of the "Geo." It is an "S"-like character and it would stand for a capital "S" in most instances, usually with a blind loop at the top of it projecting above, the "P" part of it considerably above the "S" portion. In genuine signatures it is composed of a loop before and after the staff, connected by a rather flat oval line and dividing it near the center, composed of light lines and positively no shading.

In the "P," the staff or the top, there are enlargements apparent from the fact that lines cross each other and form a blind loop, but actually, as far as I can judge, composed of hair lines. While there are distinct heavy shades before and after the staff in the questioned signature, each of them beginning on the downward stroke, while it has an upward stroke following and tracing for quite a distance the up line of the first part of the "P" in question, so that the habit of the first stroke of the pen is entirely different until it gets to the end, to what it is in the questioned signature.

There is a point of hesitancy; the writer was in doubt where to turn, and in that the line was broken and changes his direction, while it is in the other a careless sweeping stroke entirely without hesitation, while the internal evidence is that it is a carefully made letter and not the product of the exercise of the habits of the writer.

Following the "P" is another formal dot.

Mr. COLLINS:

Q. How was the staff made?

A. Beginning at the top and coming down and finishing with a dot, although it is not impossible that it was made the other way, but my belief is it was not.

In the proportioning of this letter is of very great significance (referring to the letter "P"), while the form has nothing to do with the form, strictly speaking, of the "P" in the standards; neither has it with the relative proportion—that is, the proportion it sustains to the letters which precede and follow it.

In the questioned signature it is fully as heavy and nearly as high, and is duly proportioned to match the other capitals.

In no genuine signature have I seen where it approximates in its size and proportioning the letters that precede and follow it; it is a dwarf in all the standards as compared with the two "G's," while it is full grown of full size in the questioned signature.

The broadness of it, the whole character of it, is upon an entirely different scale. The staff is a straight formal line until we reach the point turning to form the dot; it is a curve in the others.

Hence there is not the first characteristic that I can conceive of the capital "P," beyond being made and standing for a "P," and be much more opposed in its real characteristscs than it is as between this "P" in the questioned signature and the standards.

There is an effort evidently to make that genuine "P," inasmuch as it has two loops, one on each of the side staffs and a closed dot against an open loop in the standards.

Hence, the "P" in the standards would serve for a copy for a very careless or unskilled copyist and nothing more.

What I have said with reference to the first "G" in the standards is applicable to the second one, hence I pass that.

In the standards we have an "O," beginning at the top. In that respect it is as it is in the questioned signature with the shade at the centre of the line or above at the centre, or even above in some instances.

While it is in the base of the "O," in the signature in question.

This letter closed at the top with a return and a distinct effort of the pen, while it has uniformly a sweep here, is perhaps the nearest approximation I believe in any of these checks I have examined (referring to D 60), than any I have examined. It has an angle, it rises up and turns without any rest of the pen, or the arresting of motion. While here is a distinct rest of motion and a reverse of direction.

Passing from "O" to the top of the "R," where it turns abruptly almost at an angle and passing with a uniformly round motion, no rest, continuous over and down, forming the body with a blind loop, no rest of motion at the hair lines all the way. While in the questioned signature at the top there is a direct change of motion and arrest of motion and a downward stroke and heavy lineage of the pen making an exceedingly broad line.

As between the "R" in the standards and the "R" in the questioned signature, there is no positive similarity either in proportion or relationship they assume one to the other.

The finishing stroke of the "R" rises a little above the middle, leaving a nice open angle and a sudden turn near the top and passing off horizontally and ending formally.

While there is no such form, no such relationship in the "R" to the "D" in the standards as there is in the questioned signature.

The first member or first part of the letter "D" is a heavy shaded line almost close to the base.

Still it has a round turn or bend, and if I was to divide the first part in the centre it would show that it was a very symmetrical "O" in the centre, because the enclosures above and below would balance,

in each instance, full and round with the shade above the middle that is, the heaviest point beginning and swelling to the center and then reaching its fullest strength before it gets to its return. While it is broadest at or close to the base in the "D," and if I was to divide the two parts I have a triangular form in the "L" part that bears no relationship to the other side in the other part. While in regard to the staff or to the space they take up and in dimensions there is no relationship (referring to Exhibit P 1).

In the questioned signature there is a heavy closed staff clear to the base line.

In the standards it is two air lines passing up with air lines to the top and returning with about the same strength to the base line and open usually quite a proportion of the staff; and I cannot really consider that as a decent copy for a copyist to make. In fact I would hardly consider this a respectable effort for a learner in penmanship—there is no relationship at all between the standard and the questioned signature.

The "O" again: what I have said with respect to the first is good both in formation and other respects to this one, and as it passes on to the next letter showing a uniformity and a fixedness in the habit of the genuine signature, showing that it could not be an exception to the usual habits because it is so uniform—here is an opening to the line in the last standard closing with a dot, keeping all square to the top in place of an informal top connecting the "O" to the "N."

The "N" in the standard is what would be denomated a round hand, the turns are in the top.

The two members of the upstrokes, connecting the two members of the "N," rises more than two-thirds of the distance before they separate, giving it a sort of flat appearance on the top—that is to say, if I laid a straight edge from the top of one to the top of the other, there would be a very small opening and running proportionately a straight edge on the other, discloses a very much larger

area and an angle—the lines being closed not to the middle.

Then again they are very heavy strokes against air lines.

Again, it shows an angle in the top.

Again, there is an angle at the base—the finishing stroke from the letter "N" passes with almost a perfectly straight line to where the line turns to commence the loop of the flourish at the end and comparatively horizontally (illustrating).

It returns in the standards, crossing the up line near to the base, giving a long open loop, and it is a free sweep of the pen, ending with a point, a vanishing line.

In the questioned signature it is a short loop crossing the up line at two-thirds the distance from the real terminal of the "N," instead of crossing the "N" at the base as it does in the standards, or nearly; that is constructed with a line of increasing shade to the end, ending with a club and short in its reach as against the long, slim, flourishing stroke lines of the standards.

Usually at the end of genuine signatures there is a period. In the questioned signature there is none.

That is of trifling significance, but it is a fact that I have observed.

The flourish—which, in my judgment, is not of considerable account in connection with this signature—in the standards it begins the first part of it at the right hand or near the right hand, moving first, the stroke to the left, the point of the pen beginning moving to the left and back and then a downward stroke.

This is also the case with the flourish at the right half of it—it begins at the left, moves to the right and finishes with the pass to the left.

This is the case with all the standard signatures.

The signature in question begins the first flourish at the right with a downward motion of the pen.

I reach that conclusion because at the terminal point, near the right extremity of this flourish, is a

bulb. If the pen was placed at this point—that is, at the other end of the flourish in Exhibit P 1—the pen could not, on an upward movement, make the first form possible: it would have to be made on an upward movement and with the nibs closed, and hence it could not be made, as it would be an upward motion.

Again, the terminal point could not be made right hand, because it would be finished with an upward motion and the nibs closed, and could not be opened out so as to give the broad end.

Hence it is obvious to me that the pen was placed at this point and under pressure bent out so as to give a broad point, and then made an air line and coming around here and the final terminal would be easily made with the pen pressure.

In the standards the terminal begins with an air line, beginning and finishing with a down line.

Hence it is obvious to me that the first half was made exactly with a reverse motion from that which was employed in making these standards.

The second flourish commenced at the left, and at the right extremity the pen rests; evidently it is a motion which was not in the exercised habit of the hand, and there was a little doubt occurred which way it should turn and where it should go, and hence a hesitation. It is not the result of the pen being stuck in the paper or meeting with an obstacle and arresting the motion of the pen aside from the mental operation or habit.

The pen is put down on the paper near the center of the dash and then is swung round, this being made in this way (indicating the short, thick drop in the middle of the ellipse).

In all of the standards that I have seen two dots come into the center between two flourishes, while a single big daub of ink comes between the two flourishes in the questioned signature.

Considering the very little characteristic resemblance there is between the flourishes in the standards. It is then assumed that the left line is nearly

horizontal—nearly a straight line. While it has a hesitating curved line in the questioned signature and makes a very large inclosure, there is no sort of proportion between the inclosure it makes, reaching a long distance beyond the "G," while it stops short at the left hand side of the "G" in the standards.

The position the lines assume in making their inclosure there is no proportion and form of inclosure by which can be seen any relationship whatever. Any school boy having a form before them that could not do better I should consider them an unpromising pupil.

The last stroke of the first half of the flourish is very well; it is entirely of a different shape, different in the place where it comes into the stroke, different in the inclosure it forms and different in the relations of the two inclosures.

Hence there is nothing in that that shows any characteristic resemblance to the scroll under the signatures in the standards.

The first inclosure, or the first hook of the last half of the flourish, approximates in the questioned signature to the corresponding form in the standards than any other part of the flourish. Yet when we consider the form of it and the location of the shading in it, we see that it could not be the product of the same hand from the lack of the characteristics and habits of the writer.

When we consider the proportion of the loop at the right extremity—its form, its shade, its size, the hesitancy evident and everything, it goes outside of the family; it does not belong to the same family at all as the standards; there is no relationship whatever.

Consequently in the analysis as between the signature in question and the standards, to the extent I have examined them, I fail to find the first characteristic of the standards in the signature in question, and so remote is it that I cannot admit it to be within the bounds of possibility that the hand that

wrote the standards could have written the signature in question.

Q. Have you compared the handwriting in the body of the will Exhibit P 1 with the handwriting of the subscribing witnesses in view of forming an opinion?

A. I have.

Q. Is it your opinion that the handwriting in the will itself is the same or different from the names of the subscribing witnesses?

A. I think it is in the same hand.

Q. Tell the court why you think so?

A. First the signatures themselves are in the same hand.

I take for instance the pen pressure the general rift of the writing, the angularity, the manner of joining the letters, the pen pressure and every upward line is an air line and the downward line is a shaded line and all the same shape and shade, which unquestionably to my mind indicates that they were of the same hand, although there has been some effort made to vary the writing so that they may not appear to the observer to be the same.

Q. State wherein you think it has been studied to make that disimilarity?

A. We will take first the capital "A" in Henry Adams as compared with the capital "A" in Alonzo.

In "Alonzo" in the initial lines of each there is a line which forms something which we might call a small "E" or a small loop—those are so formally made and so unusual to handwriting that I am forced to the conviction that they are disguised. Taking this off and we have about the same thing that we have in the "Henry Adams."

Taking the "D"—we have the "D" identical in the first two "Adams"—the third is not quite identical, but carrying my investigation a little further into the body of the instrument I find both these styles of "D"—the solid staff from the top I find that right in the questioned signature—I find it right there (interrupted).

Q. Point to the body of the instrument where you find a "D" like either of these?

A. Taking the small photographs D 61 and D 62 we have quite a portion of the last page of the will photographed in connection in one instance with the witnesses signatures, the three Adams and in the other the signature of the testator.

In this photograph Exhibit D 69 I have an example.

The "D" in the first two Adams are closed staffs clear to the base about an equal degree of strength —that is they are as broad at the top as they are at the bottom. The last one begins thin at the top and increases as it comes down with a heavy emphasis near the base line.

Right in the word "Woodbridge" underneath the last of the "Adams" the first "D" in Woodbridge is one closed clear down solid. The second is the one beginning thin at the top and increasing as it comes down after the manner of the "D" in the last Adams. Next there are staffs of "D's" quite similar in regard to the character and in other variations as they appear in these three signatures.

Taking the "M" in the first signature in Henry Adams the connected lines are like curves so that it is open after the manner of "U" the others are closed at the base or traced back from the base and connected with the left hand curves instead of the right.

The "M" in Henry Adams is after the manner this is in the will.

The other as regards the connecting lines is reversed from what it is in the will, While the strength of shade and the proportioning of the "M's" are identical in each instance.

The small "S" at the end of "Alonzo C. P. Adams" is quite peculiar.

In Exhibit D 61 third line in the word "subscribers" if we eliminate the flourish of the "S" in "Alonzo C. P. Adams" we have identically the "S" that we have in Exhibit D 61.

In the word "subscribers" the first "S" in "subscribers"—interrupted.

Q. The first "S" in "subscriber" in your opinion is identical with the final "S" in "Alonzo C. P. Adams"?

A. Yes, sir. And also the word "these" in the last line just before the figures "25."

The final "S" in the word "Names" on the third line is substantially the same as that in Exhibit D 61.

The second "S" in the word "subscribed" is identical in the fact that it curves forming a blind loop in the same part at the top, the last part slanting back and making a somewhat personal "S" not the "S" liable to be concident in two different handwritings.

I take the "H" in "John Adams"—we have there an "H" with a compoumd curve in the staff.

On Exhibit D 61 in the word "his" the second line is the same kind of "H." It is not only the same kind of "H" as regards the compound curve in the staff, but it is the same kind of an "H" with regard to the relationship of the last part of it. That is this nice little point wherein the air line goes up and strikes a little below the top of the last member of the "H" and coming down forming two distinct angles. I have stated an incident in Exhibit D 61 with a combined staff with the last part identical with the word "his" on the second line and also with the word "the" in this last line before the figures "25."

Mr. COLLINS:

Q. What letter are you speaking of now?

A. The small "H" in "John Adams."

In the words "John Adams" the "N" the first stroke is as the last stroke of the "H"—the air line strikes on the side below the top and then the pen rises up and comes with a very clean cut off at the base.

The base is cut off precisely in the manner that the "R" is cut off in the questioned signature, with

that heavy shade, and it is so cut that it maintains the same direction curves to the right at this point; that is the ending line as it comes down to the base line.

I compare that "R" with the endings of the down stroke of the "N" of "John Adams," and also in the "M"—both "M's," the first member in Alonzo C. P. Adams and the first and second members in "John Q. Adams."

Now the same manner of cutting off ending lines obtains throughout the body of the will, an example of that is to found in the word "Request," in the fourth line of Exhibit D 61, and also in the word "subscribing" directly above it.

Also the "R" in "persons," a little to the right of the middle of the fourth line.

Q. Do you mean the way in which the down stroke is ended?

A. Yes, sir; and also coupled with that the fact that the "R" is a very heavy shaded down line, and cutting very abruptly off at the bottom, so that it holds its entire width to the whole extremity of it—it is just as wide at the extremity as it is anywhere in the letter.

And that is the same with reference to the stroke I have called attention to in the signatures of "Adams" and the examples in the body of the will (pointing to "R" in the signature "Geo. P. Gordon" in Exhibit P 1).

Mr. MILLER:

Q. My question refers to the subscribing witnesses to the will and not to the word "Gordon"?

A. I will refer to that now.

In the word "John" we have a peculiar "J"; in the date line directly above to the right in the word "July" is another "J." If we were to take these two "J's" a part of which we see right here and cover them up—or cover that point up—that is the point at the base of the stroke forming the top of

the "J"—we would have the same motion of the hand making the initial, the same thing. In one it is a smaller blind loop and an open loop in the other.

The form of the line passing up with a pointed curve, forming a small angle at the top and passing down so that the whole of the line in these names are identical, so that the hand that made the "J" in the date line, wrote "John Adams."

A similar character of "J" and "I," throughout the body of the will obtains.

Q. Refer to some?

A. One after the date will approximate more nearly, because it appears to have been written on a larger scale than the others.

Q. You mean the one in question and the "John Q. Adams"?

A. Yes, sir. The small "A" in the three "Adams" signatures—taking the one in "Henry Adams," and that in the "John Q. Adams" are all identical, they are almost alike, it is substantially the same in "Alonzo C. P. Adams" except that the second member rises a little higher in the "Henry Adams" and the "John Q. Adams"—there is in the first part an "O," an up line, the second member rises to the middle, cut up clean and square, duplicating in both respects, that is, the strokes themselves, and the relations they assume to each other.

In "Henry Adams" and "John Q. Adams" there can be no doubt, and there is no doubt in my mind, that the same hand made these two "A's," and the only difference is that the second stroke rises a little higher, that is, the second part rises a little higher.

The "D" in "Henry Adams" and "Alonzo C. P. Adams" end abruptly, comparatively so, at the base line and the rest that is there detached from the "A" following.

In "John Q. Adams" there are joined apparently and with their peculiarity and, so far as habit goes, separated—the outward stroke from the "D" touches the base of the letter "A," but at a point the pen is

lifted —it is simply lifted at a point a little more distant from the staff than it is in the others.

The "S's," while they look considerably unlike, the one in "Henry Adams" being quite different in appearance from the others, the two last remaining, the flourish from them are identical, that is, "Alonzo C. P. Adams" and "John Q. Adams."

Another thing which shows the coincidence of habit between the three "Adams" is the final space between the "M" and to the "S"—a long space in the interval showing that there was an unconscious habit came into play to duplicate the spacing of those letters.

Carrying these letters through and comparing them, as I have, closely with the corresponding letters in the body of the will, and striking the relationship they assume to each other as compared to each other leaves not a shadow of doubt in my mind, but they are written by the same person.

Q. Have you noticed anything respecting the scroll next to the "S" in "John Q. Adams"?

A. Well I noticed it, that it is evidently not a scroll that the hand is in the habit of making and that neither of the scrolls at the end of Henry Adams or "John Q. Adams" are the habit or practiced habit of the hand that was used to making that kind of scroll—they are both made with hesitation and the loop in both instances is heavy and hesitating line showing that it was not made by the man that was accustomed to make the scroll.

The only difference between the "J" in the "John" and the other "J's" appearing in the body of the will is the disguised portion in the terminal loop.

Q. Compare the "A" in "Henry Adams" with the "A" in "Article" in the various places in the will where the word "article" appears?

A. Yes, sir. Also the small "A" used as a capital in the word "Adams" is the same in its proportion and in the shading and everything as the "A's" are in the body of the will.

The "A" in "Henry Adams" in Article 6 of the

will it is in the peculiar formation with the exception of an initial stroke it is a more formal dot while the abrupt and peculiar left curve at the center and the upward curve near the top of the "A" is almost identical and that is a very peculiar aberration I might almost say in making that letter.

Numerous instances are to be found in the body of the will itself identically the same.

Mr. COLLINS—I object to the witness last statement unless they are pointed out.

The ORDINARY—They should be pointed out.

A. The same thing to the same degree is in the "A" of "Article" in Article 1, Section 5, next to the last line, corresponding with the "A" in "John Q. Adams" the capital "A".

Also the letter "A" in the word "And" on the line four lines above.

The proportion of the "A" in the first line of section 3 in the word "Agnes," that is section 3 of Article 2.

Also in section 4 Article 5.

Also in Article 8 to a very close degree of resemblance in this article 8 to the capital "A" in "Henry Adams" in the witness' signature. Approximately so in the word "And" in the second paragraph of Article 10.

The ORDINARY:

Q. Do you notice any similarity between the heading of the capital "T" in the third "Township" with the heading of the "J" in "John Q. Adams"?

A. Was it this formation at this point (indicating)? Yes, if it is a coincidence of habit in making the former formation and they appear all through the body of the will as these same characteristics do of the letter "J"

Q. Point it out?

A. Take the first one referring to the first letter in

the will "I" in Article 1; and also the first word in the second section of Article 1; also immediately opposite section 3 Article 1. Opposite section 4 a general habit a little loop. Also in section 1 and 2 of Article 2.

Q. You called attention to the loop of the "J"?

A. Yes, sir; the "I" in the same line under Article 3 and also the first in section two of the same Article. Also in the second paragraph of section 2 in the same Article; also in the first line of Article 4; also in the first line of Article 5.

Another evidence of what I deemed to be disguised in order that the signatures should not look alike is the "y" in the word "Henry", the top part of the "Y" or the "Y" part of it, is identical with the "Y" in the word "day" directly above—there are only two "Y's" in that short section.

While it is alike in the upper part the lower part is sufficiently eccentric and adds to the warrant of belief that this is a disguise in order that the signature should not look too much alike.

MR. MILLER:

Q. You have stated the points of resemblance between the names of the subscribing witnesses and the body of the will?

A. Yes, sir.

Q. I now ask you to compare the "Gordon" handwriting or the handwriting of George P. Gordon in the will itself and the handwriting of the body of the will, and state whether written by one or different people, or by the same person?

A. Using the photographs Exhibits D 61 and D 62 and taking the "O" in the "Geo." and twice in the word "Gordon," the first ends with a formal finish at the top, nearly closed, the second closed, and the third with the formal finish at the top, identical with the last "O" in "Gordon" is the "O" in "Testator" in Exhibit D 61 in the fifth line. Not only in the first stroke of the "O" being a heavy shaded line, but in

the return and in the particular angle and manner in which it is cut at the top and the manner in which it passes off to the next letter to that—in that instance it passes to the "R" instead of "N," but being a letter beginning at the top in each instance, the parallelism is the same.

Also in the word "our" in the third line.

Also in the word "Township," directly under the word "Adams" in Henry Adams.

The analogy there is almost perfect as to the "O" in "Gordon" in the questioned signature.

Each of the "O's" in the word Woodbridge Township in the same manner.

Q. Compare the "O" in the first line of the will with the "Geo. P. Gordon" signature?

A. Taking Exhibit D 62 in the word "executors," the first word in it is an "O" identical with the second "O" in the Gordon; and also in the word "doings" in the next line; also in the word "executor" in the second line, and also in the word "account," the last word of the first line.

I would also cite another example which I overlooked in reference to the "D" in the name "John Q. Adams"; in the word "adjust" in the fourth line, and also the word "and," beginning at the top and diminishing as it moves down to the end.

And also showing the "D" as it appears in the name "Alonzo C. P. Adams and Henry Adams," in the word "date" in the sixth line, the fourth word. There we have two "D's" identical with the "D's" as they appear in the three "Adams" signatures with the variations as they appear there.

I have confined myself to these examples of the "O" for the purpose of convenience of presenting them—there are a large number of them.

Q. Now look at that on the first page in the name "Gordon" and compare the "O" with that?

A. It is identical with the manner in which it finishes. There is an initial line in the will which is omitted in the "O" in the questioned signature—otherwise it is the same. And the "D" in the word

"Gordon" is an exact "D" as we have it in the name "John Q. Adams." And the "O" at the end of the word "Gordon" on the first page is the same "O" we have in "John," rising up high and passing to the next letter.

I will recite also an example of "J" as it appears in the name "John Quincy Adams" as it appears in the word "Jersey" in the first part of the will.

Q. I ask you if there is any resemblance in the "on" of the first page of the will and in the first part of the signature?

A. Yes, sir, there is, and ordinarily in the "on" in the body of the will; the first member of the "O" is longer than it is in the questioned signature, and in that respect it happened that the "on" at the end of the name "Gordon" in the will is coincident by having a short member and returning to a point, and secondly it happens that these two points are very closely coincident in that respect.

Q. Now, as to the first?

A. In the fact of the short member and finishing with a formal dot and finishing at the turn of the base and then the shading and the position with reference to the "O" is identically the same.

Q. Now go on in comparison between the other letters of the "Geo. P. Gordon" signature and the characteristic letters in the will itself?

A. The "R" in the questioned signature in the word "Gordon" is the same in habit as in "George" and in "Gordon" in the first line of the will in the word "Jersey" in the third line; in the word "memory" in the fourth line; in the word "hereby," and revoking in the same line. And also the letter "R" in "former" in the fifth line. Also the word "declare" in the sixth line and the word "from" in the seventh line, and so forth.

Mr. COLLINS:

Q. That is like the "R" in the word "Gordon"?

A. Yes, sir; practically the same.

Mr. MILLER:

Q. Have you referred to the letter "D"?

A. I think I have mentioned several instances of that.

Q. Refer to instances where the "D" in the word "Gordon" is like the "D's" in the will?

A. The "D" in "Gordon" of the questioned signature I stated instances upon comparison with the photograph. A perfect "D" as in the word "Gordon" is on photograph Exhibit D 62 in the sixth line, in the word "date."

In the will the same "D" is in the word "disposing," in the fourth line, and also in the word "and."

Also in the word "declare," in the sixth line from the top. The same character, although not quite so long, in the third line of Article I. in the word "land"; in the word "and" in third line of the second paragraph of section one. In the eighth and ninth lines both in Article I., and in the word "Gordon" the whole relationship of the "ordon" is almost identical, and also as to the shade as it appears in the lower stroke of the "G" at the top is the same as in the first "G" in the questioned signature. In the words "Eleanor M. Gordon," Article I., Section 1, in line ten of Article I.

Q. Go on?

A. I think that covers the whole signature.

Q. I want you to look at the words "Henry Adams," Article III., Section 2, and compare them with "Henry Adams" where the name appears as subscribing witness, and state what the result of your comparison is as to characteristics?

A. In the body of the will the "H" begins the first stroke with a form similar to what is used in the "i's" and "J"—that is not present in the "H" in the "Henry Adams," otherwise the "H" is similar.

The "E" is somewhat longer than the other letters, a little more conspicuous in the body of the will as it is in the questioned signature of "Henry Adams."

The "n" and "r" are unlike. In fact the latter

part is quite unlike the "Henry" in the body of the will.

The pen pressure in that respect, every downward stroke being shaded, it is the same.

In the word "Adams" the "A" is the same type of "A," it is not as like the "A" in "Adams" as are several of the "A's" at the beginning of "Articles."

The "d" is identical, also the break following the "d" to the base of the "A"—the "A" is the same.

The "m" is not the same as in "Henry Adams," it is the same as it is in "Alonzo C. P. Adams" and "John Adams."

The "s" is nearly identical with the "s" in those names, not only in form but as to its spacing and distance in "Adams," that is in all three signatures, "Henry Adams, Alonzo Adams and John Adams" and is the same in character as in "Alonzo Adams and John Adams."

Q. You have called attention to the fact that in the names of each of the subscribing witnesses the terminal "s" of "Adams" is in each of them about the same distance from the "m" and somewhat removed from the "n," and that it is made by a curve running up from the body of the "m" to the end of the "s" —please compare that characteristic with the terminal characteristics in the word "Gordon" and state what you find?

A. It is the same.

Q. I mean the characteristics where the writer rounds up on the "m" on an angle to make in "Adams" the "s" and in the case of the signature the final flourish?

A. I meant that partly, not so much that as the distance and the roundness of the turn after the "m" is completed.

Q. Round from the "m" after the terminal?

A. Yes sir, that is what I had in my mind more specifically when I made my answer.

Q. Please look at the signature "Alonzo C. P. Adams" in Exhibits D 5 and D 2 and compare them with the signature of "Alonzo C. P. Adams" in the

will, and state whether in your opinion they are written by the same person?

A. I do not—I do not think they could be.

Q. Why?

A. Simply because there is no characteristic resemblance between the "Alonzo C. P. Adams" as it appears as a witness to the will with what appears upon the Exhibits D 5 and D 2.

There is no resemblance in any of the letters whatever, taking the word "Adams" particularly in Exhibit D 2. The "A," the first member of it is made with a stroke beginning at the top, a flourishing stroke.

The "d" is made with almost a straight line in the first member and a large oval loop from the top, which is as different from the "d" in the signature to the will as is possible and have the two letters called "d."

The "A," "m" and "s"—there is no relationship whatever, either in the flourish, its characteristics or anything else and the same in the "s." Taking the letters separately there is no relationship whatever. Taking them in the bunch or combination there is no relationship. Taking them in regard to the flourish there is no relationship whatever, none that I can see. Hence I cannot see how they are written by the same person writing naturally for instance. Taking the one in the book I do not conceive how one could imitate the other writing naturally. Taking it that these two are genuine and fair signatures —in Exhibit D 5 both the "A's" begin at the top as they do in Exhibit D 2, they are both shaded letters made on a downward motion. The "C" in Exhibit D 5 is a different type of letter and cannot be compared. The "P's" are the same except that they are joined together and have connecting lines which are distinct.

In Exhibit D 2 the small "d's" are of the same character and being as opposite to each other as they could be and read "A. C. P. Adams"—interrupted.

Q. Look at "Henry Adams" in Exhibit D 1 and

compare it with the "Henry Adams" where the name appears as a witness and state whether in your opinion that is in the handwriting of the same person.

A. No, sir, there is not the remotest resemblance, that is characteristic resemblance.

Q. State the difference.

A. In Exhibit D 1 the whole character of the signature is that of an unpracticed hand, a very unpracticed hand, the lines are stiff, the letters are made with such hesitancy almost as much as a school boy would hesitate in his first lesson.

The two strokes of the "H" are curved, unpracticed lines. The first horizontal line of the "H" is hooked to the left, The first stroke of the "A" begins at the top and made on a downward motion and shade while it is an hair line and made with an upward motion in Exhibit D 61.

The "D" is different in proportion different in its relation of the two parts. The "A" also. The "m" and the "s" is altogether different in their shading and degree of articulation—in short there is not a stroke or a line or any form or letter or any combination that show or are characteristic with the same letters in the genuine signature—in fact I do not believe it to be within the power of the hand in the same practice and capacity as indicated in Exhibit D 1 to have written the signatures on Exhibit D 61. One looks like the writing of either an old man in his dotage or that of a beginner while the other is that of a well practiced hand under control and good movement.

Q. Have you spoken of any difference in the slope between the questioned handwritings and that of the standards?

A. I have not.

Q. Have you anything to say on that subject?

A. I have examined that, but there is some considerable amount; they are very voluminous and I did not consider that there was any particular point to be made in that.

I have considered some points which I will ex-

plain. Taking the final flourish in the word "Gordon" in the questioned signature; it stands at an angle of about 80 degrees to the left of the perpendicular, while the other would certainly be about 45 degrees; looking at the same time with these pointers in place on these two names, it will be seen that the one below the questioned signature in the standard corresponds with the one above and so on; by comparing that in that way as between the standards and the questioned signature you will see that there is quite a difference.

If we take the "n" there is not a very great difference to be observed in the first stroke of that letter, but still there is a variation, but not as much that I could establish any rule on that would be greatly at variance.

Taking the letter "T," the whole terminal line slants considerably less in the questioned signature than in the standard. The "G" slants considerably more in the first member, but not so very much either.

Q. Have you heard that men reaching old age that there is a change in their handwriting from that of earlier periods of their life?

A. Yes, sir.

Q. What is the effect of age?

A. It deteriorates the quality of the handwriting, but does not change the characteristics.

Q. In what respect?

A. In making it tremulous, and in lines you could see the decrepitude in it the same as you can in the walk and physiognomy of the writer.

Q. Does it affect the characteristics?

A. No, sir; no more than the wrinkles of age affect the physiognomy of the face and the color of the eyes.

Q. The fact that Henry Adams, the first subscribing witness, was of the age of 75 years and the sons of the age of 40 years, would it have any effect upon your opinion in respect to the fact that they were made by one person?

A. It could not have any effect upon the opinion I

have expressed, because it was a fact that was unknown to me.

Q. Ordinarily a man of 75 would not write with the same steadiness as a man of 40?

A. No, sir.

Q. Do you know anything about inks?

A. I have had considerable to do with them—using them, making them and experimenting with them.

Q. You have noticed that the ink used in making the signature of this will had penetrated through and made an impression on the pages below the pages on which the names are written—have you noticed that?

A. I have.

Q. In your judgment and in your experience and from what you know of inks, would you say that that was necessarily any evidence of age?

A. Not the slightest.

CROSS-EXAMINATION by Mr. Collins:

Q. How long did you say you have been professionally engaged in examining spurious writings?

A. Nearly twenty years.

Q. You have some other business?

A. Yes, sir.

Q. What?

A. I am a publisher and a pen artist.

Q. A publisher and pen artist?

A. Yes, sir.

Q. A publisher of what?

A. I published a series of books upon artistic penmanship and books for practical instruction in penmanship and a monthly journal devoted to the interests of penmanship.

Q. Do you instruct pupils?

A. No, sir; I have not done so for twenty years.

Q. You formerly did?

A. Yes, sir.

Q. You have testified in a number of cases in

which Mr. Carvalho and Mr. Hagan have testified also?

A. I have.

Q. Have you testified in the pending contest in the alleged olographic will of Myra Clark Gaines, in Brooklyn?

A. I did.

Q. What did you testify as to the genuineness of that will and signature?

A. I testified that I believed it was not genuine.

Q. Did you testify in the Blaisdell case in Minneapolis?

A. Yes, sir.

Q. That was a question of endorsement to commercial paper?

A. Yes, sir.

Q. Did Mr. Carvalho also testify there?

A. Yes, sir.

Q. What did you testify to?

A. I believed that the signatures in question in suit were forgeries.

Q. Did you express as strong an opinion as to the forgeries of these papers as you have to the forgery of this signature in question?

A. In degree probably not, I do not think there was quite as broad a field or as good a basis to work upon as here.

Q. In what degree?

A. I felt positive in that case.

Q. You are a pretty positive man?

A. When I reach a positive conclusion.

Q. You rather like to make use of adjectives in expressing your belief as to anything?

A. Possibly so.

Q. You think you make it stronger by asserting it emphatically?

A. I presume that perhaps the degree of positiveness produces it sometimes—as to my feelings of positiveness, I might be more positive sometimes than others.

Q. Do you think that emphasis in testimony adds to its weight, or adjectives adds to its weight?

A. That depends upon circumstances.

Q. You started out to convince your hearers if you could, that is your objective point?

A. My objective point is to present what I believe to be the truth with all the force I can.

Q. As strong as you can?

A. Yes, sir.

Q. Are you infallible?

A. Well, judging from the feelings I have heard lawyers express I should say no.

Q. You do not think they are infallible?

A. I think not,

Q. Are you willing to concede that you can be mistaken?

A, To err is human and I never supposed I was ever anything more than human.

Q. So that you might make a mistake when you formed opinions?

A. I presume I have.

Q. You never had a case where you would not give an opinion?

A. Yes, sir; many of them.

Q. Where you would not give an opinion?

A. Yes, sir.

Q. Is Mr. Carvalho a pretty good expert in his line?

A. Yes, I think so.

Q. And Mr. Hagan, too?

A. Yes, sir.

Q. Yet you find yourselves opposed to each other?

A. Yes, sir; sometimes.

Q. How do you account for that?

Q. Well from varied reasons. I have sometimes found that different standards have been placed before us, and in some instances I have found false standards put in which would lead to different conclusions.

Q. But all are enabled to see the same standards at the trial?

A. At the trial, but up to the time the testimony is to be given they are not.

Q. Have you ever seen these signatures in Exhibits D 1, D 2 and D 3 until on the witness stand just now?

A. No, sir.

Q. You never had these shown to you?

A. No, sir.

Q. Did you have photographs of Exhibit D 1?

A. I never saw it,

Q. Then the only comparison you made as to the signatures of the attesting witnesses to the will was with the writing on the will itself Exhibit P 1?

A. Yes, sir.

Q. You never had any specimens of handwriting of John Q. Adams shown you?

A. No, sir.

Q. How do you know he did not write like that?

A. Because I reached a very clear conviction that the hand that wrote the body of the will wrote it, and I have not been informed and have no reason to suppose that John Quincy Adams wrote the will.

Q. You have seen the handwriting of people, especially people of the same blood, which has been very much alike?

A: I have seen them having family resemblances, and yet those resemblances do not go far into chareristic details in their resemblance.

Q. Have you not seen the handwriting of two brothers or a father and son so near alike that it would seem to be the same?

A. Looking at them casually as I might at two persons having a family resemblance I might not be able to separate them at first until I reached a more familiar acquaintance with them, yet I never saw a father and son or any other two persons with writing habits and characteristics the same that there was not at once found upon comparison a difference.

Q. There never was a case of that kind?

A. No, sir; no more than as I have seen them the way I would look at a picture on the wall, without

going into an analysis and looking so as to ascertain the specific characteristics of the handwriting, then they might appear the same.

Q. How much time have you given to this case?

A. I cannot tell you without stopping to reckon up some; it has been upon different occasions—different times and different occasions.

Q. I would like to have you reckon it up?

A. Something over five or six days.

Q. Do you charge by the day or the job?

A. The day.

Q. How much is your charge up to now?

A. I have not made up my charge yet.

Q. Made no bargain about it?

A. No bargain whatever; no word in reference to the matter.

Q. How much have you been paid?

A. I have been paid $100 so far, to apply on the examination.

Q. On general account?

A. Yes, sir.

Q. Mr. Hagan tells us that he talked this thing over with you and exchanged views on Thursday with you, is that so?

A. In a general way; yes, sir.

Q. Did you also with Mr. Carvalho?

A. Yes, sir; in a general way.

Q. Any other experts have you talked with about it, in a general way?

A. Well, I had a very brief conversation with Mr. Cantwell; not really what I call comparing notes.

Q. There is such a thing as "comparing notes" between experts on the same side?

A. There may be; I do not know anything about it.

Q. You used the phrase "comparing notes," and I supposed it was familiar to you?

A. It was a sort of elapsus lingua; it was without thought I used the expression; it is not exactly proper or appropriate to what I used the expression.

Q. Did you talk it over when there was more than one expert on each side?

A. Well, in a general way; the matter was discussed by Mr. Carvalho and Mr. Hagan.

Q. I am asking generally whether experts talk it over together?

A. That depends widely upon circumstances; if we happen to be together we might talk it over, but it often happens I do not see the experts associated with me until I come on the stand.

Q. Did you see Mr. Carvalho's photographs in the court?

A. I did.

Q. Did you make any yourself?

A. No, sir.

Q. Did you examine this signature under the microscope?

A. Yes, sir.

Q. What sort?

A. A compound microscope.

Q. Did you examine anything but the signature?

A. No, sir—well, yes, sir; I examined with reference to the paper and the ink somewhat.

Q. You did not examine the signature of the "Adams" under the microscope—only the testator?

A. I examined around these signatures; I examined to determine the ink that struck through the paper, and the kind of paper, and so on; I did not examine the signatures themselves under the microscope, as I found no reason for it, except that I think I placed some point—the point in the "John Q. Adams" signature there (indicating); I put this point under the microscope for the purpose of ascertaining whether the pen stuck in the paper or not.

Q. What did you ascertain?

A. I think the pen was obstructed at that point by the pen sticking in the paper.

Q. Do you think it is obstructed at any point in the "Geo. P. Gordon" signature?

A. No, sir.

Q. What conclusion did you arrive at with refer-

ence to this paper, as to its size; I do not mean dimensions, but the sizing in it, and as to its being calendered?

A. I should think it was not a heavily sized paper or a very thoroughly calendered paper, not particularly so.

Q. You have given many comparisons of single letters—simply disconnected letters, such as the "M," the "A" and "R"; won't you find in handwriting of different individuals many coincidents in the shape and form of letters?

A. Yes, sir.

Q. Is it a safe thing to go on, to identify or attempt to identify the handwriting of one person that you find individual letters that are alike?

A. It depends on circumstances and the character of the writings that are to be compared.

Q. Explain yourself?

A. If I found writings written by persons who had learned in the same school and practiced under similar circumstances I should expect to find coincidents or coincident forms numerous.

Q. Would you not in members of the same family and in intimate relations?

A. I might find more coincident forms then than under other circumstances.

Q. It would not be so very strange that Henry C. Adams made letters like those that his father, Henry Adams, made?

A. Well, simply the coincident form of a letter would not be essentially a single letter.

Q. Ordinarily would it be strange if he made letters like Alonzo C. P. Adams and John Q. Adams?

A. It would not be; it would amount to the degree of accuracy to which it coincided.

Q. If occasions were such as we have mentioned —among strangers I mean—why should a uniform way of making letters be strange?

A. Well, as you multiply the numbers of coincidents the improbability of there being two handwritings increase; it increases not in proportion of

the number exactly, but almost to the square of the number.

Q. What are the improbabilities you speak of?

A. For instance, if I found two men with one leg it would not be so very peculiar. But if I found two men with one leg and one right arm only, then it would be a coincident. You might find a man with one leg off and with his right ear off and his right eye out, but if you were to find another man with the same peculiarities, then it would be stranger still; you might have to look a long while before you would find two men exactly alike in that respect.

Q. My question was as to uniformity as to the same letter?

A. I misunderstood your question then.

Q. As to the same letter, you would not think it at all strange?

A. The coincidence of a single letter would not be strange.

Q. Is not any "D" made in the general way that the "D" in the names "Henry Adams and Alonzo C. P. Adams" are made—a very close likeness to any other "D" made in the same general way?

A. Yes, sir.

Q. Even by another person?

A. Yes, sir.

Q. In other words, if a man made an "O" at the base line and then a long, tall staff to make his "D," you would say there was a great similarity in the "D's" of different people?

A. I might.

Q. Do not a great many people make that sort of "D"?

A. Something like that, yet there is a characteristic in that "D" that is not common, but the chief point is not in the characteristics of one letter, but the fact that there are variations, and that variation corresponds with other variations found twice in the body of the will. For instance, there is a staff of the letter "D" made in the name of "Henry Adams and

Alonzo C. P. Adams" of the same strength from the top to the bottom—the finishing is merely identical; the lower one—Interrupted.

Q. You said you found examples of two of the upper ones in the body of the will?

A. Yes.

Q. Is that strange?

A. No, sir; if that alone had been all I could find in the body of the will I should have expressed no opinion whatever upon it.

Q. Who called your attention to the possibility of the body of the will being the same handwriting as that of the witness?

A. No one; I had no sort of intimation until I examined the will and returned.

Q. Who was the first man that saw the will, as far as you know?

A. I do not know; I have no knowledge whatever.

Q. You gave the time as early in February?

A. Still that may be several weeks out of the way; I cannot say whether it was not in the early part of March; I have the record at my office, and if it is any object to you to know exactly I can get it for you; I speak only from impression.

Q. Anybody with you in examining the will?

A. Those in the office—no one with me, nobody but those who had the will in their custody.

Q. I call your attention—Interrupted.

The WITNESS—Perhaps I ought to modify that answer. The first examination—my report was made with no one present except the custodian of the will at Trenton, the clerk and myself. I have since examined it in the presence of others.

Q. I thought you said you had not seen it but once?

A. No, sir.

Q. When did you see it, except at Trenton?

A. This noon.

Q. I meant before to-day?

A. No, sir.

Q. You never saw it before to-day?

A. No, sir.

Q. Except at Trenton?

A. Yes, sir.

Q. Who went with you?

A. No, one.

Q. I show you a signature in one of the papers annexed to Exhibit P 1—"Henry C. Adams"; do you see any likeness between that and the name "Henry Adams" in the attestation clause?

A. Yes, sir; I see a resemblance to some extent; the top of the "H" is the same appearing initial upon the paper annexed to Exhibit P 1 that is upon Exhibit D 61. The proportion of the "E," in that it is larger than the "m" in each instance, is somewhat coincident—not uniform; it is merely—if anything it is thoroughly the unconscious habit in the proportioning of the letter.

How about the "r" and the "y"?

A. A difficulty occurs with the "Henry" upon Exhibit D 61 upon the fact that really it is not Henry at all, it is "Hemry" or "Hennry," which is not the fact nor is there any resemblance in that peculiarity to the signature attached to the will.

Q. Is there any resemblance in the name to any letter in the other?

A. That is difficult for me to say, because I cannot tell whether the writer intended the third or fourth stroke to be the letter "r."

Q. Is there anything on Exhibit D 61, anything at all like the "r" in Exhibit D 1.

A. Yes, sir, for the fact that it is the same kind of "r," it is broader and more open and broken in the upper part to the will, while it is a close narrow letter in Exhibit D 61.

Q. Is there anything to distinguish between such letters other than that one is close and narrow and the other broader?

A. You asked me if there was a resemblance, I simply stated there was a resemblance in the type of the letter.

Q. Is there anything in the "y"?

A. The first member of the "y" is nearly the same but the comparison there ceases.

Q. Would you have any idea that the same man wrote both?

A. No, sir, I should not under ordinary circumstances, yet it is in the capability of the party who wrote "Henry C. Adams" to the paper, in the will, to have written the other—either in attempting to disguise his hand or attempting to imitate the other —they are very alike.

Q. You have been informed since sitting here that Henry C. Adams drew the will, have you not?

A. No, sir, I have not.

Q. You certainly have by Mr. Miller?

A. If he informed me I certainly did not hear it and did not give any attention to it if addressed to me.

Q. Do you see any resemblance between the signature "Adams" to the paper signed "Edward L. Adams," annexed to Exhibit P 1, and the word "Adams" in the signature "John Q. Adams"?

A. Not necessarily any resemblance whatever.

Q. Not "necessarily"—I did not ask you that—do you see any?

A. No, sir.

Q. You don't see any resemblance at all?

A. No, sir.

Q. Not even a family resemblance?

A. No, sir; if there is any relationship it is through design.

Q. I show you a signature marked Exhibit P 20. I would like your opinion of the genuineness of it?

A. My opinion is that it is genuine.

Q. Does not the scroll, the left hand scroll or rubric, extend considerably to the left?

A. No, sir; it extends perhaps an hair's breadth to

the left, but practically I should say to the same distance it may be a hair's breadth.

Q. You think it does not?

A. I say slightly, very slightly.

Q. A hair?

A. Yes, sir; about that.

Q. Certain sealed envelopes were given to Mr, Carvalho to look at with an opening through which the writing was exposed, did you know that?

A. I understood that that was a fact?

Q. Did you also understand he pronounced them genuine?

A. No, sir.

Q. You did not understand how he pronounced them?

A. An officer of the court while I was in the other room came in and said they were submitting to Mr. Carvalho envelopes with the face cut in it and showing signatures and asking him what he thought of them.

Q. And you do not know what he said about them?

A. No, sir.

Q. Now it is only fair to you to say that some that I shall hand you are the same that he had and some that he had not—I hand you eleven envelopes.

Mr. MILLER—I ask counsel to state whether any of them are spurious signatures and I ask counsel also if he will state them before he will ask his question.

Mr. COLLINS—The numbers are Exhibits P 17, P 24, P 23, P 14, P 15, P 18, P 21, P 22, P 29, P 28 and P 27.

The ORDINARY—If the witness makes the same request that Mr. Carvalho made yesterday, I shall request counsel to disclose to the court in a sealed paper those which are spurious and those which are genuine signatures, and in the event of refusal, I will give the

witness an opportunity to answer to or decline to answer, as he shall please.

Mr. COLLINS:

Q. Are they genuine handwritings of George P. Gordon according to the standards you have seen?

A. I have so high an opinion of counsel that I should think him to be above prevarication, but such things have been done as that signatures have been denied to be genuine after I had decided that they were so, and said to be written by other people for the purpose of prejudicing the witness, and this would certainly be a safeguard as to that, and I request your honor that you will be informed as to the genuineness of these signatures before I pass upon them.

Mr. COLLINS—Mr. Carvalho said the same thing and we declined to do so, and then Mr. Carvalho decided to pass upon them and we want you to do the same.

WITNESS—I shall decline to express any opinion upon them under those circumstances, because it is so obviously right that that information should be given to the court before I give the testimony.

Mr. COLLINS—We are perfectly willing to tell the court (and Mr. Collins thereupon hands a sealed envelope to the Ordinary, stating that the information desired was contained therein).

A. The signatures in that package, I think, are genuine; there is a signature written with a pencil, but I believe that it is genuine, but from the fact that it is written in pencil, and that I have seen none of Mr. Gordon's writing in pencil, I would not want to express myself with any degree of positiveness.

Q. Did you look under the slips to see what you could see of the writing on the papers?

A. Well, there is one or two that I did; in some

cases, of course, I could only see for a short distance inside.

Q. Yet you were willing to give an opinion upon the genuineness of the pencil writing of Alonzo C. P. Adams, and yet you never saw any of his writing in pencil, had you?

A. Only what I seen before me at that time.

Q. Why would you not in this case, then?

A. Well, if a man should bring a dog and a horse up before me, and ask me if they were not both horses I should be likely to tell him no, and it is about so as between these two signatures; there is no resemblance whatever in the two submitted to me.

Q. Then you think the horse is like the dog?

A. I think Mr. Gordon might have written it; it is written with a different movement, and of course his pen pressure would not be there, and there is not so much to judge from, and not having seen any pencil writing of his, I cannot judge.

Q. Why did you look up underneath the opening in these cases?

A. I simply wanted to satisfy myself, and it was given to me to examine and I availed myself of whatever opportunity there was without betraying the reasonable purpose of counsel to inform myself as far as I could before expressing an opinion.

Q. And that helped you, did it not?

A. Well it probably did not change my answer any, my answer would have been the same.

Q. You say it did not?

A. No, sir, I should reach that conclusion that they were the genuine handwritings with that exception.

Q. How can you tell?

A. Because they seem to be written rapidly and freely and have the proper characteristics of Mr. Gordon, in my judgment.

Q. And yet some of them are lacking in many particulars you mentioned?

A. Yes, sir.

Q. Take that one for example, there is a case where the line from the end does not go up with the

upward slant and the conclusion of the loop not close to the end, it is more like what you say was comparatively horizontal and the loop comes down the same distance from the end?

A. In some respects it is a more close resemblance to the terminal in question than any other signature I have seen that I thought was Mr. Gordon's, and yet it is wanting in the characteristic in proportioning.

Q. Answer my question, please. It is about the terminal flourish I am speaking.

A. That is all I am speaking of.

Q. Is it not true that the line goes as nearly up with an upward slant and the conclusion of the loop under close to the end, is it not more like what you say is comparatively horizontal and the loop coming down some distance from the end (handing witness P 18)?

A. No, sir; that is not exactly true; it starts a little more horizontally than it does in the general writing of Mr. Gordon's signature, but it does not pursue a straight course to any such distance, nor is there any such proportioning of the loop; it rises up with a uniform curve to the top, which is not the fact in the questioned signature.

Q. After the curve begins; but until the curve begins it is an horizontal line?

A. The curve begins immediately; there is really no straight line in the sense that there is a long straight line in the questioned signature from the beginning to the turn in the loop.

Q. Being shown Exhibit P 1—that lacks the double dot and the "G" lacks the punctuation and the terminal flourish?

A. Yes, sir.

Q. Being shown Exhibit P 22—and this lacks all but the punctuation?

A. Yes, but whatever is there, the small letters and all, the proportions and shades—Interrupted.

Q. Keep your answer responsive; this one (showing witness Exhibit P 15) has a single dot as plainly

marked and definitely made as possible; instead of being a mere pen stroke it is rounded out into a dot, and only one? 1C

A. Yes; but I can see a reason in that—Interrupted.

Q. I haven't asked you for your reason?

A. Perhaps there are two strokes in that; perhaps so, I am inclined to think that the first initial stroke of that was a flourish which led to the putting in of the single one.

Q. That is mere surmise? 2C

A. Yes, sir.

Q. This one (showing witness Exhibit P 14) has no Greek "E" at all?

A. No, sir.

Q. What have you to say of the "G" in that (handing witness Exhibit P 23)?

A. Well, the first one the pen did not mark, there is at least three false motions in it, and I think in one the pen stuck through the paper; there is a very great difficulty with the pen. 3C

Q. Did the pen stick through?

A. Yes; it is is no fair "G" for anybody to make.

Q. Can you find the two dots in the rubric there?

A. There is the beginning of the flourish and the dots are put in there.

Q. Have you any reason to think there are two dots in either of the two I have shown you?

A. No, sir; not two separate dots.

Q. In Exhibit P 12, is that the same?

A. Yes, there is a down stroke at the beginning of the dash, same as the others; these would really stand for the first. 4C

Q. What is the matter with the letter "P" in Exhibit P 29?

A. I think it was in the fibre of the paper; the pen probably caught in the paper or a lot of mud was on the point of the pen and produced an abnormal line?

Q. A great many of these have no connecting line in the "Geo." and the "P"?

A. This one certainly has not.

Q. Did you observe that effect in the others when you looked at them?

A. Some of them. When you say a great many, I am not prepared to say a great many without reviewing them; there are some; there are seven of this lot.

Q. Look at Exhibit P 17, does not that depart very widely from the normal top of your standards?

A. Yes, and it is widely, differently situated, being on the extreme edge of the paper, just a narrow space, and when the signature was written there was not room; the signature would have looked very different if there had been a little more space. My impression is yet that there was a lot of mud on the point of the pen, and all this came off, and in dragging along with it, it made that point.

Q. If Exhibit P 17 had been upon this paper or the signature of this disputed will, would it not have caused a great deal of question as to its genuineness as an expert?

A. I think not.

Q. You think it would not?

A. No, sir; I think it was rather an abnormal signature; but as it is, considering it as it is, I do not know the relative ages of them; if these differed in point of many years from the date of the will, that is a point to consider. I do not know the age of any of the signatures, I suppose this might have been written when he was a lad even.

Q. You think it was written when he was a lad?

A. I do not say so; I say I do not know what the range of time is between these signatures and that which I have been speaking of—that is an element I should consider if it had been the signature in question.

Q. If you should find many of the points of difference in Exhibit P 1 from your standards could be found to exist in genuine writings of George P. Gordon, then those particular dissimilarities would lose much of their probative force?

A. Well, if found identical, a mere resemblance amounts to nothing, it is the characteristics; for instance, there is a resemblance between the "P" in the questioned signature and the genuine "P" in the "George P. Gordon" signature; but the characteristic difference is such that they are unlike characteristically so far as I can find coincidence, which I would deem to be correct characteristics, would eliminate so much from the force of my opinion.

Witness being shown page 298 in a letter press copy books is asked; what do you think of the genuineness of that signature?

Mr. MILLER—Is that proper, your Honor, to take a letter press copy book for such a purpose?

The ORDINARY—I think the decisions have been against comparisons with letter press copies.

MR. COLLINS—As standards, but not as testing the witness opinion.

THE ORDINARY—They cannot be used as comparison but I will admit the question.

A. I think there is no doubt but that the original of that was written by Mr. Gordon.

MR. COLLINS—I do not have any such doubt either.

Q. I show you Exhibit P 25, and I want you to tell me from which point you think that left hand scroll in the signature was begun?

A. It was begun with an initial downward stroke at the right—let me examine that a little more—I am not positive as to that.

Q. What do you think of Exhibit P 24?

A. I do not see all of it.

Q. Of the rubric—you may open it further?

A. Both ends are on one end—it begins at the center where that dot is, beginning with the dot and

moving to the right, and that is my impression and yet that is a little doubtful, I do not feel very positive of that.

MR. COLLINS—I offer the letter press copy book in evidence.

Marked Exhibit P 30, April 23rd, 1891,

Adjourned to April 24th, 1891 at 10 A. M.

Pursuant to adjournment the parties met at the Chancery Chambers April 24th, 1891, at 10 A. M., and the following evidence was taken before Hon. Alexander T. McGill, Ordinary of the State of New Jersey, in the presence of solicitors and counsel of the respective parties.

DANIEL P. AMES, being recalled for further examination and being cross-examined by Mr. Collins, says:

MR. ABBETT—Before proceeding I wish to state that I understand that Mr. Ames stated yesterday that one of the officers of the Court had informed him as to the inspection of the signatures through the holes cut in the face of the envelopes. It is only due to the only officer of the court present that that should be explained. I went into the room where the experts were and Mr. Ames asked me whether Mr. Carvalho's examination was very nearly complete and I answered him by saying that I presumed it was, but that they were now inspecting signatures through holes cut in envelopes and I suppose that is the conversation Mr. Ames had reference to, and I would ask Mr. Ames if that is the conversation he referred to.

WITNESS—That is the conversation I referred to.

Mr. COLLINS: 10

Q. You thought Mr. Abbett was a court officer?

A. That is the conversation I referred to.

Mr. ABBETT—I want the record to show clearly that we have made application to have the sealed envelopes which have been marked in evidence with the holes cut in the face of them—I ask that the papers that have been identified through those holes should be marked as exhibits corresponding with the 20 marks on the envelopes; we now make that application, that those papers be marked in evidence and that the papers be properly identified.

Mr. COLLINS—We are not putting up any jobs at all; we wished to place these exhibits before the witnesses in a manner whereby they would not see the surroundings; all we desired them to see was exposed through the cut in the envelope, and I am perfectly will- 30 ing now to have the papers themselves marked.

The ORDINARY—I will allow the papers to be marked, and counsel may open the envelopes and allow the stenographer to mark the papers to correspond with the marks already on the envelopes.

MR. COLLINS:

Q. Describe the general character of the hand- 40 writing of the body of the will—that is, is it a round hand, a regular hand, irregular hand, a straight hand or sloping hand or what; give the general character of the handwriting?

A. I should call it an angular hand, angular and shaded?

Q. You do not give me the information I asked for. I gave you other elements and I want you to give me an answer to the whole of my question,

which is to describe the general character of the handwriting in the body of the will, as to whether it is a round hand, a regular or irregular hand, a straight or sloping hand. I want the general character of the handwriting?

A. It is somewhat irregular of about an average slope written mainly with finger movement, angular and shaded.

Q. Has it any special peculiarities; if so, what?

A. It is somewhat vacillating as regards the slope, more so than most writing; the loops or extended letters such as the "H's," "L's," "B's" and "F's" are open lines instead of being the customary loops for those letters in writing. It is more uniformly shaded than most writing.

Q. Do not the extended lines, such as the staffs of the "H's" and "L's," and so on, take a turn to the left as they come down?

A. The "H's" as a rule, and the "K"; I hardly think that would be the case with the "L's" or the "B's".

Q. Because they have a curve to the right?

A. Their very construction would be against that.

Q. How about the letters that do not have that element of construction?

A. That is the fact.

Q. "T's" would be in the same category as the "L's," would not they?

A. They should be as a rule, but they are not so in this writing. In the "T's" very frequently they turn as do the "H's" and the "K's" to the left as they approach the base line.

Q. Don't you find that so even with "L's;" take the photograph, or the will itself, that is the signature of "George P. Gordon" on it, have you got it before you?

A. Yes, sir.

Q. Look at the word "All" at the top of the third line of the photograph, don't the "L's" of that all turn to the left and then to the right?

A. They do; that is not the rule, though. If you

look to one you will see—look at the word "will" on the third line, the second word, and so in the word "last" of the second line—so as that in the "L's" they vacillate in that respect.

Q. Look at the word "pertaining" on the fourth line, the first word, does not the "T" make a distinct turn to the left and then at the bottom to the right?

A. There is a waist and it bulges out to the—— (Interrupted).

Q. I ask you if it is true that the down strokes have not that peculiarity?

A. The waving?

Q. Yes?

A. Yes, sir.

Q. Look at the letter "P" in the word "Proper," in the fourth line of the photograph?

A. Yes, sir; one of them.

Q. Is not that a peculiarity of his writing that it is a characteristic?

A. Yes, sir.

Q. Do you see any of them in the three "Adams" signatures?

A. Yes, sir.

Q. Where?

A. I pointed that out specifically in the "H" in "John"; that was one point I made, and the "L" in "Alonzo" it turns slightly to the left and bulges out at the bottom.

Q. It turns to the left and not to the right?

A. Yes, sir.

Q. I mean that the "L" instead as it comes down to the "L" of "Alonzo" turns the other way?

A. It has a particular swing at the extreme left down—it has the angularity—as in the words "John" and "Adams."

Q. You think that has the peculiarity I have described?

A. Yes, sir.

Q. I do not refer to this peculiarity at the bottom of the staff, but to the general pecularity that causes

the letter to hollow out so that the concave side is on the left like that of the first "p" in proper.

A. Yes, sir.

Q. And like the "t" in pertaining?

A. Yes, sir.

Q. And like the "t" in "executor" in the top line, do you find anything of that?

A. I do not find that to be a rule in the writing; you and I have misunderstood each other entirely as to this question. I take it to be as to that particular swing at the extreme base of the letter; it is at the turn at the base of the line; I do not observe it in these signatures.

Q. Don't you find it in these I have pointed out?

A. I say in the body of the writing, yes; but not in the signatures; in the body of the writing I do.

Q. That is frank and fair; have you found any "M" in the body of the will that is like an "M" in either of the three witnesses' signatures?

A. Yes, sir.

Q. Where?

A. The "M" in the first "Adams" is the prevailing "M," almost identical throughout the body of the will.

Q. You are willing then to deliberately state, after a careful examination, that the "M" in the first "Adams" prevails throughout the body of the will?

A. Yes, sir.

Q. Substantially identical, I understand you to say?

A. Yes, sir.

Q. Aside from some special letters or crooks to which you have referred as similar or identical to those found in the body of the will, is in your opinion the handwriting of either of the attesting witness' signatures substantially like the body of the will or different?

A. It differs, as I assume the three signatures being written by one person are in those varied that they may not appear to be written by one hand; but the general character of the writing in the will is that

of a shaded—uniformly shaded hand; the "D's" vary between the three "Adams" signatures the same as they do in the will in respect to the strength of the lines and the position of the shading. 1C

Q. The question is, in your opinion, is the writing substantially alike, aside from those comparative features, or substantially different?

A. In the apparent movement of the hand and the apparent degree of skill manifested and the uniformity of the shading generally they are alike.

Q. I do not think you understand me, or else you are evading me; is the handwriting substantially alike in appearance? 2C

A. Yes, except that the signatures are written on a little larger scale and a little heavier.

Q. Would an observer be likely to know, on a casual inspection and comparison with the body of the will and other signatures, whether they were written by the same hand or not?

A. Not on a casual inspection.

Q. Why not? 3C

A. Because the signatures are written more deliberately upon the larger projection and intentionally, in my opinion, changed from the ordinary habits of the writer to some extent—for instance, the form of the "N" and the "M," as it is in "Henry Adams," is reversed in its manner of construction partially in—— (Interrupted).

Q. You are now again going into details; I presume that the casual inspection would not discover the details?

A. No, sir, and overlooking the details he might be misled. 4C

MR. MILLER—I ask that the witness be permitted to give his reason why they would not.

MR. MILLER;

Q. Have you any other reasons to give?

A. I have others. I was in the midst of reasons

when I was interrupted. The word "Henry," the two members are connected by a right curve giving it an "N" like form—the "M" in "Adams" is also connected, giving it an "N" like form. The "N" in Alonzo, while the contractions themselves are identical with those which forms the "N" and the "M" in "Henry Adams," are connected by a left hand curve which changes the character of the letter "M" in the word "Adams;" the first connecting line of "Alonzo" is a left hand curve, while the second is a right curve and identical with the last part of the first "N" of of the "M" in the name "Henry Adams," which to my mind indicates an intimate relationship between them, inasmuch as all the strokes are precisely alike, the only difference being in the reverses which connects the curve.

In the "John Q. Adams" signature the strokes are identical, except that they are joined together to the "A" first with a combined curve, and the other two turns being left curves, but the shading and the turns at the base and the spacing from the letter "M" to the letter that follows it are identical.

Hence to my mind there is an intimate relationship between the three letters, the three "M's", and the changes to my mind appear to be simply intentional in order that they may not appear to be the product of the same hand.

Mr. COLLINS:

Q. So you think that the writer deliberately changed the style of the making of his "N's" and "M's," do you?

A. Yes, sir.

Q. And he must have been pretty expert and a deep thinking forger?

A. No, sir.

Q. Why.

A. I think that is a very bungling piece of work; I do not think there is—Interrupted.

Q. You misunderstand me; I did not mean whether you think the forgery, if it be one, is a good one,

but what I mean is that to think of such a thing as that, the changing of his hand in those respects, must evidence a pretty deep thinking man?

A. No, sir; I think there was a very great lack of thought and ingenuity in making the three signatures that are so essentially alike that these three are.

Q. I speak of the change of the strokes of the "M's" and the "N's" in the different signatures; that indicates considerable shrewdness, does it not?

A. No, sir; the change is so slight that I do not regard it as a shrewd change.

Q. What change can there be in the letter "M" beyond having the curve in the upper part and in another sample the curve on the lower part.

A. There might have been a change in the slant and in the spacing and the relative position in regard to the other letters—multitudes of changes might be introduced by a skillful forger to separate these—Interrupted.

Q. We have wandered far from our first question, which was whether, apart from the resemblance and individual letters or combination which you think you discerned in the body of the will and in these various signatures, does either signature substantially resemble the body of the writing or does it differ from it?

A. It differs from it.

Q. That is what I want to know; and each signature differs from the other two in vital essentials, does it not?

A. Yes, sir.

Q. In details?

A. Yes, sir; in many details it differs.

Q. Then your theory is that the resemblance between the three are the result of the unconscious habit of the writer?

A. Yes, sir.

Q. And the variation from design?

A. Yes, sir.

Q. Cannot you on the same theory prove any two

writings which were made on the same general plan to have been written by the same man?

A. No, sir.

Q. Suppose a man was accustomed to make his "H's" in that way as in the "Henry Adams" signature, and to make his "D's" in the way the "D" in the "Henry Adams" signature is made, and to make his "A's" in the way the "A" is made in the "Henry Adams" signature, and another man accustomed to make the same letter in the same general way and they both write with a finger movement and both might slope off about the same and in the general style of handwriting about the same, would not what you have said of these three signatures be true of those two?

A. Taking all of your suppositions to be true it would.

Q. When I speak of making letters the same way, I do not mean in details or in the strokes, as for example the curving of the light line of the capital letter "A" to which you have alluded; I mean making an "A" of that class construing my question just explain--that is, supposing a man was accustomed to make his "H's" in the way that the "H's" in the Henry Adams signature are made, and his "D's" in the way the "D" in the signature "Henry Adams" is made and annother man accustomed to make the same letters in the same general way and both writing with a finger movement with a slope of about the same degree, and in the same general style of handwriting, would not what you have stated of these three signatures be true of the two?

A. That of course would depend on the circumstances of each case—how near they approximate each other in their forms—yet when we come to the details of the joining of letters and the weaving of them together to make up the writing, there would be a characteristic difference that would be inevitable, and it is that characteristic resemblance that I find running through this writing in spite of the variations.

Q. What is that characteristic variance?

A. The "H" is; so far as that one letter is concerned, I should place very little estimate on it, because fifty different men in writing "H" would would make that kind of an "H;" out of fifty there might be a dozen that would have an "H" that would coincide exactly with this.

Now, when we reach the letter "A" the manner of commencing and the peculiar waving to the left, and the changing of the direction at top, and looking through considerable writing I find it several times, and I find that that is a peculiar characteristic that would not be found coincident in the writing of one thousand persons making that sort of letter—it is coincident to a certain extent as between the letter "A" in the name "Henry Adams" and in the name "Alonzo Adams."

Q. What do you mean by "to a certain extent"?

A. I mean a curving to the left slightly; not so conspicuous in the name of Alonzo Adams as in the name Henry Adams—Interrupted.

Q. Does not the curving which you say you find in the capital letter "A" of the second "Adams" entirely arise from the projection of the loop over the line of the letter?

A. Not at all, because the loop is made subsequently and cannot affect that.

Q. Does not the ink in the loop and the ink in the line run together?

A. No, sir; there is a perceptible curving upward and a rising up at the end after the manner of curving, same as at the top of them.

Q. You say they are not so conspicuous?

A. Yes, sir.

Q. You think you can see that?

A. Yes, sir.

Q. Well, go on?

A. Now, the fact that two odd forms are used, as I have previously stated, now eliminate those, which

I believe are put in for the purpose of disguise, in order that they might look differently; then I say we have precisely the same beginning in both the capital letters "A" in the name of "Alonzo" that we have in the name of "Henry Adams." And then again the using of a different type of "A" further supplements me in my idea of disguise, because it is not customary that "A"—the small letter "A" in the word "age"—is ever used for a capital, as it is in the name of "John Q. Adams." The fact that it is used in the two other names would be a very ordinary method of introducing a variation.

Q. What right have you to assume that the peculiarity that the writer in the name of Alonzo C. P. Adams had in beginning his letter "A" is feigned?

A. From the fact that it is exceeding eccentric—it is odd, and at the same time rare in individual writings.

Q. Don't you find eccentricities in people's writings?

A. Yes, sir.

Q. Do you always assume they are feigned?

A. That depends on circumstances. Here are two repeated that vary to a very great extent—there would be a greater variety unless there was that in it, and this would indicate to my mind that that there was direct thought exercised in this particular point. Referring to the letter "A" in "Alonzo" and the letter "A" in "Adams."

Q. Don't you find the "G's" in the various standards that you have examined of the "Geo. P. Gordon" signature that are as much alike as these two "A's"?

A. Not in that particular respect.

Q, I did not ask you in any particular respect?

A. Well, in that particular respect is the disguise, and all I am speaking of now is with reference to that subject.

Q. What right have you to assume that any particular thing in a letter is disguised?

A. Well, I find the general character of the writing is the same in pressure and the same in the strokes and in the movement and spacing and everything, and then I find a uniform oddity introduced, and where other circumstances would reasonably lead me to suspeet there must be a disguise, then I pronounce that a disguise. I mean in a general way I find so much as between the three witnesses' names that is common and of the same hand evidently that I am forced to the conclusion that it results from having been written by one person.

Now all that I find against that, is a few peculiar little oddities. There is one in the beginning of the letter "A" to which I have called your attention, and I think the probability of the "C," the heavy stroke at the top is not common to the handwriting of the party who wrote it, and I doubt very much that a "Q" is to be found in the handwriting of the person who wrote that, whoever it was, and when I find a peculiarity twice in the body of a writing and the rest of it identical, that is, the characteristic part of it, then I conclude that this part is purposely introduced, in order to disguise or for the purpose of a disguise.

Comparing the tail of the letter "J" in the name "John Q. Adams" with the letter "J" in the word "July" of the last line of the attestation clause—— (Interrupted).

Q. This must necessarily be conjecture in the absence of any authentic specimens of John Q. Adams' signature?

A. Yes, of course.

Q. You conjecture a fixed theory?

A. No, sir; I conjecture after, or rather from, other facts that I am forced to this conviction by.

Q. You find certain differences and you eliminate these differences as intentionally put in, is that true?

A. Yes, sir; where the other facts preponderate so

that it is impossible to believe that it was not written by the same person.

Q. Answer me directly; I say you find certain differences and you then eliminate those differences as intentionally put in, is that true?

Mr. MILLER—I think the witness has already answered the question.

The ORDINARY—I think the question is susceptible of an answer "yes" or "no." It may be so answered, and the witness can make an explanation afterwards.

Mr. COLLINS:

Q. Is it not true that you have, as you think, discovered certain similarities between these writings in the signatures and the writing in the body of the will?

A. Yes, sir.

Q. And is it not true that you have, as you think, discovered certain differences between the writing in the body of the will and the writing of the signatures and other signatures?

A. Yes, sir.

Q. Is it not true that the resemblances lead you to think that the four signatures are written in the one hand?

A. Yes, sir.

Q. Is it not true that you have eliminated the differences in the signatures on the theory that they have been put in by design?

A. A portion of them; some of them I think may be an accidental variance of handwriting; no person ever writes two things exactly alike; I think that a portion of the differences in the writing are accidental and another portion the result of intention.

Q. You classify them as accidental and intentional and by a sort of intuition you have come to the conclusion you have?

A. No, sir, in obedience to other facts which I

have observed and from examination and compari- 1C
son of the writings.

Q. Have you found any "S" in the body of the will that ends as abruptly as the letter "S" in the name "Henry Adams"?

A. Not quite.

Q. If you found that the old gentleman Henry Adams was accustomed to make such an "S" as that and none of his sons were, what would you think?

A. Well I should either think that the old gentleman made that "S" or the son made it knowing 2C
pretty well how the old gentleman made it.

Q. Trying to copy the peculiarity?

A. Yes, sir.

Q. Suppose you found that the old gentleman made the letter "A" with the line curving out to the left a little, what would you think then?

A. My answer would be the same.

Q. When you refer to and endeavor to show the degree of slope of the writing in the body of the will Exhibit P 1, did you refer to the whole of the 3C
writing or only or chiefly to the long letters such as "H," "L," "P," &c.?

A. I do not recall having attempted to show the slope of the writing in the body of the will.

Q. You spoke of the slope being the same as the signatures?

A. I might have said that but it was merely in a general way, not specifically demonstrating it or showing it.

Q. In saying that the slope of the body of the will is the same as that of the signatures to the instrument, do you refer to the whole writing or only the 4C
long letters in the body of the will?

A. I should refer to the whole of it, and that is on the basis that I have also stated that the writing in the body of the will vacillates materially.

Q. It does not in the signature?

A. Yes. Take the slope of this letter "J" in the signature "John Q. Adams" as compared with the letter "A" in the signature Alonzo C. P. Adams, and

the letter "H" in the signature "Henry Adams."

Q. I admit that the slope varies in the signatures, and you say it does, too?

A. Yes, sir; and in the will in the same manner.

Q. Does the slope in each signature vary?

A. Yes, sir; for instance the letter "n" in "Henry" the middle stroke varies from either of the two others and the letter "S" varies from that of the "P," and so the strokes in the name "Henry Adams" the members of the letter "M" do not slant as they do in the letter "R". Taking also the name of "Alonzo C. P. Adams" the last stroke of the letter "N" is a slanting stroke, whereas the first stroke of that letter is more perpendicular than the last stroke, and the same thing may be said of the letter "M" in "Adams."

Q. Taking the whole, the general effect of the slope is the same throughout the whole of the signature?

A. Fairly so—the slant of the letter "J" in "John" certainly would not hardly conform to the slant in any other letter in the whole name.

Q. The slant to the upper part of the letter "J" would?

A. Hardly, the average slant to the top would be—now placing my straight edge on the angle at the top and in the center of the angular formed top—half of the letter "J" in John would represent fairly that slant, and placing the straight edge on a parallel with the capital stroke of the letter "A", or from that point to the center, you see there would be very considerable variation (indicating).

Q. You have been comparing the differences in the slope between the "J" in the "John" and the "Alonzo"—you found considerable difference?

A. Yes, sir.

Q. My question was whether the slope was not substantially the same in the "John Q. Adams" signature?

A. The slant of the "J" fairly indicates it.

Q. Which indicates it fairly?

A. You asked me for a specific comparison of the slant of the top?

Q. Yes?

A. That is indicated by placing the pointer at the top thus—(indicating) now if I take the slant of the whole letter—interrupted.

Q. I am asking for the top?

A. When you asked me for the whole word I considered that you meant the "J" as compared with any other letter?

Q. What is the average slope of the signature "John Q. Adams" without the "J"?

A. Well I should say the average slant would be about 60 degrees.

Q. Is not the slant fairly uniform?

A. Fairly so, yes, sir.

Q. Is not the slant of "Alonzo C. P. Adams" fairly uniform also?

A. Yes, sir.

Q. Is not the slant of the name "Henry Adams" fairly uniform also?

A. Yes, sir.

Q. And yet you find a considerable difference as you have just shown by placing the pointers between either one signature and either of the other two?

A. Only the parts—if I eliminate the letter "J" from the "John," then the balance is in perfect slant with both signatures above.

Q. Put your pointer on the letter "L" in "Alonzo" —does it—(interrupted)?

A. It is so (indicating).

Q. Exactly; now put it on "H" in the name "John"?

A. I see it slants somewhat more if I bring it to the letters "A's," then they are exactly parallel to the top.

Q. I do not see it.

A. That is the letter "A" in "Henry Adams" and the letter "A" in "Alonzo."

Q. Don't you see that the pointers get nearer together towards the top?

A. Well, slightly; yet you could not see it in the

letters themselves; it is only on a long measurement that there is a slight difference.

Q. What I want you to put the pointer on is the "L" in "Alonzo" and the "H" in "John"?

A. I see there is a slight difference there.

Q. What do you call straight writing?

A. I hardly understand what you mean.

Q. I want to have the same meaning between us —that is the reason I ask the question—I call straight writing, writing which is nearly perpendicular—sloping, but very little either way.

A. I should call it upright writing, and backhand when it goes beyond the perpendicular.

Q. I will call it "upright"—is not the body of the will, aside from the long letters, pretty nearly straight or "upright" writing?

A. No, sir.

Q. You think not?

A. No, sir.

Q. You would not designate that as straight writing?

A. No, sir; far from it.

Q. Is it not a very careful hand, that is, was not the writer careful what he was doing?

A. Well, it is a very legible plain writing; it is deliberately written, I should say.

Q. I show you a paper containing the signature of George P. Gordon to a specification to a patent, and I ask you what you think of it?

A. Well, I should say that was written under difficulties, with ink and pen, which renders it practically no signature for comparison at all.

Q. You have no doubt he wrote it?

A. No, sir.

Q. So that you think writing under peculiar circumstances may affect a man's signature?

A. Certainly.

Q. Here he was writing on vellum?

A. On oil-cloth, which is a difficult thing to write on, and quite likely he had a poor pen and ink and a

combination of circumstances going against good writing.

Q. And so the writing on moist paper with a steel pen where the writer was accustomed to use a gold pen and a marble-top table might also affect the man's hand?

A. Any change of circumstances to a certain extent will change a man's handwriting, that is the appearance of it, but not the characteristics.

Mr. COLLINS—I offer in evidence the specification to the patent which has just been referred to.

Marked Exhibit P 31. April 24th, 1891.

Q. I show you Exhibit P 3, turning down the date and the signature, and I ask you if you have seen any of that writing?

A. From the examination, an examination of a few moments, I would not like to be very positive with reference to that, but my impression is that I have.

Q. In handling that paper you just lifted it up and allowed the lower part to fall open and exposed the signature?

A. If I did, I did not see it.

Q. Did you not do it.

A. Not that I am aware of.

Q. As you lifted it up, didn't the lower part come down like that (indicating)?

A. I didn't lift it high enough; positively I have not seen one stroke of that paper below the fold.

Q. I ask you the question, didn't you, as you lifted it up, allow the lower part to fall down—didn't you lift it up and change the position of it?

A. Yes, sir.

Q. And in doing so, didn't the lower part drop down and expose the signature?

A. I do not know that it did.

Q. The court was standing besides you and saw the lifting of it?

A. I do not know whether he had reached it; I

did not notice it, I am sure—I wanted to bring it into juxtaposition with this writing which I have here; that is all I did.

Q. The various counsel were standing around you, were they not?

A. Yes, sir; but I will say with all the sanctity of an oath on my mind, that I am willing to affirm that I have not seen or taken cognizance of any stroke outside of what you showed me.

Q. Don't you affirm all that you have said in this case on your oath?

A. Yes, sir, and this specifically.

Q. This more so than the rest?

A. No, sir.

Q. Why did you add that asservation?

A. To give it a little more emphasis.

Q. You think when you are under oath—that when you inform the Court and counsel that you are under oath—that it is better evidence.

A. Well that is for them to put their own construction upon.

Q. You say you think you have seen the handwriting of Exhibit P 3 before?

A. Yes, sir.

Q. Where?

A. When examining the will.

Q. Do you think it is the handwriting of the draughtsman of the will?

A. I do; that is my impression from the brief examination I have been able to give it.

Q. If this that you see before you is normal writing, is it not your opinion that in drafting the will he was writing with extraordinary care?

A. Well, with greater deliberation.

Q. With greater deliberation?

A. Yes, sir; whether extraordinary or not I cannot say—with quite a degree more of care and thoughtfulness.

Q. Would you not style the writing in the will the engrossing hand of the person of whom the letter Exhibit P 3 is the ordinary hand?

A. No, sir; I would think it was merely more thoughtfully written—a paper that required more thought and more care, and of course the hand kept pace with the deliberate and slower action of the mind, more so than it would in the writing of an off-hand letter.

Q. Supposing that the instrument Exhibit P 1 was was not written by him as a work of the mind, but as a copy made from a previous draft?

A. That would operate about the same, because the eye must constantly pass from the work being done to the copy, which requires deliberation—a party copies more deliberately and slowly than they would write an original composition that they are familiar with.

Q. Aside from the unconscious characteristics, was the writer using two different kinds of hand in the letter and in the body of the will?

A. Well, I define one as more flowing and a more rapid hand as against the other, yes, sir.

Q. The other is more cramped than the body of the will?

A. Yes, sir; somewhat so; yes, sir.

Q. Well, we come to the same thing. Is the body of the will, in your judgment, written with a finger movement?

A. There is a little of the wrist movement in it—a combination of the wrist and finger.

Q. What sort of movement is in Exhibit P 3?

A. More of the wrist than the finger.

Q. Very little finger in that?

A. Yes, sir.

Q. And in the body of the will more finger movement?

A. More finger than wrist.

Q. When a man using the wrist or forearm movement, or a combination of the two is used, does not his writing vary a great deal from what his writing is when he uses the finger movement?

A. Well, as regards flow and ease, yes, sir.

Q. And therefore in general appearance to the casual observer—Interrupted.

A. Yes, to the extent that the one movement predominates over the other in two handwritings.

Q. What movement was used in the three Adams signatures?

A. Some wrist and some finger.

Q. Mostly what?

A. Mostly finger.

Q. What movement was used in the Gordon signature in Exhibit P 1?

A. Some wrist and some finger.

Q. Mostly which?

A. Mostly finger.

Q. What movement was used in the standards or check signatures you have examined?

A. The wrist and forearm.

Q. Scarcely any finger?

A. Very little finger movement in it.

Q. You think that in the Gordon signature in Exhibit P 1, that is to the will, you perceive a combination of finger movement and some wrist, I think you said?

A. Yes, sir.

Q. Which is the wrist movement?

A. The wrist movement will be on the up lines to the letter "G" and probably a little in the sweep, that is the belly piece of the signature.

Q. The rest of it the finger movement?

A. There is a combination of wrist and finger in the flourishes under the signature.

Q. Do you find the slope of the letters in the Gordon signature to be one, that is substantially uniform?

A. Fairly so.

Q. Was Exhibit P 27 or either of the two written with the finger movement?

A. It is somewhat difficult to speak of movement accurately on a pencil writing as the hand rests so on the pencil point, that it is about the same.

Q. What do you think?

A. I should say that was a combination move-

ment and that there was quite a movement of the finger, the shading in that would indicate that. 1C

Q. That is what we think, too, and we will take no further time on it. Is not the signature to the will Exhibit P 1 more like what we may term a round hand or a school hand than the writing in the body of the will, you see it on cartoon Exhibit D 67, samples of both?

A. I should hardly think of making that distinction between them myself.

Q. Is not the signature much nearer a round hand than the writing above it? 2C

A. No, sir.

Q. Is there not much more angularity in the writing just above it?

A. I think not.

Q. You have said that the characteristics of the will is angularity; now do you find angularity in that signature?

A. Yes, sir; it is composed of such letters, though that they do not indicate it very much, as, for instance, the letter "M" is the only letter in it that would probably be composed of angles—there is an angle in the top of the letter "R"—they are, I think, the only two letters; but in looking at them the impression is that there was less angularity than in the lines having more "M's" or "N's," and hence it is more difficult to compare that combination of letters with the words like some of the words above. 3C

Q. Is there not much more regularity than in the writing above—taking the letter "D" and the letter "C" in the word "and"—is not the one as full of angles as the other? 4C

A. These lines are hardly fair comparisons with the average writing in the will.

Q. Am I not right in what I say as to the lines above?

A. Yes, sir.

Q. I am right as to the letters above—you admit that?

A. Yes, sir.

Q. Have you seen enough of the handwriting of George P. Gordon to form a judgment of it, except as to signatures?

A. Yes, sir—that is, to a certain extent—not to the extent that I should wish to if I was to pass on the body of the writing. I have examined it only as it appears in checks and one or two letters.

Q. What are those letters you speak of?

A. One of these shown here in court the other day.

Q. Have they only shown you two letters?

A. I cannot say exactly as to what I have seen, that is as to the letters.

Q. Very few at best?

A. A few letters.

Q. If any, very few, you have had furnished to you?

A. I am under the impression that I have seen three or four.

Q. Don't you think if they had large quantities of letters they ought to have furnished them to you in order to give you a fair opportunity to test the writing?

A. I do not see the necessity of submitting to me a large body of writing of Mr. Gordon's when the signature is the only question.

Q. Don't you think they should have given you signatures to letters as well as checks?

A. No, sir, I do not think so—in fact, ordinarily such names written to letters are written very differently and hurriedly, and sometimes only the initials are used, and sometimes only part of the name written.

Q. In order to form a complete judgment of the man's different ways in writing his name, should you not have seen them?

A. I think the wider the range of signatures the better, of course.

Q. Is it not true that a man frequently, for reasons connected with the checking of fraud on their bank account, have what is called a "check" signature that is peculiar?

A. Yes sir.

Q. Now I ask you, you think you can tell me something about Mr. Gordon's writing, and I now ask you to look at "Exhibit D 70 for identification, April 22,1891," and tell me who you think wrote the body of the writing above the name "Geo. P. Gordon"?

A. I should want to see that in connection with other of the body writing of the will—interrupted.

Q. I will show you it in connection with this autotype, marked Exhibit D 64?

A. I should wish to see other body writing of Mr. Gordon's, at least to the extent of checks which I have seen. I have only an acquaintance casually with these checks inasmuch as there was no body writing in question, and it was as to the signatures I looked at and not with reference to passing upon his body writing.

Q. I will show you a letter (handing witness a letter)?

A. If you give me a letter I shall not hesitate to give you an opinion.

Q. Well, I give you the letter you have already seen the other day.

A. I have not passed upon the whole letter as to its genuineness at any time, I have simply seen it and examined the body writing.

Q. I do offer that as the genuine handwriting of George P. Gordon and I show you another letter which we will have marked "Exhibit P 32 for identification"—I have no objection to tell you what that document is—it is the alleged Brooklyn will of George P. Gordon, and that is the reason that will is not here; the Clerk took it away with him; I want to know whether you think it is or not the olographic—that is a will written by the testator himself?

A. Have you a letter approximating more nearly the date; one letter is in 1869 and the other in 1870, while this will is dated in 1873?

Mr. COLLINS—I will call upon Mr. Black to see if he can find any letters nearer 1873.

Mr. BLACK—I think we haven't any; we have nothing later than 1869, although we have some press copies in 1874, if that would help you.

WITNESS—It depends on what condition they are in.

Mr. MILLER—I have a letter dated in 1873, but I do not want it to be read at this stage of the case; I will turn down portions of it and hand it to the witness, and ask that it be marked Exhibit D 94 for identification (handing a paper to the witness).

A. I am unwilling to give any positive opinion as between the photographs and pen and ink writings; I find an apparent resemblance—in fact, many apparent resemblances—between the body of the will and the writing in the letters before me; yet it is my impression that it is not Mr. Gordon's writing.

Q. Do you think that the man that wrote it tried to imitate Mr. Gordon's writing—that is, tried to commit forgery?

A. It is possible; he might have had a draft of Mr. Gordon's writing before him, and been unconsciously influenced by it; that is often the case where copyists having forms before them they to some extent make use of them.

Q. You have taken over fifteen minutes to examine the paper, and done it with a watchmakers' eyeglass?

A. I cannot say as to that; I have taken no notice of the time.

Q. You did it with a watchmakers' glass?

A. A magnifying glass.

Q. Does it seem to you that it has consumed fifteen minutes?

A. Possibly.

Q. And you are unwilling to give a positive opinion?

A. Yes, sir.

Q. It may be or it may not be?

A. It may be and it may not be, but my impression is that it is not.

Q. That is only an impression?

A. Yes, sir.

Q. Do you think it is the handwriting of either of the subscribing witnesses—do you see any similarity—or do you think it was drawn up by a fourth person; Mr. Gordon is one, Farrington is two and Thorn is the third; now is it either of these two or a fourth one, if not Mr. Gordon?

A. I should hardly want to say that from merely comparing the signature here with a photograph.

Q. Do you see any resemblance between either of the witnesses' writings and the body of the writing?

A. I do see some resemblance.

Q. Which one?

A. But not enough so that I would want to form the opinion that it was written by either of them.

Q. Which one?

A. There is some resemblance in the letter "G" in the name "George W. Thorn," is it?

Q. Yes.

A. And the "G" in the "Gordon" in the body of the instrument.

Q. Any other resemblance between Mr. Thorn's signature and that?

A. No, sir; I should hardly think that Mr. Thorn wrote it.

Q. How about Mr. Farrington?

A. Or Farrington either—I think I could speak with considerably more positiveness if I had the original writing.

Q. Do you find in the body writing of Exhibit P 1 an irregularity in the fact that the small letters are all of different sizes—I do not mean right here (indicating), look on these few letters in these lines—I mean the whole body of the will (indicating).

A. Yes; but quite to an extent they vary.

Q. Do you find that that is not so with the single

New Jersey State Library

exception that "G" is larger than the small letters in the signature of "Geo. P. Gordon" in Exhibit P 1?

A. They are more regular, as it happens that those are composed of the letters that vary less in the body of the will. For instance, the "O" and the "R" are about the same height in the body of the will, and they vary less than do the "M." The last part of the "M" and the "N" are as a rule dwindled to almost nothing, being little more than a slur in the body of the will, and that is the case in the "N" in "Gordon" in the signature.

Q. You can hardly see the last member of the "N"?

A. Proportionately it is considerably smaller than the one above it in the "and" above and considerably stronger than the second one, and that is a sort of characteristic in the "M" and the "N."

Q. You perceive in the word "and," and also in the word or letter "N" that the belly portion of the "D" is much larger than the other small letters?

A. The "O" part of the "D" and the "A" and the "O" will be about the same all through?

Q. And the belly of the letter "D" in the word "And" you say in Exhibit D 67 is much larger than the belly of the "A," in the same place in the word "seal."

A. You will find that an exceptionally large "D" in the first part of it.

Q. Is it not true that the belly part of the "D" in "Gordon" in the signature is surely not any larger than the "O"?

A. About the same.

Q. Well, then, you think that what happens to be just above the signature in the cartoon does not prevail through it all.

A. No, sir.

Q. If you did find it prevail then you would have to say there was a difference in the form or size in the small letters in the will, would you not?

A. There is a variation, but there is very few "D's" having the "O" part as large proportionately

as that—that is, proportioned to the other writing, and also the staff or last stroke of the "D."

Q. As to penmanship: Looking at all the writing in question which is the best, the body of the paper, the signature of Mr. Gordon or either of the three "Adams" signatures as witnesses, taken as a whole, which is the best penmanship?

A. Strictly on the word "best" or equality, there is very little difference. The body of the will is not written with quite such a degree of deliberation that the signature of Mr. Gordon shows. The name "Henry Adams," "Alonzo Adams" and "John Q. Adams," as the witnesses, are also written with more deliberation than the body of the will. It is written with a much more heavy shaded hand, and in my judgment intentionally to have it appear different from the body of the will.

Q. Why do you think so?

A. Because the comparison of the writing in its characteristics in the body of the will and in the signatures leads me to the conclusion that it is the product of the same hand, and that the variation is intentional.

Q. That is on the same line that when you found that having pronounced by comparison that the handwriting is by the same hand, the further variations you find must be intentional you think?

A. Not exactly pronounced, but having satisfied myself from the fact produced that that is so. If I find some accidental variations not coinciding, such as I am forced to the conclusion that they are accidental and not intentional—but I think these are intentional and that there are other accidental variations in handwriting.

Q. Would not a person called in to write his name as a witness who was not accustomed to writing frequently use more deliberation than a practiced draughtsman of legal papers would?

A. He would be likely to.

Q. Does not the signature of "John Q. Adams" indicate to you the writing of a man capable of nat-

urally becoming a good penman, but from his mode of writing would—interrupted.

A. It is not good writing, but yet it is good practical writing; the letter "M" is a good letter, and the "A" is a good letter—interrupted.

Q. Irrespective of who wrote them, whether they were feigned or otherwise, which personates the best signature of the four names, the best handwriting of the four names, as a matter of chirography, the best handwriting?

A. Well, sir, I should find it impossible to fix any degree of variation in the quality. The word "Adams" is composed of letters which sort of tend to give that a little easier and better appearance than the word Gordon. The letters "ord" and "on" are somewhat difficult combinations. For instance, given to a pupil to copy the writing of the name "Adams," they would be able to write that with less difficulty than the word "Gordon." Again, give them the word "Gordon," they would make a page look very awkward, look very badly, it would not make nearly so good looking a page. It would not impress the beholder nearly so well as to his ability as the page with the word "Adams" in it. Hence there is that appearance, and the three "Adams" signatures in juxtaposition of each other and writing being alike, it would present a degree of uniformity which might impress one that it was written better than the word "Gordon."

Q. Yet having in mind the fact that the word "Gordon" was a harder word to write, would you pronounce that to be the best?

A. No, sir, I think the word "Gordon" does not look so nice as the word "Adams"; I attribute that to a more difficult combination—a less artistic combination.

Q. Which stands out the clearer?

A. Apparently on the cartoons as they are there—compare this first cartoon—(interrupted).

Q. Compare Exhibit D 68 with Exhibit D 67?

A. The "Adams" signatures stand out with more

bluntness and boldness because they are stronger lines—more ink used than in the word "Gordon."

Q. Is there not considerably more emphasis in all the "Adams" signatures than in the "Gordon" signatures?

A. Yes, sir, somewhat more, and yet the emphasis on the letters "A" and "M" is altogether different from what it is in the letters "ord"—the "O" naturally; the one side is uniform with the "O" portion of the letter "A"—there are two movements, two strokes; they are uniform; now take the letter "R"—in the formation of that letter there are four strokes necessary, and hence a series of letters taken in that way do not give the same means of comparison—(interrupted).

Q. Compare the letter "D"; which is the best "D" there?

A. The "D" in the name "Henry Adams" and that in the name "Gordon" there would be very little difference.

Q. Is not the "D" in the "Gordon" better proportioned?

A. I think not; so far as the staff is concerned it may be; it is somewhat increasing in strength in the "Adams" signature, while uniform in the Gordon signature. In the name of "Alonzo C. P. Adams" there is some uniformity, the same as in the word "Gordon" and with a little larger scroll perhaps.

Q. Is not the "O" portion a better ellipse in the word "Gordon" than in the word "Adams"?

A. I think not; it is a line that gives a clearer opening.

Q. Which is the more graceful signature of the whole?

A. I think there would be no choice as between them.

A. Are you able to divest your mind of the theory that one man wrote the four signatures sufficiently to estimate the comparative elegance of the chirography standing by itself?

A. I think so.

Q. Try and do so, and tell us which is the most elegant of the four signatures?

A. Well, sir, I should toss up for a choice.

Q. That is your judgment?

A. Yes, sir.

Q. In their general appearance do the signatures of the "Adams'" in the attestation clause really resemble each other or appear to be the same handwriting—do they really resemble each other or appear to be the same handwriting, or do you deduce it from your analysis?

A. They do appear to me in their resemblance to be the same handwriting—I think there is little doubt of it.

Q. Do you think also that they resemble the handwriting of the body of the will?

A. I hardly think that, casually observed, a person would—(interrupted).

Q. That is not my question; I ask you whether they resemble the body of the will?

A. They do, taken as a whole, a casual observance, and without going into the details at all; I should first say no, not to carry conviction that they were the same on a casual observation.

Q. Is the "George P. Gordon" signature, taking and comparing it with any other written one, as regular and uniform as his signatures usually are?

A. I think so.

Q. If, as you contend, the "George P. Gordon" signature is a forgery, is it a simulation or in the usual handwriting of the forger?

A. I think it is intended to be a simulation.

Q. And yet you have seen no handwriting of which it is a simulation?

A. Of which it would be a good simulation; no, sir.

Q. Of which it would be a simulation, that is my question?

A. Yes, sir; it is a simulation of all the signatures of Mr. Gordon, but a very poor one.

Q. None which embraces the elements which you have pointed out, the differences? 10

A. In a general way; for instance, the "Geo." in the name of Mr. Gordon has a Greek "E" following the letter "G," so there is in the questioned signature. Mr. Gordon uses the combination "Geo." instead of writing the whole name, and sometimes he uses the initial, so it is in the questioned signature. Mr. Gordon places a period after the first portion of his name—after the "Geo."—so it is in the questioned signature. The letter "P" is made with a loop and after that the staff, and in general and I must confess to a remote degree it resembles the letter "P" in the name of "Geo. P. Gordon" in Mr. Gordon's handwriting, yet it is only a resemblance. The letter "G" too is rather of the same type, and it might perhaps be as good as a poor copyist would make, having a copy of "Geo. P. Gordon" signature before him. 20

Q. You think it is a simulation?

A. I do. Compare one with the other; there are the same type of letters used—a sharp "R" in the word "Gordon," that is of the same type in the questioned signature, but still it is a very poor copy of it. 30

Q. Taking the name "Geo." and the "Gordon" away and prolonging the staff of the "P" about one-third, would not the "P" much more resemble the standards you have then than it does now?

A. Yes, sir; remove the relationship existing between the "G" and the "P" in the genuine signature and that will be a pretty good imitation—I think the copyist observed the type of the letter "P," but overlooked its relationship to its surroundings, and there was his folly chiefly. 40

Q. Now, as to the signature, taking that and judging it by its appearance as compared with the whole of the will, was it the work of a poor, an average or a good penman?

A. Well, I should say entirely below the average.

Q. A penman below the average?

A. Yes, sir; a person commencing to make a copy of Mr. Gordon's signature, who was a poor penman, would not succeed better than the party has done in this will.

Q. Do you regard the final "S" in the name "John Q. Adams" as separated from the "M's" in the way in which you spoke of, the distance greater than the rest of the letters?

A. Substantially the same, but a difference in degree.

Q. Is the "M" in Adams separated from the "A" in the same "Adams"—interrupted.

A. When you say separated you mean as to distance?

Q. Yes, a greater distance.

A. It is somewhat further in the "John Q. Adams" signature, as the whole projection of the word is larger; more so than it is in the name "Alonzo C. P. Adams."

Q. Is it relatively further from the letter "A" than the "M" is in "Henry Adams" and "Alonzo Adams"—that is, than the "A" is in the signature?

A. It is somewhat further on account of there being a compound curve connecting the "A" and the "M" in the "John Q. Adams" signature and not in the others.

Q. Then the fact that the "S's," you think, are all at a greater distance from the letter "M" than they are in the three signatures, and they point to the same handwriting all of them—does not the "M" in the name "John Q. Adams," being further from the letter "A" than the normal, point to the conclusion that a different hand wrote that name of "Adams" from the others?

A. It is not so much further; the whole word "Adams" in "John Q. Adams" is nearly twice the length of the "Adams" in the name "Alonzo C. P. Adams," and hence the space appears to be and would nearly double that of the other, but the relative distance as to the height of the letters is not so widely different.

Q. Is not that also true as to the "M" and the "S" in the name "John Q. Adams"?

A. It would be true.

Q. How can you say then that the "S" is further away from the "M" in the "John Q. Adams" than the other letters are, and therefore point to that as a reason for identifying the writer of the other three?

A. The variance in the rest of the word are merely what I expect to be in ordinary handwriting, and different between the three names, but the other is an unusual distance, and that unusual distance is repeated three times.

Q. Is the distance between the "M" and the "S" really any greater than between the "A" and the "M" and the "D" and the "A" the last "Adams" signature?

A. Yes, sir; it is not so conspicuously different in the "John Q. Adams" as in the other.

Q. Speaking of "John Q. Adams" alone?

A. Yes, sir; it is written upon a much larger scale.

Q. The fact that the distance of the "S" from the rest of the word is greater is plainly perceptible to the eye in the other two "Adams" signatures, is it so in the elder "Adams"?

A. Not so much so as the space happened to be greater from the "A" to the "M" than in the o'hers.

Q. And also from the "D" to the "A"?

A. Not so much in the one above—that in the "Alonzo C. P. Adams," as to the proportion of that I do not think any more.

Q. Is it not between the "A" and the "D"?

A. Perhaps somewhat more so, but there is no comparison there, as it is a different letter, and the terminal of the "A" cuts quite a little space from the "A" beyond the "D" in the "John Q. Adams" signature that it does not in the other.

Q. Is not the spacing quite uniform in the "John Q. Adams" signature?

A. Yes, sir; fairly so.

Q. We showed you a letter book for the purpose of helping you in the comparison of that Brooklyn will; I would like to have you look at the letter dated March 13, 1874, in the letter press copy book; is that the same character of "G" that you pronounced so erratic in one of the Exhibits shown you yesterday—that is, in Exhibit P 23?

A. It is something of the order of that, but I see a difficulty of the pen in both the signatures. The first "G" in the envelope Exhibit P 23, the first stroke has been made over twice, the loop of the "G" has been made over twice, and I think that is what is odd and peculiar and was merely something attached on on account of that difficulty on the top of the first "G." The second "G" there is a different finish on the top in the letter book, as far as I can judge from the copy I have there, was an effort made to make the normal condition, and a portion of it remains to the left of the "G" at the bottom, and I think if I had the original sheet of which this is a copy I would see the pen marks by which an attempt was made to make a normal "G."

Q. Reference is made to the abnormal flourish.

A. That is because of the effort of the pen to do its duty, and I think he has stubbed his pen in the paper here, and he has done entirely outside of what he would do under normal circumstances. In each kind the point has stubbed twice, if not three times, in making the letters—I see two lines and two lines in the loop showing that there was four efforts made to make that letter in that letter.

Q. You think he stubbed his pen and produced that effect?

A. I think there was a great difficulty in the pen, and I think the abnormal condition of the signature would on account of that be as it is—how much of the difference is attributable to a bad copy in the copy book I am not able to say—(referring to the copy book on page 224).

Q. What do you think of the genuineness of the signature on page 225?

A. I believe that to be a genuine signature, but there is an unusual shading in the "G" in the word "Geo." I think two efforts have been made upon the letter "P", and there is a real difference in the types of the "G,"

Q. These "G's" are alike in general form?

A. In type; yes, sir.

Q. Their tails extend below the line?

A. Yes, sir.

Q. The signature in the letter press copy book on page 226 is still a different signature?

A. Quite a portion of it; and, in fact, I believe all the abnormal appearance is in making the copy—in the first place, the paper has wrinkled across the bottom of the paper, so that the line appears to change entirely the color of the letter is changed.

Q. There are two different kinds of "G's," are there not?

A. That is a fact I assent to at once.

Q. Is not that a different "G" (referring to letter press copy book page 230), still a different tail to that "G" to any shown you?

A. Yes, sir; somewhat.

Q. That has not the finishing stroke coming back, it simply ends with the sweep?

A. Yes, sir.

Q. I show you another (referring to page 297 of letter press book).

A. I should have no doubt but that they are genuine signatures.

Q. All you have seen you believe to be genuine signatures?

A. Yes, sir.

Q. Do you identify all the signatures as genuine from page 218 of the letter press copy book?

A. On page 219 at the bottom of the page the one at the top is so copied as to hardly give the outlines of the letters, yet I believe it is the copy of a genuine signature; at the bottom copy I think it is very

poor; I think the pen has failed on the second "G," and that in failing there is a number of extraneous lines, yet I think it is a genuine signature.

Q. Now refer to that on page 220?

A. I think that is a genuine signature?

Q. Now refer to that on page 221?

A. Only a portion of that is visible.

Mr. COLLINS—I offer that letter press copy book in evidence.

Marked Exhibit P 33, April 24, 1891.

Q. I told you I had no letter nearer the date of Exhibit D 64 than those I gave you; I find I was mistaken; I find I have one dated May 24, 1875, I think, to show you before leaving the stand, and I do so, and I ask you whether it gives you any light one way or the other on the handwriting of the body of the olographic will?

A. My answer will remain the same.

Q. Do you observe in that letter a "P" in the word "President" in which the belly part goes clear above the staff (handing witness a paper)?

A. Yes, sir, or the top part (witness here comparing Exhibit P 34 with the Brooklyn will photograph.)

Q. That is all I asked you?

A. Yes, sir, I should say the top part.

Paper offered in evidence and marked Exhibit P 34, April 24, 1891.

Q. Were you a witness as an expert in the matter of the indictment of one William Farley and one Wilson for forging the signature of Francis A. Farley before the Hunterdon County Court, with Chief Justice Beasley presiding, some years ago?

A. I was.

Q. Was the point being as to the genuineness of the signature of F. A. Farley to the deed?

A. Yes, sir.

Q. Did you there testify the signature was in your judgment and opinion genuine?

A. I think I did, if I remember aright.

Q. Were you shown divers names "F. A. Farley" with the request to decide whether they were genuine or not?

A. Well, you have put three questions there in one—first you said divers papers and then——(Interrupted).

Q. Read the question to him: Were you shown divers names "F. A. Farley," with a request to decide whether they were genuine or not?

A. Pardon me, but I think the question was right at first where you said divers papers and I should then say yes.

Q. Upon which papers the name "F. A. Farley" was written?

A. Yes, sir.

Q. Several signatures.

A. Yes, sir.

Q. Did you pronounce one of those genuine which it was afterwards sworn to by John Newton Voorhees, E. D. Gillmore and A. K. Brown, that it had been written in the counsel's office, that is Mr. Voorhees' office, that morning, and that you testified that it was his signature and it was in fact written by somc other person than F. A. Farley,he being dead some years?

Mr. MILLER—I object to the qnestion as being entirely improper, as not being a proper method of discrediting the witiness as a witness.

Question overruled.

Mr. COLLINS:

Q. Have you, Mr. Ames, when testifying, made mistakes upon the genuineness of collateral papers given to you, so that you yourself became satisfied that you had made a mistake, and on further exami-

nation saw that you had; being misled, perhaps, by the surroundings or otherwise?

A. I can hardly answer that without making an explanation; I shall be happy to answer it with an explanation, and a very brief one.

The ORDINARY—You may answer the question and then give your explanation.

A. There was submitted to me upon the occasion to which Mr. Collins refers, a piece of writing which I pronounced to be genuine—interrupted.

MR. COLLINS—That question was overruled.

WITNESS—I presumed that that was what was referred to from the way the question was put.

Q. Have you when testifying made mistakes upon the genuineness of collateral papers given you, so that you yourself became satisfied that you had made a mistake, and on further examination saw that you had, being misled, perhaps, by surroundings or otherwise?

A. I shall be obliged to say no, without qualification.

The ORDINARY—Mr. Collins is entitled to a categorical answer, and then you can make any qualification you think fit.

A. I say if I cannot qualify it "no" would be nearer right than "yes."

Mr. COLLINS:

Q. And neither would be right without qualification?

A. No, sir.

Q. Are you willing to answer without qualification?

A. No, sir.

Q. Then we will leave it in that way?

A. All right.

RE-DIRECT by Mr. Miller:

Q. Did you testify yesterday that you agreed with Mr. Hagan in the Myra Gaines case or did not—that is, you differed?

A. I differed.

Q. Do you know whether or not were submitted to you the same standards of comparison?

A. I do not know positively.

Q. Explain what you mean?

A. I mean to say that the description Mr. Hagan gave to me of the standards he had before him led me to believe that different standards were submitted to me than to him.

Q. You were not in court when the examination was made?

A. No, sir.

Q. It is his statement that makes you say that?

A. Yes, sir.

Q. You have said that you testified in cases, different from other experts whom you named, now tell us generally were these close cases or easy cases?

Objection by Mr. Collins on the ground that we cannot tell anything about it unless we have it here to look at.

Objection sustained.

Question withdrawn.

Q. You said when you looked at the names of George P. Gordon submitted to you in certain envelopes that you did not know the dates of these papers, that is when the names were written?

A. Yes, sir.

Q. Did you know whether they were signatures or the names appearing in the body of the writings?

A. No, sir; that is I am willing to confess that with a little pressure the edge of one of the papers were raised to some extent and that I saw they were the signatures to the end of some writing, but the balance of them were not as far as I could see.

Q. Did you yesterday in your examination refer to the fact that the writing in this will was above the line, and make a comparison in that respect with the signatures of the witnesses and testator?

A. I overlooked that; I did not.

Q. Have you observed the fact?

A. I have observed the fact that the writing throughout the body of the will is just above the base line, it can be seen faintly in the photograph, here it is—in the word "this" neither stroke touches the base line. and also in the signatures that same peculiarity will be seen—take the word "township" and the signatures—the base line touches neither and the distance from it relatively is the same in the body of the will and the signatures.

Q. Did you call attention of the court or make a comparison between the terminals of the letter "P" in the name "Alonzo C. P. Adams" and the terminal in the letter "G" of the name "Geo. P. Gordon;" I mean the lower loop of the "G" in the "Gordon" and the terminal loop in the "P" of the name "Alonzo C. P. Adams"?

A. No, sir; I did not.

Q. Did you say anything about that?

A. I omitted to say anything about that.

Q. Have you anything to say about it?

A. I should have made the comparison, in fact, as to the degree of pressure; of course the form of the finishing part of the "P" is identical with the form of the finishing stroke of the letter "G"; yet that I take not into consideration so much, as they are used for a different purpose and might well be different. Yet it is the fact that the particular shade and pressure of the pen in completing the oval in the letter "P" or extrinsic part of it—really it is not part of it—and the finishing of the "G" is identical in pen pressure as well as form.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. The form, you would not call much attention to it even though they were alike?

A. No, sir.

Q. Your attention was not called either one way or the other but for counsel's question?

A. I had observed it, but it was omitted in the testimony.

Q. You mean you did not speak of it?

A. I intended to speak of that and the base line.

Q. Do you mean you intended to do so, or that you simply did not do it?

A. I had noticed it, and the question in my mind was whether it was worth speaking of or not.

RECESS.

EDWARD F. C. YOUNG, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath, said:

EXAMINED by Mr. Abbett.

Q. You reside in Jersey City?

A. Yes, sir.

Q. And are President of the First National Bank?

A. Yes, sir.

Q. How long have you been connected with banking?

A. That bank?

Q. Or with banking?

A. Thirty-nine years nearly, between thirty-eight and thirty-nine.

Q. And during that time have been more or less associated with different signatures?

A. Yes, sir.

Q. As paying teller?

A. Yes, sir.

Q. And cashier?

A. Yes, sir.

Q. Have you examined the signature to the alleged will in this case, which now is before you, and marked Exhibit P 1, being the signature of "Geo. P. Gordon?"

A. Yes, I saw it this morning for the first time.

Q. Have you also examined the signatures to what are known as the standards Exhibits D 16 to D 54 inclusive?

A. I examined them with some checks I had this morning, and I presume these are some of them.

The ORDINARY:

Q. Examine them and make sure about it.

A. Yes, those are the checks.

Mr. ABBETT:

Q. In your opinion, after such examination as you have given them, is the signature George P. Gordon to Exhibit P 1 signed by the same person as the signatures to the standards you have just referred to?

Mr. COLLINS—I object to the question, as I do not understand that the witness ever saw Mr. Gordon write, and I do not understand that they have shown any expertness in the witness.

The ORDINARY—I do not think the evidence as to Mr. Young's capacity as an expert is sufficiently strong as yet.

Mr. ABBETT:

Q. What experience have you had in banking as to affect your knowledge of handwriting?

A. I have had the experience for the last thirty odd years.

Q. In what way?

A. In the way of paying checks on signatures when we have to rely entirely upon the signatures?

Q. As a matter of comparison between checks and signatures in the books which you have with the original signatures?

Q. Yes.

The ORDINARY:

Q. How do you make your comparisons?

A. Well, all our business in the way of counter-business is simply upon signatures; the whole business is done upon signatures.

Q. What comparison do you make, between what and what?

A. We only have the checks which have been paid previously and the signature book in which the signature is put to rely upon.

Q. And in paying checks you make a comparison with the previous checks and the signature book together?

A. If there is any doubt in our minds.

Q. That is if you fail to recognize the signature?

A. Yes.

Q. And that has been your habit for what length of time?

A. Thirty odd years.

Mr. ABBETT:

Q. How long were you paying teller?

A. Twenty-one years.

Q. How long were you cashier?

A. I was cashier from 1874 to 1879.

Q. And during both of those periods was it part of your labor to examine signatures?

A. Yes and up to date, that is if the Teller is in doubt about a signature he brings it to me and gets my judgment upon it.

Q. Up to the present time?

A. Yes, sir.

CROSS-EXAMINATION by Mr. Collins:

Q. As I understand you since it has been your habitual custom to handle and pay checks it is about seventeen years—in 1874 you say you left the Teller's desk?

A. Yes, in January, 1875, the change took place.

Q. Mr. ABBETT:

Q. I now repeat my question—in your opinion after such examination of the signatures, is the signature of "Geo. P. Gordon" to Exhibit P 1 signed by the same person as the signatures to the standards you have just referred to.

Mr. COLLINS—I still object. He is not yet shown to have sufficient experience—he does not examine disputed writings—is he in the same category as these other profesional men.

WITNESS—It is my daily practice to look at every large check coming in from the exchanges before it is handed over to the paying teller.

The ORDINARY.—I will admit the question.

(Question repeated,)

A. In my judgment it is not; no sir.

CROSS-EXAMINATION by Mr. Collins:

Q. What did you have to look at to compare by?

A. This morning?

Q. Yes?

A. These checks and this paper.

Q. Exhibits P 1 and the standards?

A. Yes, sir.

Q. Nothing else?

A. No, sir, nothing else.

Q. About the same number of checks?

A. Nearly so. I should say there was not quite as many this morning that I saw as are in the package just referred to—I say I did not see anything else, I did see the signature books from two different banks; that is so.

Q. Mr. Gordon's signature in two different books—bank books?

A. Yes.

Mr. COLLINS—I think we are entitled to

see them; anything that a witness saw I have a right to see; it has not been proved yet.

The ORDINARY—I understand the question now to simply refer to these standards, Exhibits D 16 to D 54 inclusive.

Mr. COLLINS—The question was whether in his opinion it was the same hand that wrote these checks; now I want to know what specimen of handwriting it is that enabled this witness to form that opinion—I want to see what he has had to guide him in forming that opinion that that was not written in the hand that wrote the checks. Now, he saw other specimens and I want to see whether he has been influenced.

Q. You say you saw the signature of George P. Gordon in a couple of bank books?

A. I saw it in two books under the letter "G"; yes, sir.

Mr. COLLINS—I want to see those books for my own purposes. (The books handed to Mr. Collins.)

Q. Now, you had seen neither the will, checks or these signature books until this morning?

A. Yes, I think I had seen some checks previously.

Q. When?

A. I think it was one day this week.

Q. Who showed them to you?

A. Mr. Savage.

Q. Mr. Edward S. Savage?

A. Yes.

Q. Do you know what checks they were?

A. I cannot say positively, but I should think it was probably some of these checks.

Q. "Probably" you don't know, then?

A. I do not know; checks very much like them and the signatures the same.

Q. What else did he show you—nothing but the checks?

A. I think he had the photographs of this signature, and also the witnesses; that is all I saw.

Q. So that you saw the photographs as well at the same time you saw the checks?

A. Yes.

Q. When was that?

A. It might have been last Saturday, or it might have been Monday or Tuesday of this week, I forget.

Q. Was it shown to you with a view to your testifying about them, or merely casually?

A. Mr. Savage asked me if I would be a witness, and I told him I didn't want, my time was so occupied I had rather not be a witness, and he at that time showed me the papers, and he this morning served a subpœna on me.

Q. Did you retain the papers?

A. No, sir.

Q. How long did you see them the first time?

A. I suppose two or three or four minutes.

Q. How long did you see the will and the checks this morning?

A. About the same time.

CHARLES W. DRUMMOND, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller.

Q. Where do you reside?

A. At Woodbridge, New Jersey.

Q. How long have you resided there?

A. Always.

Q. What is your business?

A. I am in the banking business.

Q. What bank?

A. The Union County Bank, it is now.

Q. Were you at any time connected with the Union Bank at Rahway?

A. I was in the Union National Bank from 1870 to 1878.

Q. That is the bank in which Geo. P. Gordon was a director?

A. Yes, sir.

Q. Did he keep an account in that bank?

A. Yes, sir.

Q. Have you the signature of Geo. P. Gordon with that bank?

A. The book is here somewhere.

Q. Is this it? (Handing witness a book.)

A. This is the signature book of the bank.

Q. Is the signature Geo. P. Gordon left with that bank?

A. Yes, sir.

Q. And this is the original book?

A. Yes, sir.

Signature book offered in evidence.

Mr. COLLINS—I object to the book on the ground that the signature is not proved.

The ORDINARY—I will sustain the objection.

Book marked D 95 for identification.

Mr. MILLER:

Q. What position did you hold in that bank?

A. Bookkeeper and teller.

Q. What were your duties?

A. I had general duties; to keep the individual ledger and often pay at the counter.

Q. Was it not your duty to determine as to the genuineness of signatures presented to you in your position in the bank?

A. It was partially.

Q. Did you ever pay any checks of Geo. P. Gordon?

A. Yes, sir.

Q. Are you familiar with his handwriting?

A. As contained on checks?

Q. You are familiar with his name as he wrote it on checks?

A. Yes, sir, on the checks.

Q. In your opinion is the signature which has just been called to your attention as contained in the bank book in the handwrit'ng of George P. Gordon?

Objection by Mr. Collins.

The ORDINARY:

Q. You have seen checks of Geo. P. Gordon's?

A. Yes, a number of them.

Q. What do you mean?

A. He kept an account with us and also kept an account with the National Bank.

Q. At the time he kept an account with you was that book the signature book of that bank?

A. Yes, sir.

Q. And the only one?

A. Yes, sir; the only signature book we had to my knowledge.

The ORDINARY—Question allowed.

Mr. MILLER:

Q. Did he have an actual account with you and draw many checks?

A. Quite a great many.

Q. Look at the checks marked Exhibit D 16 to D 54 inclusive and D 56 to D 60 inclusive, and examine the signatures to those exhibits, and state whether those are in the handwriting of George P. Gordon?

Mr. COLLINS—I object to the question on the ground that those are not in dispute; if it is attempted to prove those as standards this witness cannot do it.

Mr. MILLER—They are in as standards already.

The ORDINARY—This is simply asked as in-

troductory to a comparison, and as such I will admit it.

A. They all seem to compare with the signature in this book.

Q. What do you say about them as to your memory of his signature?

A. They all seem genuine.

Q. In the performance of your duties as paying teller, was it part of your duty to compare the signatures on checks presented for payment with the signature in the signature book and with the checks before presented for payment?

A. It was if there was any doubt about it.

Q. If you recognized them at a glance you did not make any comparison, but if you did not recognize them then you did make a comparison?

A. Yes.

Q. How long have you been away from the Union National Bank?

A. Since 1878.

Q. What is your present duty?

A. I am bookkeeper of the Union County Bank.

Q. Have you anything to do with passing on signatures in that position that are charged up?

A. Most all the checks charged up go through my hands, or all coming in from any of the exchanges in the morning pass through my hands.

Q. It is part of your duty to determine as to their genuineness?

A. Well, if there is any doubt the cashier generally determines.

Q. You refer to him if there is any doubt?

A. Yes.

Q. It is in the first instance for you to determine whether they are genuine or not?

A. Yes, sir.

Q. You do that by a comparison of the signatures on old checks and the signatures in the signature book and in your mind?

A. Yes.

Q. And by your memory of signatures?

A. Yes.

Q. And you make a comparison with the form in your mind from memory?

A. Yes.

Q. And are constantly performing these duties, are you not?

A. Yes, sir.

Q. Please compare the signatures in the checks which have been shown you, Exhibits D 16 to D 54, and D 56 to D 60 inclusive, respectively, and compare them with the name of "Geo. P. Gordon" appearing at the foot, as testator in Exhibit P 1, and state whether in your opinion the "Geo. P. Gordon" in the will was written by the same person that wrote the checks?

Mr. COLLINS—I object to the question as counsel seems to expect me to do; I do not think the witness has shown a sufficient familiarity with Mr. Gordon's signature or as to the question of experience.

Question allowed.

A. In my opinion it is not.

The ORDINARY:

Q. Give me your reasons for that opinion?

A. Well the general outlines and shading of the signature is different.

Q. What outlines?

A. The curves of these "G's" are all upwards (witness refers to Exhibit D 25), and the shading on this signature is heavy here (referring to Exhibit P 1), at the foot of the first "G" and light on the other (referring to Exhibit D 25) and both "G's" are the same, and the curl at the bottom of Exhibit P 1.

Q. The difference is that there is no curl at the bottom of Exhibit D 25?

A. No curl at the bottom of Exhibit D 25. And then there is a difference in this; that the "O" is

continued into the letter "P" (D 25), and this "P" (D 25) is much smaller than in Exhibit P 1 and ends differently.

And then the "G" in the word "Gordon" is a light stroke for a down stroke in Exhibit D 25, and the curl at the end of the "Gordon" ends in a heavy stroke in Exhibit P 1, heavier than it does on Exhibit D 25.

And then the scroll here on Exhibit P 1 is entirely different than the scroll on Exhibit D 25.

Mr. MILLER:

Q. Have you ever seen George P. Gordon write, are you positive about that?

A. I am not positive.

Q. What is your best recollection?

A. I do not recollect of having ever seen him write.

Q. You may have done so in your position, but do not recollect?

A. I may have, but I have no recollection on the subject.

CROSS-EXAMINATION by Mr. Collins:

Q. What was the name of the bank of which this book is the signature book (Exhibit D 95)?

A. The Union National Bank of Rahway?

Q. Were you connected with that bank?

A. Yes.

Q. From what year and to what year?

A. From 1870 to the latter part of 1878.

Q. When did Mr. Gordon open an account in that bank?

A. I think it was opened when I went there?

Q. In 1870.

A. Yes, sir.

Q. What bank are you now in?

A. The Union County Bank.

Q. Is that a different bank?

A. Yes, sir.

Q. Where is that located?

A. Located on Main street, along the railroad.

Q. In Rahway?

A. Yes, sir.

Q. How long have you been in that bank?

A. I have been in that bank since it was reorganized; it was reorganized from the National Bank; I was in the National Bank also.

Q. It was called the National Bank of Rahway?

A. Yes, sir.

Q. And reorganized and called the Union County Bank?

A. Yes.

Q. And now you are bookkeeper there?

A. Yes.

Q. How long have you been there?

A. Since 1880 in the National Bank and the Union County Bank together.

Q. Who is president?

A. Edward S. Savage.

Q. He is the gentleman who bought the Gordon homestead after Mr. Gordon's death?

A. Yes, sir.

Q. And occupying it in Woodbridge Township?

A. Yes, sir.

Q. What was your position in the Union National Bank?

A. I was bookkeeper and teller.

Q. When did you become teller?

A. It is a small bank only.

Q. You are bookkeeper and teller?

A. Yes.

Q. And have been the whole time?

A. The whole time; yes, sir.

JOSEPH W. ALLEN, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller:

Q. Where do you reside?

A. At Rahway.

Q. How long have you resided there?
A. Thirty odd years.
Q. What is your business?
A. Well, I trade and traffic in most everything.
Q. Whom did you marry?
A. Miss Kinsey.
Q. Did you know Alonzo C. P. Adams in his lifetime?
A. Yes, sir.
Q. Who did he marry?
A. My wife's sister.
Q. Were you well acquainted with Alonzo in his lifetime?
A. Yes, sir.
Q. Did you ever see him write?
A. Yes, sir.
Q. Please look at the signature on Exhibit D 5 and state whether that name "A. C. P. Adams" is in the handwriting of Alonzo C. P. Adams?
A. I should say it was?
Q. Look at his name, "A. C. P. Adams," in Exhibit D 2, and state whether that, in your opinion, is in the handwriting of Alonzo C. P. Adams?
A. Yes, sir.
Q. Look at the name "A. C. P. Adams" in Exhibit D 3 and state whether in your opinion it is in the handwriting of Alonzo?
A. Yes, sir.
Q. Look at the name "A. C. P. Adams" in Exhibit D 4 and state whether in your opinion it is in the handwriting of Alonzo C. P. Adams?
A. Yes, sir.
Q. Now please look at the signature, at the name "Alonzo C. P. Adams" in the attestation clause of Exhibit P 1, and state whether in your opinion that is in the handwriting of Alonzo C. P. Adams?
A. No, sir.

CROSS-EXAMINATION by Mr. Collins:

Q. What did you go on, looking at these names,

you have just looked at?

A. No.

Q. What then?

A. Well, the way I generally see him write his name.

Q. How many times did you see him write?

A. Oh, I saw him write a number of times, the last five or six years he lived.

Q. How did you come to see it?

A. He would be writing at the table where I was writing.

Q. Did you live together?

A. Yes.

Q. In the same house?

A. Yes, sir.

Q. Two families, or did one board with the other?

A. Well, we were all living there together.

Q. Keeping one household?

A. Yes.

Q. Who kept it?

A. His mother-in-law.

Q. His mother-in-law?

A. Yes, sir.

Q. And the two girls and their two husbands lived home with the old lady?

A. No, sir; but we were there a good deal of the time.

Q. I thought you said you lived there?

A. Yes.

Q. What do you mean by saying you lived there a good deal of the time then?

A. We did not take all our meals there.

Q. Where did you take the rest of them?

A. Well, I took mine at the restaurant sometimes.

Q. When was this that you all lived together?

A. A year or two before we were married and two or three years afterwards.

Q. Did you two young men board with the Kinsey family before you were married?

A. No, sir.

Q. What do you mean then?

A. Well, we used to be there considerable time and I worked there part of the time.

Q. You worked on the place?

A. Yes.

Q. Alonzo didn't work on the place?

A. Well, he might a little; I don't know.

Q. What do you mean about his being there a year or two before he married; did he go there to court his wife?

A. Yes, sir.

Q. You didn't see him write then?

A. Yes, I did.

Q. His love letters?

A. No, sir.

Q. What then?

A. Most of other business he had to do—he done more or less writing.

Q. And when he came to court his girl he attended to his other business, eh?

A. Well, I don't know; I suppose so—I don't suppose he spent all his time courting.

Q. It is queer he should attend to business when he came courting—you knew Edward L. Adams, his brother?

A. Yes, sir.

Q. Didn't he ask you a little time ago if you couldn't remember Alonzo's signature?

A. No, sir.

Q. Didn't he come to see if you could not remember it?

A. No, sir.

Q. Didn't he speak to you about it?

A. He might have spoken to me about it.

Q. When was it?

A. Here in this court room.

Q. Didn't he ask you if yon could remember Alonzo's signature, and didn't you tell him you could not?

A. No, sir.

Q. Didn't Edward L. Adams in this court room, since the trial has been going on, ask you if you

thought this signature "Alonzo C. P. Adams" to the attestation clause in the will was in the handwriting of his brother Alonzo, and didn't you tell him you did not know anything about it and could not tell anything about it, whether it was or not?

A. No, sir.

Q. That is not true?

A. No, sir.

Q. What did you tell him?

A. I told him I was not subpœnaed, and I did not think it was right for me to have anything to do about it.

Q. What are you doing here, then, if you are not subpœnaed?

A. I was invited.

Q. Who invited you?

A. Mr. Savage.

Q. Edward S. Savage.

A. Yes, sir.

Q. What for.

A. Well, I wanted to hear how the case was going on.

Q. He invited you—do you think you needed an invitation?

A. Well I should not have come if he had not invited me.

Q. Do you think you could not have got in except on invitation?

A. I did not take the trouble to think about it.

Q. You did not say to Edward L. Adams that you did not know anything about whether that was the signature of Alonzo or not?

A. I told him I would not have anything to say about it at the time.

Q. And you did not say what I said to you?

A. No.

Q. Who furnished these books that shows the handwriting of Alonzo in them?

A. These (indicating)?

Q. Yes?

A. They came from our house.

Q. You furnished them?
A. Yes, sir.
Q. Who to?
A. Mr. Savage.
Q. You gave Mr. Savage the two books Exhibit D 3 and D 2, did you also give him the little Road District book Exhibit D 4?
A. Yes, sir.
Q. And this receipt also, Exhibit D 5?
A. No, sir.
Q. You didn't give him that?
A. No, sir.
Q. You say you trade and traffic in almost everything?
A. Yes, sir.
Q. You have no place of business or store?
A. No, sir.
Q. Do you live home with your wife?
A. Yes, sir.
Q. Your wife owns the property?
A. Yes, sir.
Q. Did you keep any books?
A. No, sir.
Q. Can you write?
A. Yes, sir.
Q. Let us see your handwriting (handing witness a sheet of paper and pen).

(Witness writes and hands paper to counsel.)

Q. You are not on the best terms with Henry C. and Edward L. Adams?
A. I never had anything against either of them.
Q. You are interested in a lawsuit in New York, are you not?
A. No, sir.
Q. The son of Alonzo C. P. Adams is, is he not?
A. That is more than I can say.
Q. Don't you know that he is?
A. I know they have had some trouble.

Q. Are you not giving aid and comfort to that son of Alonzo?

A. He is boarding at my house.

Q. And you know he is having a law suit with the Adams'?

A. Yes; and has had some time back—I don't know whether it is ended or not, I am not interested in it one way or the other.

Q. You are not on particularly friendly terms with them?

A. Yes, so far as I know.

Q. So far as you know you are?

A. Yes, sir.

RE-DIRECT by Mr. Miller:

Q. You are bringing Alonzo C. P. Adams' son up, are you not?

A. Yes, sir.

FURTHER CROSS-EXAMINATION by Mr. Collins:

Q. What do you mean, then; you said he was boarding with you?

A. He has been there ever since he was born and he has boarded there for the last eight or ten years, and has been there off and on ever since he was born.

JAMES T. ORTON, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller:

Q. Where do you reside?

A. In Newark, New Jersey.

Q. What is your business?

A. I am president of the Second National Bank.

Q. How long have you been in the banking business?

A. Fifty years.

Q. State the various positions you have held?

A. Sweeping out the old State Bank in 1840; I

went to the North River Bank as clerk in 1846; I became receiving teller and then paying teller in the old North River Bank—the one that has just failed. Then I went to the Ocean Bank—in, I think, 1848—and then back again to the State Bank in Newark as cashier, and in 1850 I was made cashier of the State Bank of Newark, and in 1864 I started the Second National Bank in Newark, of which I am to-day president.

Q. State what experience you have had in the examination of handwriting, if any?

A. I was receiving teller and paying teller in the New York banks for a long number of years; I have acted in that capacity in Newark when I went back there as cashier; we had no teller for a while and I acted in that capacity. I have also acted in that capacity since I have been in the Second National Bank at Newark.

Q. And your experience has continued to the present time?

A. Well they seem to think that I am an authority in regard to handwriting and such matters.

Q. Has it been your duty to compare with the standards contained in the signature books or the standards procured from old checks, checks presented to you for payment?

A. In answer to that I will say that if it was necessary to compare them I would compare them, but it is not always necessary.

Q. Have you been called as an expert before the courts heretofore?

A. I have a good many times.

Q. How many?

A. Quite a number.

Q. In what courts?

A. At Newark on several occasions, but the largest case was at Belvidere, there has been no cases where I have been called as an expert out of Newark except that case at Belvidere, and I was subpœnaed in that case—by the by there was one case I was subpœnaed in which was to be tried at Flemington but I was

sick at the time and did not go. But in our Newark Courts I have been many times called as an expert.

Q. You have been called as an expert many times?

A. Yes, but I dislike to be called very much, but they send for me for that purpose as an expert.

Q. Have you made an examination of the signatures on the checks Exhibits D 16 to D 54 inclusive?

A. Are these the checks that have been handed to me?

Q. Yes, look and see if they are those—these are the checks you have seen?

A. I have looked over them, yes.

Q. Have you ever seen them before?

A. I think they are the same I looked at on the table.

Q. Here in the court room?

A. Yes, it was just outside the court in the other room.

Q. Now look at Exhibits D 56 to D 60 inclusive, and say if you have seen these before?

A. Yes, sir.

Q. You have seen the signature to the will Exhibit P 1, have you not?

A. Yes, sir.

Q. You have seen a photograph of it before, haven't you?

A. Yes, I guess I did; I looked at this signature; I don't know that I knew anything about the signatures until I saw these exhibits.

Q. Please state whether, in your opinion, the handwriting of the name Geo. P. Gordon in Exhibit P 1 is the same handwriting in the various checks you have examined, and commencing with Exhibit D 16 to D 54 inclusive; and D 65 to D 60, inclusive, whether it is the same person that wrote them?

A. No, sir; it is not.

Q. State to the court your reasons for such an opinion?

A. George P. Gordon wrote a free signature

rather above the average of handwriting. The signature is made without any effort and there is a very great similarity in them; sometimes one would be a little heavier than the other, but the similarity between them is very great.

It is quite dissimilar from the signature contained here on the will. The slope of the signature or of the letters in the signature of the will in the name "Geo. P. Gordon" is not the same as it is in the Geo. P. Gordon in these checks which are, as I understand, reputed to be the genuine signatures. In the name of "Geo. P. Gordon" the figures are more erect, that is, straighter in the signature to this will, and the signature to the checks is more slanting, it is quite a different signature.

A man may try to change his signature so that I could not read it, but the slope of the signature in four cases out of five he will forget to change that himself, and will make it about the same slope as his regular signature and by that means I can identify it.

Now as to examining these signatures up there (referring to the cartoons), you will find the signature of "Geo. P. Gordon" is very straight, that it don't slant so much as the signature in this will; it is not written by the same person; it has not the same slant to the letters; it is an entirely different kind of handwriting—that is one strong difference I see.

Q. State any others?

A. I don't know but that I have stated all I care to.

Q. Did you go into the characteristics of the letters?

A. Sometimes the letters change very much in regard to that—you have to take it in a general way; I might make a "J" to-day different from the "J" I made yesterday, and yet with regard to the other part of the signature it might be alike, but the "J" might be different. But these signatures are all alike—that is, the signatures on these checks, and

yet they are quite dissimilar in many respects from the "Geo. P. Gordon" in this will.

Q. You mean in characteristics?

A. I mean in everything.

CROSS-EXAMINATION by Mr. Collins:

Q. Had you observed that dealers in banks had quite frequently what is called a "check signature," which they keep for that purpose alone—that it does vary from the ordinary signature attached to letters or papers?

A. Yes, a man may adopt a certain signature or style of writing for such purpose, which might vary from his general writing.

Q. Is it not quite frequently done?

A. I don't know that I can say that I met that in many cases—that I have known many cases of that kind; I do not know that I have of any; but I do know that a man may adopt quite a peculiar signature—sometimes different from his ordinary handwriting.

Q. Haven't you got a signature of your own which is a little different from your ordinary writing?

A. I don't know; I think they are pretty much all the same.

Q. Don't we find, for example, the bank cashiers have a peculiarity in their signatures or write a peculiar signature; to my mind it is chiefly peculiar for its illegibility?

A. Well, when they are young they might do such a thing, but when they get up to my age they don't change their writing very much; they do not adopt any very great peculiarity in their handwriting.

Q. Is there not among bank cashiers a rule to have a peculiar signature for the certification of checks and such like which is in a great many instances to a stranger almost illegible?

A. Well, a bank cashier put a signature once on a check which I couldn't read.

Q. And is there not a man named Worth, I think

he is in the Park Bank, who has one it is almost impossible to read?

A. Yes; I don't know but that you are quite right there.

Q. Is it not frequently the case that a business man will have what is called "a check signature"?

A. I don't know as to that.

Q. You are sure as to that?

A. No, sir.

Q. Will you look at this bill which is lying alongside you marked Exhibit D 5; just glance it over and see whether it is made out in one hand and receipted in another, or whether the whole thing is in the same hand?

A. Well, they were both written by pretty good writers, but I think there is two handwritings there.

Q. Did you ever see George P. Gordon write.

A. No, sir; I did not.

Q. When did you first see the photographs of the signature to the will?

A. Well, I think I saw in the Herald the first that I saw the other day; it was published in the Herald the other day.

Q. A fac-simile?

A. Yes, sir, that is the first I saw.

Q. Then did you see one of the autotypes or photographs?

A. No, sir, I saw that in the paper (referring to cartoon of Exhibit P 1.)

Q. When did you first examine the will so as to give testimony about it?

A. About one hour ago.

Q. Who asked you to come here?

A. Mr. Day.

Q. Did you come under subpœna?

A. I don't know; I told him I would come.

Q. For compensation?

A. He has not given me any yet.

Q. Is he going to do so?

A. I told him that I didn't like to come for fun any more.

Q. Then you expect him to do the right thing?

A. I expect he will.

Q. So you made no examination of this Exhibit P except here in the ante room of the court, that is he will and checks?

A. That is all.

HENRY L .TOLMAN, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath, says:

EXAMINED by Mr. Miller.

Q. Where do you reside?

A. In Chicago.

Q. What is your age?

A. Forty-two.

Q. What is your business?

A. Microscopist—that is in all lines of investigation requiring the use of the microscope, and there are a great many of them, such as forgeries and the examination of adulterations.

Q. Have you ever had any experience in the examination of disputed handwritings?

A. Yes, a large amount of experience.

Q. State what your experience has been?

A. I had a commercial training when a young man, and was then a cashier, and also connected with a bank for some time in New York City and in Brooklyn, and for the last ten years, or maybe twelve years, I have been engaged in this business, which necessitated the use of the microscope more or less in connection with it, and have also been engaged in between 150 to 200 cases in Western States, Illinois, Minnesota, Minneapolis, and the West generally.

Q. How engaged?

A. As an expert as to the examination of signatures, whether genuine or false.

Q. State a few of the leading cases?

A. I was engaged—one of the last was in the Jeroleman will case, both civil and a criminal prosecu-

tion as to the forgery of the will. There were some election cases, and several election cases involving the forgery of portions of poll books and returns. Examinations before the Court of Chancery and the Court of the City of Chicago—a number of cases. I was engaged also in the case of Price vs. Noble, which was a will case, and which involved the will —the principal thing being as to the genuineness of a receipt of about forty years old.

Q. Were you engaged in the Blaisdell case?

A. Yes, in Minneapolis, Minnesota.

Q. Were you engaged in the Dempsey will case?

A. Yes, sir.

Q. Do you consider yourself an expert in handwriting?

A. Yes, sir.

Q. Do you use the microscope in connection with other branches of your profession?

A. Yes, sir.

Q. Have you been employed by the government?

A. Yes; principally in murder cases and in cases of paper and cotton, and something of that kind.

Q. Now, confine yourself to handwriting?

A. Yes, sir.

Q. Have you made an examination of any of the standard signatures in this case, and if so state which ones?

A. I have made an examination of a package handed to me by a clerk.

Q. Point to those you have examined and give the Exhibit numbers?

A. Exhibits D 16 to D 54 inclusive.

Q. Have you examined any of these in the other envelope?

A. Yes, sir; I examined D 56 to D 60, inclusive.

Q. Have you made an examination of the will Exhibit P 1 in this case?

A. Yes, sir.

Q. Have you made a microscopic examination of any part of it?

A. Yes; I have made an examination of parts of

the body of the will and of the signatures to it, of the signatures of the witnesses and to the attestation clause?

Q. You had not seen the will before you came East?

A. No, sir, not the original; I had seen autotype copies.

Q. Have you made comparisons of the standard signatures to which you have referred with the signature of "Geo. P. Gordon" in Exhibit P 1 for the purpose of forming a judgment as to the genuineness of the signature to the will?

A. Yet, sir.

Q. Please state what is your opinion as to the signature of "Geo. P. Gordon" in Exhibit P 1, whether written by the same person as wrote the signatures to the checks referred to as standards?

A. No, sir, it was not.

Q. Please state in detail, concisely, what you can of your reasons for forming this opinion?

A. I take the standards first for consideration to determine—that is the admitted signatures—to determine the characteristics of the man's hand and I find that the signatures of "Geo. P. Gordon" were written by a trained hand, one which used what is called the arm movement with very great freedom—that they vary in minor characteristics, but are very similar in the individuality.

The arm movement tends to give an elongated letter unequal in the size and great variance as to the flourishes and immaterial portions.

The initial "G" as a rule has one shading generally in the down stroke of the loop and in most if not all cases—I have not found but one or two exceptions—the up stroke of the initial "G" is disjointed.

I refer now to cartoon "D 71" and check D 59—the arm movement shows there through all the curves and gives an evenness of slope because there is a see-sawing movement up and down—it gives great inequality in the size, because it is not so easy

to manage a swinging arm as a swinging finger or a set of fingers.

It starts out with an ambitious curve and ends weakly; it is rarely that these end in any other way, except a simple stroke.

It starts out ambitiously again in all cases on the letter "E," and runs out rather weakly to the letter "P," and this impulse is conducted to the end of the first portion of the letter "P."

A fresh impulse is then given to the next "G," which ends again weakly in a light curve, and then generally there is another feeble impulse which makes the letter "O" larger than the letter "R" and final "ON"; then the hand runs easily and rapidly after the initial "P" without any shading until we come to the letter "D" in "Gordon," and in the first stroke of the letter "D" out to the end, where the ambitious stroke is found again by the making of a large final loop.

The tendency is not to shade, because that checks down the speed of the writing; there are cases where a soft pen is used where there is an occasional shading, but that is not a characteristic of an arm movement.

The signatures all show great restiveness in disposition to limit the direction up and down, and hence the conjunction of the letters tends to be very round. It is rare that there is a stop at the top of the "O" or "R," or the top of the letter "N," except in smooth, even loops; also a characteristic of an arm movement.

These are the leading characteristics of that signature.

Q. Now of the standards?

A. Of the standards. The signature to the will is the signature of one who wrote a limited wrist movement, or finger and wrist movement, nothing else is concerned. The elbow is kept still, except in a lateral movement, which is shown—the slope of the letters is nearly the same.

The initial "G" starts out with a straight move-

ment very irregular, denoting great deliberation, and also weakness. It makes a reversed oval, comes down to the bottom where it is widest, makes an abrupt stop, then a turn, starts down on both nibs, stops, turns to one side and catching in the left hand nib and goes to the bottom loop, where it spreads a little again, comes round the top and stops, reverses and carries a little patch to the end of the first "G".

The letter "E" rides nearly equally on both nibs.

The letter "O" begins by riding on the right nib of the pen, the inside or right side of the letter being straighter and smoother than the left, which shows that the outside of the ink was controlled by the nib of the pen on the paper. While the left shows that it is due to an irregular pressure of the nib, making a variation in it, which it must give.

The letter "P" begins by a little loop, goes upward, turns and comes downward in a wavering line to the bottom, even apparently almost stops, and then comes up; the pen is pressed on here and there, forming a knob (indicating).

The first stroke of the letter "P" begins with a loop, goes upward, turns to the right, comes down bearing on the right nib of the pen heavier until it gets nearly to the bottom, where it turns to the left, goes up, and on the next down stroke bears heavier on the left—makes a heavier line on the left—and goes down to the bottom, where it reverses on to the left nib and goes up, showing a different independent muscular control and making an entirely different impression to that of the end of the letter or initial "G" in the word "Geo."

The second "G" begins with a light wavering line and reverses the oval loop at the top, comes down to the bottom of the first stroke, where it nearly stops with the nibs the widest, then makes a sharp angle, comes up again and down with a heavy curve, then makes the loop and stops just at the junction. This little piece (indicating) is put on afterwards by an independent stroke—that is, the

tail end of the second "G," to make it look like the first "G."

The letter "O" begins on the left hand side with one of the characteristics of this writing, as shown elsewhere—a wedge shaped line, widest at the bottom, which is also seen in the first loop of the letter "P," the first down stroke of both of the letters "G" —a wedge shaped line widest at the bottom. It makes a large, distinct turn, and stops at the top—comes down to the bottom of the letter "R," stops, and the pen is then taken off.

The second stroke forming the upper part of the letter "R" then turns to the left, then to the right makes a loop, then comes on down forming that wedge shaped stroke which is shown here again near the bottom of the letter, and then the pen nibs are allowed steadily to come together, and the consequence is a constantly narrowing line. The down stroke first rides to the right hand side, then changes to the left and makes the same abrupt stop at the bottom here—that is the letter "D," and then goes up to the letter "O."

The letter "O" at the top of the second stroke shows a deliberate stop and apparently a lifting of the pen. The rest of the letter, the first down stroke of the "N," shows the wedge shaped stroke and the lifting of the pen. The second upstroke begins with a delicate little loop, part of it lost on the photograph, but is shown on the manuscript; it has run together—that is a point in which the ink run together until you form the final down stroke, which is heavier and somewhat curved, showing that the motion of the hand which made it was confined to the wrist and the finger.

The relation or rythme of the hand is shown twice in large letters, and once regularly in the small ones, forming in each of the letters one or two of those nearly wedge shaped marks heavy with a wide part or wedge part at the bottom, and frequently, as in the letter "D" and "G" and "O", a sharp distinction

where the pen is suddenly lifted and the line narrows to what is called a "hair line."

The flourishes at the bottom of the genuine signature begins with a very light, easy stroke to the left, flourishing to the right in each case, that being the man's natural way, and following the general line of persons writing.

The contested signature shows very great wavering and indecision in the outline, and in the part of the flourish to the right it was originally finished off more shortly, and then the pen caught in again and on out where it broke again, came down again and then finished it out in the third stroke.

I do not find any loops or flourishes of that kind or of a piece, kind or character, or of that shape in any of the standards which I have examined—these are the leading featues of the signature to the will.

Q. The leading differences?

A. Features and differences and comparisons.

Q. You said you made an examination of the names of the witnesses to the will?

A. Yes, sir.

Q. Please describe generally their characteristics as you have discovered them in the microscope?

A. The characteristics of the word or name "Henry Adams" are very much the characteristics in weight and rythme and in the repetition of the weight of strokes with that of the signature of the will.

The letter "H" is very deliberately formed, both of the strokes showing a great deal of indecision and that peculiar rolling movement from the right to the left of the pen as it comes down, first one nib and then another, furnished the chief part of the weight.

The letter "E" and the letter "N" are connected, the letter "R" very much line the letter "N," and at the end there are three strokes, originally finishing with a flourish and making it "Henn" or "Henr"; the loop of the "Y" is made afterwards and independently, and at the top of the stroke before it is also

put a little supplemental mark to heighten the character a little, a notch in which can also be seen on that enlargement quite clearly.

The letter "A" begins in an exceedingly light ine, showing a feebleness in the hand, until it gets to the top, where it begins to the right—on the right hand and then comes to the bottom where it changes the weight to the left and then ends with a loop first to the left and then to the right.

The letter "D" has the triangular curve or shape, which is indicated in the signature to the will in so many instances, and the down stroke of the second portion a long straight stroke shows the weight first on one side and then on the other, the ending on the body with that triangular shape, suddenly narrowing, and finishes with a very delicate little stub, very short. There are some instances that the "M" is made in more than one piece, but owing to the spreading which appears in places, I am not quite so certain of that.

The letter "S" ends also in a triangular piece, but the triangle is not quite on the bottom; it is a little above and rests on the two nibs of the pen, and they come together and makes that little tail.

Q. What power of glass did you use in making this examination?

A. A pretty high power; about 75 linear diameters.

Q. Do you know what the other experts have used?

A. No, sir.

Q. That is a very powerful glass, is it not?

A. Yes, I had to do so in order to discern these breaks.

Q. Well, go on?

A. The second signature—now that of "Alonzo C. P. Adams"—shows more hesitation and internal evidences of an attempt, it might be called of simulation aside from any comparison.

The extreme wavering, not only in the upper part but in the down stroke of both the letter "A"

and "L," are very marked, and the final "O" is entirely separated.

The letter "Z" the up stroke of the letter "Z" running up to the middle of the letter "O" and then stops; the letter "O" is then added on itself, as can be very clearly seen on a reference to these cartoons.

The letter "C" is also made in two pieces. The first loop comes down into the body of the "C" and then stops. The pen is raised and then catches a little above and then goes on to finish it in another stroke entirely separate.

The letter "P," the capital," also shows the extreme wavering heretofore noticed. The letter is formed in one piece, beginning with a plain wedge in front in this case, and then finishes in the ordinary way to the left and then to the right.

The initial "A" in the word "Adams" is formed on the same plan as that letter in the three other signatures. Beginning at the bottom, running up with a very undecided light stroke and then down and with a cross loop all in one piece.

The letter "D" following shows the peculiar characteristic of the widening of the pen at the bottom, and the abrupt turn making a very narrow stroke at both the bottoms of the first and second strokes, the pen suddenly turns to the left, and is raised partly, narrowing the nibs until they touch and producing only a hair line—after that, in making the ordinary curved kind of oval, curves with a gradually diminishing width.

In the letter "A" following there is apparently an entire disjunction—the loop made first, and then the pen taken off and beginning again at the top.

In the letter "M" there is another disjunction, it being made in two parts. At the bottom of the first stroke the pen leaves the paper, curves, and then makes the initial portion of the second stroke.

The "S" originally ended in this peculiar "S," the same kind of "S" as in the first "Henry Adams," and then the loop is added by a curved motion from the

left to the right, and then the large flourish which follows.

In the signature of "John Q. Adams" the same peculiarities of weight and rythme, as it may be called, and of the wedge shaped heavy forms, and similar in order and the same proportion.

The letter "J" is an exceedingly ill-formed letter and is made apparently in one piece, ending with an unusually heavy flourish at the bottom.

The "O" following shows the peculiar wedge-shaped form at the bottom, followed by an exceedingly wavering uncertain line and abruptly turning to where it joins the letter "H"—comes down and forming a wedge-shaped figure at the bottom and then ends. The pen in lifted, replaced so as to just catch the up stroke in the neck in the first stroke of the "H," then down to another wedge-shaped stroke at the bottom of the second stroke of the "H." It then goes up to the top, stops and forms the down stroke of the "N," which is heaviest at the bottom—the pen is then put down again and ends the letter by an up stroke and a down stroke—there being three breaks in the word "John."

The letter "Q" is formed by a rather irregular curve, showing a good deal of indecision in the up-stroke, the quirl, if not put on afterwards, as I think it is put on immediately afterwards, then the ink all runs together.

The initial letter "A" of the word "Adams" shows again that peculiar wedge-shaped stroke at the bottom—the nibs coming together and producing a very abrupt narrowing, running up to the top, down again and at the bottom of the second down stroke showing again that peculiar wedge-shaped stroke.

The letter "D"—the first and second down strokes show the wedged shaped down stroke as it is shown in the above two signatures "Alonzo C. P. Adams" and "Henry Adams." The three down strokes, both in a less degree of the letter "M," all show that they were all formed connectedly.

The flourish to the letter "S" as in the case of the

name "Alonzo C. P. Adams" was formed by a separate mark, quite distinct in fact—there were two touches of the pen in the formation of the "S"—the "S" was formed in the usual way by a straight down stroke having no tendency to run either way. The patch was put on connecting it to the left and downwards and three times the final flourish was added by three movements which first went to the left and connected with the up stroke and then down to the left and ending in a return loop, making that "S" form in three portions.

Q. What pen motion in your opinion was used in the witnesses signature?

A. Finger and wrist entirely, except that there is a little lateral motion of the whole arm in order to get new paper to write on, but it did not take part in the formation of the letters.

Q. Have you made an examination of the handwriting in the will?

A. Yes, sir.

Q. What characteristic use of the pen was shown in that?

A. That was also a formation of writing that is got with a finger and wrist movement.

Q. Have you made a comparison with the body of the will, with the names of the witnesses? and if so, have you formed an opinion as to whether they were written by one or more persons?

A. Yes, sir.

Q. Give us your opinion.

A. In my opinion they were all written by one person—the same person that wrote the body of the will wrote the signatures of the witnesses; there is the same style.

Q. Give your reasons for that opinion, stating them in detail.

A. There are several words——(interrupted.)

Q. Did you include in that statement the name of the testator?

A. "Geo. P. Gordon"—yes.

A. You included that as being of the same writing as wrote the body of the will?

A. Yes, sir.

Q. Now give your reasons.

A. The characteristics are the same in all of them, notably the unusual characteristic and one which is a peculiarity of these witnesses—all forming first the down strokes in such a way as to make the wedge-shaped mark with the weight at the bottom and continuing the line by an abrupt narrowing of the pen point, so that it almost looks as if patched on each one of the down strokes. That is characteristic of weakness, because the weight of the down strokes enables a man to form a letter, and as they get old or infirm it has a tendency to increase the number, to make more of them.

These three-cornered or wedge-shaped strokes or method of making a shading in the strokes is found with great regularity all through the will. Besides that there are a number of places in the words "Adams" and "Geo. P. Gordon," which enables specific comparison to be made.

In the first line of the first page of the will in the preamble is the word "Gordon," and it can be seen in the two capital letters "G" the same thin initial stroke, a wavering up stroke and a narrowing down stroke with a sharp stop at the bottom, the weight of the second stroke being at the junction instead, as is ordinarily the case, down in the middle or belly of the stroke, and the angularity in the direction, diagonal direction from right to left, which denotes an exceedingly limited motion of anything except the finger, thus tending to make a cramped writing.

Whereas the "Adams" signature shows an exceedingly smooth, even and unembarrassed way of writing.

That same signature is repeated again, or the word "Gordon" occurs again, in Article 1, where the same general characteristics take place. The initial loop, however, being what is called a blind loop—that is, the neck from the up stroke knitting to the down stroke

so that there is no apparent space of white paper between them, and the peculiarity being found again of the curves, weight and peculiarities of the second down stroke, being faint at the top and then rapidly narrowing to a wedge-shaped narrow line for the rest of the way.

Q. Carry your comparisons to the signature?

A. In this signature last referred to in the Article 1, and also in the first line, the letter "O," which follows the letter "G" is made with the weight of the stroke at the bottom, with a sharp turn at the top of the second stroke, with a heavy down stroke, heaviest at the bottom.

The first stroke of the letter "P" shows the wedge shaped form with the curved part at the bottom and not in the middle.

The second stroke of the letter "P" shows it in a still more marked degree in the first line.

The letter "O" shows the sharp curve or turn and the abrupt stop at the top of the second up stroke; and the letter "N" shows an equal weight in both of the strokes—both the letters "N" are in each case broader than they are long, and indicating again the very element of the limited up and down motion which is attributed to the fingers.

Q. Now then look at the letters "Ordon" and make a comparison?

A. I have just done so.

In Article 2 is another; on the second line is another word "Gordon," which in the letter "O" shows the same very pronounced end or stoppage of the stroke at the top "O"—at the top of the "R" and at the top of the second "O." Necessitating a complete stop of the motion of the hand and an abrupt change of direction.

In the first line of Article 3, the same characteristics are noted of the abrupt change of direction of all the down strokes being accented, and of the peculiar triangular shape of the shaded lines or marks.

Q. You were speaking of the comparison of the

word "Adams" where it appears in the will, and where it appears next to the attestation clause?

A. The word "Adams" appears in paragraph 2 of Article 3 for the first time, I believe.

It consists as do the initial "A" in the name "Henry Adams" and "Alonzo C. P. Adams" with a stroke beginning at the bottom. The first letter disconnected from the second. The peculiar triangular shading of the first and the second portions of the letter "D," of the first stroke of the letter "A" and of the three strokes of the letters "M's" and "N's" as did originally the final stroke of the letter "S" before the flourish was added, in a somewhat abrupt down stroke which is thickest in a triangular shape near the bottom.

In the same paragraph, on the next page, appears the name "Adams" again, which is almost a repetition in form and every characteristic.

In section 3 appears the word "Adams" again with the same characteristics and the same disconnections.

In paragraph four of the same section, is another repetition of it—that, I believe, is all of the name "Adams."

In addition to these, the initial "A" appears at the head of each of the articles and uniformly is begun in the same way with the letter "A" in the name "Adams" as begun in the name of "Henry Adams" and "Alonzo C. P. Adams" and the word "Articles" appears in several places and is a capital letter "A" in each case; all of which as far as I have examined the will, that I have seen them bears the same relationship and begins in the same way.

There are two or three places where the word "and" at the beginning of sentences and therefore a capital "A" is used in which are shown the same characteristics.

Q. Please point to them and designate them?

A. I think there is only one or two where I can be sure of them.

In Article 5, paragraph 6, and in Article 10, para-

graph 2 and paragraph 3, there are two other sentences beginning with capital "A's" which are written in the same manner as the capital "A's" in the names "Henry Adams" and "Alonzo C. P. Adams."

Q. Make a comparison with the letter "A" in the will and the signatures, now what other letters bears comparison worth noting?

A. The letters "M," "N," "D" and "S."

Q. About all of them?

A. Yes, sir. The letter "E" is the only one that I see that don't have anything to hang on one way or the other—that is it don't have any individuality that would identify it.

The letters "M's" and "N's" particularly show that peculiar way of making the triangular shading with the weight at the bottom.

Q. Take the name of "Henry Adams" and point to any letters in the name of "Henry Adams" and similar letters in parts of the instrument Exhibit P 1?

A. Take the word or portion of the word "Hen," which consists of two strokes, the down strokes each of them being widest at the bottom, and the first stroke being higher than the second in the "n," which is a characteristic of the whole body of the will, and is also found in the word "Henry" of the name "Henry Adams" and the word "John" of the name "John Q. Adams"—very sharp at the top, very broad at the bottom, and the second stroke shorter and less indication of rapidity, or trying to get through with it; that is a characteristic all through the will, and in many or most cases where the letter "n" is the only one the second stroke goes off slightly out of angle from the first.

These specific instances are in almost every one in Exhibit P 1.

Q. Refer to them.

A. The first line, the final "N" in "Gordon"; the letter "n" in "township," the "N" in the word "County" on the second line; the "N" in the word "sound on the third line.

Q. Then go to the middle of the will.

A. In Article 5, Section 4, the letter "N" in the word "not," the letter in the same section being the final "N" in the word "Compton," and the "N" in the word "grantess" in the second word following assigns.

Q. Now just look at the last paragraph of the will before the attestation clause?

A. In the attestation clause the first line—— (Interrupted).

Q. Not in the attestation clause in the will proper?

A. In the last section or paragraph the first word, the letter "N" in that word "and," the letter "A" in "any" on the third line, and "pertaining" on the same line; in the word "interest" on the fourth line and the word "rents" on the fourth line.

Q. Now go to the letter "D" for instances of the name "Henry Adams," as compared with some of the "D's" in Exhibit P 1?

A. The first in the initial clause of the fourth line, first page, "D" in the word "disposition," in the word "do," in the fifth line the letter "D" there, and the letter "D" in the word "declare" on the sixth line, and the letter "D" in the word "and" on the seventh line.

In Article 3 the letter "D" in the word "ground," the third line, the word "and" in the same line, the word "and" in the fifth line of the same article and section.

Q. Now take the letter "S," do you find any similarity to that in the will as compared with "Henry Adams"; take the last paragraphs of the will, Exhibit P 1?

A. The final "S" in the word "books," in the last paragraph of the last page. In the word "issues," the final "S," some have a turn and some do not.

Q. What about the "S" in the word "Executors"?

A. That is the same, there is a very short dot at the bottom, that is a straight line—that is a very close example.

The letter "S" in "matters" is the same style.

The letter "S" in "vouchers" also.

Q. Now go to the other signatures?

A. They all contain nearly the same letters, the letter "A" I have spoken of. The letter "L" is generally made with a blind loop—there it has got a very delicate loop to it.

Q. In the will are the letters "L" of equal slant?

A. Yes, very closely.

Q. In the will are the letters "L" of equal slant by themselves?

A. No, sir, they are not—the second one is of a different slant, while that would naturally be the case in that kind of a hand, they are on a different slant. The second one being generally a little further along, that is owing to the fact that the hand moves on a short radius, it produces a wider sort of radius on a short circle, you would not notice it so much as you do in these cartoons, because the radius would be only fourteen or nearly equal. I am taking two "Ls" together in the same word.

Q. Do you see any letter "L" in the will corresponding with "L" in "Alonzo" as to the character of construction?

A. Yes, a very close one, the letter "L" in the word "Legatee" in the last clause of the will it has a very light loop and a pronounced shading with the widest portion at the bottom with that wedge-shaped stroke that I have spoken of, that is on the last page of the will.

Q. Do you find any letter "D" in the will that corresponds with the letter "D" in the name "Alonzo C. P. Adams?"

A. Very closely and all through. The only distinction is that they sometimes connect and sometimes do not, as shown on Exhibit D 69.

Q. Do you see any letter "J" in the will corresponding in characteristics with the letter "J" in the name "John Q. Adams?"

A. I do not find a "J"——interrupted.

Q. Look at the word "July" in the last portion of the will?

A. That corresponds in a general way of make up —it begins by a light loop, turns to the right and then downwards and up again, being made with one stroke but ends in connection.

Q. Do you see any characteristic resemblance in the letter "T" in the word "Township" and "others?"

A. Yes, there is the same slope and in general characteristics they are the same.

Q. Take the first in the will?

A. The first in the will is characteristic because the first stroke shows that heavy triangular stroke on the first stroke and a very sharp connecting and breaking of the speed and connection between the up stroke of the first and the following letter, not being joined up by an oval but broke by a direct stop.

There is no "Z", I believe, I cannot find any "Z" to compare with.

Q. Do you find any "D" in the will corresponding with the letter "D" in the word "Gordon"?

A. I called attention to that—yes, sir; there is the same characteristic of the letter "D" in the word "Gordon" on the first line between that and the cartoon Exhibit D 69 of the witness in the second line in the word "woodbridge," in the final letter of the word "signed," in the first letter of the word "disposing" on the fourth line, in the word "daughter" of Article 2, paragraph 3, on the first line, the final letter in the word "husband" on the third line, the final letter in the word "issued" on the sixth line.

The letter "D" in the word "under" on the seventh line, and in the final paragraph in the word "direct" on the first line. In the letter "D" in "devised" on this line (pointing to the seventh line).

Q. Now about the terminal "S" in the name of "Alonzo C. P. Adams" and "John Q. Adams," have you examined that in the will?

A. I find numbers of these, but without the long flourish, which is added afterwards.

Q. Why do you say that?

A. Because under the microscope it shows it was distinct even in both cases—that neither of them

were made continuously with the final portion of the letter "S."

Q. Can that be made to appear to any one using a magnifying power?

A. Yes, sir.

Q. Have you given your reasons as fully as you can in stating that the whole instrument, names and witnesses, the name of the testator, are all in one handwriting?

A. I have given, I think, all the leading characteristics. I have not gone into details of particular letters, because all are subject to slight variations; these are eliminated; the variations natural to most handwriting, and I have only given those which are characteristic of men's individuality, and which will be repeated in all examinations of that man's handwriting in greater or less degree.

CROSS-EXAMINATION by Mr. Collins:

Q. Have you given any special attention to the art or science of handwriting apart from its connection with microscopic work?

A. Yes, a great deal.

Q. So that your testimony is not based entirely upon the results of microscopic investigation?

A. No, sir; I have made a very careful examination of a great many hundreds of signatures, gotten outside of cases, for the purpose of deducing the peculiarities of handwriting.

Q. Apart from microscopic work?

A. Yes, sir; and I have also made an examination of signatures of patients in an insane asylum with regard to the aberration of the mind and its effect upon handwriting as produced by mental diseases, in various institutions in Indiana and other States West.

Q. Is the careful analysis you have attemped to give here of the construction of various signatures the result of a microscopic examination?

A. No; it is based on both my microscropic exam-

ination, which especially helps me to tell which side of the pen is being used in the formation of certain letters and strokes and the breaks which are not visible to the naked eye or the ordinary eyeglass—(interrupted.)

Q. I notice you spoke of one such incident as a break that could not be observed by the naked eye, but could be with the microscope. May we fairly understand that the other characteristics you speak of can be seen by an acute observer without a microscope?

A. No, sir; not all, although they must be visible by the use of the glass magnifying about fifteen diameters.

Q. Not a magnifying glass?

A. Yes, I think that might do.

Q. Take the large photographs—can these breaks and peculiarities be seen by the naked eye in them.

A. No, sir.

Q. Why not?

A. Because of any photograph—because you cannot make a photograph to preserve these characteristics. In making an enlargement of a photograph of a person's face it is always flat, because of the visual details that are lost in excessive enlargements.

Q. Take Exhibit D 72, it is rather misleading them.

A. Not in general outlines, but the perspective which shows me that I am right in what I said. Where I said that on the first page in the word "Gordon" at the tail end of the word "Gordon" the "G" ended originally at that little jot that I show you here (indicating), and that this little piece was put on afterwards (indicating).

Q. You cannot tell that without the microscope?

A. No, sir; it was put on independently in order to bring it a little lower than it really was.

Q. That final flourish would come over the main line of the letter "G" any how in making it?

A. You see the general direction of that slope is northwest as we might term it to southeast we might

say—it ended there at the projection as shown (indicating.) The pen was lifted and put down over again and the direction slightly changed and the second attempt made, it went over there and the first attempt had ended there (indicating.)

Q. You do not mean over the main line of the "G"?

A. No, sir.

Q. Because the ending would always go over that?

A. Yes.

Q. You meant that the finish began over on top of what had recently been finished?

A. Yes.

Q. So that there would be two layers of ink on the point of that projection?

A. Yes, sir.

Q. Is it not a vexed question with microscopists whether you can tell by the use of a microscope that that one ink of two separate marks of ink that crosses each other which is uppemost?

A. In few cases, I did not say they crossed each other.

Q. They come in contact?

A. In this case in which the two inks are wet, then I do not pretend to say, and I do not say that this was uppermost, I merely said that the pen ended and then went back and came down in a separate stroke.

Q. Is it not a fact that if you draw a line across the paper and then with the same ink draw another line at right angles to that and cross it, that it is a vexed question whether by the use of the microscope you can tell by an examination the point of contact which line was first made?

A. Yes if the two are wet.

Q. Did you ever have your attention called to the matter of the will of William S. Waite before Surrogate Ransom in New York published by the "Daily Register" of New York on Saturday, May 5th, 1888?

A. No, sir.

Q. In which the tests were made before the Court?

A. No, sir; I say that it cannot be told in that case.

Q. Then, when you find in various parts of this signature inks superimposed on other ink, it is only by reasoning from the general course of writing that you say which was placed there first?

A. Yes, sir.

Q. Can you form any idea of how a man accustomed to write with the forearm would write if he used the finger movement?

A. Yes, I can form some idea, but I would not like to say whether a man could do it that is accustomed to do the other; but I can see whether it is one or the other movement.

Q. You might be misled by the writing of a man accustomed to use a forearm movement when you come to see a piece of writing entirely done by a finger movement?

A. Misled as to identity?

Q. Yes?

A. No, sir; he would still preserve his characteristics.

Q. Are not the characteristics so dependent on the movement in writing that you might lose your test?

A. No, sir; because a person who has learned to write cannot divest himself of this entirely in a lengthy writing.

Q. But he might in a signnture?

A. He could not of all of it; he could disguise them to some extent if he intended to do it, but he could not do it naturally; it is a physical matter, a question of impulse, not of mind.

Q. Yet the forger is capable of simulating them with exactness?

A. Yes; but if the man tried to disguise his own handwriting he would produce it, but he would naturally write maintaining the characteristics of his writing.

Q. Is it not impossible to have, in the swinging forearm movement, the wedge-shaped characteristic you see in the finger movement; where would you get that in with a swinging movement?

A. Because the same impulse are apparently employed, it is the same impulse that makes that, and they are employed in both.

Q. Would it be possible for a man using the easy swinging forearm rapid movement to insert that peculiarity in that rapid movement?

A. Yes, sir.

Q. How?

A. By going slower.

Q. I said rapid?

A. Yes, you can insert the shading running at this high rate of speed; this in Exhibit P 1 is only shaded —Interrupted.

Q. But it is a shading made with a finger movement?

A. Yes, principally.

Q. Indicate to me the outline of the wedge-shaped characteristic that you spoke of?

A. There (indicating) it is narrower at the top than at the bottom; there is a very good one (referring to cartoon P 1 on D 7); in the first down stroke, the first letter, it has its widest point close to the bottom before it turns, and it looks as though the pen had gone down and then gone back again, as you see it has the form of a sharp contact—Interrupted.

Q. In the letter "R" in Exhibit P 1 of the word "Gordon" is another illustration of what you mean?

A. Somewhat, but the crossing of the other stroke has influenced that a little, but the widest part of it was originally a little above the bottom.

Q. Are the wedge-shaped appearances visible to the naked eye?

A. Yes, sir.

Q. What you mean by wedge-shaped is the shading of a line being wider at one part than another

and the outlines straight, that is what you call a wedge-shaped stroke?

A. No, sir; I do not call this wedge-shaped (indicating the second "G" in Exhibit D 59), the rule in the "Adams" signatures I do not call wedge-shaped; that is a conventional penman's style.

Q. I did not mean to prescribe such a case as that, but I will call your attention to the staff of the letter "P" in Exhibit D 59, as shown on Exhibit P 1, is that what you call wedge-shaped?

A. No, sir; it is just a blind loop.

Q. Is the terminal flourish of cartoon D 71 the signature P 1?

A. Yes; it is the narrowest at the top and widest close to the bottom.

Q. The wedge may be there even thought it is widest at the top and narrowest at the bottom?

A. Yes, that is an inverted wedge for example, look at the first "G" of Exhibit P 1?

Q. Is it essential for a wedge shape that it be sharply defined or may it blend off into a narrower line?

A. It is the fact that it grows wider gradually, and abruptly changes instead of a gradual change—going back again, this end is wedge shaped (indicating cartoon Exhibit D 59) it is narrower at the top and and widest in or near the middle, then narrower again at the bottom.

In the contested signature of Exhibit P 1 it is narrowest at the top and widest at the bottom and then suddenly narrower—not forming a gradual diminution on the lower edge as it formed at the top or initial stroke.

Q. Is not the tendancy of a finger movement to produce this wedge shaped form?

A. No, sir.

Q. Why not?

A. Because it is just as easy to produce this oval form with a finger movement as with the forearm movement—that is an indication of aphysical characteristic and a rather unusual characteristic.

Q. What is that?

A. It is wedge shaped all through the will, and it is an unusual physical characteristic.

Q. But more likely to occur in a finger movement than any other?

A. Perhaps; I would not say either one way or the other. I have not noticed it in any forearm movement, and it is very rare in a finger movement, very.

Q. Tell me how you think the left-hand scroll of the rubric under the disputed signature was traced by the writer.

A. I think it began at the lower point and went to the left.

Q. And finished in what you call the "knob"?

A. Yes, sir; but I am not quite certain.

Q. What makes you think that?

A. The only reason I think it is the shape of the ending here (indicating), but that can be made either way. It is a little more common among writers to make it in the natural sweeping way and end in the natural way of writing.

Q. Do you think the pen caught in the right-hand rubric?

A. No, sir; I think that was intentional; that it originally came round in a loop and this other portion was added on in order to elongate it.

Q. The right-hand scoll of the rubric, you think it began at the left-hand upper point and made a complete turn, ending in the heavily shaded line?

A. Yes, sir.

Q. And then you think at the top of that ellipse the pen was put on and ran to the top and then the concave line in the southeast corner, as you very properly termed it, was added?

A. Yes, this and this (indicating), the long line to the right and the short line to the left were first added.

Q. Including that heavy mark in the centre of it?

A. Yes, sir.

Q. You spoke of the letter "M" in the will as com-

pared with the "M" in the three subscribing witnesses names; did you compare them or will you now compare them with respect to height, which are the higher?

A. Absolute height or proportional of the various strokes?

Q. You compared them as to width, I do not know whether you did it absolutely or how—Take "Henry Adams," which I assume you to say is the more normal type, am I right in that—when you compared them did you mean that they were absolutely or relatively of the same width?

A. they are about the same width, that letter "M" in "Henry Adams" is a little heavier than most of them, but the shape and width is the same otherwise.

Q. Is not the height of the letter "M" greater in the attestation signatures than in the body of the will?

A. It is so close that I cannot tell without a measurement with callipers—it is pretty close on a measurement.

Q. What is the fact, generally speaking, about the height of "Henry Adams" and "Alonzo C. P. Adams" as compared with the height of the letters in the body of the will; I omit the name "John Q. Adams" in that comparison?

A. They are a little larger than that in the body of the will, but not larger than that in the first line in the first clause and in the first line of the attestation clause, and in parts of the first lines of other portions of the instrument. It appears that the writer of the will, when he began a sentence, or rather an important sub-division, would frequently write a little larger than his natural hand.

Q. You say you testified in some will case—the name of the suit was the Jeroloman will case—what did you testify to, whether the signature was genuine or forged?

A. Forged.

Q. In the Blaisdell case, the same question?

A. Forged.

Q. In the election poll lists, I ask you the same question?

A. Forged.

Q. More frequently than otherwise your results led you to find forgery in the cases you have testified in?

A. No, sir; I do not think so; I cannot tell without looking at all my cases; I never thought of that.

Q. Don't you have a little unconsious bias?

A. I do not think so, it never entered my head.

Q. Mention some of the cases you have mentioned to-day?

A. Price vs. Noble, that I said was genuine.

Q. How about the Dempsey will case?

A. Forged.

Q. What other?

A. Grant vs. Elathorp, that was as to the age of a document and receipts.

Q. Of course the circumstances under which a a man writes his name, as for example, in an unaccustomed place, in an accustomed way without a rest for his elbow, damp paper and a different pen, all enter into the production, do they not?

A. Yes.

Q. You have talked with your professional brother, Mr. Ames, since you came here?

A. Not about this case.

Q. What was the conversation about?

A. In there?

Q. Yes?

A. Mostly talking about that Davis will case in Montana.

You were speaking about some report, about what experts had testified to, and I wanted to know how how you knew it?

A. No, sir; I know from the fact that they were called on the contestants side what their conclusion must have been, and I know generally what their testimony had been, but they did not tell me what their testimony had been. I did not see Mr. Ames until this morning for the first time.

Q. How long have you been East?

A. Since Wednesday afternoon.

Q. Did you come for the Dempsey case?

A. No, sir; for the Gordon case.

Q. Not for the Dempsey case?

A. No, sir; they did not notify me.

Q. One of the counsel in this case is also counsel in the Dempsey case?

A. Yes, sir.

Q. Have you lumped your charge?

A. No, sir; there is no retainer, just a per diem.

Q. What is it?

A. Fifty dollars a day.

Q. And expenses?

A. Yes, sir; generally.

Q. Is that per diem the same on an examination as on testifying?

A. No, sir; that varies on the amount of work done; single signatures are not as much as a dozen would be.

Q. How much work have you done on this?

A. My examination in Chicago was very careful, I cannot tell you how many hours; I had some genuine signatures.

Q. Tell us how much you have been paid or are to be paid?

A. I cannot tell until I get through.

Q. What signatures did you have there, standards?

A. Yes, sir.

Q. Some of these that are supplied here?

A. I cannot be certain.

Q. Did you examine these under the microscope?

A. Yes, sir.

Q. Where did you do your microscopic work on the will?

A. Yesterday and to-day in the adjoining room.

Q. All your work you have done in that respect has been done in a comparatively short time?

A. Yes, sir; I had some three or four hours; something like that.

Q. Did you go over the entire space or stretch of each of the four signatures in dispute?

A. Yes, sir; all of the signatures and the thirty-nine standards were looked at under the microscope, and parts of the will.

Q. How much of the will?

A. Why, I took different pages, but clause by clause with the signature, because that was used to get at a portion of the first page and part of article eight.

Q. How much will the field of a 75 diameter microscope cover?

A. About one-quarter of an inch at a time.

Q. At a time?

A. Yes, sir.

Q. How do you mean—quarter of an inch each way?

A. In length.

Q. How much the other way?

A. Some of the instruments are made specially for this purpose and moves along on a glass table and the will is put underneath it and as it moves along each time—Interrupted.

Q. You can see as much as a quarter of an inch?

A. Yes on 75 diameter, that is a low power, it is a high power for this work, but for adulterations and such work it is low power for that.

Q. One expert favored us with an examination of the rubric to see if the pen scratched or caught and after we had looked at it we found we were looking at that stroke (indicating) we found we were looking at that?

A. He had had it pretty well magnified 20 diameters or about one half an inch.

Q. How much would you see under 75 diameter power, take that elongated tripartite on Exhibit D 72, what would we see?

A. You would see about the distance of the down stroke on the first loop up nearly to the top—you could just see across both strokes of that about (indicating.)

Q. About the "O"?

A. Yes, not quite a letter at a time.

Q. I assume that the handwriting in the body of the will is a natural handwriting for the writer that wrote it, do you think so?

A. Yes, I do not think there is any question of disguise there.

Q. If you think the same man wrote the four signatures, did he sign any or all of them?

A. Yes, sir, he feigned in a varying degree.

Q. Which is the nearest his natural writing?

A. The word "Henry Adams."

Q. Which next?

A. "Alonzo C. P. Adams."

Q. Which next?

A. "John Q. Adams."

Q. So that the signature "Geo. P. Gordon" is less like his normal writing?

A. Yes, that shows the best disguise.

Q. Which is the best penmanship of the four names there?

A. It depends on what you mean by that—most correctly formed letters according to a rule?

Q. Yes.

A. The name "Geo. P. Gordon."

Q. It is better, is it not, than the body of the will?

A. It impresses one as being better, because it is so heavy; naturally heavy writing looks better.

Q. The heaviness of all the signatures partly comes from the quality of ink and paper on which they are written?

A. No, sir; that does not make any difference in the weight.

Q. If the paper were damp, would not more ink sink into it?

A. I am not taking into consideration the spreading of the ink; I am taking into consideration the amount of ink put on; it shows clearly where the pen made their marks.

Q. The ink is heavy ink; do you think so?

A. Keeping in mind that the paper is an unsized

paper, it is poor paper, it is not used very much on that kind of work. In the first place, it is rough, and in the second place, it is so that the ink runs in it.

Q. How is it as to calendering? It is not calendered, is it?

A. It is not calerdered at all; it has not passed through a calender roll; they are special rolls for the purpose.

Q. Does writing on a cold surface affect a man's hands; that is, what it rests on?

A. Not unless his hand got chilled; the material would not have any effect unless his hand was chilled.

Q. Would not coldness of the surface on which he wrote, especially if he was warm, have some little effect upon his muscles?

A. I do not think it would have the slightest.

Q. You never tried it?

A. No, sir; only from the knowledge of physical characteristics I think not; I never tried it.

Q. I think you spoke of referring to one of these witnesses' signatures, that the person who wrote it was advanced in years, did you come to that conclusion?

A. I cannot tell actual years—I mean his physical situation was not good; I cannot tell whether he was fifty or one hundred and fifty; some men will write as poor at forty as others will at sixty; but his physical system was impaired by disease of some kind.

Q. It was a sort of writing you would look for in an old man?

A. Yes, sir.

Q. You spoke of that and had "Henry Adams'" signature under consideration—his handwriting?

A. I do not recollect; it would apply to all.

Q. Where most marked—which signature?

A. In the body of the will, by that peculiar kind of strengthening to the down stroke, as if coming from a heavy hand when it comes down.

Q. You find that in "Henry Adams'" signature too?

A. In Henry Adams' signature, it is marked in all

to a greater or less extent. The letter "E" shows it less; the others too show it.

Q. You were speaking of "Henry Adams'" signature when you used the word "feebleness"?

A. I might have done so.

Q. Do you think you see "feebleness" in the writing of "Henry Adams"?

A. I believe, I think, I applied that to the body of the will. These signatures do not show it so much as in the body of the will.

Q. You do see "feebleness" there?

A. Feebleness or indecision.

Q. "Feebleness" as applied to "Henry Adams'" signature, and "unsteadiness" to "Alonzo C. P. Adams'," you used those words—would you look for the "feebleness" you speak of in an old man?

A. Not necessarily; that would be more general, then.

Q. Would you not perhaps find the "undsteadiness" you spoke of in the "Alonzo C. P. Adams'" signature in the writing of a man who had been indulging in liquor, drunk to some extent?

A. Some of them; but they come in a different way on a person who drinks—that is to say, the peculiar want of co-ordinateness in his work, coming from the muscles acting in such a way in an intoxicated person that it affects the upward and downward strokes almost the same; there is no regularity of the failure of the muscles' work; this is a failure of strength and I should not say that the signature like that was due to an indulgence in liquor or from intoxication.

Q. Signature like what?

A. Like "Alonzo C. P. Adams," that it was not due to intoxication.

Q. I did not refer to the writing of the signature while a person was intoxicated, but to the effect on the nerves from having been dissipated?

A. Yes; the weakness consequent to the habitual use of alcholic liquors would affect it if the person was not under the influence at the time.

Q. Have you ever given any attention to what might be called "family resemblance" in writing.

A. Yes, sir.

Q. Have you not seen quite a marked likeness resulting from some physical conditions, or muscular conditions, in some families closely related?

A. In those families which bear strong family characteristics it may there are found what may be termed "family resemblances" in handwriting.

RE-DIRECT by Mr. Miller.

Q. When you referred to the fact that you discovered without the microscope what you thought to be one ink mark over another at the bottom ends of the letter "G" why did you refer to that; was it to determine which was put their first or as to the fact that the pen was taken off?

A. To determine whether the lines were made continuously.

Q. You spoke of the rythme of handwriting; what do you mean by that?

A. I mean that repetition of weight which is found in some hands and not in others and which tends to develop in old age. It is found in the Exhibit P 1, signature that rythme is very distinct, it is found in the initial "G" three times, in the "P" twice; and being found in the main stroke in the second "G" three times, in the "O" once, in the "R" once, in the "D" twice, in the "O" once and in the "N" twice, in the flourish once. That is the weight or heaviness of the stroke followed by a light stroke, that is individuality.

THE ORDINARY;

Q. You say that it is common to old age?

A. No, sir, that it would be apt to develop in old oge; as a person grows older, they are apt to write things harder and longer.

Mr. MILLER:

Q. As they get past middle life?

A. Yes, sir; they would be apt to show more then than in the youth; they would not be in an old man likely.

FURTHER CROSS-EXAMINED by Mr. Collins:

Q. It is quite common for a person to go back and put a little finish on, as might be done to that letter "G"?

A. Very uncommon indeed, because the way a man writes gets to be automatic—below his consciousness; there is a kind of impulse or direction of the will required to write beyond that; he does not know how the subordinate turns are made; when he is accustomed to write he is not accustomed to go back and alter it after it is written.

Q. When he makes a signature he is likely sometimes to go back and put a little flourish to it?

A. Not in my experience.

Q. Don't you do it yourself?

A. I do not recollect; there are times when a sudden failure in an outline to join or the ink runs dry on the pen, to go back and fill that up; if that is what you mean, yes; but to go back and add a piece on another, that is not common.

Q. How do you account for what you see in the first letter "G" in Exhibit D 60?

A. One was made right after the other I do not know what the cause was.

Q. What is the little thing coming down from the stem.

A. I do not know. I looked at it. He might have started and then found it was not in the direct shape, and it is an utterly indirect motion, and I do not find any pen marks to indicate that he went any further it occurs in one other signature.

MR. MILLER—I offer now on the question of domicile in connection and as part of the general evidence on the question of domicile: New York Directories for the years 1877,

1876 and 1875, and Brooklyn Directories of 1877 and 1876.

Mr. COLLINS—We object to them as irrelevant.

Mr. MILLER—I renew my offer, and I state that I shall follow it up with evidence as to how the directories are compiled or made up, by application being made to places of business and residence.

The ORDINARY—I will reserve the ruling until the next session.

It is agreed between counsel for the respective parties, that if the parties desire to inspect the Exhibits they shall first make application to the Ordinary, who will designate a Master in Chancery, in whose presence the Exhibits shall be examined, and who shall seal them up and return them to the custody of the Ordinary after such examination, each party to have the same privilege.

Adjourned to May 26th, 1891, at 10 A. M.

INDEX TO VOLUME I.

Witnesses for Proponents.

	Page.
Adams, Henry C.—	
Direct (Mr. Collins),	2
Cross (Mr. Miller),	11
Re-direct,	54–78–136
Re-cross,	66–79
Adams, Edward L.—	
Direct,	82
Cross,	89
Re-direct,	127–132
Re-cross,	130–134
Gordon, Elizabeth Townsend—	
Direct,	136

Witnesses for Contestants.

Sandhuson, George—	
Direct (Mr. Miller),	139
Cross (Mr. Collins),	144
Re-direct,	146-150
Re-cross,	146-150
Bussing, Robert S., Jr.—	
Direct,	152
Cross,	154
Re-direct,	154-155
Re-cross,	155-157
Van Vleet, William E.—	
Direct,	159
Cross,	160
Re-direct,	201-212-215
Osborn, Henry W.—	
Direct,	173
Cross,	174
Re-direct,	176-212
Re-cross,	176
Matteson, Raphael N.—	
Direct,	177
Cross,	178
Re-direct,	184

Rogers, William H.—
Direct, - - - - - - - 185
Cross, - - - - - - - 190
Re-direct, - - - - - - 198
Re-cross, - - - - - - 199
Carvalho, David N.—
Direct, - - - - 205–214–249
Cross, - - - - - - 266
Re-direct, - - - - - 310
Bishop, Frank R.—
Direct, - - - - - - 238
Cross, - - - - - - 248
Cantwell, Thomas W.—
Direct, - - - - - - 311
Hagan, William E.—
Direct, - - - - - - 323
Cross, - - - - - - 338
Re-direct, - - - - - 355
Re-cross, - - - - - 359
Ames, Daniel P.—
Direct, - - - - - - 365
Cross, - - - - - - 396
Re-direct, - - - - - 453
Young, Edward F. C.—
Direct, - - - - - - 455
Cross, - - - - - - 457
Drummond, Charles W.—
Direct, - - - - - - 460
Cross, - - - - - - 465
Allen, Joseph W.—
Direct, - - - - - - 466
Cross, - - - - - - 467
Re-direct, - - - - - 472
Re-cross, - - - - - 472
Orton, James T.—
Direct, - - - - - - 472
Cross, - - - - - - 476
Tolman, Henry L.—
Direct, - - - - - - 478
Cross, - - - - - - 496
Re-direct, - - - - - 510
Re-cross, - - - - - 511

The Prerogative Court

OF THE STATE OF NEW JERSEY.

In the Matter of the Probate in solemn form of the last Will and Testament

of

George P. Gordon, Dec'd.

Evidence taken in the above stated cause before Hon. Alexander T. McGill, Ordinary of the State of New Jersey, at the Chancery Chambers in Jersey City, May 26, A. D., 1891, at 10 A. M.

Appearances:

Messrs. Collins & Corbin, for proponents, Adeline J. Gordon and Sidney Doane.

William T. Day, Esq., for Pauline Teresa Reitz and Samuel Richard Ruyssenaers, residuary legatees under the alleged will of Mary Agnes Gordon.

William F. Abbett, Esq., for William W. Old, executor of will of Lenore M. Van Wyck, and

Barker Gummere, Esq., of counsel, and Theodore F. Miller, Esq., counsel for William W. Old, executors, etc.

Pursuant to adjournment the parties met at the Chancery Chambers May 26th, 1891, at 10 A. M., and the following evidence was taken before Hon. Alexander T. McGill, Ordinary of the State of New Jersey, in presence of solicitors and counsel of the respective parties.

Mr. CORBIN: We find on making an examination of the printed book which we have just received that there are a number of typographical and other errors which we think ought to be brought to the attention of the Court. Some of these errors are trifling and others not trifling. For instance referring to the testimony of Henry C. Adams he is reported speaking of an occurrence between him and George P. Gordon in July, 1868, the book says that it made the friendship between them "not so close or less close" when the witness said that it made the friendship between them "very close," and there are other errors of a minor character. It will take time to go over these corrections and I make this suggestion, and I think our friends would agree with us on the corrections and if satisfactory to your Honor I suggest that we be allowed to go over these corrections with them first, and if we do not agree then we can refer the matter to the Court.

The ORDINARY: The stenographer may be present with his notes to which he may refer.

Mr. MILLER: It is wonderful that the work shows so much accuracy.

I would ask that the Clerk or Sergeant-at-Arms be given custody of the original documents, exhibits and standards in the other room in order that the experts may have access to them for the purpose of making examination.

The ORDINARY: I will allow Mr. Haggerty to be present while the exhibits are being examined in the outer room until Mr. Carrick, the master, returns to take them in charge.

DOMINICK H. ROCHE, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY Mr. MILLER:

Q. What is your residence?

A. Forty-five Second Place, Brooklyn.

Q. What is your business?

A. Secretary cf the Board of Assessors of Brooklyn.

Q. How long have you held that position?

A. Since 1863.

Q. Continuously?

A. Yes, sir.

Q. Are you familiar with the business and practice of the Assessor's office of the City of Brooklyn?

A. I presume I am.

Q. You are fully familiar with it?

A. I think I am.

Q. Have you not practical charge of the administration of that office?

A. Well, of the clerical affairs, yes, and of the getting up of the tax rolls, &c.

Q. You have a general knowledge of the affairs of that office?

A. Yes, sir.

Q. Have you made an examination of the assessment rolls in the office of the Collector containing the entries in evidence in this cause, Exhibits D 77, D 78, D 79 and D 80, exhibits which appear printed on pages 241, 243, 245 and 247 of the printed record?

A. I have.

Q. These records relate to assessments on personal property made against George P. Gordon in the years referred to in the exhibits. Please state whether you know in fact whether these assessments were

made against George P. Gordon as a resident or as non-resident—the question is, do you know?

Objection by Mr. Corbin as irrelevant and incompetent.

Question admitted.

A. Only as to the practice in the office, that they show he was assessed as residing at 155 Columbia Heights.

Q. You say you know from the records, have you recently examined these records?

A. Yes, sir, yesterday.

Q. The records that are in evidence?

A. Yes, sir.

Q. According to the practice of your office, does that record show taxes against a resident or non-resident of the City of Brooklyn?

Objection by Mr. Corbin on the ground that the witness has already shown that he knows only what the record itself shows on the face of it.

Question allowed.

A. It shows a resident in the City of Brooklyn at 155 Columbia Heights.

Q. You say you have been in the office twenty odd years?

A. Yes, sir.

Q. Has there been any case within your knowledge where a person who is a non-resident has been assessed on personal property in the City of Brooklyn?

Objection by Mr. Corbin, as incompetent and as hearsay.

Question allowed.

A. My recollection is, and that is all I can give you now, that there has been.

Q. What is your recollection?

A. My recollection is that a man by the name of Isaac W. Rushmore, who was engaged in the milk

business on Atlantic avenue, that is, he had removed his residence to Jersey and we had assessed him on personal property in the City of Brooklyn and I think we assessed him as a non-resident.

Q. Any other cases within your knowledge?

A. I have not examined into the matter and my recollection is that there was one more though.

Q. I requested you to examine into it and did you not examine it?

A. I had not time, I was a witness in the Supreme Court yesterday and one of our clerks was buried yesterday and I attended his funeral.

The ORDINARY:

Q. How would you know?

A. All these records come under my supervision.

Q. You do not make the records?

A. I copy them.

Q. How do you know from the copy of them?

A. It is on the book.

Q. All you know is from the fact that the book says that a man had a certain street number and that designates him as a non-resident?

A. Yes, sir.

Mr. MILLER:

Q. If a non-resident, what does the record show?

A. That he was a non-resident of the City of Brooklyn.

Q. Is there such a record?

A. My recollection is that there is.

Q. Will you look that up—we will suspend your examination at this point and I will recall you on it, we want to know what the record shows, what is on the face of the record as kept in the practice of your office where the assessment is made of personal property of a non-resident?

A. Yes, sir.

CROSS-EXAMINATION BY MR. CORBIN:

Q. Will you bring all the records that show taxation against George P. Gordon?

A. I haven't any control over them.

Q. You can't undertake to bring any of the records here—do you know how late there are assessments against George P. Gordon for personal estate?

A. I looked in our books and I find in our office—we made a practice in our office, we keep for real estate and personal property——(interrupted).

Q. Do you know down to what dates there are assessments against George P. Gordon for personal estate?

A. Either 1880 or 1881, and it is marked in our book "not found."

Q. But he was put down as 155 Columbia Heights, was he not?

A. Yes.

Q. Down to 1880 or 1881?

A. Yes and marked "not found."

Q. And after that it says——(interrupted).

The ORDINARY:

Q. When did you mark it "not found?"

A. I think on the roll of 1880.

Q. Does that mean that he is not found or that the property is not found?

A. We send out a notice of which this is a copy and we made an arrangement at the post office when a party is not found at that residence they are returned to us and we send these out, and when they are not found, as I said before, we make an arrangement so that they are returned to our department and we then mark them in that way "not found," and I think that the one for 1880 was returned and marked "not found."

MR. CORBIN:

Q. Were these personal taxes against George P. Gordon paid down to 1880?

A. I think they were marked paid up to and including 1879.

Q. Were they not paid in 1880?

A. I think not.

Q. Was there not one tax paid in December, 1880—December 13?

A. I didn't examine the tax roll.

Q. You can't say that is not so then?

A. No, sir, I can't; I didn't examine it.

Q. You say you will return here and produce further evidence—can't you investigate that matter?

A. Yes, sir.

Q. And see whether you don't find a tax paid December 13, 1880, $207.03?

A. Yes, sir.

Q. I will give you a memorandum of what I require you to look up.

The examination of this witness suspended at this point.

JOHN M. KNOX, Junior, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER:

Q. What is your business?

A. A lawyer, counsellor at law.

Q. Where do you reside?

A. 104 Willow street, Brooklyn.

Q. Were you acquainted with A. L. Reid, one of the inspectors of election of the Second District of the First Ward of the City of Brooklyn for 1876?

A. Yes, sir.

Q. How do you know him?

A. He was my father-in-law.

Q. Are you familiar with his handwriting?

A. Quite so.

Q. Have you seen him write?

A. Frequently.

Q. Is he living now?

A. No, sir.

Q. When did he die?

A. On the 2nd of October, 1888.

Q. Was there any administration of his estate?

A. No, sir.

Q. Any executor?

A. No, sir.

Q. Who had custody of his papers and effects after his death?

A. His family; his wife principally and his family generally.

Q. Was he living with you?

A. In an adjacent house.

Q. Practically one house, was it not?

A. Yes.

Q. With an opening cut through on the inside?

A. Yes.

Q. Please state when you obtained the book I now show you (handing witness a book)?

A. I procured it from a closet in the residence of Mr. Reid, 102 Willow street, where it was kept.

Q. What was kept?

A. This book with several others.

Q. Were Mr. Reid's effects kept there?

A. His books, &c., were kept there and his papers.

Q. Do you know what this book is?

A. Yes, sir.

Q. What is it?

A. It is the Register's book of the voters of the Second District of the First Ward for the election of November, 1876.

Q. Please look at the entry as follows, under the heading on the page Columbia Heights—the first column, headed "Residence number or other designation, if not numbered," under that heading "155," then another column, "name of voter, George P. Gordon"—(interrupted).

Objection by Mr. Corbin on the ground that this is an attempt to get in the contents of that book in the form of a question, and it is not proper.

Question withdrawn.

Q. Please look at the line which you marked with your own initials in this book, "Marked J. M. Knox, Jr.," and state in whose handwriting it is, if you know?

Mr. CORBIN: Objection on the ground that to prove that a certain record was made in the handwriting of a stranger to this cause is not of any weight here at all; that it is entirely incompetent to the issues in this cause and immaterial.

Question admitted.

A. It is in the handwriting of Aaron L. Reid.

Q. The Aaron L. Reid of whom you have spoken before in your testimony?

A. Yes, sir.

Mr. MILLER: I ask that that book be marked for identification.

Marked D 96 for identification, May 26th, 1891.

CROSS-EXAMINATION BY MR. CORBIN:

Q. I notice that this form of book is made up so that it can be used in any election district in that city, is it not? All that relates to any particular election district is filled in in ink?

A. Yes, sir.

Q. Do you know how many copies Mr. Reid may have made of this list of voters in 1876?

A. May I explain—(interrupted).

Q. I ask you the question if you know or have any means of knowledge?

A. No, sir.

Q. There are some entries here in other hands than Mr. Reid's, are there not?

A. I did not find any last night when I looked through the book.

Q. I show you one entry here (indicating); is that a different handwriting or only a different ink?

A. That is all; I think that is in his handwriting.

Q. Do you find any signed certificate with his official certificate to show what it is any more than a list of names?

A. I find the label on the outside.

Q. Do you call that official?

A. That's all I find, and instructions to voters on the inside.

Q. That is applicable to any precinct in the city?

A. Yes, sir.

Q. And so as to the label on the outside?

A. And Mr. Reid's initials.

Q. You say these are Mr. Reid's initials (indicating)?

A. Yes, sir.

Q. Do you know whether this is a copy of the list that is filed?

A. It is not a copy at all.

Q. How do you know that is not a copy?

A. From my acquaintance with the elections of Brooklyn.

Q. From your acquaintance you can swear that Mr. Reid did not copy that from any other list?

A. To the best of my knowledge and belief.

Q. What do you found your knowledge upon?

A. From my knowledge of Mr. Reid.

Q. Mr. Reid wasn't interested in the elections at all?

A. No, sir; but that is the kind of men we get over there.

Q. When did you first see this book?

A. I do not know.

Q. What is the first recollection you have of it?

A. In 1876.

Q. You remember seeing it around the house, then—you were living around the house then, were you not?

A. Yes.

Q. Did you take any part in the election of the making up of the books, or anything of that kind?

A. No, sir.

Q. Was there any other books that he made—was he an election officer for any other year?

A. Yes.

Q. Had he others?

A. Yes.

Q. How many other books of a similar character had he?

A. Three of them, I think, of a similar character, in the house.

Q. Do you know what years the others covered?

A. No, sir.

THE ORDINARY:

Q. For the same election?

A. No, sir; different years; I don't recollect what years.

MR. CORBIN:

Q. Years before, or just after the one that you have here?

A. Probably both; I remember that he was election inspector for several years.

Q. Did you examine them to see whether the name of George P. Gordon was entered on any of them?

A. No, sir.

Q. You didn't look to see?

A. No, sir.

RE-DIRECT BY MR. MILLER:

Q. What explanation were you about to make to the question which Mr. Corbin put, and which the stenographer will now read you, which is as follows: "Do you know how many copies Mr. Reid may have made of this list of voters in 1876?" to which you said you wanted to make an explanation. Now give that explanation.

Objection by Mr. Corbin.
Question withdrawn.

DAVID H. MERRITT, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER:

Q. What is your residence?

A. New Brunswick, New Jersey.

Q. What is your business?

A. Paying teller of the Newark City National Bank.

Q. How long have you held that position?

A. Twenty-one years.

Q. Been paying teller for twenty-one years?

A. Yes, sir.

Q. Is it your custom or have you been in the habit of comparing signatures presented to you on checks for payment with originals?

A. Yes, sir.

Q. That is, if a check is presented to you what do you do when you look at it; what comparison do you make?

A. In most cases a mental comparison.

Q. With the standards you remember?

A. Yes.

Q. And if you have any doubt what do you do?

A. I sometimes refer to the signature book, which is in possession of the bank, but more frequently refuse the check immediately and pass it away.

Q. Then it has been your practice during twenty-one years to compare the handwriting on checks at least?

A. Yes, sir.

Q. Have you examined the checks in this case, Exhibits D 16 to D 64 inclusive and D 56 to D 60 inclusive?

A. I have.

Q. Have you examined the signature of "Geo. P. Gordon" to Exhibit P 1 being the will propounded?

A. Yes, I have.

Q. Have you compared the signature of the checks with the signature on the will?

A. Well, I have.

Q. After having made such comparisons will you state whether in your opinion you believe the signature of "Geo. P. Gordon" to Exhibit P 1 is made in the same handwriting as the signatures of "Geo. P. Gordon" to the checks on Exhibits D 16 to D 54 and D 56 to D 60?

A. In my opinion the signature of the will does not compare with the signature on the checks.

Q. What do you mean?

A. I mean that the man that signed the will did not sign these checks.

Q. State your reason for that opinion?

A. These signatures on these checks are all written with a free and careless hand, but they all have characters which are universal throughout the entire lot of checks.

This signature (referring to signature on Exhibit P 1) was written in my opinion by a cramped hand and bears in my opinion no resemblance whatever to the signatures of "Geo. P. Gordon" on the checks.

Q. Because of what peculiarities?

A. It is very difficult for me to tell you except that in glancing at the signatures I find one characteristic and that is a freedom of writing—the man wrote with a perfect freedom as though he understood what he was about, as though he never deviated from a given course in writing his signature —this signature on the will—that signature is entirely different, it looks like a studied signature as though the man studied every motion he made and it is entirely different in that respect.

The man who signed these checks signed them as though he was signing his own name as he would do every day without thought and as to the will the signature in that very motion looks as if the signature had been written with thought and care and precision.

Q. You don't pretend to be an expert in handwriting but only in signatures?

A. I don't pretend to be an expert in anything ex-

cept that I have been in a position in business which requires my being an expert in signatures.

Q. But not in general handwriting?

A. No, sir, not in general handwriting.

CROSS-EXAMINATION BY Mr. CORBIN:

Q. You say you have sometimes refused to pay checks?

A. Yes, sir.

Q. Have these checks invariably turned out to be forgeries?

A. No, sir.

Q. Let me see if I have correctly the points or the reasons which you have given for doubting the identity of the writer of the signature on Exhibit P 1 and those of the checks which have been shown you. I understand you to state first, that the signature to the checks is free and careless and characteristic universally, is that correct?

A. Yes, sir, I think so.

Q. Uniform you mean?

A. Did I use the word careless?

Q. Well, uniform, did you say?

A. Yes.

Q. And I understood you to say that the signature is written with a cramped hand in Exhibit P 1?

A. The signature on the will?

Q. Yes, to the will?

A. Yes.

Q. And also that the signature to the will in your opinion bears no resemblance whatever to the signature on the checks?

A. That is my opinion, yes, sir.

Q. Then you also stated as I recollect that one of the characteristics of the signature on the checks is a freedom of writing and that the writer never deviated from a given course; that is, that it is a uniform lot of signatures?

A. Yes, sir.

Q. And that the signature to the will was studied and written with care and precision in your opinion?

A. Yes, sir.

JOHN FRANKLIN NEWCOMBE, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY Mr. MILLER:

Q. What is your residence?

A. Elizabeth, New Jersey.

Q. And your business?

A. Bookkeeper of the National State Bank of Elizabeth.

Q. Have you had any experience in the examination of handwritings of checks?

A. I have.

Q. What is your experience?

A. I have examined two or three hundred checks for the last nine years each day.

Q. What do you mean by that?

A. Examining and comparing the signatures to see if correct.

Q. Comparing with what?

A. The signature book, if we have any doubt.

Q. And if you have any doubt as to the signature, what do you compare with—tell us how you know whether the signature is correct or incorrect?

A. From memory.

Q. Have you examined the standards Exhibits D 16 to D 54 and D 56 to D 60?

A. I have.

Q. They are now before you?

A. Yes, they are.

Q. Have you examined the signature of "Geo. P. Geordon" to the will Exhibit P 1?

A. I have.

Q. Have you compared that and formed an opinion as to whether the handwriting of Exhibit P 1, the signature of "Geo. P. Gordon," is the same as the handwriting of the signature of the standards?

A. I have.

Q. And formed an opinion?

A. Yes, sir.

Q. What is your opinion?

A. My opinion is that they are not the same signature.

Q. That is, you mean they are not made by the same person?

A. That's my opinion; they are not made by the same person.

Q. What is your reasons for saying that; give us your reasons?

A. One is written in a free hand, the other evidently a cramped, angular hand—the formation of the letters not the same.

Q. You don't claim to be a general expert in handwriting?

A. Not a general expert; no, sir.

Q. You claim to have such expertness as your experience has given you in recognizing the signatures to checks?

A. Yes, sir; on the examination of signatures.

The ORDINARY:

Q. What is your age?

A. Thirty-one.

CROSS-EXAMINATION by Mr. Corbin:

Q. When did you make your examination of these standards?

A. A few moments ago in the adjoining room.

Q. That was the first you had seen of them?

A. Yes, that was the first.

Q. Who was with you in making that examination?

A. Mr. Merritt.

Q. He who has just testified?

A. Yes, sir.

Q. Who else?

A. Mr. Day and some other gentleman; I don't recollect his name.

Q. What is your opinion as to uniformity of the

signatures to the standards shown you; that is the check signature?

A. They run very much the same.

Q. Quite a uniform lot of signatures?

A. Yes.

Q. Their characteristics are quite uniform, you think?

A. Yes, they are, I think.

Q. Do you think that the signature "Geo. P. Gordon" to Exhibit P 1 bears any resemblance to the checks signatures?

A. Very little.

Q. Such that you think an ordinary observer would not recognize a resemblance?

A. No, sir, I don't. I think any ordinary person could distinguish the difference.

WILLIAM J. D. CHANDLER, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED by Mr. Miller:

Q. What is your residence?

A. Roselle, New Jersey.

Q. What is your business?

A. Teller of the First National Bank of Elizabeth.

Q. How long have you held that position?

A. I should think about twenty years.

Q. Is it part of your business to examine the handwriting on checks?

A. It is necessary as a teller.

Q. And has been for twenty years?

A. Yes, sir.

The ORDINARY:

Q. Were you paying teller or receiving teller?

A. Both.

Mr. MILLER:

Q. For twenty years?

A. Yes, sir.

Q. Have you been in the habit of making comparisons of checks presented to you for payment with standards, or what do you do?

A. When a check is presented, if I am not fully satisfied with it—with the first sight of it—we then compare it with the signature book.

Q. What do you mean by "the first sight of it?"

A. That is, being satisfied with it when first presented.

Q. That is, a mental comparison made by the teller with the mental standards?

A. Yes, sir.

Q. Have you done that for many years?

A. Yes, sir.

Q. Have you examined the standards D 16 to D 54 and D 56 to D 60?

A. Yes, I have.

Q. I refer to the signature.

A. Yes.

Q. Have you also examined the signature of "Geo. P. Gordon" to Exhibit P 1?

A. Yes.

Q. Have you made a comparison of the signature of "Geo. P. Gordon" on Exhibits D 16 to D 54 and D. 56 to D 60 with the signature of "Geo. P. Gordon" in Exhibit P 1 with the view of forming an opinion as to whether they were written by the same person?

A. Yes, sir.

Q. Have you formed an opinion?

A. I have.

Q. What is your opinion?

A. I should say they were not.

Q. State your reasons for saying that.

A. The signatures to the checks I have examined are very uniform in a free hand; these signatures to the will are a little more considered—I don't know the exact word to use.

Q. Conscious and studied?

A. Slower, but not written by the same person. I would not pay a check with the signature of the

will to it if presented, if we had these signatures on our book (referring to the check signatures).

THE ORDINARY:

Q. That is, when you say "these signatures," you mean the signatures to the checks?

A. Yes, sir; the signatures to the checks—I should refuse the one to the will.

CROSS-EXAMINATION BY MR. CORBIN:

Q. When did you first enter upon the examination?

A. Of these signatures?

Q. Yes.

A. A few minutes ago.

Q. And you were shown these checks exhibits and also the signature to the will?

A. Yes.

Q. You think these signatures to the checks are quite a uniform lot of signatures?

A. Yes, I do.

Q. A man usually writes his name in substantially the same manner, does he not?

A. Yes, sir.

Q. And the signature to the will is of a different type; that is, not uniform wiih the others?

A. I should say so.

Q. Do you think it resembles them at all?

A. I should say very little indeed.

THE ORDINARY:

Q. In your examination of signatures at the bank, where you are in doubt as to the signature, what length of examination do you give it before you would reject it?

A. That I do not know.

Q. That is, if a doubtful check is presented to you and you ultimately reject it, how long do you examine it before rejecting it?

A. I think five minutes will cover the time. We

are in the habit of passing it around to the book-keepers and others in the bank.

Q. You don't depend on your own judgment alone before you reject the check?

A. I have done, often.

Q. You think you spend five minutes on a check?

A. I think so.

Q. Did you spend that length of time on your examination of these checks?

A. I should say it was nearly that; I can't say exactly; not noticing, I can't say exactly.

MR. CORBIN:

Q. You do sometimes reject checks in your bank?

A. We have done it.

Q. Do they always turn out to be forgeries?

A. No, sir.

Q. You sometimes reject genuine checks, do you not?

A. Yes, sir.

MR. MILLER: While waiting for a witness I would like to have Mr. Henry C. Adams take the stand for further cross-examination on some points. We didn't know all when we examined him before on some one or two points in reference to the will itself.

MR. CORBIN: Mr. Collins has gone to court to sum up a case, and when he gets through he will come directly here, and I think it is proper that he should be here, as he is more familiar with the details of this case, and I would ask that the further cross-examination of Henry C. Adams be postponed until he can be present.

THE ORDINARY: I think that is quite proper.

ELIAS W. VAN VOORHIS, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

Mr. MILLER:

Q. What is your residence?
A. 179 East Thirty-sixth street, New York City.
Q. What is your business?
A. Lawyer.
Q. Of what State?
A. New York State.
Q. Did you hold the office of Commissioner of Deeds in the year 1866?
A. I did.
Q. Please look at the paper which I now show you and state in whose handwriting the name of "E. W. Van Voorhis, Commissioner of Deeds," is?
A. It is my signature as Commissioner of Deeds.
Q. Did you as a fact take the acknowledgment which is written out there?
A. I did, sir.

Mr. MILLER: This acknowledgment recites:

"STATE OF NEW YORK, }
City and County of New York. } ss.

"On the sixteenth day of November, in the year eighteen hundred and sixty-six, before me personally came George P. Gordon and Lenore M., his wife, to me known to be the individuals described in and who executed the foregoing instrument, and severally acknowledged that they executed the same.

And the said Lenore M. Gordon, being examined by me privately and separate and apart from her said husband, acknowledged to me that she executed the same freely and without any fear of or compulsion from her said husband.

E. W. VAN VOORHIS, JR.,
Commissioner of Deeds,
County of New York."

I offer in evidence the deed for the purpose of introducing the signature of "Geo. P. Gordon" therein contained as one of the standards.

Mr. CORBIN: We admit that this is a genuine signature.

Marked Exhibit D 97, May 26th, 1891.

Mr. MILLER: I offer in evidence Chapter VI, Part 2, of Article 2 of Edmonds' Second Revised Statutes, on page 75, Section 23, referring to the powers of the Surrogate before the year 1880 in the State of New York relative to the estates of decedents, which is as follows:

"SECTION 23. The Surrogate of each county shall have sole and exclusive power, within the county for which he may be appointed, to grant letters of administration of the goods, chattels and credits of persons dying intestate in the following cases:

1. Where an intestate, at or immediately previous to his death, was an inhabitant of the county of such Surrogate, in whatever place such death may have happened.

2. Where an intestate, not being an inhabitant of this State, shall die in the county of such Surrogate leaving assets therein.

3. Where an intestate, not being an inhabitant of this State, shall die out of the State, leaving assets in the County of such Surrogate, and in no other county.

4. Where an intestate, not being an inhabitant of this State, shall die out of the State, not leaving assets therein, but assets of such intestate shall thereafter come into the county of such Surrogate."

I also offer in evidence Chapter 359 of the

Laws of 1870, being the act entitled "An Act in relation to proceedings in the Surrogate's Court of the County of New York, and to the powers and jurisdiction of the Surrogate thereof," as follows:

"SECTION 1. The Surrogate of the County of New York shall have power and jurisdiction to issue all lawful process upon allegations duly verified, and to make and enter all lawful orders and decrees in proceedings in the Surrogate's Court of said county, and the objection of want of jurisdiction shall not be taken to said orders and decrees except by appeal in the manner prescribed by statute, or in a proceeding before the Surrogate to set aside, open, vacate or modify the same, and the said Surrogate shall have the same power to set aside, open, vacate or modify the orders or decrees of the said court as is exercised by courts of record of general jurisdiction."

I also offer in evidence an extract of Section 2472 of the Code of Civil Procedure of the State of New York, which is a part of the Revision of 1877, entitled "General Jurisdiction of Surrogate," which is as follows:

"Each Surrogate must hold within his county a court, which has, in addition to the powers conferred upon it, or upon the Surrogate, by special provision of law, jurisdiction, as follows:

1. To take the proof of wills; to admit wills to probate; to revoke the probate thereof; and to take and revoke probate of heirship.

2. To grant and revoke letters testamentary and letters of administration, and to appoint a successor in place of a person whose letters have been revoked.

* * * * * * *
*

6. To administer justice, in all matters relating to the affairs of decedents, according to the provisions of the statutes relating thereto.

* * * * * * *

This jurisdiction must be exercised in the cases and in the manner prescribed by statute.

The foregoing provisions are a re-enactment of 2 R. S., 220, Sec. 1.

Sec. 2481. *Incidental Powers of Surrogates.*

A Surrogate, in court, or out of court, as the case requires, has power:

1. To issue citations to parties, in any matter within the jurisdiction of his court; and, in a case prescribed by law, to compel the attendance of a party.

* * * * * * *

6. To open, vacate, modify, or set aside, or to enter, as of a former time, a decree or order of his court; or to grant a new trial or a new hearing for fraud, newly-discovered evidence, clerical error, or other sufficient cause. The powers, conferred by this subdivision, must be exercised only in a like case and in the same manner, as a court of record and of general jurisdiction exercises the same powers. Upon an appeal from a determination of the Surrogate, made upon an application pursuant to this subdivision, the General Term of the Supreme Court has the same power as the Surrogate; and his determination must be reviewed, as if an original application was made to that term."

Mr. MILLER—I offer in evidence from the motion papers on file in this court upon the motion made for a solemn probate and the opening of the original probate herein, the exemplified copy of the records of the Brooklyn proceedings.

And I offer the entire record of the whole of the Brooklyn proceedings.

Objection by Mr. Corbin on the ground that it is a proceeding on a motion and that he cannot see how it comes in here.

The ORDINARY.—This is a Brooklyn proceeding in what?

Mr. MILLER—The Brooklyn proceeding in the matter of the probate of the last will and testament of George P. Gordon—that is, the will of 1873. It contains among other things a petition on which the Court acted, alleging the residence or domicile of George P. Gordon in Brooklyn at the time of his death in Brooklyn in 1878. It shows that objections were filed to this alleged will of Mr. Gordon; that upon such objections being filed, the Surrogate, acting under jurisdiction conferred by the statutes which have been offered in evidence, issued letters of collection to Henry J. Cullen, upon the consent of various parties whose claims are attached to said consent, including Adeline J. Gordon, the petitioner herein, for the probate of this 1868 will. It shows temporary letters of collection, and an order on the 1st of April, 1878, directing that letters of collection issue upon the estate of George P. Gordon, to Henry J. Cullen, which order recites as part of it, the following: "A paper having been propounded for probate before the Surrogate of the County of Kings as the last will and testament of George P. Gordon, late of the City of Brooklyn, deceased," &c. It contains the renunciation of Mary Agnes Gordon, the daughter of the testator to her right of administration.

It contains the petition for the appointment of Mr. Cullen, for administration upon the estate of George P. Gordon.

It contains the order appointing him.

It contains his letters of administration.

It contains the copy of the will propounded as the will of 1873, with the depositions S taken before the Surrogate, showing the grounds upon which the court finally rested its decision.

And contains proof among other things of the genuineness of the signature of George P. Gordon to that instrument.

It contains the answer of Mary Agnes Gordon filed by her attorney, Josiah Porter.

It contains the petition of Ritzema Bogert, a nephew of the administrator, asking in substance for the re-opening of the decree of the Surrogate refusing to admit the will of 1873 to probate as the last will and testament of George P. Gordon.

It contains the petition upon which all parties alleged to be interested in that proceeding, including Adeline J. Gordon, were cited to appear and to be heard on the said petition.

It contains the answer and it contains the proofs showing that Adeline J. Gordon, the petitioner herein, was cited to appear in 1885 on that application and papers showing the publication as to other parties under the statutes of the State of New York and final hearing and an order made on the 24th day of February, 1885, by Jacob I. Bergen, Esq., Surrogate of Kings County, reciting the proceedings had before him on the application to reopen on the original hearing and stating in the beginning of it the following (I will read from the order of the 4th of February, 1885): "The petition of Ritzema Bogert verified on the 13th day of December, 1882, and filed on the 9th day of January, 1883, praying for an order or decree setting aside and vacating a former decree of this Court by which

probate of a certain paper writing purporting to be the last will and testament of George P. Gordon, late of the City of Brooklyn, deceased, was refused and rejected and that the said paper writing be admitted to probate and letters testamentary granted thereon according to law and that Lenore M. Van Wyck, formerly Gordon, the widow, and Mary A. Gordon, the next of kin of the said George P. Gordon, deceased, be cited to show cause why the said decree should not be set aside and vacated and said paper writing be admitted to probate.

"Now on this 4th day of February, 1885, the said matter having been regularly called and all of said counsel, &c., appearing for the respective parties aforesaid, being present and responding, and Josiah Van Cott, Esq., having now appeared for Adeline J. Gordon and Harriet Gordon, widow and executors of Cuthbert C. Gordon, deceased.

"It is ordered, adjudged and decreed that the said petition be and the same hereby is dismissed."

In short it is a complete record of the proceedings had in the City of Brooklyn in the County of Kings, on the petition of A. Sidney Doane, a nephew of George P. Gordon, deceased, asking for the probate of the 1873 will; the proceedings of administration pending that contest and final order refusing that instrument probate as a will on the grounds appearing on the records that it was not executed according to the requirements of the law. But it affirms that the signature of George P. Gordon to the will was genuine and shows the proceedings four or five years afterwards to have the proceedings reopened and to have every person interested therein cited, and the order reciting jurisdictional facts, including one of the peti-

tioners; that all the decretal orders recite the domicile in the County of Kings. We offer this record for two purposes— first, as offering a valuable and genuine standard of the signature of George P. Gordon for comparison, being a circumstance that a Court is not often fortunate enough to have before it in decisions arising as to the genuineness of an alleged will.

We have produced and will produce again evidence as to the genuineness of that signature as a standard of comparison and we also claim that this record is the record of the competent tribunal in a foreign State—of exclusive jurisdiction upon the matter, as a judgment *in rem* determining the *status* of the intestacy of George P. Gordon and particularly determining of the jurisdiction of fact of residence.

Mr. CORBIN: The offer of all this great mass of material upon an issue that is not now before the Court—that the will of 1873 was the will of the testator and this being an issue as to the will of 1868—this is a matter of great importance and brings into the case such a vast quantity of material and gives rise to so much matter for discussion that I think the Court will not want to act upon it without consideration, and as it is a matter which Mr. Collins has discussed and with which I am not so familiar I think he ought to be present before your Honor admits it.

As to the matter of residence, which it seems to me is the only point on which an argument can be fairly based for an admission of this record, your Honor may recall that on the opening of the case it was argued without a successful reply by Mr. Collins that that was not an issue in this case; that all questions necessarily decided might be decided as con-

clusively in that court if that court had jurisdiction. The question of jurisdiction lies at the bottom of all their proceedings there, and I wish to suggest that the matter may rest in such form that either at the summing up or some other time hereafter the question of its propriety may be discussed and the question of the admission of this record be reserved to the summing up.

MR. MILLER: That seems to be a very proper suggestion.

THE ORDINARY: We will let it stand, then, as offered, subject to be ruled upon when the question is finally heard.

The exemplication annexed to the petition which was filed February 13, 1891, is marked D 98 for identification May 26, 1891.

WILLIAM ROCKWELL, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER:

Q. Where do you reside?

A. At Plainfield, New Jersey.

Q. What is your business?

A. Cashier of the City Bank of Newark, New Jersey.

Q. How long have you held that position?

A. Thirteen years.

Q. Were you in the banking business before becoming connected with that bank?

A. Yes.

Q. What?

A. Secretary of the Republic Trust and Banking Company in Newark for six or seven years.

Q. What duties had you there?

A. I was secretary and cashier of the company, and part of my duties was to receive deposits and pay checks.

Q. During your experience in that position were you in the habit of passing upon the genuineness of signatures?

A. Yes.

Q. Have you been in that habit since being connected with this bank?

A. I have; but not to the same extent that I was when otherwise engaged.

Q. These matters still come before you in your position as cashier?

A. Yes, sir.

Q. How do you determine the genuineness of a check?

A. By familiarity with the signature.

Q. By comparison?

A. Not altogether.

Q. How—what is the kind of process?

A. Well, I say—you asked me how I determine the genuineness of a signature?

Q. Yes; give us the mental process.

A. Well, it arises from a thorough acquaintance with the signature.

Q. When a check is presented, does anything come into your mind—or what does come into your mind when it is presented?

A. When a check is presented to me my first thought is, is it correct? that is, the signature. My first attention is whether the signature is genuine or not.

Q. Do you mean that you compare it with the memory of the signature you have in your mind?

A. Yes.

Q. And if you have any doubt, how do you make comparison—with the book?

A. Yes; then that is done.

Q. Have you looked at the Exhibits D 16 to D 54 and D 56 to D 60?

A. I did.

Q. With reference to the signature of George P. Gordon?

A. Yes.

Q. Have you made an examination of the signature of Geo. P. Gordon to the will Exhibit P 1?

A. Yes, sir.

Q. Have you made a comparison of the signature to the will with the standards on the checks for the purpose of forming an opinion as to the genuineness of the signature in the will?

A. Yes, sir.

Q. What is your opinion—is the signature to the will, Exhibit P 1, written by the same person as wrote the signatures to the checks?

A. I concluded they were the signatures of different persons.

Q. Tell us why.

A. From a comparison of the two, and their general appearance.

Q. What did you observe—tell us more specifically?

A. I noticed that one was a very free and flowing, easy signature, and that the other seemed to be very much heavier, and in minute detail it varies.

Q. Did you notice anything in reference to the scrolls?

A. They were apparently labored on the will—not easy.

CROSS-EXAMINATION BY Mr. CORBIN:

Q. What do you think in regard to the uniformity of the signature of the persons signing the checks—do you regard it as a uniform signature?

A. Yes, sir, I do.

Q. Do you think there is any resemblance between the signature on the checks and that on the will?

A. It is very much in that style.

Q. Very much what?

A. Very much in the style.

Q. Have you examined any other signatures beside those you have referred to?

A. The only examination I made was here.

Q. These signatures you have referred to, that is the check signatures?

A. Yes, sir, that is all.

Q. How much time did you take in your examination?

A. To-day?

A. Yes.

A. About five or ten minutes.

RE-DIRECT BY Mr. MILLER:

Q. How much time do you usually take in determining the genuineness of a signature presented to you?

A. A shorter time than that unless we have a doubt, we either pay a check at once or distrust it at once.

The ORDINARY:

Q. When you distrust a signature, how long do you take before you reject it?

A. We may take all day, although if we distrust a check we refuse to pay it unless thoroughly satisfied.

Q. And when you take all day, what do you do?

A. That is simply to make enquiries.

Q. Just to go outside and see whether the party signed it or not?

A. Yes, sir.

Q. And you consult others about it?

A. Yes, sir.

FURTHER CROSS-EXAMINATION BY Mr. CORBIN:

Q. You sometimes declined to pay genuine checks, didn't you?

A. We have done so.

RECESS.

BENAIAH G. JAYNE, a witness, produced on behalf of the contestants, being duly sworn according to law, on his oath, says:

EXAMINED BY Mr. MILLER:

Q. Where do you reside?

A. New York City.

Q. What is your business?

A. Well, I have no regular business now, I am a sort of a speculator.

Q. You are retired, but what has been your business for years?

A. I have been in various kinds of business. I was from the commencement of 1862 until 1874 in the employ of the United States Government.

Q. In what capacity?

A. I was from 1862 up to the latter part of 1868 employed in the Pay Department of the United States Army in Washington, and from April, 1869, to 1874, I was special agent of the United States Treasury in New York City.

Q. Up to what year?

A. 1874.

Q. Where have you been since then?

A. I then resigned my place and became president and businesss manager of the Ithica Clock Company and was in that employ for a number of years, and after that I was in the employ of The Equitable Life Insurance Company, and after that I went to Colorado and ran the Hermacy Ranch for five years —that is the old St Bran grant.

Q. And you live by your means?

A. Well, I manage to live.

Q. Do you know Henry J. Cullen, Jr.?

A. Yes, sir, I do.

Q. Did you do anything for him in reference to interviewing Edward L. Adams?

A. I did.

Y. State when and what you did?

A. I haven't a memorandum with me and I can't give you the exact date, but I think it was in February.

What did you do?

Objection by Mr. Collins.

Question withdrawn.

Q. Did you go down to Rahway?

A. I did.

Q. Did you see Edward L. Adams?

A. I did.

Q. Where?

A. I saw him at his house.

Q. Where were you when you first saw him?

A. Sitting in a buggy in front of his door in his yard.

Q. Did you have any conversation with him?

A. I did.

Q. Please tell what the conversation was?

Objection by Mr. Collins as irrelevant.

Question withdrawn.

Q. I refer to page 111 of the printed records in this case, where Edward L. Adams says: "I told him that I found that will just as I have told you about the finding of the paper; he asked me how much I expected to get out of it, and I told him I didn't expect to get anything, and he said if you don't make them pay and pay well for it you are a bigger fool than I took you to be; that is what he said; he came twice." What did Mr. Adams say to you at that time?

Objection by Mr. Collins to the question as not being proper if introduced for the purpose of contradicting a witness.

Question overruled.

Q. In that interview, at the commencement, did Mr. Adams point out the Gordons' place and tell you that Mr. Gordon lived there?

A. He did or I asked him who lived there, and he told me Gordon had lived there.

Q. Did he tell you that his father drew up the will?

Objection by Mr. Collins on the ground that the witness, Edward L. Adams, did not deny it.

Question admitted.

A. He did.

Q. Did he tell you that the old man Gordon had carried the will around in his pocket three or four weeks or a month?

A. He did.

Q. Did he say to you there is another thing about it; Mr. Gordon died in 1878 and he left another will and told his heirs how to break it; did he say that?

A. I think that's correct; yes, sir.

Q. Did he say that his brother Henry had told Sidney Doane about the present will, and that Sidney Doane said that he didn't want to have anything to do with it?

Objection by Mr. Collins on the ground that the witness says it is possible he might have said it.

Question admitted.

A. He did.

Q. Did he say that when the Mary Agnes Gordon will was presented, and after her death it was found that she had willed to a fellow who had been her paramour the property; that Henry decided that he was determined that there should be another will found?

A. I don't understand the latter part of it.

Q. Do you remember saying anything of this kind: "That when Mary Agnes Gordon's will was presented and after her death that it was found that she had willed to a fellow who had been her paramour the property; that Henry had determined that there should be another will found"?

Mr. COLLINS (to the witness): You shook your head; do you mean as a negative?

WITNESS: I will tell you what I mean—(interrupted).

Mr. MILLER:

Q. Do you remember him saying anything of this

kind to you—"that when the Mary Agnes Gordon's will was presented, and after her death that it was found that she had willed to a fellow who had been her paramour the property, that Henry determined that another will should be found"—did he say that he had decided that there should be another will found?

Objection by Mr. Collins on the same ground.

THE ORDINARY: I will let the witness answer the question.

A. He did; yes, sir.

Q. Did he say or tell you that there should be another will found, if he had to go to Germany to find it—that is, if Edward L. Adams had to go to Germany to find it?

A. If he had to go to Germany on foot to find it, I think he said.

Q. Did he tell you that Henry said the original ought to be among his father's papers?

A. He did.

Q. Did he say generally that he would be benefitted by having the place purchased by the Gordon estate?

Objection by Mr. Collins on the ground that it is not the proper question to ask Edward L. Adams and is not within the ruling.

Question admitted.

Mr. MILLER:

Q. What he said?—(interrupted).

Objection by Mr. Collins.

THE ORDINARY:

Q. Answer yes or no?

A. Yes, sir.

Mr. MILLER;

Q. Did you ask him how he knew that the Gordon estate wanted to buy this place?

A. Yes, sir.

Q. Did you ask him where or whether the witnesses to the will were living?

A. I did.

Q. Did you ask him whether the executors were living or dead?

A. I did.

Q. Did you say to him "that this was a smart job, you have coopered this well"?

Objection by Mr. Collins as not being a contradiction of the witness.

Question admitted.

A. I did,

Q. Did he laugh and shrug his shoulders when you said this?

A. Yes.

Q. Now describe what he did; show us what he did?

Objection by Mr. Collins.

Question overruled.

Q. Now, Mr. Jayne, tell us if you have had any experience in the examination of handwriting and comparison of handwritings?

A. Yes.

Q. Tell us what experience you have had; what your experience has been?

A. I was employed between six and seven years in the War Department in the examination of accounts that depended in a great measure upon signatures, especially of mustering officers, and also as to the signatures on the accounts; also there was a great many forgeries and simulated accounts, and it was part of my business for years to sift them out and discover them and report upon them and hold the paymasters that paid them responsible upon them.

Q. How many cases of that kind did you have.

A. A great many hundreds.

Q. Have you seen the standards, the checks in this case; look at them now—it was your duty, you say, to pass upon signatures?

A. Yes, sir.

Q. And action was taken upon your report?

A. Yes, I see the general character of these signatures (referring to Exhibits D 56 to D 60).

Q. Now, look at the other checks, Exhibits D 16 to D 54; you said you had seen several hundreds of signatures; you mean at Mr. Miller's office, do you not?

A. Yes, sir.

Q. I want you to pay no attention to those in answering the questions I ask you; leave them entirely out of your mind—have you seen the will?

A. I have not.

Q; You saw an artotype copy of it before?

A. Yes.

Q. After examining the standards and examining the Exhibit P 1 have you formed an opinion as to the genuineness of the signature of the will Exhibit P 1, and have you formed an opinion as to whether it was written by the same person as wrote the signatures to the checks?

Mr. COLLINS—I object, as there has been no question of expert knowledge laid in this case.

The ORDINARY—I think your objection is well taken.

Q. You say for years you have been in the habit of examining signatures of paymasters, paymasters' signatures, when you were employed in the War Department, how did you determine that as to their genuineness?

A. Not paymasters' signatures, but signatures of mustering officers and persons drawing money upon vouchers from the government. The mustering

officers I determined by comparing them with other signatures of theirs.

Q. Other signatures where?

A. Where they had mustered other troops and where their signatures were upon unquestioned documents in the War Department.

Q. You made a determination by a comparison of the signatures before you with others you knew were or which were admitted to be genuine?

A. Yes, and I had a large experience in the custom-house also in the same way; that is, in regard to signatures.

Q. Where?

A. In New York. I was agent for the United Treasury five or six years and it was my business to trace and ferret out all sorts of frauds of every nature and description, and examine and make comparison of handwritings which was a great part of my business during all those years.

Q, I repeat the question, then, which I put to you before. After examining these standards and examining Exhibit P 1, have you formed an opinion as to the genuineness of the signature to the will, Exhibit P 1, have you formed an opinion as to whether it was written by the same person as wrote the signatures to the checks?

Mr. COLLINS—I make the same objection.

Question admitted.

A. I was sworn to it; it was a part of the oath (interrupted).

Q. After having examined these standards and the signature of Exhibit P 1, have you formed an opinion as to the genuineness of the signature to the will—have you formed an opinion as to whether it was written by the same person as wrote the signatures to the checks?

A. That it could not have been written by the man who wrote these checks, that's certain.

Q. Give your reasons?

A. It don't possess one single characteristic of the other writing. Nothing in the form or shape, and it is a plain palpable and unmistakable forgery.

Q. Will you give your reasons?

A. The standards exhibited are the writings of a man who wrote a free, easy business hand. The signature to this will is a labored, hard signature.

Q. What do you mean by "hard"?

A. A man who has made it his business to examine and compare handwritings recognizes an individuality in a writing just as he recognizes an individuality in a man's face. There are as many different handwritings as there are different countenances, but they don't resemble each other in the least. It is not even a resemblance.

Q. What do you mean by "hard signature?"

A. Of a labored hand, a man that has written slowly and with a labored hand, while the other man writes a perfectly free hand—there is a difference in the size, the relative size in the capitals.

As you cast your eye on that signature you discover that each "G" is open at the top, it commences with a downward stroke of a quick, easy hand. The letter "e" following the letter "G" in each case is some two and a half times as high as the letter "o" that follows it in the "Geo." for George.

The "o" in every case or nearly so resembles the letter "a" and it is disconnected in almost every instance with the standard of the letter "P."

The letter "P" is only relatively one half the size of the other initials in the signature.

There is in the word "Gordon" in every one of these checks with the exception of one, I think, a dot after the word "Gordon;" at the end of the signature it comes over with a free stroke while in this case it comes down with a hard, labored stroke.

The flourishes under the signature are done with a quick, easy stroke of the pen. It don't even need a glass to see that the man took up his pen

several times in making his stroke under that signature.

Q. In Exhibit P 1 do you mean?

A. Yes. There's not the same general characteristic to the writing. Each of the "G's" in these checks comes with a gradual slope and an easy stroke. These in the signature come with a cramped hand and a hook at the end (referring to the signature of the will).

CROSS-EXAMINATION BY Mr. COLLINS:

Q. Did you do this interviewing as you call it for Mr. Cullen for pay?

A. I expect pay for my work; yes sir.

Q. Also for your expert examination and testimony?

A. Nothing has been said about being paid for being an expert.

Q. What about being paid for your detective work?

A. I suppose the charge I make for that work will be paid the same as any other work.

Q. What charge do you intend to make?

A. Ten or twelve dollars a day.

Q. Then you are not one of these high priced men that we have been having.

A. I am not posing as an expert; I was unemployed; that is, I had leisure time, and I was asked to go over and interview this man, and I did it.

Q. How about your expert examination, are you going to charge for that at the same rate?

A. I never took pay for testimony as an expert yet.

Q. And don't mean to?

A. No, sir.

Q. You don't mean to in this case?

A. No, sir, not at all. I never was paid as an expert.

Q. You don't expect to be in this case?

A. No, I don't expect to be in this case.

Q. What do you speculate in?

A. What do I?

Q. Yes.

A. Anything that I can make money on. Anything I can buy and sell and make money on.

Q. What do you principaily speculate in now?

A. I have been engaged now in negotiating the sale of a large tract of land.

Q. Where?

A. Up in Canada.

Q, In Canada?

A. Yes, a Canada Pine timber land.

Q. Not in Manitoba.

A. Not in Manitoba but in Quebec. It was crown timber and I have been to work on it pretty steady for the last three months.

Q. Your own land?

A. No, sir.

Q. You are trying to sell it for somebody else and you call that a speculation?

A. Yes.

Q. You have had some experience in the Jersey Courts yourself, haven't you?

A. No, sir.

Q. Were you not once in a suit in Chancery here.

A. No.

Q. Were you not as a witness once?

A. No, sir, I think not.

Q. Where did you and I come in contact with each other?

A. Well, I was sued, I think, once on the hill here

Q. I was against you then, was I not?

A. Quite likely.

Q. Who was the man that sued you?

A. I can't remember his name now, he was a man down at Elizabethport.

Q. What was the claim about?

A. He claimed to have invented a machine that he didn't invent, and he sued me and got beat.

Q. Tell me his name?

A. I can't tell you, I don't remember, but I will

try and think of his name and give it to you later. I hope you have better clients now.

Q. If I could find out what that verdict was I should like to find it just now.

A. Well, the result was that it threw you out of court.

Q. What was your last Government employment?

A. The last was in 1874.

Q. What was that

A. I was special agent of the United States Treasury.

Q. Where?

A. New York City.

Q. Where, in the Custom House?

A. Yes, sir.

Q. Were you discharged?

A. I was not, I resigned.

Q. Were you requested to resign?

A. I was requested not to resign. The autographic letter of the Secretary of the Treasury requested me not to resign and offering to pay me ten dollars a day and my expenses and board for one year if I would remain in the service.

Q. You were the officer connected with the William E. Dodge case, were you not?

A. Yes, sir.

Q. And other cases?

A. Yes, quite a number of cases.

Q. How do you do when you are hunting up frauds?

A. It is in various ways—most of the fraud I discovered was by going through the record and making an examination of them and finding discrepancies.

Q. You got a percentage, did you not?

A. Certainly, I got a percentage on all that which I discovered and furnished the information in regard to it, but if any other person brought information to me, that person got the percentage,

Q. You had to furnish the evidence also?

A. Yes, sir.

Q. Did you ever hear of the Dykers Land Improvement Company?

A. No, sir.

Q. Did you ever do anythiug else for Mr. Cullen?

A. I think I was employed in one case in which Mr. Cullen was employed. It was some ten years ago, but I was not employed by him, however.

Q. Well, how did you get into this case?

A. Well, I think that Mr. Savage spoke to me and asked me to come over and see Mr. Cullen.

Q. Edward S. Savage?

A. Yes.

Q. Has he known you a good while?

A. Quite a number of years, yes, sir, and I have known his partner for a great many years.

Q. His partner was a man of the name of Miller, also, but not this Mr. Miller here?

A. Yes, sir.

Q. What had you to do with the Equitable Life Insurance Company?

A. I had an office in the Equitable and all cases of fraud, where there was an attempt to defraud the company, was referred to me and they paid me so much a year for the work.

Q. That wasn't dependent on the finding of fraud was it?

A. No, sir, not at all. I don't want you to leave any insinuations about that—about the finding of fraud. A man in the department has to take an oath and he swears that he will, to the best of his knowledge and belief, discover and report all fraud and to do his duty.

Q. And the oath you took and swore to, you lived up to and did that duty, did you not?

A. Yes, I did.

A. And the rate of percentage would somewhat effect you in the discharge of your duty?

A. Not a particle.

Q. You have no office now you say?

A. There is a place where I receive my mail over in the Equitable Building.

Q. What room?
A. Room 23, third floor.
Q. With whom?
A. Eugene T. Lynch.
Q. What is your age?
A. I am sixty years old to-day.
Q. Have you ever been a detective?
A. Not in the sense in which that word is generally used.
Q. Have you ever made inquiries of the character you say you made in this case for other people?
A. I have looked up the standing of many men.
Q, For private parties?
A. Not very many—some.
Q. Did you take pay for it?
A. I always got paid for what I did, reasonable; yes, sir; and I intend to.
Q. How long is it since you have been in any regular business?
A. Well, until about a year ago. For five years previous to that I was running the Hermacy Ranch in the State of Colorado.
Q. Was it a cattle ranch?
A. Yes, sir. I went out there. I surveyed the place and fenced it.
Q. For whom did you run it?
A. Partly for myself and partly for General Butler.
Q. General B. F. Butler?
A. General Benjamin F. Butler.
Q. I didn't know that he was in the cattle business.
A. He has very extensive lands.
Q. Where were you born?
A. At the northeast corner town of Pennsylvania, in the township of Scott, Wayne County, Pennsylvania. I was born there on the 26th day of May, 1841, in Pennsylvania.
Q. How long have you known Mr. Cullen?
A. Oh, I should think fifteen years.

Q. How well have you known him?

A. I have met him frequently. I had an office in the Equitable for a good many years.

Q. Is his office there?

A. No, sir; his office is at 20 Nassau street.

Q. Right in behind the Equitable, was it not?

A. Yes, sir.

Q. Did you come in contact with Mr. Cullen in a business way?

A. I think I never had anything to do with but that one case that he had to do with, except this.

Q. I don't mean in any cases. I mean in any way.

A. I mean in one matter. I was employed by somebody that Mr. Cullen was employed by, and we worked in concert to some extent.

Q. Did you not have some difficulty with one of the departments of the United States Government at one time in your career?

A. No, sir; not that I know of.

Q. Would you not know if you had?

A. There was once an executive order issued for my dismissal from the War Department by Andrew Johnson. I want to explain how that was. I was accused of having made a speech. A man wrote a speech as a wag and published it in the newspaper, and said that I had made the speech, and when that came to the ears of Andrew Johnson he issued an order for my dismissal, and Secretary Stanton refused to have it promulgated.

Q. Was there any other difficulty between you and the Government?

A. No, sir; never.

Q. No charges preferred against you?

A. No, sir; never, with the exception of those vague sort of charges that every man gets that does his duty.

Q. Tell us about them.

A. Every thief that I detected when I was a special agent would use the press to say bad things of me, as bad as he could.

Q. There were some bad things said about you, then?

Q. Lots of them; and lots of good things said about me, too.

Q. And you think all the bad things said about you must have come from the thieves you had detected?

A. They emanated from them.

Q. Or people you said were thieves?

A. I never said a man was a thief yet without proving it, and I never had a case when I was an agent of the United States Treasury Department that I didn't win.

Q. You think William E. Dodge & Co. were thieves, don't you?

A. They certainly stole from the Government, and their books showed it, and afterwards they walked up to the captain's office and paid for it.

Q. And you were censured greatly by the press, were you not?

A. Well, by a portion of the press I was, and by a large portion of it I was praised very highly.

Q. You were the subject of a great deal of dispute, were you not?

A. All the papers under the control of the parties against whom I furnished—of the merchants that I furnished information against—said bad things of me.

Q. You think merchants run these papers, do you?

A. They control them, certainly.

Q. How is it we don't hear of any such active special agents in these latter days as we did when you were one—how do you account for it?

A. I can't account for it, but there is a great deal more money made now by putting up the hand in this way (indicating).

Q. Do you think that fraud still exists, or that it is done away with?

A. No, sir; I don't think it is done away with.

Q. Yet there has been no such vigilant officer as you were, of late years?

A. Well, there has been none that succeeded so well as I did. Now about my official career; I want to say that I never had an act of mine disapproved by an official superior during the whole of my official connection under the goverment.

Q. Do you find that Mr. George P. Gordon, as evidenced by the checks you have before you that he wrote a uniform signature?

A. Well, as uniform as business men generally do and rather more so.

A. And that fact guides you in forming your opinion?

A: Well, the general character of the handwriting, the tout ensemble, the general appearance of it.

Q. Did that fact guide you—the fact that he wrote a uniform hand guide you somewhat?

A. The general character of the writing?

Q. Does the uniformity help you?

A. In a measure, yes.

Q. How did Mr. Savage happen to send you to Mr. Cullen when you knew Mr. Cullen before that?

A. Well, I am not capable of entering into the feeling of other men's minds and telling what actuates them.

Q. Well, he might have told you?

A. I don't think he told me. He told me that he wanted me to go over and see Mr. Cullen.

Q. Did he say why?

A. I think he said something about the Gordon will matter.

Q. And intimated that you might be employed?

A. Well, that was the idea that I had in my mind. I can't tell whether it was so or not.

Q. You thought of the employment?

A. I did not.

Q. What did you go for?

A. Because I was asked.

Q. Did he say Mr. Cullen asked him to ask you to go or that he wanted you to go?

A. He wanted me to go and see Mr. Cullen.

Q. When was it?

A. I think it was in February.

Q. What time in February?

A. I can't tell you; I have a memorandum somewhere of those dates, but I haven't it with me. Perhaps I have something that will give the exact date; (referring to a memorandum book, says) no, I haven't the date, but it was sometime in February.

Q. What interest had Mr. Cullen in this Gordon will contest?

A. I can't tell; only as I surmised.

Q. What did you surmise?

A. That he was a public administrator that had charge of the estate.

Q. How did you surmise that?

A. I was not surmising that. You asked me why I supposed he had an interest and I said that I surmised that he had that it grew out of that fact.

Q. How did you hear of that fact?

A. I heard it.

Q. From him?

A. I can't tell you, but I have known it for some time.

Q. What pay have you had already?

A. Mr. Cullen gave me a check for $300.

Q. Well, what for?

A. For my services.

Q. Did you put in thirty days' time, do you think?

A. No, sir; I haven't.

Q. No, I should think not?

A. No, sir.

Q. What is the $300 for?

A. If I might want to use it.

A. Well, what for?

Q. Any legitimate use.

Q. What have you done with it?

A. Put it in my pocket?

Q. That's good, that's legitimate; it's like the good old deacon—he got the money given to him for the poor, and he didn't know anyone poorer than

he was, and he kept it himself. Was it Mr. Cullen's own check?

A. I am not certain about it, but I think it was.

Q. When did he give it to you?

A. Some time in February.

Q. You don't intend to give that back, I suppose, or any part of it?

A. If Mr. Cullen requires any part of it, or is entitled to any part of it on a settlement, yes.

Q. And you won't charge anything for the expert part of your duties?

A. Not at all.

Q. At the same time if you only put in at the rate of ten dollars a day there will be quite a little accounting for you?

A. It may be.

Q. Did you really expect to give anything of that back now?

A. If he requires it, certainly.

Q, You don't expect that he will require it?

A. I don't know anything about it; I am not certain about it.

Q. Now what was that given to you for?

A. It was given to me for services that I might perform.

Q. You haven't performed much yet that you know of, have you?

A. I interviewed Mr. Adams two or three times.

Q. Twice, was it not?

A. I was up there several times.

Q. More than twice you saw him, more than twice?

A. I think I saw him three times.

Q. Did you talk with him?

A. Yes, sir, I talked with him three times.

Q. Three times?

A. Yes, sir, three times.

Q. Well, that would be $30, would it not?

A. That's not necessarily the limit.

Q. Well, if it was ten dollars a day, you say that was the limit?

A. I might have spent more than a day going out there. I had to get introduced to Mr. Adams.
Q. It don't take a day to go to Rahway?
A. No, sir.
Q. You didn't walk, did you?
A. No, I don't walk a great distance.

Mr. MILLER: I ask that Mr. Henry C. Adams take the stand for further cross-examination.

Mr. COLLINS: I object on the ground that we ought to know the subject. If there's any question omitted by counsel it will be proper, but not otherwise.

THE ORDINARY: The court must limit the recalling and re-examination of witnesses. Witnesses should be recalled only as to matters which have been inadvertently overlooked by counsel on the former cross-examination. I will allow this witness to be recalled.

HENRY C. ADAMS, being recalled for further cross-examination.

CROSS-EXAMINED BY MR. MILLER:

Q. Will you take the will and look at the clause at the end of the attestation clause and say did you write the figures "25" in that clause?
A. Did I?
Q. Yes?
A. No, sir.
Q. Do you know who wrote them?
A. No, sir, I don't not to my knowledge. I can only surmise.
Q. You didn't write them?
A. No, sir.
Q. Did you feel that you had satisfied your professional duty when you did what you say you did

in 1879, after the Brooklyn will had been rejected, in notifying the parties interested under this will?

A. The parties, Mr. Sydney Doane, Cuthbert Gordon and Cuddy Gordon, were the only ones I notified.

Q, Get the question please; what I asked you was did you feel that you had satisfied your professional duties when you did what you say you did in 1879, after the Brooklyn will had been rejected, in notifying the parties interested under this will?

A. I had nothing more to do with it.

Q. You feel that you had satisfied your professional duties?

A. Yes, I informed the executors named in the will and the only adult male nephew, and that was Cuddy Gordon. He was the only one that I knew of. I don't know of any other of the family except those.

Q. You referred to Sydney Doane, as you say, as being one of the executors of the will?

A. Yes.

Q. Which will do you mean?

A. One of the executors to the will here.

Q. One of the executors of this will?

A. Yes, sir.

Mr. COLLINS:

Q. You mean the will Exhibit P 1 in this case?

A. Yes, sir.

By MR. MILLER:

Q. Why did you not notify Mary Agnes Gordon?

A. I don't know why I didn't, but I didn't.

Q. Why did you not notify Mrs. Lenore M. Gordon?

A. I don't know why I didn't; I didn't; I don't know that I had any special reason to do so. I was very much occupied at that time by my own business and matters.

Q. Did you not conceive it a duty as a lawyer

that you should trace out the whole of the parties interested and ascertain as to their existence and recall the attention of the immediate members of the family to the existence of this will after the death of George P. Gordon? Did you not conceive that to be a duty as a lawyer?

A. All those—all his representatives—well, if I had run in with anyone of them I might have done so.

Q. I said his immediate family?

A. I didn't notify them.

Q. Did you not conceive it to be a duty you owed to yourself as a lawyer to do that?

A. I don't know that I did. I was very much engrossed at the time in my own business, and I went on with my own work—(interrupted).

Q. Did you consider it to be the duty of a lawyer not to inform a man's wife of the existence of a will of her husband after his death?

A. I don't know that I do.

Q. You feel that it is not a professional duty as a lawyer who knows of the existence of a will to notify the wife and daughter of the testator after his death of the existence of that will?

A. I can't tell you, Mr. Miller, what reasons I had for not doing so.

Q. I am not asking you for the reasons but I am asking you what you consider your standard of professional duty to be in your own conscience and mind on that point and in that respect.

Objection by Mr. Collins as immaterial and irrelevant.

Question admitted.

A. I was engrossed in my own business as men are with their own business to the exclusion of other matters.

Q. You say you left this will with your father, that is in your father's custody?

A. I didn't leave it with him.

Q. It was left with him to your knowledge was it not by Mr. Gordon—to your knowledge?

A. Yes, sir.

Q. Had your father any part in the drafting of this instrument?

A. No, sir.

Q. Did you claim in 1868 and down to 1875 to be the partner of your father?

Mr. COLLINS: I object to the question as being irrelevant and not calling for any facts.

Question admitted.

A. No, sir, I do not.

Q. You do not?

A. No, sir. Let me explain. When my father moved from Fort Plain shortly before me that and when he contemplated coming down to New Jersey, our business up there was closed up—it was pretty much closed up before that. All the business that he was doing then was business that had accumulated up there, that is unfinished business. For some time before he left the business had accumulated in that office and that business was mine and he was no longer my partner in any new business, and when he moved to New Jersey he was entirely out of the profession. Out of the profession altogether, and he had no connection with any new business that came in; only to the extent of the unfinished business had he any interest. And there is now at the present time quite some unfinished business, which has never been finished up yet.

Q. You were the plaintiff in a suit entitled Henry C. Adams against Oliver M. Arkenburg and others?

Objection by Mr. Collins as irrelevant and as not being cross-examination.

A. Arkenburg and others, yes, sir.

Q. You drew the complaint in this action, did you not?

A. Yes, sir.

Q. And you swore to it?

A. Yes.

Q. Is this the complaint in that action (handing witness a printed book)?

Objection by Mr. Collins as being irrelevant and as not cross-examination.

A. I don't know whether it is or not.

Q. Will you know one with your own handwriting on it, do you think?

A. Yes, sir.

Q. Is that one which you prepared—is that the same Case on Appeal and containing your complaint which has been referred to and which was served by you on the other side?

Objection by Mr. Collins as irrelevant and as not cross-examination and as not being a proper method of proving a document.

A. That was one served by me on the other side.

Q. Does the complaint from folio 3 to folio 8 state the facts as you claim in respect to your relation to your father (handing the witness the printed book)?

A. Yes, sir.

MR. MILLER: I will read that part of the complaint to which I have referred and found in the printed book from folio 3 to folio 8, as follows:

"That Henry Adams, late of the township of Woodbridge, Middlesex County, state of New Jersey, deceased, had been from his childhood up to the year 1866 a resident of the County of Montgomery, State of New York; that he was a lawyer of eminent standing, ability and experience in his profession, and always had an unusually large and lucrative practice therein; residing at the village of Fort Plain, in said County and State, until 1866, when he removed thence to New Jersey.

"That this plaintiff was the eldest son of said Henry Adams, whose family consisted of

four sons and two daughters; that this plaintiff, at the age of seventeen years, entered the office of said Henry Adams as his law clerk where he, in such clerkship, soon acquired by diligence and experience an excellent knowledge of the rules and practice of the courts of law and equity, and was entrusted with the preparation of law and equity pleadings and papers, and the general management of causes and the preparation of same for trial and argument; that such law and equity practice of said Henry Adams was unusually large, successful and lucrative, and such clerkship continued until the July term of the Supreme Court held at Utica, N. Y., in the year 1841, when this plaintiff was admitted to practice as an attorney in said Supreme Court; that in September, 1841, he was admitted to practice as a solicitor in the Court of Chancery of said State; that upon the admission of plaintiff as such attorney and solicitor, he expressed his determination to remove to the State of Michigan, and to accept an offer of partnership in the practice of law in that State with James B. Hunt, Esq.; late of the city of Flint, Michigan, who desired and urged such removal and partnership; that said James B. Hunt was a distinguished and successful man in professional and public life, and such removal and partnership would have been greatly to the professional and pecuniary advantage of the plaintiff; that said Henry Adams was strongly opposed to plaintiff going away from him, and he offered and urged plaintiff to accept a partnership with him in the practice of law and equity in this State, and thereupon the plaintiff did accept and enter upon such partnership with said Henry Adams in such practice; that no formal articles in writing of such partnership were made and signed, and the only writing in re-

lation thereto was in manner and form to-wit: The said Henry Adams employed a blank page of the 'Docket of Causes' theretofore used by him, and made an entry thereupon substantially: 'Docket of Causes of H. and H. C. Adams, September, 1841,' from which time said partnership continued until the removal of said Henry Adams to the State of New Jersey in 1866, when said docket was given over to this plaintiff to attend to and manage the unfinished business of said partnership; that said partnership was not formally nor in any manner dissolved until by the death of said Henry Adams, on the 5th day of February, 1875, at West Orange, N. J.; that in the entire course of said partnership this plaintiff had the principal charge and labor of what is commonly known as the office duties and work of preparing causes for trial and argument."

MR. MILLER:

Q. You were examined as a witness in that case?

A. Yes, sir.

Q. And the Court decided against your claim?

Objection by Mr. Collins as irrelevant.
Objection sustained.

Q. Were you not impeached as a witness in that cause:

Objection by Mr. Collins as irrelevant.
Objection sustained.

Q. Didn't witnesses come upon the stand and swear that they were acquainted with your general character for truth and veracity in the neighborhood you resided in in 1865, and that your reputation was bad for truth and veracity? I refer to the testimony in the case of Henry C. Adams against Oliver M. Arkenburg as trustee, which case was

tried before Judge Fish, in Montgomery County, in the year 1885.

Objection by Mr. Collins as irrelevant.

THE WITNESS: Your Honor, is not the difficulty in the fact that the cross-examination will not be admitted?

THE ORDINARY: No, the difficulty is in that I cannot let that case be incorporated in this case. Counsel asks now whether a witness in a certain case did not, in that case, swear that this witness's reputation for truth and veracity was bad. Now, if I admit that question, the witness will perhaps answer "yes," and immediately desire to explain, and that eventually will cause to be incorporated in this case the entire direct and cross-examination of the witnesses in the case defended, together with all the circumstances surrounding the case, in order that the credit due to the testimony of those witnesses may be determined. I think this is going to far and cumbering up the record too much. I will therefore overrule the question.

By Mr. GUMMERE:

Q, Has your character for veracity ever been impeached in any judicial proceedings in Montgomery County in the trial to which you have referred, and in which you were a witness?

Objection by Mr. Collins, in the first place, that his reputation, not character, is involved, and in the next place, to be impeached is a conclusion of law; his reputation may have been attacked.

Mr. GUMMERE: Then I will substitute the word "attacked" instead of the word "impeached."

Mr. COLLINS: I make the same objection.

THE ORDINARY: I will overrule this examination on the ground that to let it in would cumber the record too much.

THOMAS W. CROOKS, a witness produced on behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER:

Q. What is your residence?
A. Newark, New Jersey.
Q. What is your business?
A. Cashier of the Essex County Bank.
Q. How long have you held that position?
A. For the past seven years.
Q. What experience have you had in banking?
A. I have been engaged in the banking business for the past 23 years.
Q. What positions have you held?
A. Every position from a boy up to cashier.
Q. Have you held the position of paying teller?
A. Yes, sir.
Q. Are you accustomed to pass upon checks presented for payment?
A. Yes.
Q. What is the process by which you tell whether a check is genuine or not?
A. I make myself acquainted with the signature by seeing it in the first place in the signature book; and, if we have any doubt, by a comparison with that signature, but in the usual way that is a mental comparison.
Q. You compare a check presented to you with your memory of the signature, do you not?
A. Yes, sir, and if I have any doubt about it I then refer to the signature book.
Q. And if it coincides you then pay it?
A. Yes, sir.
Q. Have you examined the standards Exhibits D 16 to D 54 and D 56 to D 60 (handing them to witness)?

A. I have examined these checks; they have been submitted to me.

Q. Have you examined the signature of "Geo. P. Gordon" to the will, Exhibit P 1?

A. Yes, sir, and made a comparison of these checks with the signature on the will.

Q. With the signature of "Geo. P. Gordon"?

A. Yes.

Q. After such comparison have you formed an opinion as to the genuineness of that signature, that is as to whether it was written by the same person who wrote the signature to the checks shown you?

A. I have formed an opinion.

Q. What is that opinion?

A. That the party who signed the check or checks didn't sign the will.

Q. What is your reason for that opinion?

A. From the general appearance of the signature, that's all; the signature does not compare in my opinion with those signed to the checks.

Q. Describe more fully what the differences are?

A. Well, the formation of the letters; I can't tell you exactly what the differences are, only as to the formation of the letters; in some respects they are different and more particularly the flourishes on the will. They appear to be drawn with a sort of desire to imitate the will, the whole of the hand, that is while the checks are a free open hand and no attempt made there appears to be an attempt made on the signature of this will to imitate the signature on the checks.

CROSS-EXAMINATION BY MR. COLLINS:

Q. What is your business now?

A. Cashier.

Q. What is your age?

A. Thirty-nine.

Q. How long is it since you had personally to deal with the passing on signatures?

A. This morning.

Q. I mean as part of your regular business?

A. This morning; that has been part of my duty to-day.

Q. You mean that the tellers if they have any doubt would come to you?

A. Yes.

Q. You don't customarily pass on them the first instance?

A. Yes, sir, all checks received through the mail I pass upon them before they are passed into our books.

Q. You pass upon the signatures?

A. Yes, sir.

Q. I suppose a false signature is a pretty rare thing?

A. We find it so.

Q. Then it come to this that most of the signatures that come through your bank are all right?

A. Generally speaking although we have occasions where they have not been.

Q. How can you help us if have never detected any fraudulent signatures?

A. Well, occasionally false signatures come in.

Q. And occasionally you make mistakes and send a check back do you not when it was good?

A. Well, I recall one such instance—one instance of that kind—but it was paid; I remember just one instance. I had my doubts about the genuineness of the signature and on making a comparison I refused to pay it. There was a doubt in my mind that the signature wasn't genuine and I refused to pay it until I saw the signer of the check and he said it was all right—now that arose from a mere doubt in my mind.

Q. In every case?

A. Not that I recall to mind now.

Q, Any other cases by your tellers?

A. They very frequently submit signatures to me to see if they are correct or not in my opinion?

Q. I suppose your rule is that if you have any doubt about the genuineness of the signature you

give the maker the benefit of the doubt and ask him if that is his signature before you pay it?

A. Well it is not always convenient for us to do that, for us to see the maker.

Q. If you have a check which you think doubtful is not your rule to hold it until you can make inquiries, if the doubt is sufficient?

A. Well, as I say, there has been only one instance that I recall to mind that such a case existed?

Q. Do you mean to say that there has been only one case where checks were presented that you found doubtful?

A, Oh, no.

Q. You have had cases of checks presented that were bad, as I understand?

A. Where they were forged signatures?

Q. Yes?

A. Yes, we have had some.

Q, Do you remember any at all?

A. That has been returned as being forged?

Q. Yes?

A. Yes, we had one within a week.

Q. And that is the only one you recall to mind?

A. At the present time, yes.

Q. What do you mean by saying then that the only case of doubtful signature was that that turned up to be good?

A. That I doubted and refused to pay?

Q. Oh, yes; well, if you found a check that was doubtful and after examining it you still had your doubts you would then send for the maker?

A. Before payment?

Q. Yes?

A. Yes.

Q. Is it not a fact that the great majority of checks that go through banks are all right?

A. Certainly it is.

Q. Ninety-nine out of the hundred?

A. Yes, the proportion is even greater than that for the simple reason that it is a hard matter to pass a forged check through a bank.

Q. What do you think the proportion is, is it as much as nine hundred and ninety-nine one thousandths.

A. I can't say. The cases of forged checks and endorsements are very rare,

Q. Not one in a million?

A. No, sir, I should not think there was.

Q. You can't say that you have had any great experience in detecting forgeries then.

A. I can say this, that a gentleman sent a check to the bank payable to a certain person's order, and it was submitted to me and I said: "This man didn't endorse that check," and the messenger who brought the check said, no, he had not.

Q. Was that done to test you?

A. I denied it as an endorsement.

Q. He wanted to see whether you could detect it or not?

A. No, sir, he presented it for payment.

Q. He didn't pretend that the endorsement was correct?

A. I don't know what he pretended; he presented the check aud I told him it was not endorsed by the proper party, and he said no, it was not, so I handed him back the check and he walked off with it.

Q. There was no attempt made to forge, was there?

A. Simply that the signature was not like his, of course there was no similarity of signature.

Q. Do you think there is any similarity between the signature of "Geo. P. Gordon" on Exhibit P 1 and these checks?

A. Any similarity?

Q. Yes?

A. There are some similarities in some respects?

Q. What are they?

A. The small letters "ord" and "on" are somewhat similar to these signed on the checks, but the capital "Gs" are entirely different.

Q. Is that what you go on?

A. I can't explain to you what I go on. It is the general appearance of a signature that I go on.

A. Do you find a uniformity in the standards in checks?

A. Yes, sir, I do.

Q. And quite a marked difference in Exhibit P 1 from that uniformity which you say exists in the standard checks?

A. In the forms of the capital letters I should say yes.

Q. That is what largely influences you?

A. Yes, sir.

Q. If you should see a genuine signature of the writers of these checks in which the "Gs" were very similar to those in Exhibit P 1, and perhaps other signatures containing "Gs," such as are in Exhibit P 1, would that affect your judgment any?

A. I can't say. The general signature—I can't explain anything about that; I am not an expert and I don't profess to be an expert in handwriting, and my experience of twenty years in my business is such that I consider myself a pretty good judge of the handwriting of signatures. I can't explain to you, as I said before, I am no expert in handwriting, but if you would show me any signatures that vary from these here I will pass my opinion on them.

Q. I ask you whether the formation of these capitals influences your judgment, that is, the difference in the formation of these capitals?

A. In the general tenor of them, the formation of them, and the free handwriting—— interrupted.

Q. I am not asking you about that. What I am asking you is, whether the difference in the formation of the capitals between the standards and the Exhibit P 1 influences your judgment?

A. Well, I don't know how the capitals are. The "Gs" appear to be all the same in these checks, and in this signature (Exhibit P 1) it appears to be entirely different.

Q. Does that influence your judgment?

A. And the formation of all the letters together.

Q. Does that one thing influence your judgment?

A. No, sir.

Q. Not at all.

A. The signatures are different in some of the checks.

Q. Does the difference in the signature in the capital letters of Exhibit P 1 and the capital letters contained in these checks, does the difference in them influence your judgment?

A. In part.

Q. Then if you should be shown and informed that there were signatures in which capitals were formed like the capitals in Exhibit P 1, then that part of your judgment would be destroyed?

A. If the formations were different—(interrupted).

Q. Well, but if you were shown general signatures in which the formation of the capitals was like those in the signature to Exhibit P 1, then that part of your judgment or what influenced you in that respect would be destroyed?

A. If they did not be like the original signature (interrupted).

Q. You said there was a difference in the formation of the capital letters?

A. Yes, sir.

Q. Why did you say it?

A. Because it is shown that there is a difference.

Q. Why did you speak of that unless it was to show that that helped you to make up your mind?

A. That is part.

Q. Now, if you should learn that he made capitals on other papers like the capitals contained in the signature of exhibit P 1, that is on other papers than checks, would not that element, in your judgment, be destroyed.

A. I would have to see the signatures before answering the question.

Q. I ask you to assume that there are such?

A. I can't say.

Q. You can't tell?

A: I will have to see the signatures before I can answer the question.

Q. You know whether the difference in the formation of the capital letters influences you or not?

A. In part.

Q. Does it influence you?

A. In part.

Q. Then my question is if there are genuine signatures with the same sort of capital letters that are in the signature to the will, Exhibit P 1, would not that element of your adverse judgment of his signature be gone—is it not a self evident fact that it would be gone?

A. If you would produce those signatures and let me pass my judgment upon them, then it would be a different matter.

Q. My question assumes that it is so

A. Well, probably, in part.

Q. Would not that element go—I don't mean to say that you would have to say that it is a genuine signature, but if such is the case, assuming that it is so—would not that element of doubt be gone?

A. If you could show me the signature——(interrupted.)

Q. If I could show you a genuine signature, having capital letters formed in the same way that the capital letters are formed in this disputed signature to Exhibit P 1, would not that element of doubt of this signature Exhibit P 1 be removed?

A. That portion of it; yes.

Q. Now, you say another thing that influences you is the checks being in a free hand and the signature to Exhibit P 1 not so—did you not so state?

A. Yes, sir.

Q. Supposing you were shown signatures—that is, genuine signatures, that are not written in a free hand—would not that element of doubt be gone?

A. Yes, sir; but such signatures are not submitted to me.

Q. I know they are not; I am supposing a case.

A. Then you mean if you showed me genuine signatures written like this one (indicating Exhibit P 1), then I should call it the same. and if you should show me a genuine signature outside of these checks and place it alongside of these checks, then I will give you my opinion on it.

Q. I suppose you might; but I want to know how much force, for example, would you give to the difference in the capitals—a great deal?

A. Not particularly.

Q. What do you give particular force to?

A. The general apaearance of the signature.

Q. Then if in the details you give, it can be found that the genuine signatures varied from the checks, what would be the result as to that detail?

A. I have been shown some forty or fifty checks, and the signatures are all about the same.

Q. Yes; and you are largely influeneed by that uniformity, are you not?

A. Certainly.

Q. If you found, then, that genuine signatures, not on checks, and among them there was a great variety and diversity, would not your judgment then be somewhat shaken?

A. If these signatures were submitted, then I could answer your question.

Q. I am assuming a great variety.

A. These signatures should be submitted. I cannot pass on checks and signatures that are not submitted to me.

Q. Is it not your experience that business men have what is called "check signatures"; that is, a signature somewhat different from their ordinary signature?

A. No, sir; it is always the same, as far as my experience goes.

Q. What experience have you had?

A. Considerable.

Q. As to handwriting generally, I mean.

A. In the course of correspondence and business generally I have had a good deal of expericnce.

Q. You think a man writes the same signatnre all his life?

A. Yes, sir.

Q. And you don't think it is a common thing for a man to adopt a special signature for a special circumstance?

JOHN W. OMBERSON, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER;

Q. Where do you reside?

A. Newark.

Q. What is your business?

A. Banking.

Q. In what position, please?

A, I am paying teller and assistant cashier.

Q. What bank?

A. First National bank of Jersey City.

Q. How long have you been connected with banks?

A. Twenty-six years.

Q. How long have you been paying teller of the First National Bank of Jersey City?

A. Since 1874.

Q. Is it your habit to pass upon signatures on checks presented for payment?

A. Yes.

Q. How do you determine the genuineness of such checks?

A. By the knowledge I have of the signature.

Q. Did you make a comparison with your memory and the check—a mental comparison?

A. Yes; and if I have any doubts at all about it, I compare it with other checks and signatures.

Q, Have you examined the standards, Exhibits D 16 to D 54 and D 56 to D 60, containing the signatures of Goe. P. Gordon?

A. Yes, sir.

Q. Have you examined the signature to the will, Exhibit P 1, of "Geo. P. Gordon"?

A. Yes.

Q. Have you made a comparison of these standards with Exhibit P. 1?

A. Yes, I have.

Q. Have you formed an opinion as to the genuineness of the signature in Exhibit P 1, as to whether it was written by the same person who signed the checks or not?

A. Yes.

Q. What is your opinion?

A. That the party that signed the will didn't sign the checks.

Q. Give us your reasons?

A. The signatures to the checks look as though they were written by a very easy free hand and the signature to the other paper (Exhibit P 1) is a crowded stiff hand, a traced hand, and the formation of the letters are not the same and they are different entirely.

Q. Did you notice any difference in the scrolls?

A. Very much.

Q. How do you describe that difference?

A. I should say that that was a copy.

Q. What is a copy?

A. That on the will.

Q. What do you mean by a copy?

A. A copy of the scrolls.

Q. An imitation?

A. Yes, an imitation, it has been traced.

Q. Have you stated all the reasons that have occurred to you as to the difference you observed?

A. Well, I don't know as I can give any other reason, anything more than that it don't look at all like it, and certainly, in my opinion, the same party never wrote the checks and signed the will.

Q. Your eye is trained to discover imitation, is it not?

A. Yes, sir.

Q. How long have you taken in the examination of these signatures?

A. About fifteen minutes, I should say, between ten and fifteen minutes.

Q. Do you usually pass upon the genuineness of checks in as short a time as that, or do you take a longer time?

A. In a short time.

CROSS-EXAMINATION BY MR. COLLINS:

Q. You think that the scroll was traced; do you mean that a genuine signature was put under the paper and the lines attempted to be followed?

A. No, I don't say that. I say the letters were placed down before him and the pen taken and tried to follow the lines of another scroll.

Q. Imitated you mean, not traced—you mean that a genuine scroll was before him and he tried to follow it?

A. Yes, sir.

Q. Then he might have had a genuine signature before him?

A. Yes, but he might have done it from memory, He may have known the style of the signature; of the extra marks that were put on the signature, and he may have done it all from memory. I don't necessarily mean that he had a genuine signature before him when he did this.

Q. What you mean, I take it, is that it shows a labored hand, not free?

A. Yes, sir.

Q. You hardly think, from the great difference that you see between the genuine signatures and this disputed signature in Exhibit P 1, that he was copying from a genuine signature, which he had before him?

A. No, sir, that would not be necessary at all.

Q. Probably not on account of the great difference?

A. No, sir.

Q. What is the chief difference that you note?

A. The signature on the will and the signature on the checks.

Q. Yes, the principal or main difference?

A. Well, I can't see any similarity at all.

Q. You don't see any?

A. No, sir.

Q. Had you seen this will before to-day?

A. No.

Q. Or the checks.

A. No.

Q. You knew Mr. Young had seen them?

A. No, I didn't, until I was coming up here to-day.

Q. Didn't you see in the paper that Mr. Young was called here as a witness and expert?

A. No, sir.

Q. Didn't you and Mr. Young talk about it at all?

A. No.

Q. He told you when you were coming up here to testify about it?

A. I simply told Mr. Young that I was coming up here, and he said that he had been here.

Q. That is the first you knew of it?

A. Yes, sir.

Q. Did he tell you what he had decided?

A. No, sir.

Q. I suppose it is true with you, as with the last cashier that was examined, that a false signature very seldom comes through the bank?

A. It is probably once or twice a year.

Q. How many million checks do you handle a year in you bank?

A. About in the neighborhood of 400 or 500 checks a day.

Q. Have you ever picked out one you thought was bad and which turned out to be good?

A. No, sir.

Q. You never did?

A. No, sir.

Q. It has been done in your bank?

A. Not that I am aware of.

Q. Haven't you sent to the drawer of the check and had him ratify the check before you would pay it?

A. Yes, when I have not been positive, and I didn't want to discredit a man.

Q. You did it in such a way as not to raise a suspicion, you made some excuse?

A. Yes, sir.

Q. And then, of course, you had your doubts or you would not have done it?

Q. I had a little doubt and I thought I had better take a little trouble about it.

Q. And yet they were genuine?

A. Yes, they turned out to be genuine, yes, sir.

JAMES H. LANSLEY, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath, says:

EXAMINED BY MR. MILLER:

Q. Where do you reside?

A. Elizabeth, New Jersey.

Q. What is your business?

A. Teacher.

Q. Of What?

A. A business college.

Q. Do you teach penmanship?

A. Yes, sir.

Q. What experience have you had in the study of penmanship?

A. Thirty years.

Q. Tell us what it has been?

A. I have been the principal of a school for that length of time.

Q. I want to know particularly your experience in reference to penmanship?

A. I have been teaching penmanship, personally, during thirty years last past.

Q. Have you made a comparison of disputed signatures?

A. I have in some cases.

Q. Tell us generally to what extent?

A. Several cases before the Union County Court. I have been called as an expert.

Q. Have you made any comparison of signatures with a view to forming an opinion as to the genuineness of such signatures in cases not in court?

A. I have.

Q. What experience have you had in that line?

A. Perhaps a dozen or two eases.

Q. How many cases have you appeared in court, do you remember?

A. I think not to exceed half a dozen.

Q. Has your experience as a teacher of penmanship, been continuous?

A. Yes, sir.

Q. What was the occasion of your making these comparisons that you speak of?

A. Usually lawyers have brought me disputed signatures to be passed upon, sometimes in their cases.

Q. You have been called upon for an opinion?

A. Yes.

Q. Do you consider yourself an expert in signatures?

A. To some extent.

Q. Have you made an examination of standards in this case of Exhibits D 16 to D 54, and D 56 to D 60, both inclusive, being checks.

A. I have done so, yes.

Q. Have you made an examination of the signature of "Geo. P. Gordon" to Exhibit P 1?

A. Yes, sir, I have.

Q. Have you looked through the body of Exhibit P 1?

A. I have.

Q. Have you made a comparison of the disputed signature of "Geo. P. Gordon" in Exhibit P 1, with a view to forming an opinion as to the genuineness of that signature in that Exhibit?

A. I did.

Q. In your opinion, is the signature of "Geo. P. Gordon," in Exhibit P 1, written by the same person who wrote the signatures to the standards?

A. I do not think it was.

Q. Give us you reasons for stating this?

A. I have several reasons. The general make up of the letter "G" in all the genuine signatures that I have seen so far, the part of the "G" usually made first has been made last. It was made with a down stroke instead of with an up stroke—that is one peculiarity. Another peculiarity is the finish of the letter "G" in each case in "Geo." and in "Gordon." Perhaps the most important letter I found was the final "N." In all the checks I have examined the final "N," the last part of it, is always a light line. I have not found any place where Geo. P. Gordon's name is admitted to be genuine, where the last line of the final "N" is a heavy line.

I find in the signature of "Geo. P. Gordon" to the will that it is a heavy line positively.

The final "O" in "Gordon" in the admittedly genuine signatures in no case that I have been able to discover has it a shoulder on top—I do not find any case where the final "O" has a shoulder. In the signature to the will it has a very positive shoulder.

Q. Point out what you mean by "shoulder"?

A. There is a signature taken from the will I should judge, now that has a shoulder on the letter "O."

The ORDINARY:

Q. That is a loop?

A. Well, call it a loop if you like that name better; it is only a difference in designation—that does not appear on any of the genuine Gordon signatures.

Another point where Mr. Gordon makes this flourish or terminal loop, where he turns it, he turns it pretty close to the letter "N" and in this case it is far extended (referring to Exhibit cartoon D 59 and D 71).

The flourishes below the name would seem to have been traced. There is something that perhaps I cannot explain, something analogous to a person's countenance, a characteristic—the countenance as I might call it in this, in the disputed signature is different from the countenance of the genuine signature and I have no idea that Mr. Gordon or the man that wrote these genuine signatures could possibly have written this disputed signature. I do not think it would be a possibility, a possible thing for him to have written it.

The flourishes below are such a poor imitation of a flourish, ordinarily I think a man would make this flourish with ease aud grace and these in the disputed signature are very much strained, the general appearance is such that I do not think the disputed signature could have been written by the man who wrote the genuine.

No Cross-Examination.

Henry D. Van Wyck, a witness produced in behalf of the contestants, being duly sworn, according to law, on his oath says:

Examined by Mr. Miller:

Q. What is your age and residence?

A. My residence is in Norfolk, Virginia, and I am fifty-seven years old.

Q. You knew George P. Gordon in his life time?

A. Yes, sir.

Q. How long have you known him?

A. I knew Mr. Gordon—I did not know him very well at first—but I knew him since 1839.

Q. When did you know him—when did you come to know him well?

A. About from the year 1849 up, from a short time in 1849, a very short time, I lived in New York in October, 1849, and I then went to California and was there about nine or ten years.

Q. Well, about 1870 did you know him well?

A. Yes.

Q. How much did you see him about at that time and from that time on?

A. I saw a great deal of him; I saw him at Rahway and at different places in Brooklyn. He was a partner of mine at one time, or rather I was a partner of his.

Q. Under what agreement?

A. Under an agreement which is set forth in the paper you have in Court here relating to buying lands in Virginia—the contract between Mr. Gordon and myself I gave to you.

Q. This is the agreement you refer to (handing witness a paper)?

A. Yes.

Q. Dated August 16th, 1870?

A. August 16th, 1870, yes.

Q. What is it marked?

A. Exhibit D 93.

Q. Did you during your lifetime see Mr. Gordon write?

A. Very often, yes, sir.

Q. You received numerous letters from him?

A. Yes, I received letters from him averaging five a week.

Q. And this paper which you produce is in Mr. Gordon's handwriting.

A. Yes, sir.

Q. I do not care to go into particulars but it relates to the matter of an arrangement with you as to Virginia property?

A. Yes, it was entirely an agreement between himself and myself but I never asked for it.

Q. You say he wrote to you frequently?

A. Yes, very often.

Q. Have you preserved many of his letters?

A. I have found only a few. Before I went to California on the second trip, that is before last November I thought there would be no use in my

retaining the letters and papers which I had in his handwriting and so I destroyed them, as I expected when I went to California to be in California for quite some time, but since I returned I have looked over my papers and found some, but very few.

Q. Look at these papers and say whether these are the letters you received from him (handing witness several papers)?

A. Yes, these are the letters, all the letters that I could find at first but there are some others that I have found since.

Q. Are these all in the handwriting of George P. Gordon?

A. Yes, sir.

Q. These papers?

A. Yes, sir.

Q. Was your relations with Mr. Gordon one of an ordinary or great intimacy?

A. Well, sir, I was never any more intimate with any man in my life than I was with Mr. Gordon.

Q. Did you visit his house constantly?

A. Yes.

Q. Which house?

A. All his houses, his Brooklyn house, his Neathoak, that is at Rahway, New Jersey, at his plantation, and his house in Norfolk Virginia, and all four houses that he had, he had four houses going on at one time.

The ORDINARY:

Q. What do you mean by all four houses going on at one time?

A. He had a house in Brooklyn, and a house in Rahway, he didn't like to go to Rahway at nights and so he had a house in Brooklyn, he kept that open, he kept servants there constantly and when he did not want to go home to Rahway he stayed there. Then he had a house in Virginia, a plantation, and he also had a large house in the city of Norfolk, Virginia. As I said before, he had a house in Brooklyn, and he would stay all night there in

that house when he did not want to go home to Rahway, there were servants there constantly, it was always kept ready.

MR. MILLER:

Q. He wrote you several times a week, did he not?

A. Yes.

Q. Did he confide any in you as to his personal affairs?

Objection by Mr. Collins—If it is any of the letters, then the letters will show, and I object to this as incompetent.

Question admitted.

A. Yes he did, I think, in every thing. I knew everything about his business, everything, it was a very singular thing that he would keep from me, he kept nothing from me that I know of.

Q. You were one of the executors of the Brooklyn will, were you not?

A. Yes.

Q. And subsequently married his widow?

A. Yes.

Q. And she died where?

A. San Francisco, California.

Q. When?

A. Last December.

Q. Were you at Mr. Gordon's house in 1868?

A. Yes.

Q. What time?

A. It is a long time ago, I cannot say exactly.

Q. Well, generally speaking?

A. It was after I returned from California when the time was, it was about—they had the hay in—September, I think, I was in New York in September, I know and I must have returned about the 1st of September.

Q. Were you in his house in the fall of that year?

A. Yes.

Q. And were you at his house later?

A. Yes.

Q. Did you visit him at the Brooklyn house?

A. Yes.

Q. At any time in or after the year 1870, did you have any conversations with him about a will?

A. After 1870.

Q. About or after that time?

A. Well, about the time that he bought the land in Virginia, we had a conversation about a will, or rather Mr. and Mrs. Gordon had a conversation, it occurred on the porch of the house.

Q. Did he more than once refer to the subject of a will in your presence?

A. Yes, I should say a hundred times.

Q. Tell us what he said on that subject, or what you remember of conversations which occurred on or about the year 1870?

Objection by Mr. Collins, as incompetent.

Mr. MILLER:—I propose to prove by this witness, conversations that occurred between the testator and this witness and betwecn the testator and his wife, by which it will appear that George P. Gordon could not have at that time any knowledge of the existence of this alleged will of 1868. I propose to prove declarations and statements by the testator directly denying the existence of any such will.

The ORDINARY.—It is now about time for adjournment, I will reserve my decision as to the admissibility of this testimony until tomorrow.

The letters produced and shown to this witness are offered for identification.

Marked D 99 to D 110 for identification, May 26th, 1891.

Adjourned to May 27th, 1891, at 10 A. M.

Pursuant to adjournment the parties met at the Chancery Chambers May 27th, 1891, at 10 A. M., and the following evidence was taken before Hon. Alexander T. McGill, Ordinary of the State of New Jersey in presence of Solicitors and Counsel of the respective parties:

DOMINICK H. ROCHE being recalled in behalf of the contestants, says:

EXAMINED BY MR. MILLER:

Q. Since yesterday have you made an examination which you promised to make and produce the records you promised to produce?

A. Yes, sir.

Q. Have you the records of the assessor's office with you?

A. Yes, sir.

Q. Have you the records of the assessments against George P. Gordon for the years 1875, 1876 and 1877 and the other years the other side spoke to you about?

A. I have them here from 1875 to 1880 inclusive.

Q. Have you made an examination as you said you would do in the books of your office to ascertain whether any person had been assessed in Brooklyn for personal property as non-residents?

A. Yes, sir.

Q. What did you ascertain?

A. I found there was none.

The ORDINARY:

Q. It has not been so nominated in the books?

A. No, sir.

Mr. MILLER;

Q. According to the practice of your office if non-residents had been so assessed, how would the entry have been made?

Objection by Mr. Collins on the ground that it can best be shown by the books.

The ORDINARY: I understand from the witness that there has been no such assessments and therefore there cannot be any practice.

Q. You produce these books (handing witness books)?

A. Yes, sir.

Q. Refer to the assessments against George P. Gordon each year?

A. This book is marked assessment of personal property, assessor's office; it is indexed by wards. Under the heading of "First Ward" I find under "name" "Gordon, Geo. P."—under the heading "notified" the figures "10,000"—under the heading "character" a red check mark—under the heading "residence" "155 Columbia Hts."

Mr. MILLER: I offer that entry in evidence.

Mr. COLLINS: I object to it on the ground that there is no statute or practice in this State making such a book evidence, and also on the ground that it is irrelevant and incompetent to prove residence and that assessments for personal tax would not tend to prove residence.

The ORDINARY: I will admit the book.

Marked Exhibit D 111 May 27th, 1891.

Q. You said these are the original books from the office of the assessors?

A. Yes, sir.

Q. Take the entry of 1876, please?

A. On page 27, under the heading of "name" "Gordon" and written out in full "George P."—under the heading "notified" a red check mark—under the heading "character" "10,000"—under the heading "residence" "155 Brooklyn Hts."

Mr. MILLER: I offer that entry.

Same objection.

Same ruling.

Marked Exhibst D 112 May 27th, 1891.

Q. Turn to the next entry, please.

A. That is in 1877. Page 27, under the heading "name" "Gordon, Geo. P."—under the heading "notified" a red check mark—under the heading "character" "10,000"—under the heading "residence" "155 Columbia Heights."

Mr. MILLER: I offer that entry.

Same objection.

Same ruling.

Marked Exhibit D 113, May 27th, 1891.

CROSS-EXAMINATION BY Mr. COLLINS:

Q. Have you also brought the same series of books for 1878, 1879 and 1880?

A. Yes, sir.

Q. Do you find an assessment in 1878?

A. Yes, sir.

Q. Read it?

A. Under the heading "name" "Gordon, George P."—under the heading "notified" nothing—under the heading "character" "$10,000" and a red check mark, and under the heading "residence" "155 Columbia Heights."

Q. What does the red number 257 indicate?

A. I do not know; it is a reference to some other book.

Q. Do you find any assessment in 1879?

A. Yes, sir. Under the heading "name" "Gordon, George P."—under the heading "notified" a pencil check mark—under the heading "character" "10,000" and a red check mark—under the heading "residence" "155 Columbia Heights."

Q. Do you find for the year 1880 under the heading "name" "Gordon, George P."—under the heading "notified" a red check mark—under the heading "character" "10,000," and under the heading "residence" "155 Columbia Hts."?

A. I do, sir.

Q. So that the same sort of assessment was made

as against George P. Gordon after 1877 that had been made before that date?

A. Yes, sir.

Q. No difference at all?

A. No, sir, no difference.

Q. Have you brought the books for 1878, 1879 and 1880 by which the fact of the payment of taxes is shown?

A. No, sir, I have no control over them, but I examined the record.

Q. You examined the record?

A. Yes, sir, as requested yesterday.

Q. What did you find in that record for the year 1878?

A. I found that this paper prepared by your associate is correct.

MR. COLLINS:

Q. That paper refers to the following:—Date of payment December 31st, 1878, you found that for a tax assessed on personal properly George P. Gordon, 1878 of $10,000 that tax $278.44 was paid December 21st, 1878, did you?

A. Yes, sir.

Q. That for the year 1879, there was a personal tax assessed against George P. Gordon on $10,000 of $262.71 and that it was paid December 4th, 1879?

A. Yes, sir.

Q. And that for the year 1880, there was assessed a tax on personal property against George P. Gordon on $10,000 amounting to $273.03 and that it was paid December 13th, 1880?

A. Yes, sir.

Q. What is this (indicating an entry in the books)?

A. This was an assessment for 1881 not paid upon the books.

Q. You found an assessment of $244.91, for 1881, still open on the books?

A. Yes, sir, it has not been paid.

RE-DIRECT BY MR. MILLER;

Q. At what date were the several assessments you

refer to, 1875, 1876 and 1877, imposed, what part of the year?

A. I think, although I am not certain as to the date, the date now is universally the 15th of November and that reaches back about 12 or 13 years, the date of confirmation is the 15th of November, but it varied prior to that.

Q. And for 12 or 13 years it was the 15th of November?

A. Yes, sir, by law the taxes were confirmed on the 15th of November.

Q. Was any book or memorandum kept which will tell what the former practice was and when it went out of vogue?

A. It was during the time of James Tanner, while he was Collector of Taxes, they had the law passed.

MR. MILLER.—I offer in evidence paper marked D 80 for identification, showing that the taxes after the death of George P. Gordon were paid by Henry J. Cullen.

Marked Exhibit D 80, May 27th, 1891.

GEORGE SANDHUSON, being recalled in behalf of the contestants, says:

EXAMINED BY MR. MILLER.

Q. Have you produced from the Bureau of Election of the City of Brooklyn, the appointment of Election Inspectors of the 1st Ward and 2nd District, for 1876?

A. Yes, sir.

Q. Please open the book and show it to us?

A. It is here.

Q. What is this book you produce?

A. The Minute Book for 1876.

Q. The Minute Book of what?

A. The Board of Elections.

Q. It is the original, is it?

A. Yes, sir.

Q. And brought by you from the office where it is deposited?

A. Yes.

MR. MILLER.—I offer in evidence the entry in this book, which reads as follows:—"September 13th, 1876. The Board met at 9 A. M., all the members present.

Mr. Green appointed the inspectors for the 1st, 2nd, 3rd, &c., Wards (see appointment of registers and inspectors books.)"

MR. COLLINS.—We object to this on the like ground mentioned in regard to similar proofs.

Objection overruled.

(The entry above referred to is found on page 77 of the book.)

Marked Exhibit D 114, May 27th, 1891.

WITNESS.—I produce the two books, one showing the Democratic Inspectors' appointments for the 1st District of the 2nd Ward and the other showing the Republican Inspectors' appointments.

MR. MILLER.—I offer these books in evidence.

Same objection.

Same ruling.

Marked Exhibit D 115 and D 116, May 27th 1891, respectively.

Q. Now read the entries.

A. Under the heading "1876, Inspectors, 1st Ward," the second entry "A. L. Reid, 101 Willow street."

Under the heading "1876, Inspectors 2nd District, 1st Ward, R. W. Ropes, 28 Remsen street and Charles S. Baylis 16 Remsen street."

Q. Do you know whether Mr. Baylis served?

A. The Minute Book states here that Mr. C. L. Fink was appointed Inspector of the 2nd District, 1st Ward, in place of Francis Vinton, absent from the city.

Q. So C. L. Fink served in place of Mr. Ropes?

A. Yes, sir.

Q. Don't you think he must have been appointed in place of Mr. Baylis?

A. Yes, he must have been.

Q. Have you the books showing the oath of office of Mr. Reid?

A. Yes, sir.

Mr. MILLER.—I offer in evidence this oath book for the year 1876 and especially the first oath at the top of the second page.

Same objection.

Same ruling.

Marked Exhibit D 117, May 27th, 1891.

Mr. MILLER.—The oath reads as follows:

"City of Brooklyn, ss:

I, AARON L. REID, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and I will faithfully discharge the duties of the office of Register and Inspector of Elections of the 2nd District, in the 1st Ward of the City of Brooklyn, according to the best of my ability.

(Signed.) AARON L. REID.

Sworn and subscribed to this 14th day of September, 1876, before me.

F. WOODRUEF,
of the Board of Elections."

Q. Who was F. Woodruff?

A. A Commissioner of Elections.

Mr MILLER.—I offer in evidence the Registry Book which was identified yesterday and marked D 97, for identification, especially the entry which reads as follows: Page 5, under the heading "Columbia Heights," the first column—under the heading "Residence, number or other designation, if not numbered," under

that the figures, "155" with a pencil mark drawn through them, and a pencil check mark on the left. The next column, "name of voter" "Geo. P. Gordon," next column headed "Age," under it the figures "66," next column headed "Length of time resident in State" the figure "3," next column headed "Length of time resident in County," the figure "3," the next column headed "Length of time resident in Ward," the figure "3," the next column, "Length of time resident in District," the figure "3."

Opposite this entry are the initials of "J. M. K. Jr.," the witness of yesterday.

Mr. COLLINS.—I object to this book on the same grounds heretofore urged to like evidence and on the further ground that this book lacks the certificate required by law and therefore, if for no other reason, it is incompetent and illegal.

The ORDINARY: What is the certificate to which you refer?

MR. COLLINS.—I refer to the certificate found on page 147 of the printed testimony in this case, which was the law copied in full on that page, as read by Mr. Miller, as follows:

"The said lists, when so completed, shall be
" signed and certified by each register. One
" of said lists shall be retained by the chair-
" man of the Board of Registers and Inspect-
" ors for their use on the day of election, and
" the other two lists shall be delivered on
" the following Wednesday to the Board of
" Elections, and it shall be the duty of said
" Board of Elections to print and distribute,"
&c.

THE ORDINARY: I will admit it.

New Jersey State Library

CROSS-EXAMINATION BY MR. COLLINS:

Q. Please turn to this again—what space of time is represented by the figure "3" under the various headings, does it mean length of time?

A. Three years.

Q. Then that purports to say that Mr. Gordon had been a resident for three years of the 2nd District, of the 1st Ward of Kings County, in the City of Brooklyn?

A. Yes, sir.

RE-DIRECT BY MR. MILLER:

Q. Three years when—next preceding the election or at any time?

A. Three years when he went to register, he said he had resided in that house for three years.

Q. From that time?

A. Yes, sir.

FURTHER CROSS-EXAMINATION BY MR COLLINS:

Q. You mean that is what is indicated by the entries?

A. Yes, sir.

Q. You don't know personally?

A. No, sir.

ALBERT COLBEY, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath, says:

EXAMINED BY MR. MILLER:

Q. What is your residence?

A. 262 Ainslie street, Brooklyn.

Q. What is your business?

A. A clerk of Trow's City Directory Company, that is I am a canvasser.

Q. How long have you been such?

A. 21 or 22 years.

Q. Are you familiar with the manner of making up directories?

A. I am.

Q. Look at these three directories and state whether they are "Trow's City Directories" for the years 1874–1875, 1875–1876 and 1876–1877?

A. Yes, sir, they are.

Mr. MILLER.—I ask that these three books be marked for identification.

Marked D 118, D119 and D 120 for identification, respectively.

Q. Do you know the method of preparation of Trow's City Directories?

A. Yes, sir.

Q. Please tell us what it is?

Objection by Mr. Collins as irrelevant.

Objection overruled.

A. First off, there are a number of canvassers, who are assigned a certain number of streets each, or districts. Take the numbers consecutively, starting at No. 1 and following on down to the end of the street and they go through it thoroughly; each canvasser is supposed to see the head of the house, if it is a dwelling house and if it is a business street they are supposed to see the head of the firm, or of the store, the proprietor. If they are not accessible, then they take the next in authority, the one in charge, that is in case neither one of the proprietors are present to get the information from, then they get it as best they can. After a district or a street or number of streets is finished, is canvassed, then the canvasser returns to the office and we have what is called a comparison. For instance, if I were to finish this street, I should then go to the office, hand in my report and it would be compared with last year's canvass; every name taken last year is filed away in streets and numbers, consecutively, and then it is compared, and whatever numbers I do not bring in,

then another man follows me to find out why. If there is a missing number, then another canvasser follows me to ascertain how it is. For instance, if I were to bring in the name of Smith, and if the proper name is Smythe, and I spell it Smith, then another man follows me to find out whether I have made a mistake, or whether the previous canvasser had made the mistake.

Q. What is the duty of any canvasser down town as to obtaining the business address and the residence?

A. Well, we first get their business and occupation, and after that we ask questions, such as, "where do you reside" and if they will not tell us we cannot get that information from them, then we omit that portion of the information and mark it "refused." If he gives us the whole thing, then we make a note of it, as for instance, it would be "John Smith, Merchant, 2 Wall street, house 54 Fifth avenue," that is the report he would make in that way.

Mr. MILLER.—I offer the directories in evidence.

Objection by Mr. Collins to the directories, as incompetent to prove the residence or any fact.

THE ORDINARY: I will allow them to be marked in evidence and will consider as to their value as evidence, and whether they are admissible or not when the case is determined.

Marked Exhibits D 118, D 119 and D 120, respectively.

Mr. MILLER.—The entries in the directories, which I wish particularly to offer, are as follows:

In the directory marked Exhibit D 118— "Gordon, Geo. P., Presses, 17 Beekman, h. Bklyn."

The directory marked Exhibit D 119—

"Gordon, Geo. P., Presses, 17 Beekman, h. 155 Columbia Hts. Bklyn."

PHILIP W. CRATER, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath, says:

EXAMINED BY MR. MILLER:

Q. What is your residence, Mr. Crater?

A. Newark, New Jersey.

Q. What is your business?

A. Cashier of the Newark Banking Company.

Q. How long have you held that position?

A. About five years, I think, I do not remember exactly.

Q. How long have you been in the banking business, generally?

A. I have been in that bank for 36 years.

Q. In what positions?

A. Paying and receiving teller.

Q. How many years did you hold that position or those positions?

A. Thirty odd years.

Q. Are you accustomed to the examination of signatures?

A. I have done a good deal of that kind of work.

Q. Have you been called as an expert in cases?

A. Yes, sir.

Q. Tell us generally your experience in that respect?

A. Well, I don't know as I can, I have been called to the different counties to attend court at different places to testify on the questions of signatures, I have been to Belvidere, Flemington and a good many times at Newark.

Q. It has been your custom to make comparisons with genuine signatures, that is with standards?

A. Yes, that is the only way you can do when you do not know the signature yourself.

Q. In your daily business, you compare the signatures presented on checks with one which you re

member or one you have in the signature book as a standard?

A. If I do not remember the signature I compare it with the signature book, but if I do remember it, I do not, because it is a matter you become accustomed to and when you are handling these checks, these signatures every day, you become accustomed to the signatures.

Q. Have you seen the standards, Exhibits D 16 to D 54 and D 56 to D. 60?

A. Yes, I have examined them.

Q. Both lots?

A. Yes, sir.

Q. Have you examined the signature to Exhibit P 1?

A. Yes, sir.

Q. After a comparison of the signature in Exhibit P 1, "Geo. P. Gordon" and the standards, have you formed an opinion as to the genuineness of the signature of Exhibit P 1, as to whether it was written by the same person who wrote the checks?

A. I have.

Q. What opinion have you formed?

A. I think the man that signed the checks never signed that will.

Q. What are your reasons for that opinion?

A. Because the checks are of a free, easy business-like hand and exceedingly uniform, more so than you probably find in a large number of checks. The signature to the will is a stiff, studied hand, apparently clumsy, and you may examine it. I have examined all these checks very carefully and compared them with this signature, and among all the signatures I have seen, which are admitted to be genuine, you never find the letter "G" as these are, lying down on their stomach as though something had hurt them, they both lie down and they are just as dissimilar to anything on these checks as can be.

Q. Tell us the points of difference you noted?

A. Well, the points of difference vary, I do not really see much similarity, the party who signed

that will, he either had a check signature of George P. Gordon before him, or else he carried it in his mind, and I think he carried it in his mind. I do not believe he had a genuine signature before him.

CROSS-EXAMINATION BY MR. COLLINS:

Q. Other things being equal, who is best able to judge of the genuiness of a disputed signature, a man who is familiar with the handwriting—of the real handwriting—of the person whose signature it purports to be, or one who simply bases his judgment on a comparison of what is shown him for the purposes of comparison as a genuine signature?

A. Well, of course, I do not know as I can answer that question. Of course I did not know the signature of George P. Gordon, I did not know him, I never saw him write and never saw his signature until now, and all I have got to judge from is by comparison.

Q. My question is, who is best able to judge, one in your position, or a person of your capacity, but familiar—I mean by either having seen him write or by having been accustomed to receiving his signatures in the course of business—that is familiar with his handwriting, or with the handwriting of the person whose signature is in question?

A. Well, I think that the person who has been accustomed to receiving his signatures would be the most proper person to judge, as a matter of course. For instance, here are checks which are admitted to be genuine, as I understand, and which have been presented to the bank and paid. Now, the party that paid these checks, that knew the signature of George P. Gordon, would be a great deal more likely to know it than I would.

Q. Could you, yourself, pass so readily on a signature that you had never seen before, as upon one that you were familiar with?

A. I understand—you could not—no, sir, I don't say that.

Q. Could you?

A. Yes.

Q. You could pass just as readily on a signature that you had never seen before, as upon one that you were familiar with?

A. Understand this, it did not take me more than half an hour to examine these checks that are genuine and to examine that signature, I don't want a day or a half day to study it.

Q. If a check comes to you through your bank, purporting to be drawn and signed by one whose handwriting you are familiar with, you don't want one minute to decide as to its genuiness?

A. No, no time at all, do it right off.

Q. So you could pass upon a signature you are familiar with in less time than one you are not?

A. Just what I said. Take the Nassau Bank, for instance, they did not have to study whether these checks were forged or not.

Q. You do not know that they did not have occasion to study at them, but you take it for granted, is that so?

A. Yes, certainly.

Q. You have, sometimes, been mistaken in thinking a check was doubtful when it was genuine?

A. I have sometimes been in doubt.

Q. And have sent it back and found it was good afterwards?

A. No, sir:

Q. What do you mean by "doubt"—what point?

A. For instance, take a new account, an inactive account, and I take the signature on the signature book to compare it with. Perhaps in four, five or six weeks, there may come in another check and I have almost forgotten whether that man had opened an account or not, it strikes me that he did, but I will compare that check, being the first I have seen, with the book before I will pay it.

A. Yes, but my question is, whether you have not held back checks, or delayed payment till you could enquire, through a doubt of their genuineness?

A. They turned out genuine, I do not remember any case of that kind.

Q, You do not often have occasion to question signatures, do you?

A. Very seldom.

Q. Is it not a fact that signatures on the signature books as a rule are more carefully written than the normal signatures to checks?

A. Possibly so.

Q. Is it not a fact that signatures on the signature books, as a rule, are more cramped than normal signatures to checks?

A. Possibly so, but the general characteristic is there.

Q. When did you first see this Exhibit P 1?.

A. Since I came into the building.

Q. How long ago?

A. Half an hour or may be an hour before.

Q. Did you see photographs of it before?

A. I seen a photograph, I think, of what purported to be three genuine signatures and this (indicating Exhibit P 1.)

Q. When did you see that?

A. Yesterday.

Q. How long did you have those in your possession?

A. Five minutes, probably, more or less.

Q. Did you pronounce on the signature then on the photograph?

A. Not a pronounce—I did not pronounce on anything.

Q. Did you come to a conclusion?

A. No, sir.

Q. You did not come to a conclusion?

A. No, for this reason. I did not know whether I would be permitted to see the genuine signatures or not, I did not know whether I should see the will or the checks, I did not inquire, but I did not pronounce because I hoped to see both and I have seen both.

Q. Didn't you have any opinion in your own mind?

A. I cannot say, I did not have any opinion to express.

Q. You did not express any opinion, but didn't you form any?

A. I do not know, I cannot tell you that.

A. Are you here for compensation?

A. I?

Q. Yes?

A. I don't know.

MR. MILLER.—We will pay the gentleman.

WITNESS.—That is fair, I think.

MR. COLLINS:

Q. You assume you will be paid if you take the time and trouble to come here?

A. I always have been paid for testimony of this kind.

HENRY D. VAN WYCK, being recalled in behalf of the contestants, says:

EXAMINED BY Mr. MILLER:

MR. COLLINS.—I renew my objection to the evidence of this witness on the same grounds as I objected yesterday.

THE ORDINARY.—Before continuing I would like to make a suggestion to counsel concerning the question raised at the adjournment last evening as to the admissibility of evidence offered by the contestants.

The offer, substantially, was to prove, by Mr. Van Wyck, declarations made by testator inconsistent to his having made this will or showing ignorance of the existence of the will.

As to the admissibility of this evidence I will give counsel the benefit of my research last night. I have not had time to look the matter up very thoroughly.

The first case I find in this State, is Boylan *v.* Meeker, 2 McCarter 310 in the Prerogative Court, heard by Mr. Justice Potts, who sat for the Ordinary. In that case evidence of this character in question was offered and considered by Justice Potts in deciding the case. The Judge did not pass on the admissibility of the testimony, but he considered it, as I gather from hurriedly reading the case. The case is long and I have not critically examined it, and for that reason I desire that counsel shall examine it.

The same question came up before the Supreme Court in an action of ejectment involving the validity of the same will. This case is reported in 4 Dutch, p. 274 and was heard by Chief Justice Green, and Justice Whelpley, Vredenburgh and Van Dyke.

Justice Whelpley read the opinion.

I refer counsel to pages 279, 282 and 283. It was held there substantially that evidence of the character questioned is incompetent and cannot be received.

There is another case, Stephens *v.* Van Cleef, 4 Washington Cir. Ct., Rep. 274. I have not had an opportunity to examine that case, the report is in my library and Mr. Haggerty can get it for counsel if counsel desire to examine it.

I refer counsel also to Harris *v.* Vanderveer's Executors, 6 C. E. Gr., 568 (1870). The question of the admissibility of testimony such as this was presented to the Court of Errors and Appeals but the case went off on other grounds. Justice Van Syckle wrote the opinion, stating that it was not necessary to decide as to the admissibility of the testimony. That was subsequent to Boylan *v.* Meeker.

Otterson *v.* Hofford, 7 Vr., 129. A will had been admitted to probate and it was questioned subsequently in an ejectment suit,

where the probated will with the probate proofs were offered as *primr facie* evidence of title. I think of two of the subscribing witnesses were produced at the trial, one of whom testified in support of the due execution of the will and the other against it—the third subscribing witness was not called and proof was offered that he had made declarations inconsistent with the due execution of the will.

His signature had been proved and it stood as a voucher for the correctness of the attestation clause. It was held there that his outside declarations inconsistent with the due execution of the will, were admissible because his signature stood as proof of the genuineness of the will. This case may be important if Mr. Gordon's signature to the paper in dispute is held to be genuine.

In the case of Lynch *v.* Clements (1874) 9 C. E. Gr. 431 V. C., Dodd held, that declarations of a testator were inadmissible to prove undue influence. The same was held in Pemberton's case, 13 Stew., 528, and in Kitchell *v.* Beach, 8 Stew., 454, it was held that they were not admissible to prove fraud.

Also in Rusling *v.* Rusling, 8 Stew., 120, before the Ordinary, they were held to be inadmissible, except so far as to show the extent and effect of undue influence upon the mind of the testator. And see the same case before the Court of Errors in 9 Stew. 609. Also see the case of Randal *v.* Beatty 4 Stew., 645.

There is a Massachusetts case and a New York case referred to in Rusling *v.* Rusling, 9 Stew., 609, which I think will be of value to counsel.

I will be glad to hear counsel upon this question. It is a very important one. I give counsel the result of my labor to facilitate them. We need not delay the case while counsel are examining these books.

I will take the testimony and reserve my decision until the final hearing in the cause.

Mr. MILLER:

Q. You say you have frequently seen George P. Gordon write?

A. Yes, sir.

Q. And frequently received letters from him?

A. Yes, very often.

Q. Please state what the paper is that I now show you (handing witness a paper).

A. That is a letter Mr. Gordon wrote me on the date here stated, February 7th, 1870,

MR. MILLER.—I offer this letter in evidence and will read it.

Mr. COLLINS—It may be admissible perhaps as a standard.

Mr. MILLER.—I do not offer it only as a standard, although I want to use it as a standard, but not that alone. I also offer it as evidence of declarations made by Mr. Gordon that are inconsistent with a knowledge of the existence of any will prior to this date.

MR. COLLINS.—I object to the testimony as incompetent to prove the non-existence of a will—I make the same objection as I made on the same subject we opened yesterday.

Same ruling.

Letter read which is as follows:

"GORDON'S
FRANKLIN JOB AND CARD PRINTING
PRESSES.
DEPOT: 96 FULTON STREET.
NEW YORK, Feb'y 7th, 1870.

DEAR VAN;

Yours of 5th at hand this morhing. As regards our return—the *time when!*—I intended to return on *Wednesday* mor'g—start then—but Mrs. G.

is determined that I shall make "a Will" before I go —Now, this "Will" *will* take *time*! If I am compelled to make a "will" before I go, I cannot conjecture the time that I shall be able to start. If I had *five* or *ten* thousand dollars to divide there would be no such confounded desire to have a "Will" made lest *I should die suddenly!* Money is very well, if one can only know his *own affairs*, "himself alone,"—but the U. States by publishing "Incomes" has "spluthered" a mans own private matters, broadcast and blown them into every eye and ear,—so that "our team" has become so *unruly*, that we cannot go along quietly, as of old. Well what is—is!—

Glad to hear that all is going smoothly. I am very sorry that my plans cannot be carried out as to our return, but, *per force*, I must stay.

I will notify you of *time*, when I can speak *positively*. Lenore has not got rid of her cold yet—came to the city with me this morn. I shall *at once* draw up frame of a will and when satisfactory to me shall execute it. *I shan't be influenced*, but shall do, *as shall seem best to me*. Should ever occasion come, you have *above* proof for Mrs. Gordon should it be necessary—that no *undue influence* has been used as to the bequests and provisions contained in "the Will."

Splendid weather—warm, bright and life giving! When we are going to *make Ice*, remains to be answered by the few days, *twenty-one*, left of this month. God send us our usual supply. How are the Peach Trees? In Richmond they say they are "putting forth" I hope we may be lucky enough to get a "few" to eat this year.

I am in haste to reach Nethermuir while the business will let me, I shall hurry the will, I can at any time *add codicils*. All I ask of my fellow creatures everywhere, is that they will not "hurry" me, eternally! I want quiet this *side of the grave*—I shall find it the *other side*, I have faith to believe.

Am going to sell Betty and Dolly for whatever they will bring—stop farming—have no bother with

men—live as smoothly as I can—and attend to business.

My health is very good. I live regularly—drink water, coffee and Tea and keep my *temper* under control at all times!—Having banished from my mind *annoyances*, as *annoyances* they cease in a great measure to give me trouble and therefore I live smoothly, for I *will not* be annoyed.

More in a day or two, as I progress with the Will!

In haste,
Your friend truly,
GEORGE."

Q. You said you received that about the time it is written?

A. Yes, a day or two afterwards.

MR. MILLER.—I offer that letter in evidence for all purposes.

MR. COLLINS.—I understood you offered it before and the ruling on it was reserved.

THE ORDINARY.—I will admit it as a standard.

MR. COLLINS—I object to it, your Honor, as a standard, as it is not a signature, it is just the word "George" and I object to its effect and if I understand the rule, that if it is admissible for any purpose, it must be admitted in evidence, and what effect is given to it is a matter of law afterwards, and I say further that this is not a proper standard.

THE ORDINARY:

Q. Did you ever speak to Mr. Gordon about this letter subsequently to its receipt?

A. Yes, sir.

MR. COLLINS.—That is not what I am after your Honor, I was not questioning the genuineness of the handwriting.

The ORDINARY.—I will admit it—whether it may be used for the purpose of establishing the declarations of George P. Gordon, is a question which may be determined when I hear counsel. I do not think it is necessary to determine that question at this time, it may be reserved until the final argument.

MR. MILLER:

Q. Do you know the relations existing between Mr. and Mrs. Gordon as to affection during your acquaintance with them?

A. Yes, sir.

Q. Did he ever write to you on the subject?

A. Yes, sir.

Q. Kindly look at this paper I now show you and state what it is (referring to D 107 for identification)?

A. This is a letter written to me June 25th, 1875, by Mr. Gordon, it is in his handwriting.

MR. MILLER.—I offer this letter in evideenc and read particularly this portion:

"Lenore this morning decided not to go to Nethermuir. We are having *awfully warm weather*. I wish you *could* run up here for a few days at least but I know how many things you have to *look* after. I think, after all, Lenore is right—that *I* should be quiet, for she thinks more of my welfare than I do myself."

Marked Exhibit D 107, May 27th, 1891.

Q. You say you married Mrs. Gordon, Mr. Gordon's widow?

A. Yes, sir.

Q. Did you succeed to her effects after her death?

A. Yes, sir.

Q. Did you find any letters from Mr. George P. Gordon to her?

A. Yes, sir.

Q. Did you preserve all of them?

A. I preserved all—they are not all there, I have

found letters from her from the time they were married down to 1876, I think.

Q. Look at this paper which I now show you and state in whose handwritfng that paper is and where you found it?

A. I found it in Mrs. Gordon's trunk.

Q. In whose handwriting is it?

A. George P. Gordon's.

MR. COLLINS.—This purports to be a letter from Mr. Gordon to his wife?

MR. MILLER.—Yes.

MR. COLLINS.—We object to it on the ground that such letters are privileged communications between husband and wife,

The ORDINARY.—I will admit it.

MR. MILLER:

Q. Where was this letter found?

A. In her trunk enclosed in this envelope (handing counsel an envelope).

Q, In whose handwriting is it endorsed?

A. Mrs. Gordon's.

Q. What does it say (referring to the envelope)?

A. "My dear George's letter of long ago," and on the back it says, "My dear George's letter of long, long ago."

Mr. MILLER.—This letter is dated July 27th, 1868, two days after the date of the alleged will Exhibit P 1.

Letter read.

Q. Is this another of the letters found in the same way (handing witness a paper)?

A. Yes, sir.

Mr. COLLINS.—I object to counsel putting these letters in in this way, for the reasons before stated.

THE ORDINARY.—This is an important point in this case, and I think it best to determine as the admissibility of these papers on the final hearing.

Mr. COLLINS.—If Mr. Miller will state that he offers them not only as standards, but also to prove facts which this witness knows they will prove, and your Honor will note my objection that testator's declarations are not competent, and that letters are not competent proof of facts or sentiment, and withhold the ruling on that branch until the final argument we think that would be proper.

THE ORDINARY: I have so expressed myself I think on the other offers, and I think that will extend to these.

Mr. MILLER.—I offer these as standards, and also for the purpose of contradicting Henry C. Adams' statement as to the relations existing between Mr. and Mrs. Gordon at the time of the will, or at the time it is alleged the will was executed, which is to my mind a very important matter in this case when a will of such provisions as are contained in this alleged will is presented for probate, and I offer them for that purpose—for both purposes.

Mr. COLLINS.—Protesting that counsel has no right to introduce any proof for any such purpose of contradiction; the evidence having been all evinced by his own cross-examination and I object to the letters for any other use than their use as standards

The ORDINARY: They may be admitted and the ruling on the objection reserved until the final argument.

Mr. MILLER.—I offer the following letters then in evidence:

Letter dated July 27th, 1868 (reads).

Marked Exhibit D, 121, May 27th, 1891.

Letter dated September 14th, 1869 (reads).

Marked Exhibit D, 122, May 27th, 1891.
Offers letter dated June 3rd, 1871, (reads).
Marked Exhibit D, 123, May 27th, 1891.
Letter dated November 13th, 1872, (reads).
Marked Exhibit D, 124, May 27th, 1891.
Letter dated May 12th, 1872, (reads).
Marked Exhibit D, 125, May 27th, 1891.
Letter dated May 5th, 1872, (reads).
Marked Exhibit D, 126, May 27th, 1891.

Mr. MILLER:

Q. Did you say you destroyed or kept Mrs. Gordon's letters?

A. I destroyed all Mrs. Gordon's letters after she died except these that have been produced which I found.

Q. Written to her?

A. Yes, written to her by Mr. Gordon; there were hundreds of them, I never looked at one of them, but burned them all up just as I found them, as she requested me to do so. I said I burned all the letters she received, well I did not burn them all, of course; there were packages of letters which I had written to Mr. and Mrs. Gordon in another trunk that she did not speak about, and I did not burn them.

Q. Letters that you had written?

A. Yes, that I had written to Mr. and Mrs Gordon.

Q. You say you have seen Mr. Gordon write—now look at Exhibit P. 1, at the signature "Geo. P. Gordon" and state whether in your opinion the signature to the will propounded is the signature of George P. Gordon or not?

A. I have seen it, I am looking at it now and I have seen it before.

Q. Please state whether in your opinion the signature to this will Exhibit P. 1 is the signature of George P. Gordon?

A. No sir, I do not think it is, I pronounced it a

forgery the moment I looked at it, when Mr. Olde first showed it to me.

Q, Do you know where Mr. Gordon died?

A. He died at Norfolk, Virginia, at No. 48 Free Mason street.

Q. Who was with him at the time of his death?

A. Miss Mary Gordon, Mrs. Gordon, young Henry May, Dr. Ward, Dr. Moore, two servant girls and myself.

Q. Where was his funeral services held and were you present?

A. We had some little service at the house before we moved his body to Brooklyn.

Q. Were funeral services held at the house in Brooklyn?

A. Yes, sir.

Q. Were you present?

A. Yes, sir.

Q. At what house?

A. 155 Columbia Heights.

Q. Where was he buried?

A. At Greenwood Cemetery.

Q. Did you have any conversation with George P. Gordon prior to his death and after the year 1870 in which the subject of a will was spoken of between you?

A. Yes, sir.

Q. You did?

A. Often.

Q. What was the conversation?

Mr. COLLINS.—I object on the ground urged yesterday and which your Honor now has under consideration.

Mr. MILLER.—I offer this question, this evidence, for the purpose not of attacking the validity of any alleged last will and testament, but for the purpose of showing conversations by Mr. Gordon, in which he made declarations and statements which were inconsistent with a knowledge on his part of the existence of the

instrument propounded here as his last will and testament—in short to show his ignorance of the existence of this instrument, as bearing upon the question of forgery.

THE ORDINARY: That squarely presents the question. The question now is whether I shall hear counsel on this point at present, or whether the evidence shall go down on the notes, and be ruled upon at the final hearing. You may cross examine the witness, Mr. Collins, as to this branch of the case, and Mr. Miller may recall him later on this subject.

Mr. COLLINS.—If that is so then I would prefer that we should not cross-examine this witness untill he is recalled later.

Mr. GUMMERE.—This is a very important question, and I think I do not care to make my argument *in extenso* at the present time—I do not wish to give the opposite counsel my brief as to whether this evidence must be admitted at the present time.

THE ORDINARY: Why not?

Mr. GUMMERE.—Because I do not want to hand Mr. Collins my brief in advance of the argument in this cause.

THE ORDINARY: Questions of evidence should be argued as the case proceeds. However I will allow you to ask the question, and reserve my ruling upon it.

Mr. COLLINS.—My objection is, that it is not competent to prove facts.

THE ORDINARY: The question may be asked, and I will reserve my ruling.

Q. What was the conversation?

Mr. COLLINS.—Time, place and circumstances should be stated.

Mr. MILLER:

Q. Did you have a conversation in Norfolk before the death of George P. Gordon?

A. Yes, sir.

Q. Where?

A. In the house on Remsen street, in one of the parlors where he was sitting; he was unable to lie in bed.

Q. How long before his death?

A. Three days—three or four days I think.

Q. Who were present?

A. Well, there was no one present at first, Mrs. Gordon had gone up stairs for a little while. Before he got through with the conversation he sent for her.

Q. What was the conversation?

A. He spoke of the will he had made or had been made by Mr. Thorne.

Mr. COLLINS.—This is all under our objection.

The ORDINARY: Yes.

Q. What was the conversation?

A. He spoke of the will made by Mr. Thorne, and he told me that he had named me as executor and he went on and explained—(interrupted.)

Q. Give the conversation as near as you can?

A. Well, that he had left Mrs. Gordon money, one hundred thousand dollars in hand, and that he had left Mary's in trust, and that as Mary had discarded the man—that she had objected to the man that he wanted her to marry—he objected to it, and so he said he would leave his property differently—that he would make a different disposition of his property than he had made in his will—his intention was to have Mr. ———, I forget his name just now, he was a lawyer that did a great deal of business in New York for him—oh, I remember, it was Mr. Frank

Brewer—draw up a will until he could come down, but he said that he had put it off and put it off and that it was a great undertaking for him and he wanted me to go after Mr. Olde, the gentleman who is now in the room, who before that had done all Mr. Gordon's business while in Norfolk, for Mr. Gordon; that he wanted me to have Mr. Olde come up so that he could have a new will made, and I talked it over with him and I said: "Are you sure you are in a condition to do this, hadn't I better consult the physicians in the matter before we do anything further in it?" and he said, yes, perhaps, it would be as well, and so I sent for Dr. Moore and Dr. Selden, two New York physicians, and when they came I explained the matter to them, that Mr. Gordon wanted to make a new will, and I asked them if he was in a proper condition to do so, and they said no, under no circumstances; he was not in condition then to make a new will; that the excitement of doing so might kill him, and that if he did not make a will and if he should have no excitement, he might get better, and that he had better leave it for a few days. Well, I told Mr. Gordon that I had also asked Dr. Moore to go into the room and tell Mr. Gordon himself, and he done so, and then Mr. Gordon said, "Van all right then," and a few moments after that Dr. Moore went away and he began telling me what he wanted. He told me that he did not consider the will that had been executed, drawn by Mr. Thorne a proper one, and he said that it had not been witnessed properly—that is the will made by Thorne. He said that he went into the room to execute the will and Mr. Thorne was there and he signed it, and then Mr. Thorne witnessed the will and then Mr. Thorne told him that it was necessary for him to have another witness to this will and that Mr. Gordon said to him, well, I will go down and get somebody to do it, and he said that he did, that he, went down stairs and found Mr. Farrington on the street and he took him upstairs to Mr. Thorne's room and when he got there Mr. Thorne was not there, he

had gone out, and he said, Mr. Farrington: "I want you to witness this will here," and he did it in that way.

Q. He told you all this in this conversation?

A. Yes, sir.

Q. You say his wife was brought down afterwards?

A. Yes, he said that she would have a great deal of trouble, that Mary's money was lying in trust rather than in hand, same as hers was, and that she would have a great deal of trouble, and so he wanted her to understand how things were.

Q. Previous to that time in Norfolk did you have any conversation with him on the subject of the 1873 will, and if so what was it, and when?

A. He spoke of it very often; I cannot give you the days or the dates when he spoke of it, but it was very often. He spoke of it when we were at Niagara, and he spoke of it very often. When we were at Niagara Mr. Gordon was taken sick with heart disease. Mr. and Mrs. Gordon and myself were there, and I had to help him down; he was very much frightened and thought he was going to die, and he spoke about it that afternoon at the hotel; he spoke about the Thorne will, and said that he ought to make a new will, that it was his intention to make a new will, and that he must make a new will. and he spoke about this will that Mr. Thorne had made in 1873; he spoke about it many times; he seemed discontented with it and dissatisfied, and said that it was not properly executed, and that he must make another, and this went on for a long time after. I heard him in several conversations with Mrs. Gordon and with myself in relation to making his will. I heard him speaking of it to his wife, and I heard several conversations in relation to it between Mr. and Mrs. Gordon.

Q. After 1870?

A. Yes, sir.

Q. Before the 1873 will was made?

A. Yes, both at Nethermuir and at Neathoak, and

also at Brooklyn, and after his will was made, he spoke of it at Brooklyn, not before. The will was made in 1873, and at that time he did not reside in Brooklyn; he resided then at Nethermuir and Neathoak.

Q. State any conversation which you heard between Mr. and Mrs. Gordon after the year 1870, and down to 1873 on the subject of a will?

A. The first conversation was at Neathoak or Rahway, when Mrs. Gordon was urging upon him to make this will. He said to her: "I do not know the names of half the folks that I want to leave something to; for instance there is the Whitcombs and Cranshaw's children; I don't know how many they have, and I want you to get the names of all these, as I want to leave them all something," and they talked about it in that way quite often, and she said on this occasion: "Now there is Hetty, you ought to provide well for her."

Q. Who said that?

A. Mrs. Gordon said that to Mr. Gordon. And she also said: "There is also Ritzema Bogert and Mrs Bogert," and she named several others, and Mrs. Gordon told him she would get the names of all the children, and all of Ritzema Bogert's children for him and he made one remark I remember very distinctly at that conversation, he said: "I am going to give them all some money, but I have not been in their houses for some fifteen or twenty years, any one of them, but I am going to leave them all some money."

Q. When was this?

A. After he bought Nethermuir. The first visit after he bought Nethermuir: I think it must have been in December, 1869, or January or February, 1870; I cannot remember the dates exactly—of course I did not expect to be called on for anything of this kind. I remember one circumstance that occurred at that time. When they were talking about the making of this will, and after they had been talking about it quite some time, I remember that she said, "George, I don't want you to leave any of my

family one cent. I will take care of my family from what you leave me. I want you to provide for all of your own family—leave something to them, and I want you to provide well for them, and I will take care of my family from what you leave me; I don't want you to leave any of my family one cent."

Mr. MILLER:

Mr. Osborn, a former witness, a clerk of the Surrogate of Kings County, New York, produced the Brooklyn will, and it was marked for identification D 65, and it is offered in evidence on the condition that it may be allowed to return to Brooklyn, and not be retained here, and that the photograph of the signature and whatever is on the photograph may be used in place of the original. I ask counsel to consent to that. And also that Exhibit D 55 for identification which has just now been offered, the photograph, can be used instead of the original.

Mr. COLLINS:

Counsel for proponents consent to this, and admit the genuineness of the signatures to this paper, but it is agreed on both sides that the factum of the execution of this as a will is not to be considered as in any way established.

It is also agreed between counsel that for the contents of this paper reference may be had to an exemplified copy.

Mr. MILLER:

Q. Did Mr. Gordon say anything about the place where the 1873 will was kept?

A. Yes, he told me where it could be found.

Q. Where?

A. In A. Sidney Doane's charge in his safe, at Mr. Gordon's Press Works office.

Q. When did he tell you that?

A. Well, just before he died, three or four days.
Q. Did you ever visit that place of business?
A. Yes, very frequently, I have been there very often.
Q. Did he have a safe?
A. Yes, sir.
Q. Did he keep important papers there?
A. I don't know, but he told me that Sidney Doane had charge of that document, and he did.

Mr. MILLER.—I offer in evidence for the purpose of standards the letters written to Mr. Van Wyck by Mr. Gordon.

Marked D. 99 to D. 110 inclusive, for identification as standards.

Mr. COLLINS.—I ask the court that Mr. Charles H. Beckett, a member of the New York Bar, associated with me in this cause be allowed to cross-examine this witness.

The ORDINARY: He may do so.

CROSS-EXAMINATION BY MR. BECKETT:

Q. When were you born?
A. 1823, on the twenty-second day of October.
Q. Where?
A. Fishkill Village, New York State.
Q. Do you reside there now?
A. No, sir. I have a place where I go to up there in the summer time occasionally, but I call my residence, Norfolk, Virginia—I have a place in Fishkill where I go occasionally.
Q. Give the street and number at Norfolk?
A. The Atlantic Hotel.
Q. That is your residence at present?
A. Where I board, yes sir.
Q. What is your permanent residence or home?
A. My home I consider in Norfolk, Virginia; I visit the two places, Fishkill and Norfolk, but I consider Norfolk my home; my business is there mostly.
Q. When first did you meet Mr. Gordon?

A. I met Mr. Gordon—the first time was about '38 or '39, that I was merely introduced to him, but I met him several times.

Q. Who introduced you?

A. Mr. R. H. Taylor, I think, was the man's name.

Q. You were introduced to him the first time you met him?

A. The first time I saw Mr. Gordon, I met him at an amateur theatrical associatian meeting; I think they had their rooms in Franklin street, New York. I was invited to go there one evening by Mr. Taylor or Mr. Moore, one of the two gentlemen. It was an amateur performance, and there I met Mr. Gordon and old John Gilbert, the actor, and Cuthbert Gordon.

Q. Did you become acquainted with him at that time?

A. After meeting him there I met him afterwards.

Q. Did you ever visit him at his house in Brooklyn?

A. I think I was there once or twice.

Q. After he married his second wife?

A. Yes, sir.

Q. You say you were there once or twice?

A. I think I was there once or twice,

Q. Day time or evening?

A. Once in the day time and once with Mr. Gordon in the evening.

Q. What day in the week was it—was it Sunday or a week day that you visited in the day time?

A. I do not recollect.

Q. Was Mr, Gordon there during the day time?

A. No sir, I do not think I saw him.

Q. You only saw Mrs. Gordon on that occasion?

A. Yes, sir.

Q. You also visited Mr. Gordon's house in Adams Street, Brooklyn?

Q. Yes.

Q. How many times?

A. A great many times with Mr. Gordon; I spent a great many evenings with him.

Q, Can you tell me how many times?

A. I cannot; probably twenty or thirty.

Q, Every time in the day time?

A. No sir, I do not think I was.

Q. You are not sure?

A. I am not sure, but I do not think I was there ever unless Mr. Gordon was at home—never.

Q; Are you positive of that?

A. Yes sir, pretty positive.

Q. Did you meet Mrs. Gordon in Sharon Springs?

A. No, sir.

Q. Or in Utica?

A. No, sir.

Q. When first did you meet Mrs. Gordon?

A. Well, sir, in 1856 I returned from California, I left there January 25, and I got home some time in February—(interrupted.)

Q. I asked you when you first met Mrs. Gordon?

A. I am getting at it as quick as I can—I think I met her the latter part of July, 1857, or it might have been August 1st; Mr. Gordon toid me he was going up to—(interrupted.)

Q. You say the latter part of July or the first of August, 1857?

A. Yes, sir.

Q. That is the best of your memory—the question was when did you first meet her?

A. Yes, in 1857.

Q. Did you ever see her at Richfield Springs?

A. That is where I got acquainted.

Q. How many times did you meet her at Richfield Springs?

A. I did not meet her at all.

Q. I thought you said just now that you met her there?

A. I saw her at the hotel.

Q. How many days did you see her at the hotel?

A. I see her one day in the afternoon and I intro-

duced myself to her; Mr. Gordon had invited me to go up there with him—(interrupted.)

Q. How many days did you see her there—answer the question, please?

A. One or two days.

Q. Then you came back to New York with her and Mr. Gordon?

A. Yes.

Q, You recollect about your hats blowing off on the train and dust going in Mrs. Gordon's eye?

A. No, sir, I do not.

Q. You went to California?

A. Yes, sir.

Q. When?

A. I left there December 25, 1856, coming home. I remained home nine months.

Q. When did you go to California?

A. From 1849; I am away there from 1849 to 1856 or 1857.

Q. Were you during that period at or near Salt Lake City?

A. Near Salt Lake City during that period?

Q. Yes.

A? Not unless I passed through there overland.

Q. Did you ever have any business at or near Salt Lake City?

A. No, sir, except buying bacon and salt and hams off Brigham Young for the mines.

Q. What business did you have when you first went to California?

A. When I first went there?

Q. Yes.

A. Well sir the third day—either the second or the third day after I arrived at San Francisco, I wanted to get into some business, and I went down to , and got into a boat and went off to a vessel coming in, to see if there was any chance of a speculation.

Q. Didn't you have any regular business when you went out there?

A. I went out there with Depues and Vanderwater—interrupted.

Q. What was the business you intended to go into?

A. To establish a tobacco business when I first went there.

Q. Did you go into the tobacco business?

A. I did not; I did not stay in it; I sold some tobacco and other things I took there, and went into business in Trinidad Bay.

Q. How long were you there?

A. A year and a half.

Q. Where did you go after that?

A. Yreka, California; I went into a large bakery business there, and I carried the Wells Fargo Express for three years or more.

Q. So you have been in the tobacco business, in the mercantile business, in the bakery business and a stage driver?

A. No sir, I did not say stage driver.

Q. You ran a line of stages?

A. Yes.

Q. Inform us now what other line of business you have been in?

A. I have been in most everything; if I found that one thing did not suit me I would go into another, same as any man would do.

Q. Have you been in the mines?

A. No sir, I do not think I have ever washed a pan of dirt in my life, but I have been interested in the mines, helping men open mines up.

Q. Have you ever had any gold dust?

A. Yes, plenty of it.

Q. When did you say you were born?

A. I was born in 1823, and I went out there in 1849.

Q. Did a man of the name of Scofield go out there with you?

A. No, sir.

Q. Did you have any jewelry when you went out there?

A. My father sent me some gold watches made at Cold Spring; he sent me out some fine gold watches, and that is all the jewelry I had there; he sent me those out for sale.

Q. After you got through with this stage line what did you do?

A. I took my stages and went to Portland, Oregon, after I had got through.

Q. You engaged in the stage business at Portland, Oregon?

A. No sir, I did not; I didn't say so; I sold my stages.

Q. You sold out?

A. Yes, I sold out by degrees.

Q. Then what did you do?

A. I stayed there some time and dealt in wood; I had a steam saw arrangement there for sawing wood, and I sold wood and delivered it for some time, and then after that I went to Idaho City, Idaho Territory.

Q. What did you do there?

A. I made a good deal of money right off there.

Q. I did not ask you that; tell us what you did there?

A. I bought some lots, I found—(interrupted.)

Q. Did you speculate in real estate?

A. Yes, and built a lot of houses; I built a large house with two hundred beds in it, and rented the lower part of it—(interrupted.)

Q. After you got through speculating in real estate in Idaho City, what did you do?

A. I was silver mining in Bonaparte Hill, the Bonaparte mines.

Q. And you say you came home in 1857?

A. 1856 or 1857; I left there in 1856, and got home in 1857.

Q. It was directly after you arrived here that you first met Lenore Gordon, was it not?

A. Yes, I met her in July or August, 1857.

Q. At Richfield Springs?

A. Yes.

Q. How long should you think that was after you arrived in New York when you met her in Richfield Springs?

A, About four or five months.

Q. It was in June you met her, was it not?

A, July I think it was; I think it was about that time, July 29th, I think.

Q. 1857?

A. Yes, 1857, I think it was.

Q. Mr. Gordon was not living then at Woodbridge, was he?

A. No sir, I think he was living at Adams Street, Brooklyn.

Q. You visited the Gordons in Adams Street, Brooklyn?

A. No sir, he was living at Livingston Street; that is the place he was living then.

Q. Did you visit them at Livingston Street before you saw Mrs. Gordon at Richfield Springs?

A. No, sir.

Q. But after you had seen her at Richfield Springs, you then visited them in Brooklyn?

A. I went there with Mr. Gordon one night to tea, I think.

Q. When did you first go to Rahway or Woodbridge?

A. I cannot say exactly; it was some time in 1866 —hold on let me see now—I went there about the time he bought the house, and while they were repairing it—I cannot tell the time—1866—I think it was along in 1865 or 1866; I cannot tell without referring to papers.

Q. You went out and stayed there?

A. No, sir.

Q. Just visited?

A. No sir. He had some trouble with some men out there, and he asked me to go out there.

Q. You went out there and stayed for some time, didn't you?

A. Not more than an hour or two.

Q. When did you go to Rahway or Woodbridge again?

A. I did not go then for some time; I went to California then.

Q. You only went out to Woodbridge for an hour or so in 1866?

A. Yes, sir.

Q. And then went to California?

A. No sir, to Idaho City.

Q. When did you come back?

A. I think I came back the first time in 1867. It is a long time ago, and I have made several trips to Idaho and back; I cannot remember exactly.

Q. Did you go to Rahway then?

A. Yes, I was invited by Mr. Gordon to go there and stay for a while.

Q. You said you never had been a witness but once before?

A. Yes?

Q. When was that?

A. It was a little case I had down in Norfolk.

Q. You were married before you married Mrs. Gordon, were you not?

A. Yes?

Q. To whom?

A. To a Miss Clark.

Q. What was the first name?

A. Frances Clark.

Q. Is she dead?

A. I think not.

Q. You don't know?

A. No sir, I do not.

Q. Were you divorced from her?

A. Yes.

Q. When and where?

A. I don't know.

Q. Do you mean you don't know when you were divorced?

A. I don't know exactly the date. It was a divorce obtained after I went to California in 1849. It was

obtained I think in 1850, 1851 or 1852; I cannot state when it was exactly.

Q. Did you have children by your first wife?

A. One.

Q. What was the first name?

A. Ida; I am not positive about that; I don't know; I paid very little attention to it.

Q. You don't know?

A. No, sir, but I think it was Ida.

Q. That is your best knowledge?

A. Yes, but I am not positive about it.

Q. When was it born?

A. Well, it was born—I cannot tell you—it was born a year or so after we were married, and I think we were married in 1848 or 1847, somewhere around there I think it was, but I don't know exactly.

Q. Where were you married?

A. Kalamazoo, Michigan.

Q. How long did you live with her before you went to California?

A. From the time I was married to her until I went to California, two or three years.

Q. How long was it before you went to California that this child was born?

A. I think about one year; I cannot tell you about these things positively.

Q. Where is this child now?

A. Dead, I believe.

Q. Did you get the divorce?

A. No, sir.

Q. She got the divorce from you?

A. Yes; I made no objection.

Q. You don't know in what court?

A. South Bend; that is all I know; I wrote to find out if it was so, and they wrote back "yes."

Q. And that is all the knowledge you have that she did obtain a divorce?

A. Yes. The clerk wrote me that the bond of matrimony was dissolved and that I had a right to marry again if I wished. I wrote to them to ask the ques-

tion whether a divorce had been granted and they wrote me this back.

Q. Were you farming in Kalamazoo or Michigan, when you were married?

A. Yes, sir.

Q. Before you went to California and engaged in these various kinds of business?

A. Yes.

Q. How long did you stay at Mr. Gordon's house in Rahway in 1867?

A. I had my rooms in New York, and I used to go down quite frequently, and stay there over night with Mr. Gordon; and sometimes I would stay there two or three days; at different times when I was there—very often for a good deal of the time. Mr. Gordon would come after me and I would go down with him; and I spent a good deal of time down there.

Q. I didn't ask you that; I asked you how long in 1867 you were there and stayed in Rahway?

A. I cannot tell you; I say I was there a great deal of time.

Q. You were there a good deal of time?

A. Yes.

Q. You stayed at Rahway in the day time, didn't you?

A. Yes.

Q. And from day to day?

A. Yes, sir.

Q. You also stayed there nights, didn't you?

A. Yes.

Q. You had a room in the house which was known as yours, hadn't you?

A. I don't know whether it was known as mine, but I had a room.

Q. Was it not usually called "Van's room"?

A. I suppose it was; I occupied it a good deal.

Q. Where was that room?

A. It was at the back part of the house of the Rahway mansion.

Q. What floor?

A. Second floor.

Q. What other rooms were there on that floor?

A. Mr. and Mrs. Gordon's room in front and a sort of tower house room.

Q. Was the tower house room between your room and the Gordons'?

A. No, sir, there was a large room, I think they kept for a clothes room.

Q. A sewing room?

A. No, sir, the tower room was kept for the sewing room.

Q. This was not the tower room?

A. This large closet or room was between my room and the Gordons' room.

Q. You stayed there quite a number of weeks, didn't you?

A. Yes.

Q. You did not come into business with Mr. Gordon?

A. Very often I did, because I had to attend to my own business.

Q. You were not associated with him in business?

A. No, sir.

Q. Very often you stayed out there all day and he would come in to business?

A. Yes.

Q. Were you in any business at that time?

A. Yes, I had a business out West.

Q. Did you have any business here?

A. Yes?

Q. What?

A. Buying goods.

Q. Who for?

A. Myself; I have the bills here if you want to see them.

Q. You say in 1867 you went back again to Idaho City?

A. Yes, I went there two or three times during that time; I cannot recollect the time exactly, but it was from 1865 to 1868; I went out two or three times to Idaho.

Q. When you came back you practically made it your home at Rahway, didn't you?

A. No, sir.

Q. You were there a good deal of the time?

A. Yes, sir.

Q. In 1868 were you there?

A. Yes.

Q. What time in 1868 were you there at the Gordon house?

A. Well, I think I was there a good deal of the time; not a great deal of the time, but I will say that I was there very often, and would stay there two or three days at a time; I would go up with Mr. Gordon, and come down with him, and I remember that I was there at a Christmas tree they had, when he made me a present of a fine diamond pin: I was there a good deal of the time.

Q. That was the latter part of 1868, was it not?

A. Yes.

Q. What other home did you have besides Mr. Gordon's when you went East?

A. I had my mother's home at Fishkill Village and at hotels.

Q. What hotels?

A. Part of the time at the Revere House, and part of the time I was at the Metropolitan Hotel, and I used to change about from place to place.

Q. In 1869 were you at the Gordons' in Rahway a good deal?

A. No sir; in 1869 I think I was in Virginia.

Q. You were gone to Virginia in 1869, you think?

A. Yes, sir.

Q. When you were North here you were still staying at Rahway?

A. Yes, most of the time at Rahway and Fishkill, or somewhere up there.

Q. Mostly with the Gordons?

A. A great deal with them.

Q. And from that time on until Mr. Gordon died you were really part of the household?

A. I considered myself about at the head of the household in the South.

Q. In the South?

A. Yes, I attended to all the business.

Q. But not in the North?

A. No, sir, not by any means.

Q. You were here in the North a great deal of the time?

A. Yes.

Q. You used to drive around the country?

A. Yes.

Q. Do you recollect the milliners Clark and Smith?

A. Yes.

Q. You used to go with Mrs. Gordon when she went there to trade?

A. Yes.

Q. And used to go in?

A. Yes, very often.

Q. And aided her in criticising the things she bought?

A. I would not say that; she might have asked me if I liked this or that and I would have said yes or no, just as I thought.

Q. You always went in with her, didn't you?

A. No, sir, not always, and not very often, either.

Q. You think not?

A. I went in there several times and I had a cup of tea there; Mrs. Smith was a very fine woman—interrupted.

Q. Did I ask you whether Mrs. Smith was a fine woman or not?

A. No.

Q. You said you drove about Rahway with Mrs. Gordon in the day time a good deal.

A. Yes, in the evenings, too.

Q. Evenings, too?

A. Yes.

Q. Whenever you were at Rahway?

A. Yes, there was a horse kept on purpose.

Q. For you?

A. No, it was Mrs. Gordon's horse; Mrs. Gordon was fond of riding and I was, too.

Q. You remember when Mr. Gordon bought the Laing land—the land belonging to a man named Laing?

A. I have heard something about it, but I do not recollect when he bought it or how he bought it, but I think I heard something about his buying some land off Mr. Laing.

Q. Do you recollect of Mrs. Gordon's ever sleeping in a hay loft while you were there?

A. No, sir, I never heard of such a thing and nobody else.

Q. Who comprised the family during these years you were a part of it, or while you were staying there at Rahway?

A. At different times?

Q. All along.

A. Mr. and Mrs. Henry May, young Henry May, Julius May, Mrs. Burlingame, Miss Elizabeth May I think her name was then.

Q. She was there when?

A. She was there in 1868 I think; I do not recollect exactly; I do not remember who else.

Q. She was a half sister of Mrs. Gordon, was she not?

A. Yes, sir.

Q. And was the housekeeper while there?

A. Yes, sir.

Q. And you went out riding with her and Mrs. Gordon?

A. Yes, sir.

Q. Do you recollect driving to Elizabeth once?

A. Yes, sir.

Q. And putting up at a hotel.

A, I do not remember the hotel; putting up at the hotel—I dare say we stopped at some saloon or restaurant.

Q. Do you remember putting up at a hotel?

A. No, sir.

Q. You would not swear you did not?

A. Yes I would; I might have went to some saloon to have something to eat while there, but I do not remember any hotel; it may have been a restaurant or saloon.

Q. Did you not go to a hotel in Elizabeth with Mrs. Gordon and Elizabeth May, and did you not engage a room in that hotel?

A. No sir, never.

Q. You swear you never did?

A. Never.

Q. You swear that?

A. I will swear that; yes sir, I am on oath now.

Q. When you were away from Mr. and Mrs. Gordon you used to correspond with them?

A. Yes.

Q. And you addressed your letters to both of them?

A. Sometimes to one and sometimes to the other, and sometimes to both.

Q. At Rahway?

A. Yes, whenever they were at Rahway.

Q. At Rahway?

A. Yes.

Q. When North here, you addressed them to Rahway?

A. Yes sir, and sometimes to Brooklyn when they were there.

Q. Do you recollect whether or not you enclosed separate notes to Mrs. Gordon in those letters addressed to her?

A. I do not recollect it; no sir.

Q. You won't swear that you did not?

A. I do not remember that I did; I might have written two separate notes, one for Mr. Gordon and one to Mrs. Gordon; in fact very often I did.

Q. Will you swear it?

A. I tell you I do not remember that I did, but I say I might have written two separate notes one to Mr. Gordon and one to Mrs. Gordon.

Q. You had a band of music come up there once and serenade Mr. Gordon, did you not?

A. We had some amateurs up there once.

Q. You had a band of music come up and serenade Mr. Gordon, didn't you once?

A. We had some music up there.

Q. You had it up there.?

A. I think they went up there at my request.

Q. And arrived there in the evening?

A. I think so.

Q. You gave him a serenade in the evening didn't you?

A. Yes.

Q. It was done at your suggestion, was it not?

A. Yes, sir.

Q. When was it?

A. I cannot tell you.

Q. Was it a band of string instruments?

A. I do not remember only as you recall my attention to it; I do remember that one was a very fine singer; I remember that.

Q. You recollect Mary Agnes Gordon?

A. Yes.

Q. Did she live there?

A. Yes.

Q. Were her mother and her on good terms?

A. Once in a while they were not so; sometimes they seemed to be as happy as kittens together, and at other times not so well.

Q. Tell us about that trouble.

A. I don't know anything about it.

Q. You never heard a word about it?

A. I never heard a word between them.

Q. How do you know they were not always alike then, and as happy as kittens with each other?

Q. Mrs. Gordon told me that sometimes they could not get along together, and sometimes they could, and Mr. Gordon told me himself that they sometimes did not get along very well together.

Q. And knowing that, you would say that that would indicate that they were not very friendly?

A, Not very friendly? Well they were like step-

daughters and step-mothers are sometimes, they were not very friendly.

Q. Didn't you tell Mr. Black not long ago that Mrs. Gordon and Mary Agnes Gordon were always on terms of friendship or on the friendliest of terms?

A. No, sir, I did not; I could not say that, because they were not.

Q. Did you not tell him they were always on the best of terms?

A. No, sir, I do not think I ever told him any such thing.

Q. Will you swear that you did not?

A. Yes, I will.

Q. Didn't you tell him on that occasion that they were always like kittens together?

A. No, sir, I did not, but I told him that a good deal of the time they were.

Q. Will you swear to that?

A. Yes, sir.

Q. Do you recollect after Mr. Gordon died, Adeline J. Gordon visited you and Mrs. Gordon in Norfolk?

A. I believe so, after he died.

Q. You and Mrs. Gordon returned to the Free Mason Street house after Mr. Gordon's death?

A. Yes.

Q. And you continued to reside there with Mrs. Gordon?

A. Yes.

Q Until you married her?

A. Yes, most of the time, and a great deal of the time at Nethermuir.

Q. You made the Free Mason Street house your home?

A. Yes.

Q. You lived there with her?

A. Yes.

Q. How long was it you married her after Mr. Gordon's death?

A. About three years, I think.

Q. You were not at Rahway in the month of May, 1868, were you?

A. Well, I think I left for Idaho about May, or I might have been there, I might have been there up to May.

Q. You put tartar emetic in Mr. Gordon's liquor once, didn't you?

A. No, sir.

Q. Who did?

A. Mr. Gordon at the time of the Centennial—interrupted.

Q. Answer my question, please; I want to know who put it in if you did not?

A. Well, there was a doctor called in to Mr. Gordon; Mr. Gordon had had one of his little sprees; he had been drinking a good deal of beer and a doctor was called in and he said that if Mr. Gordon could be made very sick of beer, he would not drink any more of it, and I think Mrs. Gordon put a little tartar emetic in his beer so as to make him sick. He had been drinking a good deal of beer; he had been having one of his little sprees and had drank between fifty and sixty bottles of beer, and Mr. Gordon requested us once that while he was drinking that we were not to give him any medicine.

Q. You recollect that tartar emetic was put in his beer?

A. Yes, sir.

Q. When was it?

A. Just after the Philadelphia Centennial, that was in 1876.

Q. I infer from what you say that Mr. Gordon occasionally drank beer in large quantities?

A. Yes, sir.

Q. And other liquor?

A. Well, once in a while, if he could not get beer he would take a glass of whiskey, but he used as a general thing to drink beer, and on these little occasions I have been speaking of, he would drink considerable beer.

Q. Do you mean to say that he would become intoxicated?

A. Pretty full at times, yes sir.

Q. How frequently would these occasions occur?

A. Well I don't know; it might have been three or four, or may have been four or five times while I knew him down there, but he never did it while in Virginia; never all the time he lived there; he never had a spree; he was always as happy as a king there.

Q. Usually these sprees took place when Mrs. Gordon was away?

A. No, most of them took place when she was there, except one that I know of, and never only that one, but he would sometimes get her to go away, so that he could get to have a little spree.

Q. Did I ask you that?

A. No.

Q. Do you recollect of his having any of these sprees as you call them, in Rahway?

A, Yes, he had one.

Q. When was that?

A. I think it was in 1867; I am not sure though.

Q. Do you know how he happened to have that spree?

A. Yes, I know all about it, but I got it from different ones; I know that after he built the Opera House or Athenæum there, when he got into that, there was a Mr. King, an old sport, and three or four others; they all came home full when they met up there, and they were in the habit of meeting up there.

Q. That was the cause of it?

A. That is what he said was the cause of it.

Q. He told you that?

A. Yes, that is the reason he gave, and he said he wanted to get down to Virginia, so as to get away from that Rahway crowd.

Q. Was Mr. Ridabeck in that Rahway crowd?

A. No sir, I did not hear that.

Q. Did you ever hear anything but what was good of Mr. Ridabeck.

A. I never heard anything but what was bad of Mr. Ridabeck.

Q, I thought Mr. Ridabeck was engaged by you in 1873, in the will of 1873; to hunt up evidence?

A. I do not think I ever spoke to him; I do not think so; I might have met him, but I do not remember.

Q. You might have engaged him to hunt for evidence, and yet not have spoken to him?

A. I did not want any evidence.

Q. Didn't you want any evidence? Were you not in favor of breaking that will first?

A. No, sir.

Q. You did not go to Ridabeck and ask him to make inquiries. did you?

A. Why, Mr. Gordon told me himself how to break his will.

Q. And notwithstanding that, after that, after his death, you did not want to break it?

A. I did not want to break it except that I felt what Mr. Gordon had said about Mary Agnes Gordon's money being left in hand instead of in trust, and I thought it ought to be left in hand same as Mrs. Gordon's money was, otherwise I had no interest in it.

Q. You had no interest in it except for Mrs. Gordon?

A. I didn't have any interest in it at all.

Q. You had no interest in it except for Mrs. Gordon?

A. How could I have an interest in it in regard to her?

Q. She gave you a power of attorney, didn't she?

A. Yes, sir.

Q. And you had an interest in carrying out her wishes?

A. She gave me a power of attorney afterwards; I think after it was broken, but really I do not recollect whether I had a power of attorney before or not.

Q. You are not sure that you had it?

A. No, I am not sure.

Q. You employed counsel for Mrs. Gordon in your suit?

A. No sir, I had my own counsel.

Q. You appeared in court?

A. No sir, I did not, and did not employ counsel either.

Q. You signed papers for that proceeding for Mrs. Gordon as her attorney?

A. I do not know.

Q. Somebody must have acted for her?

A. I do not recollect what did happen; who acted for her; I do not recollect how that was done, thank God.

Q. You did not pay much attention to or did not seem to regard Mr. Gordon's wish to have it broken at first; did you pay much attention to Mr. Gordon's request to break it?

MR. MILLER.—The witness did not testify to that.

Question withdrawn.

Mr. BECKETT:

Q. State the conversation which you had with Mr. Gordon in Norfolk, two or three days before he died in regard to the 1873 will?

A. He explained to me about the will and about the witness, and he said that he expected there would be some trouble afterwards about it; that Mary would be angry when she found out how the money was left in trust, instead of in hand, and he said that if he made a new will he could make a different will, and that he should divide his property equally between Mary and Mrs. Gordon, and that he had been told that it had not been signed properly; that he had consulted Mr. Brewer in New York, and he had been told by him that the will was not witnessed properly, and, that if it came to that, the will could be set aside for that reason.

Q. What did he say in regard to just how he

signed it; that is what I want to know?

A. I don't know that he said just how he signed it.

Q. Didn't you say so before?

A. He said that he had signed the will when Mr. Thorne was present, and that he went out to look for another witness, and when he came back Mr. Thorne was not present, and he told this man that he wanted him to witness a document, and the man did so, and Mr. Gordon left it on Mr. Thorne's desk.

RECESS.

Q. Mr. Van Wyck, you had a fire when you were out West?

A. Yes, I was burned out six times while I was out West.

Q. Where first?

A. San Francisco, California.

Q. What was burned there?

A. I had my stock of goods, everything I had there, burnt.

Q. And the building, was it burnt?

A. Yes, it was burnt, but it did not belong to me, and the whole thing was burnt.

Q. Next where?

A. Yreka, California.

Q. Was the building burned there?

A. Yes, the whole of that part of the town.

Q. Next where?

Q. Yreka was burned again.

A. And the building?

A. Yes, the whole town burned that time.

Q. That is three times when the buildings in which you were engaged in business were burnt?

A. Yes, but they did not break out in my building.

Q. The next time where were you burnt out?

A. Yes, the next time the whole city was burnt.

Q. Now the fifth time?

A. Yreka, only a portion of the town burnt.

Q. Was it your building?

A. Yes, it was.

Q. Well, the next time?

A. A second time at Kalamazoo; I suffered twice there, and I didn't have a cent of insurance on it either.

Q. I didn't ask you anything about insurance; why do you insist upon volunteering your evidence?

A. I thought that as a result of fire, a man would be after insurance, and I thought I would tell you.

Q. You are interested in this case, are you not?

A. Which case?

Q. This case now being tried before the Ordinary?

A. I do not know whether I am or not.

Q. Don't you know whether you are or not?

A. I do not know that I am in the decision in this case; I do not feel so.

Q. Haven't you taken an active part in it?

Q. For the sake of Mr. Gordon's memory, that is all.

Q. You are interested in that way?

A. Yes sir, in that way only.

Q. Haven't you stated that you have a million and a half of dollars you are willing to spend to break this will?

A. No, sir.

Q. Didn't you say so to Mr. Charles May?

A. No, sir.

Q. Didn't you make any such statement, or a statement to that effect to Mr. Charles May?

A. No sir—this will?

Q. Yes.

A. The will of 1868?—No, sir.

Q. What were you going to spend a million and a half dollars for?

A. Nothing that I know of; I never had a million and a half of dollars to spend.

Q. Did you ever have a fire at Norfolk?

A. No sir; yes, one I believe.

Q. There was one fire there?

A. Yes.

Q. Were you there at the time?

A. Yes.

Q. When was that?

A. I do not know exactly, but I think it was in 1875; yes it was in 1875.

Q. Were the account books lost at that time?

Mr. MILLER.—What account books?

Q. Mr. Gordon's account books?

A. No, sir.

Q. What was the loss?

A. Nothing but the house; the furniture was saved.

Q. You went to the Centennial in Philadelphia with Mrs. Gordon?

A. With Mrs. Gordon and her sister-in-law.

Q. You went to the Centennial with Mrs. Gordon, did you not?

A. Yes.

Q. You went with Mrs. Gordon and her half sister, Miss May, at that time?

A. Yes.

Q. How long did you stay at the Centennial?

A. Four or five days.

Q. Mr. Gordon did not go?

A. No sir, he sent for me to go up and go there with them.

Q. After Mr. Gordon died and before you were married to Mrs. Gordon you traveled with her from place to place, did you not?

A. Yes.

Q. You went to the Sandwich Islands with her, did you not?

A. Yes.

Q. And to California?

A. Yes.

Q. Where else?

A. No where else?

Q. How long a trip was it that you took from Norfolk to the Sandwich Islands and back to Norfolk again?

A. About six months; I do not know exactly; it may have been a little more.

Q. How long was that after Mr. Gordon died?

A. Very soon after; I think in the course of five or six months.

Q. Do you recollect going with Mrs. Gordon to the American Institute Fair in New York, in 1869?

A. I might have gone; I do not recollect now.

Q. You don't recollect anything about it?

A. No, I went to a great many places with her.

Q. You usually accompanied her?

A. Very often when Mr. Gordon could not go.

Q. I am now talking and directing your attention to that period after Mr. Gordon died; you accompanied her then usually?

A. Yes.

Q. That was three and a half or four years, the period before you were married?

A. I think Mr. Gordon died in 1878, and I married her in 1881, I think.

Q. In that period you usually accompanied her?

A. Yes.

Q. You stopped with her at the Union Square Hotel on one occasion?

A. I must have stopped somewhere if not there.

Q. What hotel did you usually stop at with her in New York?

A. I do not know; we generally went to Fishkill; I do not know; I cannot say whether we ever stopped in any hotel at New York.

Q. You would not swear that you did not?

A. Oh, no sir, I possibly did.

Q. You might stop at the hotel kept by a man by

the name of Damm, which has been already referred to in your testimony?

A. I may have done so.

Q. Don't you recollect stopping at the Westminster?

A. After Mr. Gordon died?

Q. Yes and before you married Mrs. Gordon?

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

Q. Now about this partnership with Mr. Gordon that you have referred to in your direct examination.

A. Yes.

Q. You referred to a certain partnership, that did not refer to the Gordon Press Works?

A. No, sir.

Q. It referred to lands in Virginia?

A. Yes, raising truck and such like.

Q. Mr. Gordon put in the money?

A Yes.

Q. And you put in what?

A. Experience and time; I had some money in the first place in it, and Mr. Gordon paid me back.

Q. How much?

A. About $17,000 altogether.

Q. You had lost money from your fires whilst away West?

A. I lost some of it.

Q. You stated that you lost $60,000 in one fire?

A. I lost more than that in one; I lost $150,000 in the fire at Idaho.

Q. You lost at the fires?

A. I lost at the last fire about $60,000.

Q. Mr. Gordon put in money on the Virginia land, and you put in your labor and experience?

A. Yes.

Q. When I was asking you about your marriage I omitted one point, and that was this: were you married to any other woman besides what you have already testified to?

A. No, sir.

Q. You recollect the occurrence of Adeline J

Gordon being at Norfolk for several weeks after Mr. Gordon's death?

A. I remember her being there; I do not know how long.

Q. In the same house with you and Mrs. Gordon?

A. Yes.

Q. Do you recollect about your being frightened or excited when she appeared in the room on one occasion, on account of her similarity of appearance to George P. Gordon; or do you recollect of noticing a likeness between Adeline J. Gordon and George P. Gordon, and remarking about it?

A. No sir, I do not.

Q. You don't recollect anything about it?

A. I do not; I think she looks something like Mr. Gordon; I think the family resemblance is very strong.

Q. Do you recollect about Mrs. Gordon asking her to blow a whistle when she came into the room where you and Mrs. Gordon were?

A. No sir, there never was anything of the kind.

Q. How do you know there never was?

A. I know there was never any reason for any such thing; it was foolish.

Q. I did not ask you for the reason: I ask you for fact.

A. No sir, it is not so: no such thing.

Q. Why did she blow a whistle then?

A. What whistle?

Q. That is what I am asking you.

A. I do not know; there was no whistle in the house; I do not think there was; not that I ever knew; I never blew a whistle there; there were bells in the house.

Q. How did you usually spend your days at Rahway, when you stayed at Rahway, and Mr. Gordon went to business in New York?

A. Sitting on the porch talking to Mrs. Gordon and to Mary and smoking a pipe and cigar and talking to the visitors and gentlemen there, and we went out riding, almost every day we were out riding.

Q. Do you remember who it was you talked with?

A. Mrs. Gordon, Mr. Ritzema Bogert and Gordon Bogert and Mr. and Mrs May. and everybody else who were there, I talked to them all.

Q. While you were at Rahway during these years, from 1867 down, while you were at the Gordon house, you usually spent your time with Mrs. Gordon, did you not?

A. I usually spent my time in the house or on the porch, talking with anybody else who was there, not exclusively with Mrs. Gordon.

Q. You were there rather as a friend and acquaintance of Mrs. Gordon, than as a friend of Miss Mary Agnes?

A. No, sir; I was there as a friend of George P. Gordon at his request and never was there——(interrupted).

Q. Why do you insist upon continually dragging into the record the fact that you were there at the request of Mr. Gordon?

A. Because it was so.

Q. Well, I know, has any one said it was not?

A. No.

Mr. MILLER: I submit to your Honor that when the witness has answered the question he answered it properly and fairly.

The WITNESS: I can explain all these things if I have a chance, but I haven't the chance.

MR. BECKETT:

Q. Do you recollect upon one occasion, when you were at the house of George P. Gordon in the day time, when Elizabeth May, as she was then called, came into your room where you and Mrs. Gordon were, and you made the remark "That is all right, Miss Libbie is a Free Mason," or words to that effect?

A. No, sir.

Q. You do not recollect that?

A. No, sir, I do not recollect it, I never said such a thing as Free Mason to her.

Q. You kept liquor in the house, didn't you?

A. No, sir.

Q. Didn't you or Mrs. Gordon, or one of you, obtain liquor and stow it away in bottles in the closets adjoining the room where Miss May slept?

A. I never did, no, sir.

Q. You recollect about its being there?

A. No, sir, you could not keep liquor in that house.

Q. Do you mean to say there was nothing of the kind?

A. There was once.

Q. When?

A. When Mr. Adams was there playing the flute, or at one time we had a party once there, and I recollect of liquor being there once in a while when Mr. Gordon had beer there.

Q. That is when he was on a spree, as you termed it?

A. Yes.

Q. Had he it there frequently?

A. Not very often, he did not have sprees very often.

Q. How often?

A. I think he had two or three or three or four sprees while he lived down there and once in Brooklyn.

Q. Have you a residence in Ontario?

A. No, sir.

Q. Where were you when you first heard of the existence of the will of 1868?

A. I did not hear of it, I read of it in the "Piccayune," a New Orleans paper, when I was on my way home.

Q. What do you mean by that?

A. On my way to Norfolk.

Q. You did not charter a special train to come on to Norfolk?

A. No, sir, but I paid an extra fare for part of the way.

Q. It did not cost you $1,200 after you heard of the will to get to Norfolk; did it?

A. No, sir, but it cost me pretty near $1,200 before I got there.

Q. Did you not tell some one that you chartered a special train to get to Norfolk after you heard of the will?

A. I told him that I got delayed and chartered a special train for part of the way.

Q. When did you leave Fishkill to go to Norfolk?

A. I think it was in November of last year.

Q. 1890?

A. Yes, sir.

Q. You knew before you left of the will of Mary Agnes, pending before the Surrogate in New York?

A. I heard of it but I did not pay any attention to it.

Q. Did you know at that time that the Surrogate had made an order in that proceeding, to call you before him in that proceeding?

A. No, sir, I never heard of it at all.

Q. Are you having a tombstone erected over Mr. Gordon's grave in the Greenwood Cemetery?

It is all ready—it was ordered by Mrs. Gordon before we started to California, Mrs. Gordon gave her orders to have it put up.

Q When was it put up?

A. I think it was put up while we were in California, I think Mr. Dean told me some three or four weeks ago that it was finished, and he wanted his pay for it.

Q. You don't know when it was set upon the lot?

A. No, sir.

Q. You say it was not ordered until just before you left for California?

A. Yes, it was ordered just after Mr. Gordon's death. A tombstone was picked out and Mary Agnes did not like it and said she would attend to it herself, and write to Mrs. Gordon about it and so

the matter was dropped—Mrs. Gordon wrote a great many times about it.

Q. The matter was not dropped then?

A. No, it was not dropped, she always regretted that it had not been put up.

A. It has always been in the course of erection sfnce the first, has it?

A. Always talked about, not in course of erection, but always talked about.

Q. What do you know about that Old Dominion Steamship Company, or a mortgage that Mr. Gordon had?

A. He had no mortgage, I think he had notes or something of that kind.

Q. When the estate was divided did they come into your posession?

A, No sir, they came into the possession of Mrs. Gordon, or of Mary Agnes.

Q. You acted for Mrs. Gordon, didn't you?

A. Yes.

Q. They came into your possession then, didn't they?

A. I am not positive about that, but I know they came into her possession, I know that.

Q. What business had you in Virginia other than attending to the land there?

A. Several businesses. I had a large stable there.

Q. Independent of what you were doing for Mr. Gordon what business had you?

A. I had no business in Virginia except in connection with Mr. Gordon that I know of.

Q. You spoke of advising with the doctors a few days before Mr. Gordon died in regard to his making another will?

A. Yes, sir.

Q. Dr. Jackson and Dr. Moore, you said?

A. No, sir, Dr. Moore, Dr. Ward and Dr. Selden.

Q. They were the physicians attending him?

A. Yes.

Q. And you relied npon their judgment?

A. Not in particular, we had physicians from New York also.

Q. You relied upon their judgment?

A. Yes, they were to the house constantly.

Q. You considered them competent?

A. Yes.

Q. And were satisfied with the way they were conducting the case?

A. They seemed to be satisfied.

Q. And you were satisfied with the way they were treating Mr. Gordon?

A. Yes.

Q. Did you know Mr. Jonathan Hill in Rahway?

A. I knew a Mr. Hill there, I did not know what his first name was. He was a carriage maker, I think,

Q. Mrs. Gordon died when?

A. Who?

Q. Mrs. Van Wyck, I mean, died when?

A. December 29th, 1890.

Q. And was interred in Fishkill?

A. Yes.

Q. Have the funeral there?

A. Yes.

Q. Did you give any notice to her relatives of the funeral?

A. No, sir.

Q. While there in Virginia, give the time when you and Mrs. Gordon deeded a large portion of this Virginia land to Henry J. Cullen and Josiah Porter. Did you do so?

A. Yes, sir, as trustees.

Q. Mrs. Van Wyck left a will?

A. Yes.

Q. You are interested under that will?

A. Yes, under that will.

Q. And you are interested in that way in this case, at least are you not?

A. I think not. In my view of the case I think not.

Q. Have you conveyed away your interest?

A. No, sir.

Q. You are one of the executors under her will?

A. Yes.

Q. And you have not qualified?

A. I have not.

Q. Any particular reason why not?

A. Yes.

Q. And Mr. Old is the other executor?

A. Yes.

Q. And he is a party to this proceeding?

A. Yes.

Q. Well, there was a note, I believe of $50,000 mentioned in her will, was there not?

A. Yes.

Q. She gave that to you, did she not?

A. I don't know whether she gave it all to me or not, he has some doubt about that, she gave me $25,000 of it any way, and I have not been satisfied whether she gave me the other $25,000 or not.

Q. That money came out of Mr. Gordon's estate?

A. Yes, some of it did, I have made considerable money for Mrs. Gordon since Mr. Gordon died.

Q. I don't quite understand how it was that you happened to save the particular letters which were put in evidence, and which you say came from Mrs. Gordon's personal effects?

A. That is what I don't know myself.

Q. You have no reason for it?

A. They were mixed up somewhere in my safe and I hunted and hunted until I found that one letter of Mr. Gordon's under the carpet in my safe, the books had gone long ago.

Q. Singular, was it not?

A. Yes, very, almost as providential as the finding of this will.

Q. Almost as providential as the finding of this will?

A. What will?

Q. This 1868 will.

A. Well, I don't consider any will has been found.

Q. You are prejudiced a little in the matter, are you not?

A. Not at all, whatever Mr. Gordon wanted doing I wanted done.

D. Did you not say, on your direct examination, that these letters you produced here from Mr. Gordon to Mrs. Gordon were found in a little bag that belonged to Mrs. Van Wyck?

A. No, sir.

Q. Didn't you say she had them with her in a bag?

A. No, in a trunk.

Q. In a trunk?

A. Yes.

Q. Do you know how it was she happened to have these particular letters in that trunk?

A. Because, I think, she worshipped the man and worshipped the letters.

Q. Why didn't she have all the letters?

Q. She could not carry them all, she had a great trunk full of them, and it took me five hours to burn them up when I got home.

Q. These she took with her to California, you say?

A. Yes, I found them in her trunk.

Q. How was it she happened to select these particular letters?

A. You will have to go to the Spirit land for that, I cannot tell you.

Q. Are you a believer in Spiritualism?

A. No, sir.

Q. Mr. Gordon was, I believe?

A. Well he was and he was not.

Q. Well, you went to Nichols & Langworthy for some letters, didn't you?

A. Yes.

A. And you got them?

A. Yes.

Q. These were the letters of 1868?

A. Yes.

A. And they have not been offered?

A. No, sir, I merely wanted to get my memory right.

Q. What letters were they?
A. I can show them all, they are all here.

Mr. COLLINS:—Let us have them, not only the letters to Mr. Gordon but the letters to A. Sidney Doane.

WITNESS: There was one of Sidney Doane's I believe,—here they are (witness produces letters).

MR. MILLER.—I submit to your Honor that counsel have not any right to look at these letters unless they offer them.

The ORDINARY: Each letter called for shall be marked as it is used and I will dispose of them afterwards.

MR. COLLINS: All we ask for are the letters of 1868.

MR. BECKETT:

Q. What years are they for?
A. They are for the year 1868.
Q. Who are they written to?
A. Nichols & Langworthy, I think, all of them.
Q. By whom?
A. Mr. Gordon.
Q. Who are Nichols & Langworthy?
A. Gentlemen who manufactured Mr. Gordon's presses before he opened the factory at Rahway.
Q. When was that?
A. Shortly after this, I cannot tell exactly, but shortly after 1868; I don't know whether 1869 or not —I cannot tell exactly about these things, it is so long ago.
Q. In whose handwriting are these letters?
A. Mr. Gordon's and Sidney Doane's—Mr. Gordon's the most of them.

The ORDINARY: You have the right to call upon the other side to produce the letters and have each one marked as you examine it, so that we will then know precisely what you get.

MR. COLLINS: But counsel makes the point that we thereby make them evidence as to their contents and we do not know what they are, we have not seen them.

The ORDINARY: I cannot anticipate what shall be done with them, but they must be marked as they are delivered to you, and as to the further disposition that shall be made of them, I will declare hereafter.

Mr. COLLINS: We ask that the letters of 1868 be marked for identification.

The ORDINARY: They may all be marked for identification.

MR. BECKETT:

Q. Will you produce the letter written by Mr. Gordon to Nichols & Langworthy, dated June 1st, 1868?

Witness produces letter and hands it to counsel.

Q. Is that in Mr. Gordon's handwriting?
A. Yes.
Q. Where did you obtain that letter?
A. Of Nichols & Langworthy, I think.
Q. You know, don't you?
A. Yes.
Q. When?
A. Oh, I don't know, it was about the time of the will, or a little before the first hearing in this case, it might have been two weeks or so before.
Q. After the contest had been begun?

A. Yes.

Mr. BECKETT: I ask to have the letter marked for identification.

Marked Exhibit P 35 for identification.

Q. I call for the letter dated June 10th, 1868?

Witness produces it.

Q. Is that in the handwriting of George P. Gordon? 10

A. Yes, sir.

Q. Who did you obtain that from?

A. Nichols & Langworthy, Mr. Cullen got it.

Q. At the same time you obtained the letter which you produce, marked P 35 for identification?

A. Yes, sir.

Q. Is this letter you now produce, of June 10th, 1868, in Mr. Gordon's handwriting?

A. Yes, they are all in his handwriting, every one of them. 20

MR. BECKETT: I ask that this letter be marked for identification.

Marked P 36 for identification.

Q. I now call for letter dated June 12th, 1868.

A. I do not see it here, I think there is a mistake in the date, I do not see it, but it may be here.

Q. I now call upon you to produce the letter dated July 8th, 1868. 30

Witness produces it.

Q. Is that letter in Mr. Gordon's handwriting?

A. It is.

Q. You obtained this letter from the same source and at the same time as the others already produced?

A. Yes.

MR. BECKETT: I ask that that letter be marked for identification. 40

Marked P 37 for identification.

Q. Please produce the letter dated July 11th, 1868?

Witness produces it.

Q. Is that in Mr. Gordon's handwriting?
A. Yes, sir.
Q. Did you receive it from the same source and at the same time as the others already produced?
A. Yes, sir.

MR. BECKETT: I ask that letter be marked for identification.

Marked P 38 for identification.

Q. I now call upon you to produce letter dated July 21st, 1868?

Witness produces it.

Q. Is it in the handwriting of Mr. Gordon?
A. Yes, sir.
Q. And obtained by you from the same source and at the same time as the preceding letters?
A. Yes, sir.

MR. BECKETT: I ask that that letter be marked for identification.

Marked P 39 for identification.

Q. I now ask you to produce a certain letter dated June 22nd, 1868, from A. Sidney Doane?
A. Yes, sir, it is here, it is signed "Doane."
Q. Do you know his handwriting?
A. Yes, sir.
Q. Have you often seen him write?
A. Yes, sir.
Q. He is now dead?
A. Yes.
Q. And is this letter dated June 22nd, 1868, in his handwriting?

A. Yes, I should say it was, it is signed "Doane."

Q. And you obtained this letter from the same source and at the same time as the preceding letters?

A. Yes.

Q. And when Mr. Doane wrote this letter he was the business manager, or active man in Mr. Gordon's press works office in New York City?

A. He was.

Mr. BECKETT; I ask that this letter be marked for identification.

Marked P 40 for identification.

Q. I now ask you to produce a certain letter dated June 23rd, 1868, and I ask you if that letter is in A. Sidney Doane's hand writing?

A. I think it is, yes, sir.

Q. And you obtained that letter from the same source and at the same time as you did the preceding ones?

A. Yes.

MR. BECKETT: I ask that that letter be marked for identification.

Marked P 41 for identification.

Q. I ask you the same question relative to the letter of June 24th, 1868, what reply do you make?

A. The same answer.

MR. BECKETT: I ask that this letter be marked for identification.

Marked P 42 for identification.

Q. I ask you the same question relative to the letter dated June 26th, 1868?

A. The same answer.

Q. You make the same response?

A. Yes, sir.

MR. BECKETT: I ask that this letter be marked for identification.

Marked P 43 for identification.

WITNESS; This bundle of letters which are before me are all the letters I have obtained from Nichols & Langworthy—I do not refer to those already marked for identification, I do not think I have any more.

Q. Can you swear you did not receive from Nichols & Langworthy a letter of A. Sidney Doane's, bearing date July 25th, 1868, the day upon which the contested will purports to have been executed?

A. Yes, I certainly can, I am pretty positive that I did not. I have a letter I received from Mr. Gordon a day or so after the date of the contested will purports to have been executed.

Q. I did not ask you that—I ask to have that stricken out of the records.

A. Well, I thought that was what you wanted to know.

Q. I call for a letter from A. Sidney Doane, dated July 28th, 1868?

Witness produces it.

Q. Is that in Mr. Doane's handwriting?

Q. Yes.

Q. And you received it from the same source and at the same time as the preceding letters?

A. Yes, sir.

Mr. BECKETT: I ask that this letter be marked for identification.

Marked P 44 for identification.

Q. I now call upon you to produce a letter from Mr. Gordon, dated August 6th, 1868?

Witness produces it.

Q. Is that in Mr. Gordon's handwriting?

A. Yes.

Q. And did you receive that letter from the same

source and at the same time as the preceding letters?
A. Yes.

MR. BECKETT: I ask that that letter be marked for identification.
Marked P 45 for identification.

MR. COLLINS: We give counsel for the other side notice to produce letter written by A. Sidney Doane to Nichols & Langworthy, dated July 25th, 1868, or secondary evidence will be given of it contents,

Mr. MILLER: I do not know of any letter of the kind of the date, I have never seen it.

RE-DIRECT BY MR. MILLER.

Q. Were you present at the Rahway house of Mr. Gordon during the fall of 1868, after your return from California?
A. Yes, sir.
Q. Frequently?
A. Yes, sir.
R. Did you see Mr. Henry C. Adams there?
A, Not after my retnrn, no, sir.
Q. While you were there?
A. No, sir.
Q. You returned about the 7th of September?
A. Well, from it to the 20th, I cannot tell you exactly the date, but I was in New York on the 7th, I can tell from my bills here.
Q. You spoke in your cross-examination of Mrs. Gordon erecting a monument, did you mean your wife?
A. Yes, sir.
Q. You were asked if you gave notice to your wife's relatives of her funeral, and you said no, why did you not do so?
A. We had the coffin opened at Fishkill by the undertaker and the body was in such a condition that we decided not to.

Q. Where did she die?

A. California.

Q. I want to ask you about a letter written to Nichols & Langworthy by Mr. Gordon from Providence some time shortly after July 25th, 1868, have you such a letter in your possession?

A. I have it some where, but I don't know where it is now.

FURTHER CROSS-EXAMINATION BY MR. BECKETT.

Q. I understand that these letters, this large package of letters which you produced here to-day under your cross-examination, have been in your possession since the time that you obtained them from Nichols & Langworthy, as you testified?

A. Yes, sir.

Q. I show you a letter dated January 13th, 1878, and an envelope of the same date and ask you if that is your handwriting?

A. Yes, sir.

MR. BECKETT: I ask to have that letter and envelope marked for identification.

Letter marked P 46 for identification.

Envelope marked P 47 for identification.

HENRY B. CUSHNEY, a witness produced in behalf of the contestants, being duly sworn on oath says:

EXAMINED BY MR. MILLER.

Q. Where do you reside?

A. Fonda, Montgomery County, New York State.

Q. What is your business?

A. Attorney and Counselor-at-law.

Q. How long have you been such?

A. Since 1852.

Q. How long have you resided at Fonda?

A. Fifty-four years,

Q, Did you know Henry Adams in his lifetime?

A. I did.

Q. Do you mean Henry Adams, the father of Henry C. Adams?

A. Yes, sir.

Q. What was his business?

A. Attorney and Counselor-at-law.

Q. Were you personally acquainted with him?

A. Yes, sir.

Q. How long?

A. Oh, as long as I can recollect any one in my profession, for forty years any how.

Q. Did you know him intimately?

A. Yes.

Q. Did you have business relations with him?

A. Yes.

Q. How extensive?

A. Well, I had several cases in the Supreme Court with him and which he was attorney on the other side and he has also assisted me in trying cases in the Circuit Court.

Q. Did you ever see him write?

A. Yes.

Q. Often?

A. Yes.

Q. Are you familiar with his handwriting?

A. Yes, that is with his signature more particularly

Q. Look at the signature of "Henry Adams," where it appears in the attestation clause to Exhibit P 1, and state whether, in your opinion, the words "Henry Adams" is in the handwriting of Henry Adams?

A. I do not think it is.

Q. Have you any genuine examples of the handwriting of Henry Adams?

A. I brought with me a number of papers which I obtained from the County Clerk's office of Montgomery County and which I got, being all the papers with the signature of Henry Adams on them and I brought them with me.

Q. These are produced from the files at the office of the County Clerk of Montgomery County?

A. Yes, sir.

Q. How did they come into your possession?

A. I was specially deputized to bring them here by Charles L. Davis, the County Clerk of Montgomery County.

Q. Are these to be returned to the files of the Court?

A. I promised to do it.

Q. We can keep them, I suppose, a little while?

A. That is not part of my permission, the County Clerk took a memorandum of all the papers I brought with me and he expects them returning.

Q. We can keep them long enough to photograph them?

Q. You can take them, I will not make any objection to it.

Q. Look at the endorsements on these several papers and say whether the name "Henry Adams" appears on them, and state in whose handwriting that name is?

MR. COLLINS: I do not think this is a proper proof of standards.

The ORDINARY: It will have to go in for what it is worth at present. It may not be sufficient proof.

MR. COLLINS: The witness is attempting to prove standards.

The ORDINARY: How can you object to the witness attempting to prove them, this may be only one out of half a dozen witnesses to be produced to establish them; I will allow the witness to proceed until the proof is completed and until counsel comes to offer them.

A. I hold in my hand an affidavit made by Henry Adams, Senior, in the case of George Hoffwait

against Peter G. Dunkel. The signature of H. Adams, endorsed on the outside of that package, is in my opinion, the genuine signature of "Henry Adams." The affidavit upon which it is endorsed is an affidavit made by H. Adams himself, before A. Hays, a Justice of the Peace, on the 16th day of June, 1842, and I know Mr. Hays' handwriting very well, and I know that to be his handwriting and signature as a Justice of the Peace also.

MR. MILLER: I offer that as a standard.

MR. COLLINS: It seems to me it is too remote, it is the handwriting of a party written in 1842 and it is too remote to test the handwriting of a man written in 1868.

The ORDINARY: I think it is rather too remote, but it may be marked for identification.

Marked D 127 for identification.

MR. MILLER: I give notice to counsel for the proponents to produce the trust-deed said to have been executed by Henry Adams, June 1st, 1874.

MR. COLLINS; We will do so, we have intended to offer it as a standard and we will produce it on your call.

It is admitted by counsel for both sides that the signature to the trust deed is the genuine signature of Henry Adams.

MR. MILLER.

Q. In whose handwriting is the name "H. Adams" endorsed on the paper in the suit of James Deffendorf v. Abm. House, being an affidavit of notice of motion?

A. That is in the handwriting of Henry Adams.

MR. MILLER: I ask that that be marked for identification.

Marked D 128 for identification.

Q. Did you know Henry C. Adams when he lived in Montgomery County?

A. Very well.

Q. How long did he live there of your knowledge?

A. I have known him since I was 15 years old.

Q. How long is that?

A. It is over forty-five years.

Q. When did he leave Montgomery County?

A. I am not certain about that, as to the time but I should say in the neighborhood of 15 or 20 years ago, I am not certain in speaking of the time.

Q. Were you acquainted with him at the time when he lived at Fort Plain?

A. I was.

Q. He testified that he left there in 1868, does that correspond with your recollection?

A. I cannot speak as to the exact time.

Q. Sometime between 1865 and 1868?

A. I cannot recollect, I cannot speak of the question of time, I had litigations with him, I was the attorney on one side and Henry C. Adams was the complainant, it was in the case of Henry C. Adams v. Peter G. Fox, Executor and others. The litigation lasted for a number of years.

Q. When did that terminate?

A. I cannot tell you, but the case is reported in 40th New York Reports.

Q. How well did you know him when he lived in Montgomery County?

A. I met him sometimes, I had other matters at the bar both in Fonda and at Fort Plain.

Q. Were you acquainted with his reputation for truth and veracity in Montgomery County up to the time he left there?

Mr. COLLINS: I object to the question on the ground that the witness lived in one town and Henry C. Adams lived in another, how far apart has not been stated, but aside from that fact there has been an enmity existing between the two men and as I understand the

rule, counsel should be allowed to cross-examine the witness at this point, so as to ascertain the extent of the enmity existing between them.

The ORDINARY: I will admit the question, and counsel may cross-examine the witness at the proper time—this witness must know what the reputation of Henry C. Adams was in the vicinity of which Mr. Adams resided—the question must be framed in that manner.

Mr. MILLER.

Q. Where did Mr. Henry C. Adams reside?
A. About fifteen miles from Fonda.
Q. Was he frequently at Fonda?
A. Yes, sir.
Q. And were you frequently at his place of residence?
A. Quite often.
Q. Do you know his reputation for truth and veracity among his neighbors and in those localities in which he dwelt?

MR. COLLINS: I object to the question, I do not think the question is put correctly.

THE ORDINARY: I think the question is right I will admit it.

A. I do.
Q. What was that reputation?

MR. COLLINS: I object to the question, on the ground that it is not sufficiently definite and also that it is too remote.

Question admitted.

A. It was bad.
Q. Would you believe him under oath?

Objection by Mr. Collins.

Question withdrawn.

Q. From the reputation he had, would you believe him under oath?

Objeetion by Mr. Collins, for the same reasons given.

Question allowed.

A. I would not.

CROSS-EXAMINATION BY MR. COLLINS:

Q. What has brought you down here?

A. I was brought here by the request of the contestants in this case.

Q. Who, what individuals?

A. Mr. Robert F. Little.

Q. Do you think he is a contestant?

A. I supposed he was in the interest of the contestants.

Q. What is his interest?

A. I don't know.

Q. He is a lawyer of New York?

A. Yes, I understand so.

Q. Was it at his request that you gathered up these old Court records and got the privilege of taking them out of the State?

A. No, sir.

Q. Whose?

A. No ones.

Q. How came you to get these Court records then?

A. I brought them here on my own free will.

Q. Why?

A. To make a comparison if necessary.

Q. Who suggested the necessity?

A. No one.

Q. How did you know there was a comparison to be made?

A. I was shown a signature in my office by Mr. Robert F. Little and it was laid down before me, he laid it down before me and I said to him, I recog-

nize that handwriting very readily, and I said whose it was, that it——(interrupted).

Q. Is this fair do you think—I asked you how did you know that there was a comparison to be made?

MR. COLLINS: I ask that the former answer be stricken out.

The ORDINARY: I will allow the answer to stand.

A. Well, he laid a paper before me, and I said that I recognized that handwriting very readily, and he said, whose is it, and I said it was the handwriting of Henry C. Adams, and then I glanced down below and I saw that signature, I saw the signature of H. Adams, and I said, that is the signature of the old gentleman, Henry Adams, but he never wrote that name there, that was never written by him.

MR. COLLINS: I object to all this, this is not fair in answer to my question.

The ORDINARY: I think that what Mr. Little said to him is proper, this is not testifying to a fact, it is only giving his opinion, and that is the only reason upon which it is admitted.

Q. So then on your own motion you went and hunted up some exhibits?

A. I did.

Q. Who asked you to come down here?

A. Mr. Little.

Q. Who pays you for it?

A. Mr. Van Steenbergh sent a check to me for $15 to pay my expenses for coming down.

Q. Who is he?

A. A lawyer.

Q. How much more are you to get?

A. Nothing, that I know of.

Q. Have you no arrangement to be paid more?

A. No, sir.

Q. Where is this Mr. Van Steenbergh,

A. Well, it was the firm of Baker, Leeds & Van Steenbergh, he has an office in 10 Wall Street, New York City and he also has an office in Montgomery County.

Q. And it was he who sent the check?

A. Yes.

Q. His own check?

Q. Yes.

Q. Where is Mr. Little's office?

A. I have a letter from him, but I never was in his office, it is at 62 Wall Street, I think.

Q. You and Henry C. Adams were at emnity, were you not, when he lived there?

A. Never, sir.

Q Never have been anything but friends?

A. No, sir, not in the least.

Q. When was this suit against Mr. Fox?

A. Well, sir, I did not take the trouble to look at the Register to see when it was, but I should say it was somewhere commenced along in 1855 and running long down to 1865 and to 1868.

Q. Was it not 1862?

A. It is possible it was, I cannot say.

Q. Lynch was referree?

A. George L. Lynch of Rome was the referree.

Q. It was a suit of Henry C. Adams, personally, against your client?

A. Yes.

Q. And went to the Court of Errors and Appeals?

A. Yes, it went to the Court of Appeals on one branch of the case. I demurred on one branch, and went to the Court of Errors on the other.

Q. And Mr. Adams was successful?

Q. Yes.

Q. So much so that it was necessary to amend the complaint to reach the amount recovered?

A. I do not know, but I know there was not enough to pay Mr. Adams.

Q. Six thousand four hundred dollars was it not?

A. I do not recollect, but my impression is, that the original judgment—my best recollection is that it was $2,600 and interest on that, and accumulations on that account ran up to a considerable sum.

Q. It was contested for several years, was it not?

A. Yes.

Q. And considerable bitterness was in it?

A. I don't know, I tried it as a lawyer and there was no bitterness on my part.

Q. Didn't you enter into it personally?

A. No, sir.

Q. Didn't it make an alienation between you?

A. No, sir I always spoke to Mr. Adams and he always spoke to me.

Q, Has there not been a friction between you since that case?

A. No, sir, not on my part, there never has been.

Q. Did you differ politically with Mr. Adams?

A. I never knew what he was, but I was always a Democrat, I never knew what his politics were, but his father, during my time, was a Democrat when he went away from Fort Plain.

Q. Do you know what Henry C. Adams was?

A. No sir, I do not.

Q. Did you ever have any controversy with him?

A. No, sir.

Q. Is this the only suit you ever had with him?

A. No, sir.

Q. Why did you single out this suit to testify to on your direct testimony?

A. How do you mean single it out?

Q. Speak of this suit?

A, I was the Referree in a case where, I think, Henry C. Adams was plaintiff against one Bush, that is all, I think, I ever had any action or connection with him. His father brought an action against two of his neighbors who had something to do with the County Alms House, for services rendered to the County——(interrupted).

Q. You did not have any controversy with him direct?

A. No. sir.

Q. What is the county seat of Montgomery County?

A. Fonda.

Q. Did you ever hear any one living in Fort Plain say that Henry C. Adams was not truthful?

A. Yes, I have.

Q. Who?

A. William Clark, the State Senator from the District, supervisor of his town and a prominent commission merchant and forwarding man.

Q. Is he living or dead?

A. He is dead now.

Q. When did he die?

A. Years ago—not only was it that, but I heard him swear to it before the Court.

Q. How long has he been dead?

A. Ten years.

Q. Any others?

A. James Genter, a prominent attorney and counselor at law of Fort Plain, a man who was about that time about seventy years of age.

Q. Is he living or dead?

A. Dead. I heard him swear to that too.

Q. When did he die.

A. Well five or six years ago. The next one I heard speak of it, and whom I heard swear to it, was George Yost, a County Judge of Montgomery County at the time.

Q. Is he living or dead?

A. Dead. The next was James Carey, I think his name was James L. Carey, he was an insurance agent of the Village of Fort Plain, a prominent man there, and I heard him swear to it on a trial there.

Q. Is he still living at Fort Plain?

A. No, sir.

Q. Is he still living, as far as you know?

A. I don't know whether he is or not, but my impression is he is dead. The next is Lawrence Morris, a Justice of the Peace around there for a great

many years, I heard him swear to it on the trial of a cause.

Q. What cause did these people testify in?

A. Henry C. Adams v. Peter J. Fox and Lawrence M. Fox.

Q. That is the case he won?

A. Yes.

Q. And that is the case in which the result turned upon his testimony, is it not?

A, I suppose it did. Now, speaking of locality, I have heard Abraham Hoffman, Sheriff of the County of Montgomery and a member of the Legislature for Montgomery County and a forwarding man at Fort Plain, speak of it.

Q. Is he living or dead?

A. He is dead.

Q. Was he a witness in this case?

A. No, sir.

Q. Where and when did you hear Mr. Hoffman say it?

A. A number of times in Fort Plain during the pendency of this suit, I subpœnaed him to attend the reference as a witness and the court limited the number of witnesses to five and prevented us from subpœnaing a number more who were witnesses on that question.

Q. Name them—name some living man while you are about it?

Q. In 1862—this is 28 or 29 years ago and these were all old men then.

Q. Name them, I want to hear their names?

Q. You say you want some one that is living, I say I cannot remember any—well there was an old gentleman called Hackney, I heard him speak of it and I subpœnaed him to attend that reference.

Q. Did he come?

A. I am not certain whether he was there or not.

Q. Is he living or dead?

A. Dead.

Q. Was he the father of Mayor Hackney?

A. He was the father of David G. Hackney.

Q. He is the mayor, is he not?

A. He is the President of a country village, we do not call them mayors, we call them President of the trustees.

Q. He is a dealer in hops?

A. Yes?

Q. And postmaster of the village under President Cleveland?

A. Yes, sir. Now there is another, Mr. Edward Wood, he is a merchant there.

Q. Living or dead?

A. Living.

Q. He lives there at Fort Plain now?

A. Yes, he was to be here to-day as a witness in this case.

Q. But has not come?

A. I have not seen him—at that time or about that time, there was William Rudd, an old conductor on the New York Central Railroad, I have heard him speak of it.

Q. Is he living or dead?

A. Living.

Q. Where?

A. Albany, he was expected to be here to-day as a witness.

Q. How do you know.

A. I know it from a communication I have received from him.

Q. Did you furnish this Mr. Wood and Mr. Rudd to our friends, did you name them?

A. I did not and no one else.

Q. No one else furnished them?

A. I did not furnish them with any one of the names.

Q. What communication did you say you had received?

A. In connection with Mr. Van Steenburgh, he had letters from these parties stating that they might not get here.

Q. Have you seen Henry C. Adams since he moved away from Fort Plain?

A. Yes, I saw him in the Supreme Court once.

Q. Have you come in contact with him?

A. Yes, I was called as a witness on a case and I got a letter from him——(interrupted).

Q. Does that answer my question?

A. It was in reference to a contest as to his father's estate.

Q. You are a member of the bar, are you not?

A. Yes?

Q. Conversant with the rules of evidence?

A. I ought to be.

Q. Don't you think you have manifested animosity against Henry C. Adams here on the stand?

A. As a lawyer, do you think that is a fair question to put to me?

Q. I think so.

A. Well, then, I think I have.

Q. What other persons can you name?

A. You asked me in Fort Plain, I cannot give you any others in Fort Plain, I cannot recollect them, I know there are others, but I cannot recollect them.

Q. I want to know who they are?

A. I cannot give you the names.

Q. How do you know Mr. Rudd and M. Wood were to come here?

A. Mr. Van Steenburgh told me so and showed me a letter from Mr. Wood this morning stating that he was sick at home.

Q. Who else was to come?

Q. Judge Frothingham Fish.

Q. He is here to-day?

A. Yes.

Q. Any body else?

A. That is all the four I heard of.

Q. The fourth means yourself?

A. Yes, I count myself—I do recollect another name at Fort Plain that I have heard speak of Henry C. Adams' character.

Q. Who was it?

A. His father, Henry Adams.

Q. And he is dead?

A. Yes.

Q. When did Henry Adams say so?

A. When he lived at Fort Plain.

Q. On what occasion?

A. I cannot give you precisely the occasion, I cannot tell you the occasion precisely.

Q. Then what value is your statement?

A. I cannot tell you the time.

Q. Tell us the occasion, how he came to say it?

A. I cannot recollect that.

Q. The two men occupied the same office at the time?

A. That I do not know.

Q. Their law office was there together?

A. I think they were.

Q. And Henry C. Adams was having charge of Henry Adams' business to some extent?

A. That I never knew.

Q. You spoke of it a little while ago that you met Henry C. Adams in cases Henry Adams, Sr. was in?

A. That might all be, but he might not have charge of them.

Q. Was he connected in some way with his father in business?

A. I never knew it.

Q. He occupied the same room?

A. My recollection is they were up stairs, one on one side of the hall and the other on the other.

Q. In the same building?

A. Yes.

Q. On good terms, as far as you know?

A. I never heard anything to the contrary.

Q. You cannot tell then when the old gentleman said anything about Henry C.?

A. I can tell you what he said.

Q. When?

A. I cannot tell you.

Q. On what occasion?

A. I do not recollect.

Q. Did he hold any public office?

A. No.

Q. Had he anything to do with the town affairs?

A. No.

Q. Did you have some difficulty with, or dealings with Addis Duffendorf, the supervisor of your town, in relation to bounties at the time?

A. I did not.

Q. I mean the supervisor of Minden Town?

A. I never did.

Q. Did you have anything to do with bounty affairs at all?

A. Yes, I did; I got sued on a bond I went on to get a fellow out of jail that went into the army, that is all I ever had to do with it.

Q. Did you know Addis Duffendorf

A. I did.

Q. He is dead?

A. Dead.

Q. You had no dealings with him at all?

A. Nothing at all.

Q. Do you expect further compensation for your services?

A. I do not, I came here reluctantly, I had other matters to attend to.

Q. You knew you could not be compelled to come?

A. Yes, I did.

RE-DIRECT BY Mr. MILLER:

Q. Did you ever hear Judge Yost speak of Henry C. Adams?

A. I did.

FROTHINGHAM FISH a witness produced in behalf of the contestants, being duly sworn, on his oath says:

EXAMINED BY Mr. MILLER:

Q. Where do you reside?

A. In Montgomery County, at Fultonville.

C. How near is that to Fort Plain?

A. About fifteen miles away.

Q. How long have you lived in Montgomery County?

A. Always.

Q. What is your business?

A. Well, sir, I am not in any business now, I was a lawyer for a great many years.

Q. When were you admitted to the bar?

A. I went to the bar in 1843.

Q. Where did you practice?

Q. I practiced nearly 40 years in Montgomery County and since that I have served briefly on the bench and my term closed last January, since which time I have attended to no business.

Q. You were Judge of the Supreme Court of New York State?

A. I was.

Q. Between what years?

A. Between 1882 aud 1891.

Q. You retired by reason of your age having reached the statutory limit?

A. Yes, sir.

Q. What department of the Supreme Court was that?

A. The Fourth Judicial District.

Q. Were you acquainted with Henry Adams, the father of Henry C. Adams, in his lifetime?

A. Yes.

Q. For how many years?

A. From my earliest recollection as a young man, I should think it was forty years from the time I became acquainted with him up to the time of his death.

Q. You had cases with him?

A. In the latter part of his life I occasionally came in contact with him as an adversary in the Circuit Court.

Q. Do you know his handwriting?

A. I have seen his writing, and I was familiar with him at that time.

Q, Kindly look at the name "H. Adams" as it appears on the endorsement to D 127 for identification and also at the signatnre "H. Adams" subscribed to the affidavit annexed to that paper, and the name "H.

Adams" appearing in Exhibit D 128 for identification, and state whether, in your opinion, that was the handwriting of Henry Adams?

A. Well, I should think it was, it is a good while ago since I saw him write. He left Montgomery County something over twenty years ago, I should think, and of course my recollection is somewhat modified by time, but according to my best recollection, it looks like his handwriting and I haven't any doubt about its being so.

Q. Were you acquainted with Henry C. Adams?

A. While living in Montgomery County, yes, I knew him, he lived at Fort Plain when I first knew him and for a good many years.

Q. Between what years did you know him?

A. I cannot state the years that my knowledge commenced, but it was when he was understood to be a student at law in his father's office, I should think as much as fifty years ago now, since I first knew him, and I have known him ever since. He moved away from Fort Plain some where about twenty years ago, the time I cannot state, yet I have seen him there frequently since that time, he was accustomed to come back to that neighborhood, he seemed to have some unfinished business there and I have seen him there frequently since that.

Q. Are you acquainted with Henry C. Adams' reputation for truth and veracity in the neighborhood in which he dwelt during the time he lived at Fort Plain?

MR. COLLINS: I object on the ground that it is too remote.

Question allowed.

A. I knew Henry C. Adams well and I heard him talked about and discussed a good deal from time to time. He had a reputation commensurate with the county and I have heard people at Fort Plain talk about him, and at various times I have heard him discussed, the discussion was more within the

members of the Bar than anybody else, although I have heard other men talk about him to quite a considerable extent.

Q. What was his reputation for truth and veracity in the neighborhood at that time?

A. Well, it was very unfavorable.

Q. From that reputation would you have believed him under oath?

A. Well, to answer that question categorically and without any qualification, I should have to answer that, based upon that reputation and judging from that I should not credit him.

CROSS-EXAMINATION BY Mr. COLLINS.

Q. Who in Fort Plain have you heard speak disparagingly of his truthfulness?

A. Well, round there the discussion somewhat ceased when he left the county, that is his character has not been discussed so much since he left there, and he has come there sometimes since, and you see it is difficult to name the parties that I have heard speak disparangingly of him. But I recollect that Peter G. Webster talked about him a good deal.

Q. Is he living or dead?

A. Dead. Nearly all the cotemporaries in that county are dead, I am almost the only lawyer in that locality about his own age that is living at the present time.

Q. How long has Webster been dead?

A. Four or five years.

Q. What was his business?

A. A lawyer in Fort Plain.

Q. What did you hear him say?

A. Well, I recollect hearing him on one occasion complain of his facility and manner of making affidavits in cases, he said that he was reckless and unscrupulous in the business of making affidavits.

Q. When did you hear him say that?

A. I cannot give you the time, it is some consider-

able time ago, it was before Mr. Adams moved away from Fort Plain.

Q. How long before?

A, I cannot tell you that.

Q. Was he restive under some victory Mr. Adams had achieved over him in a suit?

A. I do not recollect anything about that, there may have been for aught I know, I do not recollect hearing of any, though.

Q. Was it because of the fact of some affidavit in a suit they had together and which went against Mr. Webster?

A. Well, it related to a suit that he had, or some body else had, I am not quite certain which, but that is one of the special remarks that was the subject of discussion.

Q. Mr. Adams had just gained a cause in the Court of Errors over Mr. Webster, hadn't he?

Q. I cannot tell you that.

Q. Didn't you know that Mr. Webster was sore over the defeat?

A. I recollect hearing that Mr. Adams had had a legal controversy and suits had been tried, but I had nothing to do with them and was not present when the trials took place.

Q. Were the affidavits referred to affidavits made by Henry C. Adams himself, or affidavits prepared for clients?

A. I Understood them to be affidavits made for himself, that he was unscrupulous in making affidavits.

Q. Might not that mean unscrupulous in preparing affidavits for witnesses?

A. It may have meant that, but I cannot say what was in his mind.

Q. You cannot say that Mr. Adams had himself, personally, taken a false affidavit?

A. Well I would not put it exactly in that way, he was simply speaking of the fact that he was an unreliable man, that he was unscrupulous in the matter of making affidavits in special motions and any affi-

davit and spoke of the fact that the judges had found fault with him.

Q. You cannot say whose affidavits they were?

A. I cannot say to a certainty, I cannot say at all as to whose affidavits he had reference to.

Q. Any others in Fort Plain?

A. I have heard the same thing in a good many law suits, it was a pretty general reputation among the profession in the county and he was sworn several times as a witness——(interrupted).

Q. Who?

A. Mr. Adams.

Q. Can you name other gentlemen who have spoken of him?

A. I can name other gentlemen who have talked unfavorably of him.

Q. Of his truthfulness?

A. Yes, Judge Yost.

Q. Also referred to by the last witness?

A. Yes, the same gentleman, he was county Judge and Surrogate and I heard him several times talking about it and furthermore, it was understood and talked about that he had been sworn as a witness several times and it was understood generally throughout the county that his reputation was bad.

Q. You knew that Judge Yost and Mr. Adams were not friendly?

A. I did not know that they were friends or that they were not, I did not know there was any special relation between them.

Q. Didn't it come to your knowledge at one time that there was enmity between them?

Q. I do not recollect that it did.

Q. Any others?

A. Mr. Genter.

Q. Also dead, is he not?

A. Yes, nearly all Mr. Adams' cotemporaries at Fort Plain are dead.

Q. Did you not know Mr. Genter and Mr. Adams were enemies?

A: I did not know it but I inferred that when

they made the remarks they did, that they did not feel very good natured towards each other. He had made a complaint of him as a lawyer and also as a man and said that he had got up affidavits that did not exactly state the facts.

Q. They were lawyers practicing with him?

A. Yes.

Q. And they had in some way become injuriously affected by what he had done?

A. I would not wonder that they had, although I cannot say as to that.

Q. Was not what they said the result of some personal feeling growing out of transactions of theirs and not a disinterested statement?

A. I am not able to say whether Judge Yost had reference to affidavits made in his court before him on examinations or whether it was in affidavits made where he was trying any case and where he was opposed to him or not, it was simply talking about him when his name came up, then he made these remarks.

Q. That he was unscrupulous in making affidavits in special motions?

A. Yes, and I think Judge Yost referred to one or two occasions when he was examined orally in some case or cases where he criticised his truthfulness.

Q. You have never been friendly to Henry C. Adams for a good many years while he was up there?

A. I never had any occasion to be unfriendly and never was, that I am aware of, I rather supposed we were as fully as friendly as any two lawyers in that county.

Q. How are the lawyers in that county as to friendliness?

A. Generally speaking, very friendly.

Q. Esprit de corps or friendly—how as to that?

A, Speaking of that I think they are more friendly than they used to be, there is a warmer friendship now existing than formerly.

Q. Is it not a rule in small towns and in country practice generally, that there is apt to be a good

deal of acrimony between the leading members of the bar?

A. In olden times there was a good deal of that, but, I think, like a good deal of other things in the matter of civilization, there is less of it now.

Q. In Mr. Adam's times it was acrimonious, that is fifty years ago?

A. I think there was more or less acrimony exhibited towards him, but I must say there was none on my part, I never had any business with him, I never met him as a lawyer or as an adversary, that I am aware of.

Q. Don't you know that some of the leading members of the Bar won't even speak to each other?

A I have known such instances.

Q. Quite frequently, is it not the case?

A. I cannot say frequently, but I will say that I have known instances of that description. Speaking of that, Mr. Cook was another lawyer that I understood had an emnity towards Mr. Adams, and he used to speak very hard things of him, that was a lawyer living at Fort Plain, he is likewise dead—death has made very great havoc within the last few years among my cotemporaries and those of Mr. Adams.

Q. There was a case tried before you as Judge in which Mr. Adams was plaintiff, in the year 1875?

A. Yes, that was in modern times.

Q- Were these men you have mentioned, Yost and Genter, called as witnesses against his reputation for truth and veracity on that trial?

A. Yes, I think so.

Q. Were they not the only two that were called?

A. I cannot answer that definitely those are the only two that I can recollect now.

Q. And was it not developed that Mr. Genter had formerly been in Mr. Adam's office and was inimicable to him?

A.I did not know it.

Q. Didn't it develop in this case?

A. I do not recollec the details of their testimony,

except that they gave testimony unfavorable to his reputation as a lawyer and as a man.

Q. Was not this the fact that Mr. Genter was employed by Henry Adams, Senior, before Henry C. Adams came with his father?

A. Before he came into his office?

Q. Was it not a fact that this man Genter was employed by Henry Adams, Senior, before Henry C. Adams went with his father?

A. That may be, but that is earlier than my day, yet I am a little younger than Henry C. Adams and a good deal younger than the elder Adams.

Q, Don't you remember it is a fact that Mr. Genter was with the elder Adams?

A. I do not remember it, they were old men before I came into practice.

Q. I do not mean as a fact of your observation, was not that fact developed and brought out on that trial?

A. I do not recollect of it being so.

Q. Have you not heard it?

A. It does not occur to me that I have.

Q, Have you not heard of an ill-feelfng existing between the two of long standing?

A. I do not think I have, except so far as you may infer it from the kind of testimony he gave in relation to it.

Q. I mean apart from that, that the two men were not on good terms?

A. I did not know it.

Q. Were you not aware that this man Genter thought he had a grievance against Mr. Adams?

A. I was not aware, it may all be so, but I knew nothing of it. I recollect other men if you ask me the question (interrupted).

Q. Judge, who asked you to come here?

A. Mr. Robert Little, a lawyer of New York and Mr. Van Steenburgh, another lawyer who practices at Canajoharie and in New York City also.

Q. What interest did their clients have in this case?

A. I understood none, but I understood that they were interested in the management of this case.

Q. In this case?

A. I take it for granted it was so, from the fact that they called upon me and asked me to come here.

Q. Do you know that they have another case in which Mr. Adams is a party?

A. I do not.

Q. You never heard of it?

Q. I never heard of this case until they called on me.

Q. You never heard of any other case?

A. I never heard of any other case, except where Mr. Little was one of the counsel employed in the defence of a case which was tried before me some three or four years ago, but what has become of that case I do not know, I heard it was taken up for review and affirmed at the general term, but what has become of it since, I do not know.

Q. You knew that Mr. Little and Mr. Van Steenburgh had been engaged for years in cases against Mr. Adams, didn't you?

A. I knew that Mr. Little had defended the action I spoke of, but I did not know and do not know that Mr. Van Steenburgh was connected with it.

Q. Did Mr. Little ask you to come down here?

A. Both of them did.

Q. Did you come purposely for this case?

A. Yes, sir, nothing else.

Q. Where did you say you lived?

A. At Fultonville, a place right opposite this place.

Q. How far is Fultonville from Fort Plain?

A. Ffteen miles, about.

Q. How far is it from here?

A. Nearly two hundred miles.

Q. You came purposely for this trial and are going right back?

A. Yes, certainly, now you are speaking of this I may as well say that I declined at first to come, but

Mr. Little urged me and said that it would put them to the expense and trouble of taking out a commission and that I would then perhaps gain nothing and they would have considerable trouble and they were willing to pay my expenses and after a consultation with some gentlemen friends of mine, I concluded to come and testify. I consulted with Judge Furzman holding a trial there at that time, and I think Mr. Cushney did likewise.

Q. Why?

A. Well, it was a delicate matter for a man to volunteer to come over the borders of his own State to give testimony, it would look, ordinarily, as if a man wanted to furnish testimony.

Q. Mr. Cushney says that he does have that sort of enmity?

A. He may, I cannot say as to that, but I will say that I have not the least unfriendly feeling towards Mr. Adams, the elder Mr. Adams and I were very good friends.

Q. The elder Mr. Adams was a man of high character?

A. He was a prominet lawyer and held high rank as a lawyer.

Q. And as a man?

A. Yes, sir, taking all in all, he did.

Q. As a family—the family stood well in Montgomery County, didn't they?

A. The family was well known.

Q. And Henry Adams had a good reputation?

A. Mr. Henry Adams had a reputation not only equal to any in the county but beyond it. This case that I spoke of that was tried involved some thousands of dollars of the Henry Adams estate.

Q. You would not expect to see Henry Adams', Sr. signature as attesting a forgery?

A. If you ask my opinion about it, I do not think Henry Adams, Senior, would be connected in any shape with a forgery, I have a good deal of an opinion of his integrity.

Q. Then if this signature of Henry Adams, Senior,

to the attestation clause is genuine, it would lead you to believe that the signature of the testator would also be genuine, don't you think so Judge Fish?

A. That is a law opinion, if I had to pass on the question—I really do not wish to try to answer it here—but I should try to get along with the question if it arose in a case as well as I could——(interrupted).

Q. Question repeated?

Objection by Mr. Miller, as immaterial.
Objection sustained.

RE-DIRECT BY MR. MILLER.

Q. Have you named all the persons you have heard speak disparingly of Henry C. Adams?

A. I can name others, most of the men I heard—persons I heard talk of Henry C. Adams, he was pretty generally spoken of. There was Mr. Smith, a lawyer also, he talked very harshly about him.

Objection by Mr. Collins.

THE ORDINARY:

Q. You are speaking now as to his reputation for truth and veracity?

A. The discussion related, generally speaking, to the matter and value of his affidavits and of his testimony in the few cases in which he was interested —that is what the lawyers found fault with mostly and also individuals. Mr. Hoffman and Mr. Clark I have heard discuss the thing in the same way, they were not lawyers, and I think I have heard Mr. Wood speak of him, he is a gentleman who is living, yet an elderly man and he spoke of him in a manner which indicated that he hadn't any confidence in his work.

Mr. COLLINS: I object to this evidence we want to know what was said, not the conclusions.

THE ORDINARY: You are entitlod to that.

A. I cannot tell you the exact language.

FURTHER CROSS-EXAMINATION BY MR. COLLINS.

Q. You cannot give the exact language, what these men said?

A. Well, the exact language I cannot, but it was to the effect that he would put no confidence in anything he said or did, something to that effect.

Q. You spoke of affidavits?

A. How it came up I cannot tell whether he had had a litigation with him or not, I cannot say anything about it.

Q. When was it?

A. This is all prior to Mr. Adams' moving away from there.

Q. What Mr. Smith was it?

A. George Smith, a lawyer, he lived at Amsterdam.

Q. Is that in Montgomery County?

A. Yes.

Q. Is he dead, too?

A. Yes?

Q. Was it he you referred to just now about having no confidence about what Mr. Adams would say or do?

A. I spoke of him and Mr. Wood.

Q. Is Mr. Wood a lawyer?

A. No, sir.

Q. Did he talk with you about these matters?

A. Mr. Clark and Mr. Hoffman were not lawyers but men of distinction and among those who discussed him most were many lawyers.

Q. Were they altogether these lawyers?

A. Sometimes, I have heard two of them talking together aud discussing and talking together as men and as lawyers——(interrupted).

Q. But I judge that the tenor of these lawyers' complaints were with regard to affidavits that had been used by Mr Adams in litigation with them?

H. Very largely so.

Q. Was Henry C. Adams a pretty bold practitioner?

A. He got up affidavits, I don't know that I can give any language regarding it, but it was to the effect that he had made affidavits in cases and that such affidavits were untrue.

Q. That is what they stated and I asked you whether the tenor of these lawyers' complaints were not with regard to affidavits that were used by Mr. Adams in litigations with them?

A. Well, he never gained—if you ask my opinion about it—very great rank as a lawyer, he did not come up to the scale of his father by any means.

Q. Was he a successful practitioner, not as a jurist I mean?

A. Lawyers spoke of him as "sharp."

Q. Do you mean as clear and rigorous and one that held them up to the rule sharply?

A. What I meant was that he would be somewhat unscrupulous in making affidavits and such like.

Q. And he held them up to the rule of the law?

A. Very likely.

Q. Haven't you heard that such practitioners get the ill-will ot members of the Bar?

A. I don't know that I ever have—not in the county I live in.

Q. You think you are a sharp practitioner?

A. I never made any enemies that I know of.

Q. You think you are are a sharp practitioner?

A. Well, in one sense I think I got along very well with it, I did not practice in such a way that I incurred the ill-will of my brethren in the profession.

Q. Is it not a rule that careless and slip-shod practitioners are apt to feel more or less enmity towards a sharp and rigorous practitioner?

A. As you are asking my opinion I should think that would be so, it is natural.

FURTHER RE-DIRECT BY Mr. MILLER.

Q. Did you ever hear any of the Judges speak disparagingly as to his veracity?

Objection by Mr. Collins.
Question overruled.

GEORGE W. SAVAGE, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER..

Q. Where do you reside?
A. Rahway, New Jersey.
Q. How long have you resided there?
A. Well, there in Middlesex County, thirty years or more.
Q. Have you owned real estate in and about Rahway?
A. Yes, sir.
Q. How long have you owned real estate there?
A, Well, I have made pretty large investments in and about 1868 or 1870 and I own most all of it yet.
Q. Are you acquainted with what is the market value of land per acre in and about Rahway, land similar to the Adams estate property, between the years 1868 and 1873?
A. Well, land between years 1868 and 1873——(interrupted).
Q. Are you acquainted with its market value?
A. Yes, sir.
Q. What was the general course of the market value between those years, was it ascending or descending, an ascending or declining market?
Q. There was quite a boom in Rahway property in its immediate vicinity during the years from 1867 to 1870.
Q What was the course after that?
A. Well, the panic struck in in 1872 and then it went down very quickly.
Q. 1872 or 1873?
A. I know there was no sales of property after the Boston fire in 1872.
Q. During 1873, what was the market value per

acre of land in Rahway similar to the land of the Adams estate?

Objection by Mr. Collins, as irrelevant.
Question admitted.

A. Well, such was the depression in real estate it would be hard to state what the market value of any property was, there was no market for it.

Q. What was the fair market value of the Adams property in the year 1873?

Objection by Mr. Collins, on the ground that there was none, no sales were made and there could not be any market value therefor.
Question allowed.

A. I said that I will go further and say that if the Adams property had been put up for sale, at either private or public sale, you could not have got $100 an acre at the time for it, you could not sell anything or any other property for that matter.

Q. What was the last sale you knew of prior to that time, 1873?

A. There never was anybody bought any at these booming prices in that neighborhood but Mr. Gordon, and he bought two or three pieces of property in connection with his home there, he wanted to enlarge his grounds and he paid an enormous price, but I never heard of anybody else doing it, there was a good deal of talk about it at the time.

Q. At the top boom of 1868, you spoke of what was the fair market value of the Adams property at Rahway?

A. By the Adams property, do you mean that 65 acre farm opposite the Gordon homestead—there is another piece of property beyond that belonging to the Adams.

Q. The one referred to in the will?

A. The property referred to in the will, I should say, $200 an acre would be a good price at any time.

CROSS-EXAMINATION BY MR. COLLINS.

Q. Mr. Gordon paid as high a $400 an acre?
A. I think it is likely he did.
Q. You are the father of Edward S. Savage?
A. Yes, sir.

RE-DIRECT BY MR. MILLER.

Q. Are you sure Mr. Gordon paid as high as $400 an acre?
A. Only from what I have heard.
Q. Was it not $300?
A. I think Mr. Gordon bought the Laing place across the way in one strip and then he bought a piece of property from Mr. Compton, that lies in between the place he bought and his own house, and that, I think, he paid $500 an acre for that.
Q. That is especially valuable because of its joining the two places?
A. Yes, and then he bought another place, a little further up, he bought a place of fifteen acres, I don't know what he paid for that, but it was not such a large price.

DAVID P. CARPENTER, a witness produceed in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER.

Q. Where do you reside?
A. At Woodbridge.
Q. How long have you lived there?
A. I have lived there thirty-one years last April.
Q. Do you own real estate in and about Rahway?
A. Yes, I own considerable, not in Rahway, but in Woodbridge.
Q. It is in the County of Middlesex?
A. Yes.
Q. And adjoins Rahway?
A. Yes.

Q. How long have you owned real estate there?
A. Thirty-one years.
Q. Bought and sold real estate during that time?
A. Yes.
Q. Do you know the Adams property of 65 acres?
A. Yes, sir.

MR. COLLINS: I desire the privilege of cross-examining this witness.

Allowed.

CROSS-EXAMINATION BY MR. COLLINS.

Q. What property have you bought?
A. I have bought three farms and considerable property at Woodbridge, village property and six acres right in Woodbridge.
Q. Woodbridge village?
A. Yes, sir.
Q. That is some miles from this place, is it not?
Q. I should think it is about three miles.
Q. The farms, where are they?
A. Within about a mile of Rahway.
Q. In the same direction or in the other direction?
A. Well, the Adams property is a little further west.
Q. Further west than yours?
A. Yes.
Q. I mean in the same direction from Rahway?
A. Well, I would be a little southeast, if anything, from Rahway, and his would be a little southwest.
Q. On different sides of the railway?
A. Yes.
Q, Did you buy these farms for yourself?
A. Part.
Q. Who did you buy the other part for?
A. I bought one for a man named Bracher and the next one I paid for myself.
Q. And the third one?
A. That I bought myself.
Q. Where is that?

A. Right adjoining and across the road from the first one I bought.

Q Where is the Bracher farm?

A. It lies right in with the other property.

Q. Lies right altogether?

A. Yes.

Q. When did you buy them?

A. The first one in 1860 and the next one I think I bought in 1868 or 1870, running along there.

Q. And the other?

A. Well, the other was a little before that, the small farm.

Q. That is the extent of your dealings in real estate there?

A. Yes. in that township.

THE ORDINARY.

Q. Do you know anything about your neighbors buying and selling?

A. Yes.

Q. Have you followed up the sales?

A. I have sold off that property that I owned there.

MR. COLLINS.

Q. When?

A. I sold part of it in 1870, I think, and part of it after that, and I sold part of the same property again this winter—some sixty-one acres.

MR. MILLER.

Q. Have you watched the course of transactions and dealings in real estate in Woodbridge?

A. Yes, sir.

MR. COLLINS.

Q. Yours were pure farms, were they not?

A. They were the same farms as the Adams property.

Q. Was not the Adams property more valuable?

A. No, sir.
Q. You think not?
A. No, sir.

MR. MILLER.

Q. Did you watch the course of prices from 1870 down in Wodbridge?
A. Well, I sold a property in Woodbridge about $250 an acre at one time and since that I have sold the same property for $100 an acre.
Q. When did you sell it at $250 an acre?
A. In 1870.
Q. Properties declined shortly after that time?
A. Yes, sir, property went down from 1873 on and never recovered anything until about one year ago; since that property has been selling a little better.
Q. There was a rapid decline in prices in 1873, was there not?
A. Yes, sir.
Q. Were you acquainted with the market value of the Adams place per acre in 1873?
A. Yes, I think so, I was well acquainted with the place and have been on it and with other places right around there.
Q. What was that market value in 1873?
A. In 1873 there was no value to it.

MR. COLLINS: I make the same objection as to the time that I made in the examination of Mr. Savage.

WITNESS: Property I owned where they have been offered $12,000 for it formerly has been sold for $4,000.
Q. When?
A. About 1875 and 1877, I don't know which.

SAMUEL SANDERS, a witness produced in behalf of the contestants, being duly sworn according to law, on his oath says:

EXAMINED BY MR. MILLER.

Q. Where do you reside?
A. Rahway, New Jersey.
Q. What is your business?
A. None whatever.
Q. Are you a retired gentleman?
A. I am taking care of my horse and chickens.
Q. How long have you lived there?
A. Forty-five years or longer.
Q. Do you own any real estate in and about Rahway?
A. I do.
Q. How long have you done so?
A. Since 1858, some of it.
Q. Since 1868 have you at any time appraised property in the town of Woodbridge or made loans of money on it?
A. Yes, I have.
Q. Farming property?
A. Yes.
Q. Farming property similar to the Adams property?
A. Yes, something similar, farming property.
Q. You know the Adams place, do you not?
A. Yes, sir.
Q. Do you know what was the market value of the Adams place in 1873?
A. No, sir, I cannot say that I know the value.
Q. What experience have you had in appraising property and dealing in property or loaning money on property?
A. Loaning my own money and loaning money entrusted with me for others on farming property and town property both.

THE ORDINARY.

Q. How many loans have you made?
A. Oh, Perhaps, forty or fifty, may be.

MR. MILLER.

Q. During what years?

A. It might have been more than that, I have been loaning money that has been paid in and loaned out again.

THE ORDINARY.

Q. Did that necessitate the finding of the value of the property?

A. Well, it necessitated my finding the local value of the property in order to do it safely.

Q. Have you loaned money on property adjoining the Adams property?

A. Just above the Adams property.

MR. MILLER.

Q. Adjoining the Adams property?

A. No, sir, it adjoins the Gordon property, that is opposite the Adams property, it is the Ackerman property.

Q. What, in your opinion, was the fair market value of the Adams place in 1873?

A. It is almost impossible to tell, as a general rule we considered property for farming purposes worth a hundred dollars an acre, but in the vicinity of the Adams property it was picked up at any fabulous price it was offered at, but it was not the real honest value of the property that farms were sold at during them times.

Q. When was that?

A. From 1868 to 1870, and then after that time it commenced to run down.

Q. After 1873, was there any market for the sale of property, except at a low price?

A. Very little, except at an exceedingly low price and when those put in an appearance, no one had any money to buy it with that wanted it for farming purposes.

Q. In percentage how much did it decline?

A. That was owing to locations, in some places

where they supposed they were going to have a New York suburb in that location and there it ran up to $100, $200, $300 and $400 an acre and the owners of it thought it was worth $1,000 an acre, but they got cured of that some years later and the result was that they got nothing.

Q. What, in your opinion, if it had been offered for sale, would have been a fair price for the property?

Objection by Mr. Collins, for the same reason heretofore stated.

A. The probability is that it would be worth $100 an acre if they could have found a buyer.

MR. MILLER: I offer in evidence an exemplified copy of the judgment obtained in the Supreme Court of the City and County of New York, wherein Helen A. Babcock, Edward C. Babcock and Edward L. Adams, individually and as trustees of Henry Adams, &c., deceased, were the plaintiffs, and Oliver M. Arkenburgh, testamentary Guardian, &c., and others were defendants, which judgment was filed February 29th, 1888, at 11 o' clock A. M., with the certificate attached of Leonard A. Giegerich, the Clerk of the Supreme Court, certifying to the signature of the Hon. Abraham R. Lawrence, the presiding Justice who signed the certificate of exemplification

MR. COLLINS; I object to the offer on the ground that it is not the whole judgment record, it is not the final judgment, and also on the ground that it is incompetent, irrelevant and immaterial.

The ORDINARY: I think the objection is well taken.

MR. MILLER: Then I will withdraw the offer

and produce the whole judgment record at another sitting.

CONTESTANTS REST.

AMOS P. BARBER, a witness produced in behalf of the proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. BECKETT.

Q. Where do you live?

A. Hope Valley, Rhode Island.

Q. How long have you lived there?

A. A year ago last March.

Q. Before that, where did you live?

A. Rahway, New Jersey.

Q. How long did you live in Rahway, New Jersey?

A. Eighteen years.

Q. And before you lived in Rahway, where did you live?

A. I lived at Hope Valley.

Q. Did you know George P. Gordon in his lifetime?

A. Yes, sir, very well.

Q. When did you first become acquainted with him?

A. In Hope Valley, Rhode Island.

Q, When?

A. In 1856 or 1857, I haven't any record of it.

Q. How did you become acquainted with him?

A. I was employed by Nichols & Langworthy, as a pattern maker, that was my business, and Mr. Gordon, about that time, in 1856, 1857 or 1858, I say came to Hope Valley, Rhode Island, and made a contract with Nichols & Langworthy Co. to build his printing presses for him.

Q. Their factory was at Hope Valley, Rhode Island?

A. Yes.

Q. And from that time on, as long as you stayed with Nichols & Langworthy, what was your intimacy with Mr. Gordon?

A. For the first two or three years I made patterns for Mr. Gordon, from drawings of F. O. Degener and for about a year, I should say, I made patterns for Mr. Gordon from the drawings of George W. Hunt.

Q. And after that?

A. After that I made the drawings myself, and reduced Mr. Gordon's ideas to practical working, made the drawings myself and made the patterns for Mr. Gordon, made all the models for the patent office up to the time he died in 1879.

Q. Now, confining yourself to the period while you were still employed in the factory of Nichols & Langworthy, how much time did you see Mr. Gorden there; and when he was there, how much intimacy did you have with him?

A. Well, after Mr. Hnnt got through with Mr. Gordon and he depended on me to carry out his ideas from his sketches and explanations—Mr. Gordon was not a practical mechanic—after that he would come up to Hope Valley quite frequently, I cannot say how often, but any time he had any new ideas to carry out, he usually got there on Tuesdays and left on the Friday night, generally he would be there about four days.

Q. While there was he with you all the time?

A. Almost entirely.

Q. What would you converse about?

A. About his work a portion of the time and a portion of the time he would talk about other matters.

Q. What other matters?

A. Family matters more particularly.

Q. Was he frank and free?

A. He was very free to speak of his family troubles.

Q. He did speak of his family troubles?

A. He said his wife and little daughter Mary—

she was quite small then—I think she was born in 1849 and it would make her quite a little lass then. At first he did not speak much about it, except that he spoke about her and then as she grew older it was a source of a great deal of trouble to him, the fact that his wife and Mary did not get along well together.

Q. Did he write to you during this period?

A. Yes.

Q. And you were familiar with his handwriting?

A. Oh, yes.

Q. And I suppose that you also saw the letters that he wrote to Nichols & Langworthy?

A. Some of them, I presume I did.

Q. When did you leave Nichols & Langworthy?

A. In 1872.

R. Where did you go then?

A. To Rahway.

Q. What for?

A. In company with Mr. J. D. Witter and I was engaged by Mr. Gordon to go to Rahway and stop and run his factory, I, in the capacity of master mechanic and draughtsman and pattern maker, &c., and Mr. Witter as a practical iron worker.

Q. Did you do that?

A. Yes.

Q. You took charge of the factory?

A. Not that year, Mr. Witter stayed one year.

Q. What year?

A. 1872.

Q. And after that?

A. I was the head of the management of the factory up to the time Mr. Gordon died.

Q. That was in 1878?

A. Yes.

Q. You very frequently saw Mr. Gordon write, didn't you?

A. Yes, sir.

Q. Did you ever remark that he wrote with a gold pen?

A. I give it as my opinion that he was in the habit of writing with a gold pen.

Mr. MILLER: I move that the answer be stricken out unless the witness says it is a fact.

The ORDINARY.

Q. Do you mean your remembrance or opinion?

A. It is my remembrance that he usually used a gold pen.

Mr. BECKETT.

Q. I show you certain letters and an envelope and I ask you if you have ever seen them before (handing witness papers?

A. I have.

Q. Describe what they are.

Mr. COLLINS: Take the envelope first.

Q. That is an envelope addressed to whom?

A. Amos P. Barber, care Nichols & Langworthy, Hope Valley, Rhode Island—I received that from Mr. Gordon through the mail.

MR. COLLINS.

Q. Is it in the handwriting of George P. Gordon?

A. Yes, sir, that is my opinion, I did not see him write it, of course.

Mr. BECKETT.

Q. Are these papers I now show you, letters or portions of letters which you received from George P. Gordon through the mail?

A. Yes.

Q. Are they all in his handwriting?

A. I believe they are.

MR. BECKETT: We offer in evidence the envelope dated March 20, addressed "Amos P.

Barber, care Nichols & Langworthy, Hope Valley P. O., Rhode Island."

Marked Exhibit P 48, May 27th, 1891.

We also offer in evidence the letter dated September 9th, 1871.

MR. MILLER: Do you offer this as a standard?

MR. BECKETT: It is offered as a standard.

Marked Exhibit P 49, May 27th, 1891.

We also offer in evidence letter dated March 22, 1871.

Marked Exhibit P 50, May 27th, 1891.

We also offer in evidence letter dated March 18, 1871.

Marked Exhibit P 51, May 27th, 1891.

We also offer in evidence letter dated July 12, 1871.

Marked Exhibit P 52, May 27th, 1891.

We also offer in evidence letter dated November 22, 1871.

Marked Exhibit P 53, May 27th, 1891.

We also offer in evidence letter dated October 24, 1870.

Marked Exhibit P 54, May 27th, 1891.

We also offer in evidence a letter without date, but endorsed "Amos P. Barber Esq. Hope Valley Rhode Island."

Marked Exhibit P 55, May 27th, 1891,

We also offer in evidence letter dated May 23, 1862.

Marked Exhibit P 56, May 27th, 1891.

We also offer in evidence a sheet of paper without date or signature, containfng certain mechanical drawings.

Marked Exhibit P 57, May 27th, 1891.

Q. You produced these letters, which have been marked as exhibits, and gave them to the attorneys for the will?

A. I did.

Q. Where did they come from, where have they been?

A. They came from Hope Valley, Rhode Island.

Q. From your possession?

A. Yes, sir.

Q. Where did you keep them or where did you find them?

Q. I had them in my box.

Q. These are not the only letters Mr. Gordon wrote to you?

A. No, sir, he wrote me a great many letters.

Q. I show you Exhibit P 57 and ask you what that drawing was contained in it?

A. That was for a new ink distribution on one of the job presses, giving me the rough idea in red and black ink, and from that I was to reduce it to practical working and make pattern and drawings.

Q. Did you do it?

A. Yes.

Q. And report to Mr. Gordon?

A. Yes, sir, he inspected it and Mr. Gordon acted on it.

Q. In Exhibit P 54, I call your attention to that on the second page of that exhibit that there are certain drawings in pencil, what about that?

A. Now, I should have to look a little in order to give an intelligent answer.

Q. Is it some design you carried out for Mr. Gordon?

A. It is some design, it is a rough pencil sketch as I call it from Mr. Gordon to me.

Q. And you acted upon it?

A. I did.

Q. And reported to Mr. Gordon?

A. I did.

Q. I show you Exhibit P 50 and draw your attention to the first page, do you detect small drawings in ink?

A. Yes.

Q. Tell me what you know about that.

A. It is another of his smaller drawings and contains his directions to carry it out.

Q. Did you carry it out?

A. Yes.

Q. And reported it to him?

A. Yes, certainly.

Q. I show you Exhibit P 54 and ask you if that is in Mr. Gordon's handwriting?

A. In my opinion it is.

Q. I show you Exhibit P 32, is that in Mr. Gordon's handwriting.

A. I should say it was—there is no question about it.

Q. Reading the second paragraph of that letter, "I trust you have allowed Amos P. to go on steadily, &c.," do you know who that refers to?

A. That refers to me.

Q. I show you Exhibit P 16 and ask you if, in your opinion, that is in Mr. Gordons handwriting, the whole writing, including the signature.

A. It is.

Q. I show you Exhibit P 13 and ask you the same question.

A. There is no question in my mind about it, it is in the handwriting of Mr. Gordon.

Q. I ask you the same question relative to the body of the handwriting and signature of Exhibit P 12.

A. My opinion, is that it is Mr. Gordon's handwriting, no question about it in my mind.

Q. And that is his signature?

A. Yes, sir.

Q. I ask you the same question as to Exhibit P 15, both as to the writing and the signature—except the endorsement on it in the second page written across the words "George P. Gordon November 27 1867?"

A. There is no question of that being Mr. Gordon's handwriting.

Q. And the signature?

A. And the signature.

Q. I ask you the same question in regard to Exhibit P 14?

A. I make the same answer exactly, there is no doubt about its being George P. Gordon's handwriting, that is my opinion.

Q. I ask you the same question as to Exhibit P 29?

A. That is Mr. Gordon's handwriting all the way through, signature and all.

Q. I ask you the same question as to Exhibit P 28.

A. My answer is the same, I believe it to be the handwriting of Mr. Gordon, the body and the signature.

Q. I ask you the same question as to Exhibit P 26, except the endorsement "George P. Gordon December 31, 1867."

A. Yes, I believe it to be his handwriting and signature.

Q. I ask you the same question as to Exhibit P 25?

A. Yes, I make the same answer, there is no doubt about it.

Q. In the fourth line of the body of said letter, I call your attention to the following: "Enclosed please find letter for A. P. D.," now do you know who the "A. P. D." referred to is?

A. I should infer it referred to myself, Amos P. Barber.

Q. I ask the same question as to Exhibit P 24, in whose handwtiting is the body of it and whose signature is signed to it?

A. George P. Gordon, without any question.

Q. The same question as to Exhibit P 23?

A. Yes, it is in the handwriting of George P. Gordon.

Q. The same question as to Exhibit P 22?

A. Yes, the same answer, it is in the handwriting of George P. Gordon.

Q. And that is his signature subscribed to it?

A. Yes, sir.

Q. I ask you the same question as to Exhibit P 21.

A. I make the same answer.

Q. I ask the same question as to Exhibit P 20.

A. The same answer.

Q. I ask the same question as to Exhibit P 19.

A. The same answer.

Q. I ask the same question as to Exhibit P 18.

A. The same answer.

Q. Same question as to Exhibit P 17.

A. Same answer.

Q. I call your attention to the eighth line in the body of the last exhibit "therefore if Amos P. remembers what he talked over, let him go ahead," who does that refer to?

A. It means myself without any question.

Q. I show you letter dated March 20, 1867, addressed to Messrs. Nichols & Langworthy and ask you to look at it and state in whose handwriting it is and whose signature is signed to it.

A. George P. Gordon, without any question.

MR. BECKETT: I ask to have that letter marked for identification.

Marked P 58 for identification, May 27, 1891.

Q. I show you a letter dated June 14, 1867, addressed to Nichols & Langworthy. and ask you in whose handwriting the body of the letter is and whose signature is signed to it.

A. George P. Gordon, without any doubt at all in my mind.

MR. BECKETT: I ask to have that letter marked for identification.

Marked P 59 for identification, May 27th, 1891.

Q. I show you a letter dated February 11, 1868, addressed to Nichols & Langworthy and ask you in whose handwriting the body of that letter is.

A. George P. Gordon's.

Q. I show you another letter or several letters and ask you in whose handwriting they are all in and whose signature do they bear.

A. They are all in the handwriting of George P. Gordon, including the signatures.

MR. BECKETT: I offer in evidence the letter dated January 11, 1868 as a standard.

Marked Exhibit P 60, May 27, 1891.

I also offer in evidence, as a standard, letter dated March 20, 1867.

Marked Exhibit P 61, May 27, 1891.

Q. Were they in the handwriting of George P. Gordon and his signature?

A. I have no question in my mind that these letters are all in the handwriting of George P. Gordon, including the signature.

MR. BECKETT: I offer in evidence, as a standard, letter dated June 14, 1867.

Marked Exhibit P 62, May 27th, 1891.

I also offer in evidence, as a standard, letter dated July 31, 1867.

Marked Exhibit P 63, May 27, 1891.

I also offer in evidence, as a standard, letter dated October 13, 1869.

Marked Exhibit P 64, May 27, 1891.

I also offer in evidence, as a standard, letter dated July 29, 1869.

Marked Exhibit P 65, May 27, 1891.

I also offer in evidence, as a standard, letter dated April 11, 1867.

Marked Exhibit P 66, May 27, 1891.

I also offer in evidence, as a standard, letter dated August 14, 1867.

Marked Exhibit P 67, May 27, 1891.

I also offer in evidence, as a standard, letter dated December 11, 1867.

Marked Exhibit P. 68, May 27, 1891.

I also offer in evidence, as a standard, letter dated June 29, 1869.

Marked P 69 May 27, 1891.

I now offer in evidence, as standards of the handwriting and signatures of George P. Gordon, the papers heretofore marked for identification P 16, P 13, P 24, P 23, P 22, P 26, P 20, P 19, P 28, P 29, P 12, P 15, P 14, P 28, P 25, P 17, and P 21.

BY MR. MILLER; There is no objection made to these papers, as they appear to be in the handwriting of George P. Gordon.

Marked Exhibits P 12 to P 26, both inclusive and Exhibits P 28, May 27, 1891. Also Exhibit P 29, May 27, 1891.

MR. BECKETT.

Q. I show you a letter addressed to Nichols & Langworthy, dated March 18, 1867 and ask you the the same question.

A. I make the same answer, it is in the handwriting and signature of George P. Gordon.

Q. That is Mr. Gordon's signature?

A. Yes, sir.

I offer that letter in evidence, as a standard of the handwriting and signature of Mr. Gordon.

Marked Exhibit P 70, May 27, 1891.

Q. I show you a letter dated December 13, 1867, addressed to Messrs. Nichols & Langworthy and ask you if that letter is in Mr. Gordon's handwriting and if that is his signature subscribed to it,

A. I should say that without any hesitation.

I offer that letter in evidence, as a standard of the handwriting and signature of Mr. Gordon.

Marked Exhibit P 71, May 27, 1891.

Q. I show you a letter, addressed to Nichols & Langworthy, dated October 17, 1867, and ask you if that letter is in Mr. Gordon's handwriting and if subscribed by him.

A. I answer, yes.

Offered in evidence as a standard of the handwriting and signature of Mr. Gordon.

Marked Exhibit P 72, May 27, 1891.

Q. I show you a letter dated "New York, February 8, 1867" and addressed to Nichols & Langworthy and apparently in two handwritings, please state in whose handwriting it is.

A. The first portion of the letter is in the handwriting of A. Sidney Doane.

Q. Now, the rest of it?

A. George P. Gordon.

Q. And the signature?

A. Mr. Gordon's.

I offer the portion of the letter in the handwriting of Mr. Gordon and the signature as standards.

Marked Exhibit P 73, May 27, 1891.

Q. I show you a letter, addressed to Nichols & Langworthy, dated May 18, 1867 and ask you if that is in the handwriting of George P. Gordon and if that is his signature?

A. I answer yes to both.

I offer that letter in evidence for the same purpose.

Marked Exhibit P 74, May 27, 1891.

Q. I show you a letter without date, addressed to Nichols & Langworthy, endorsed "George P. Gor-

don, November 14, 1867" and ask you if the body of the will and the signature and all, except said endorsement, are in the handwriting of George P. Gordon.

A. Yes.

Letter offered in evidence for the same purpose.

Marked Exhibit P 75, May 27, 1891.

Q. I show you a letter, addressed to Nichols & Langworthy, dated April 5, 1869, and ask you if that letter is in the handwriting of George P. Gordon.

A. Without any question at all.

I offer that letter in evidence for the same purpose.

Marked Exhibit P 76, May 27, 1891.

Q. I show you letter dated July 26, 1869, addressed to Nichols & Langworthy, and ask you the same question?

A. I make the same answer.

I offer that letter in evidence for the same purpose.

Marked Exhibit P 77, May 27, 1891.

Q. I show you certain letters, each addressed to Nichols & Langworthy, and bearing the following dates: September 14, 1867, July 1, 1869, September 7, 1867, November 2, 1869, September 23, 1867, May 24, 1867, September 9, 1867, April 6, 1869, December 27, 1867, December 13, 1869, January 13, 1868, April 12, 1867, September 14, 1869, December 16, 1867, July 10, 1869, November 21, 1867, September 30, 1867, July 26, 1867 and February 19, 1867, and ask you with the exception of the endorsements upon said letters and the occasional writing of A. Sidney Doane, in whose handwriting are said letters and whose signatures are attached thereto?

A. George P. Gordon. There is no question about it, not a particle.

I offer these letters in evidence for the same purpose.

Letter of September 14, 1867, marked Exhibit P 78, May 27, 1891.

Letter of July 1, 1869, marked Exhibit P 79, May 27, 1891.

Letter of September 17, 1867, marked Exhibit P 80, May 27, 1891.

Letter of November 2, 1867, marked Exhibit P 81, May 27, 1891.

Letter of September 23, 1867, marked Exhibit P 82, May 27, 1891.

Letter of May 24, 1867, marked Exhibit P 83, May 27, 1891.

Letter of September 9, 1867, marked Exhibit P 84, May 27, 1891.

Letter of April 6, 1869, marked Exhibit P 85, May 27, 1891.

Letter of December 27, 1868, marked Exhibit P 86, May 27, 1891.

Letter of December 13, 1869, marked Exhibit P 87, May 27, 1891.

Letter of January 13, 1868, marked Exhibit P 88, May 27, 1891.

Letter of April 12, 1867, marked Exhilit P 89, May 27, 1891.

Letter of September 14, 1869, marked Exhibit P 90, May 27, 1891.

Letter of December 16, 1867, marked Exhibit P 91, May 27, 1891.

Letter of July 10, 1869, marked Exhibit P 92, May 27, 1891.

Letter of November 21, 1867, marked Exhibit P 93, May 27, 1891.

Letter of September 30, 1867, marked Exhibit P 94, May 27, 1891.

Letter of July 26, 1867, marked Exhibit P 95, May 27, 1891.

Letter of February 19, 1867, marked Exhibit P 96, May 27, 1891.

MR. BECKETT.

Q. I show you Exhibit P 87, and ask you if you recollect about that drawing, what it is and tell us all you know about it?

A. Well, I cannot without a moment's thought.

Q. It refers to some invention of Mr. Gordon's?

A. Yes, sir, it certainly does.

Q. You did work in connection with it?

A. I presume that I did, there may be some that I did not; but, as a rule I attended to all that he ever had.

Q. You have not examined that before to-day?

A. No sir, but there is something connected with it there—(Interrupted).

Q. Do you recollect anything about that drawing on Exhibit P. 83?

THE ORDINARY.—I understand Mr. Miller does not make any objection to these as standards.

Mr. BECKETT.—Well, then I will withdraw the question.

Adjourned to May 28, 1891 at 10 A. M.

Pursuant to adjournment the parties met at the Chancery Chamber, May 28, 1891, at 10 A. M. and the following evidence was taken before Hon. Alexander T. McGill, Ordinary of the State of New Jersey, in presence of solicitors and counsel of the respective parties.

AMOS P. BARBER being recalled for further direct examination.

Mr. BECKETT.—I desire to offer in evidence certain photographs of the first and second pages of the will and also of the last page of the will, that is the one that bears the signa-

ture "Geo. P. Gordon." The page of the will that bears the attestation clause and the signatures of the subscribing witnesses and photgraphs ot certain Exhibits which are now in evidence as standards, namely: — Exhibits P 16, D 18, D 19, D 17, P 25, check 45, P 21, P 15, P 19, P 14, P 20, D 20, P 22 and P 23.

Mr. MILLER.—I have no objection to their being received for the purpose of convenient reference.

Mr. BECKETT.—Mr. Carvalho made these photographs.

The first page of the will (photograph.)
Marked Exphibit P 97, May 28, 1891.
The second page of will (photograph).
Marked Exhibit P 98, May 28, 1891.
The last page of will (photograph).
Marked Exhibit P 99, May 28, 1891.
Attestation clause (photograph).
Marked Exhibit P 100, May 28, 1891.
Photograph of Exhibit P 10.
Marked Exhibit P 101, May 28, 1891.
Photograph of Exhibit P 18.
Marked Exhibit P 102, May 28, 1891.
Photograph of Exhibit P 17.
Marked Exhibit P 103, May 28, 1891.
Photograph of Exhibit P 15.
Marked Exhibit P 104, May 28, 1891.
Photograph of Check. 45.
Marked Exhibit P 105, May 28, 1891.
Photograph of Exhibit P 21.
Marked Exhibit P 106, May 28, 1891.
Photograph of Exhibit P 15.
Marked Exhibit P 107, May 28, 1891.
Photograph of Exhibit P 19.
Marked Exhibit 108, May 28, 1891.
Photograph of Exhibit P 14.
Marked Exhibit P 109, May 28, 1891.

Photograph of Exhibit P 20.
Marked Exhibit P 110, May 28, 1891.
Photograph of Exhibit D 20.
Marked Exhibit P 111, May 28, 1891.
Photograph of Exhibit P 22.
Marked Exhibit P 112, May 28, 1891.
Photograph of Exhibit P 23.
Marked Exhibit P 113, May 28, 1891.

Q. I show you Exhibits P 35, P 36, P 37, P 38, P 39 and P 45, for identification, and ask you in whose handwriting these exhibits are and whose signature is signed at the end of them?

A. In the handwriting of George P. Gordon and the signature is George P. Gordon's, without any question in my mind.

MR. BECKETT: I offer these exhibits respectively in evidence, to be used, not only as standards, but also for the declarations contained in them.

Mr. MILLER: I object to the materiality of these exhibits, as far as I have been able to judge in the short time I have had to examine them, they refer only to business and politics and have nothing whatever to do with this case.

Mr. BECKETT: They refer to the state of the weather and it is part of our case at that time and they also refer to Mr. Gordon's intention to go to Hope Valley and deferring the same and it is part of our case. Here is one letter dated July 21, 1868, just four days before the will was executed, in whieh he says, "It rained yesterday and to day I shall stop now for fair weather," that alone makes these letters very important to our case.

Mr. MILLER: I don't object to that letter, I have no objection to their going in so far as their materiality is concerned.

The ORDINARY: They may go in as evidence.

Marked Exhibits P 35, P 36, P 37, P 38, P 39 and P 45, respectively, May 28, 1891.

Q. I now show you papers marked P 40, P 41, P 42, P 43 and P 44 for identification and ask you to state in whose handwriting they are?

A. A. Sidney Doane's.

Q. I show you a letter dated March 10, 1876 and ask you in whose handwriting that letter is? 10

A. It is signed "George," I should say it is in the handwriting of George P. Gordon, without question.

Q. You have no doubt about it?

A. No, sir.

Letter marked for identification, P 114.

Q. I show you a letter bearing date May 31, 1876, and ask you in whose handwriting that letter is? 20

A. There is no doubt about its being in the handwriting of George P. Gordon, although it is only signed "George."

Q. You have no doubt that the word "George" was written by George P. Gordon?

A. No doubt of it at all.

Marked P 115 for identification.

Q. I show you a letter dated June 3 1877 and ask you in whose handwriting that letter is, in your opinion? 30

A. George P. Gordon's

Q. How is that letter signed?

A. "George."

Q. And the signature "George" subscribed to this letter, in whose handwriting is that, in your opinion?

A. George P. Gordon.

Marked P 116 for identification.

Q. I show you another letter, dated March 30, 1877, and ask you in whose handwriting the body of that letter is? 40

A. George P. Gordon's.

Q. How is it signed?

A. "George."

Q. And in whose handwriting is that word "George," in your opinion?

A. In my opinion, it is in the handwriting of George P. Gordon, I have no doubt of it at all.

Marked P 117 for identification.

Q. I show you a letter dated September 7, 1876, and ask you in whose handwriting the body of the letter and the signature is?

A. It is signed "George" and I should say it is in the handwriting of George P. Gordon, I haven't a doubt of it.

Marked P 118 for identification.

Q. You testified yesterday to having received many more letters than those that you produced here, what have become of the others?

A. Well, when I got them I put them in my tool box, as a rule, and did not attempt to preserve them and they are gone.

Q. Those that you produced here and which are already admitted as standards, were all that you could find?

A. That is all that I could find and all I attempted to keep.

Q. You referred yesterday to a gentleman by the name of Degener, I believe, was he connected with Mr. Gordon or employed by him, and if so, when or about when and for how long a time?

A. Mr. Fred Otto Degener—I cannot give you the date, I have no means of telling when Mr. Degener was employed by Mr. Gordon, but when Mr. Gordon came to Hope Valley and contracted with the Nichols & Langworthy company to build his presses, Degener was working for Mr. Gordon, he was employed by him as a draughtsman and pattern maker—I cannot give you the date, the date I have

not got, but I should think it was in the later fifties, I should say 1856, 1857, 1858 and so on, I have no record of it though.

Q. I show you another letter, bearing date September 15, 1857, signed George P. Gordon, and ask you in whose handwriting that letter is and in whose handwriting the signature signed to it is?

A. George P. Gordon's.

Marked P 119 for identification.

Q. I show you letter, dated October 4, 1877, and ask you in whose handwriting that letter is, also the signature?

A. George P. Gordon's.

Marked P 120 for identification.

Q. I show you another letter, dated August 8 1858 and ask you the same question.

A. I make the same answer.

Marked P 121 for identification.

Q. I show you letter dated August 3, 1858 and ask you the same question.

A. It is in the handwriting of Mr. Gordon, without a doubt.

Marked P 122 for identification.

Q. I show you a letter, dated March 4, 1867 and ask you the same question.

A. I make the same answer, George P. Gordon.

Marked P 123 for identification.

Q. I show you letter, dated February 23, 1867 and ask you the same question.

A. The same answer, George P. Gordon.

Marked P 124 for identification.

Q. I show you letter dated September 23 (no year) and I ask you in whose handwriting that letter is?

A. That is in the handwriting of George P. Gordon and the signature also.

Marked P 125 for identification.

Q. I show you an assignment, Robert Hutton and another to , dated February 9, 1867 and I call your attention to the signature of the witness and ask you in whose handwriting, in your opinion, that signature is.

A. George P. Gordon.

Marked P 126 for identification.

Q. I show you an assignment by W. H. Watson, to A. Sidney Doane, dated March 1, 1867, and ask you in whose handwriting, in your opinion, is the signature of the witness subscribed thereto.

A. George P. Gordon's.

Marked P 127 for identification.

Q. I show you another assignment by W. H. Watson to A. Sidney Doane, dated March 1, 1869, and ask you the same question.

A. George P. Gordon.

Marked P 128 for identification.

Q. I show you another assignment by W. H. Watson to A. Sidney Doane, dated March 12, 1867, and ask you the same question.

A. George P. Gordon,

Marked P 129 for identification.

Q. Mr. Gordon sometimes drank—did you ever see him under the influence of liquor?

A. I have.

Q. Do you recollect any particular occasion when he was ill?

A. I do.

Q. Or when he was under the influence of liquor, I mean?

A. I do.

Q. When was it?

A. It was between the 29th and the 31st of December, 1872, I cannot give you the exact time, but I know it was in the holidays.

Q. You know it was in that year?

A. Yes, certain.

Q. And within the days you mentioned?

A. Yes.

Q. How did you fix that time?

A. I fixed that time, because I remember going to New York to look for Mr. Gordon.

Q. Who went with you?

A. Mr. Witter.

Q. Who else, if anyone?

A. There didn't any one else go with us.

Q. Did you go to Mr. Gordon's house at that time or attend him?

A. You mean to his house in Rahway?

Q. Yes.

A. Yes.

Q. Tell us all about it, what you saw that is.

A. What I know?

Q. What you know.

A. Mr. Gordon was at the house and was being attended by Dr. Reed, which was his family physician—Dr. Reed is dead now, but he was his attending physician—and Dr. Reed came to the factory and wanted Mr. Witter or me to go up to the house and stay with Mr. Gordon, he was sick, he was in a bad condition and Mr. Witter thought I had better go and I thought so myself, as I had been intimately connected with him for quite a good while and Mr. Witter had not. It was decided that way that I should go up and I got into a sleigh and rode up with Dr. Reed and when I got to the house Mr. Henry May and his wife, Mrs. May, were there and Mary Ag-

nes was there—she was at home—that is Mary Agnes Gordon was there.

Q. Was Mrs. Gordon there?

A. No, sir.

Q. Do you know where she was at that time?

A. In Norfolk.

Q. Was Mr. Van Wyck there?

A. No, sir.

Q. Do you know where he was?

MR. MILLER: Unless you saw him you cannot testify.

The WITNESS: I did not see Mr. Van Wyck or Mrs. Gordon either.

Q. You know he was not there?

A. No, sir; there was a young gentleman there and Mary Agnes introduced him to me as Mr. Henner, I think that was his name, as near as I can remember it.

Q. Did you watch with Mr. Gordon that night?

A. I did.

Q. How long was it after that before he came to the factory?

A. I cannot tell positively about that, but I think within a day or two.

Q. When he did come to the factory after this interview to which you have testified, did you have any conversation with him in regard to Mary's condition or in regard to his property, and if so, what was it?

MR. MILLER; I object to the question as immaterial and also on the ground of being the declarations of a deceased person.

The ORDINARY: If testimony as to declarations is to be offered at considerable length, I had better rule upon the question as to its admission, at onee.

MR. MILLER: This will is offered for probate against our interest, now can they, on their side, produce evidence of declarations of that kind in their own favor?

The ORDINARY: A declaration against interest is admissible. Now, the question is as to declarations here offered—my opinion from the cases I have already cited, is that they are not admissible, but to save time I thought we would take the testimony as to them upon the notes and rule at the final hearing at the suggestion of counsel, I was willing to adopt that course if it would not prolong the case, but if the case is to be prolonged to produce the whole country-side to testify to what the testator said, I will not be willing to proceed without ruling—I will allow this question to be asked and see how far it will lead—I understand counsel to say that it is in support of the will and to negative the similar testimony tending to show ignorance.

A. When he came down to the factory, I should say that it was the first time he came to the factory, although I would not say positively that it was the first time, but I think so—he commenced talking about the young man Mary had introduced to me as Mr. Henner and about Mary and he said that he had advised, or had wanted, or told her that he wanted her to get married, that there was a good deal of trouble in the family between Mrs. Gordon and Mary.

The ORDINARY.

Q. Did he say so?

A. Yes, sir; and he said that he did not care about her marrying great wealth; that he had plenty of property and had made provision for her; and he would like for her to marry a respectable young man but no loafer. He said he had fixed things so that no loafer would snap his money off at the end of a whip.

Q. Did he use the word "fixed?"

A. He did.

Q. Did he put any adjective before the word "loafer" when he said it, that you did not say?

A. Yes, sir.

Q. What?

A. That no damned loafer would snap his money off at the end of a whip that married that girl.

Q. What word did he emphasize when he said that which you have already testified to?

A. He said that—well, I don't remember any special emphasis.

Q. Do you recollect about visiting Mr. Gordon's house with Mr. Witter one Sunday in the year 1872? and if so, what took place at that time?

A. At Mr. Gordon's invitation, we walked up to the house at Rahway or Neathoak, I think he called it.

MR. MILLER: I make the same objection to this as before.

Same ruling.

Q. Go on.

A. We called on Mr. Gordon, one Sunday forenoon and during our stay there Mr. Gordon suggested that we walk over to the piece of property that he had recently purchased opposite the Bramhall place.

Q. Do you know whom he purchased it from?

A. I do not know, I don't remember that he told me who he purchased it from, Laing, I think it was, although I cannot be positive.

MR. MILLER:

Q. What time of the year was this?

A. It was in the spring or early summer, the forepart of the season, at any rate.

Mr. BECKETT.

Q. Well, go on.

A. Mr. Gordon and Mrs. Gordon were there and I walked over the field over to the piece of property he had purchased and during our stay there and looking around, he said he proposed building a fine mansion there and spoke of where he would have the carriage house and the location of the house, and what a beautiful site it was.

Q. Did he say what he was going to do with the house?

A. No, sir, I do not think he did; I remember distinctly Mrs. Gordon spoke and said, "My dear"—— (interrupted).

Mr. MILLER: I object to the witness stating the conversation.

MR. BECKETT.

Q. Wasn't it in the presence of Mr. Gordon?

A. Yes.

Q. Go on.

A. She said that the old place was good enough for them for the present.

Q. Do you recollect when it was Mr. Gordon went to Niagara Falls?

A. It was in the fall of 1877.

Q. Who accompanied him at that time on that trip?

A. I did not see any one, but I was told and supposed that Mrs. Gordon and Mr. Van Wyck did.

Q. Did you use to see Mr. Van Wyck at Rahway?

A. Well I frequently saw him at Rahway, that is occasionally.

Q. What doing there?

A. Well, I don't know, I don't know as he was doing anything at Rahway.

Q. When Mr. Gordon came back from his Niagara trip, did you see him and have any conversation with him?

A. I did.

Q. That was in what part of the year 1877?

A. I cannot give you the date exactly, it was in the fall of the year.

Q. What did Mr. Gordon say to you at that time?

MR. MILLER: I object unless this is offered for the same purpose counsel stated before.

MR. COLLINS: This is on the question of residence.

THE ORDINARY: Ruling upon it will be reserved as in case of the other questions.

A. He said he was glad to get home; he was tired out, the ride from Niagara to New York had almost killed him; that is his expression that he made, and he said he was glad to get home.

Q. Where did this conversation take place?

A. In the office at the factory at Rahway.

Q. Did he ever have any conversation with you about the Brooklyn house?

A. He did.

Q. When was that?

A. I cannot give the date, but it was prior to his purchasing the Brooklyn property.

MR. MILLER.—I make the same objection to that.

Same ruling.

Q. Go on.

A. He told me that there was trouble in his family and between his wife and Mary, and they did not get along well together, and Mary had left her home at Rahway and was boarding at New York, and that he proposed to buy a house for Mary, that she would have a home, and he told me that he was looking or negotiating for a place on Columbia Heights, and when he did purchase it, he told me he had bought the house.

Q. This was in a subsequent interview?

A. Yes after he had purchased the property.

Q. What did he tell you in the subsequent interview after he had purchased the property at 155 Columbia Heights, Brooklyn?

Same objection.
Same ruling.

A. He told me he had purchased the house on Brooklyn Heights for a home for Mary.

Q. How did he usually speak about it to you when he was leaving the factory and going to his residence in Woodbridge?

MR. MILLER: I ask for the specific conversation.

MR. BECKETT.

Q. Well, if there was any specific conversation you may give it.

Same objection.
Same ruling.

Q. Where did he say he was going?
A. Always going home.
Q. When he went up to Woodbridge?
A. Yes, sir.
Q. To the farm?
A. Yes, to the house at Woodbridge.
Q. That was his general habit?

Objection by Mr. Miller.
Question excluded.

The ORDINARY: The witness must state what was said.

MR. BECKETT:

Q. Give the time and place and what Mr. Gordon said at any time that you can now recollect about his going to the house in Woodbridge.

Same objection.
Same ruling.

MR. COLLINS.

Q. Give the time first.

A I do not understand the question.

MR. BECKETT.

Q. Well, I mean this; do you recollect any specific time when you were there in the factory at Rahway that he said anything about going to his house at Woodbridge, and if so, tell us when it was, as near as you can and what he said?

Same objection.
Same ruling.

A. It was at the time he complained of being so beat out from his ride from Niagara.

A. And that was when?

A. He had come down from the house to the factory and it was the first time after he got back from Niagara.

The ORDINARY.

Q. What was?

A. He said he was very tired, it had almost killed him, to use his own expression, his riding that distance and he was glad he had got home—he had come down from Neathoak to that place, I cannot say that he said he was going home when he went away, but I took it for granted that he was, as he was staying there at the time.

Q. That was the fall of 1877?

A. Yes, sir.

Q. Was he living at Woodbridge at that time?

MR. MILLER : I object to that question, as it is calling for the conclusion of the witness when it is your Honor has to decide, and I ask for facts—"living" is a very broad term.

Question withdrawn.

Q. I show you the contested will, Exhibit P 1, and ask you in whose handwriting the signature sub-

scribed thereto, "Geo. P. Gordon," is?

A. In the handwriting of George P. Gordon, without a doubt.

CROSS-EXAMINATION BY MR. MILLER.

Q. Referring to Exhibits P 114, P 115, P 116, P 117 and P 118, for identification, the handwriting of which you have said, in your opinion, was that of George P. Gordon—I ask you as to those exhibits, whether you saw them written by Mr. Gordon?

A. No, sir, I did not see them written.

Q. Were they addressed to, or received by you?

A. They were.

Q. Addressed to you?

A. Yes.

Q. And received by you?

A. Yes.

Q. Where did you keep them after that time?

A. I kept them in my tool box in the shop where I worked for a while——(interrupted).

Q. I think you are mistaken.

A. I did not understand the question, perhaps.

Q. I now show you the exhibits mentioned.

MR. COLLINS.

Q. What else did you think counsel meant?

A. I thought the letters I had received from Mr. Gordon, the nine letters.

MR. MILLER.

Q. Now, Exhibit P 114 to P 118, inclusive, for identification, were they written to you?

A. If these are the letters, they were not written to me, of course.

THE ORDINARY.

Q. These letters now offered to you, were they written to you?

A. No, sir, they were not written to me.

Q. Nor received by you?

A. No, sir.

Q. Did you see Mr. Gordon write them?

A. No, sir.

MR. MILLER.

Q. You merely pass your general opinion upon them from the signature attached to them and the body of the letters?

A. Yes, sir, that is all.

Q. You said you were Mr. Gordon's draughtsman?

A. Yes.

Q. And he consulted you about the carrying out of the practical details and the working out of his inventions?

A. Certainly, he gave me directions what he wanted me to do and I carried out his ideas; he gave me rough pencil sketches and by direction personally.

Q. What was the date you left Nichols & Langworthy and came to Mr. Gordon?

A. March 4th, 1872.

Q. Before March 4th, 1872, you were with Nichols & Langworthy in Providence, were you not?

A Yes.

Q. And you said during that time you did some drafting and drawings for Mr. Gordon?

A. Oh, yes, ever after, about 1859 up to 1872, I made his drawings.

Q. When you conferred with him during that time, did he go to you at Providence or did you come to him at New York?

A. Sometimes—as a rule, when he wanted any new idea carried out, he came up to Hope Valley, but I have been sent for to consult with him in New York —but, as a rule, he came there.

Q. And he would write to you at times?

A. Yes.

Q. And he wrote generally long letters?

A. Well, whatever he wanted to explain to me or have me carry out he would give me a rough pencil sketch, as a rule, or give directions in writing in re

lation to any changes he wanted made in his machines.

Q. It was his habit to write rather lengthy letters on the subject?

A. I don't know that he wrote anything more than was absolutely necessary to have his ideas carried out.

Q. Most of his letters were more than a page long?

A. I should say about a page, some might have been more.

Q. During that time you became accustomed to see a page of his writing?

A. Certainly.

Q. And he usually wrote these letters on his business letter paper, didn't he?

A. Yes.

Q. And you became quite familiar with the letter heads and body writing of Mr. Gordon?

A. I did.

Q. It was that experience and that kind of familiarity that enabled you to identify these exhibits that you identified yesterday, being Exhibits P 78 to P 96, P 48 to P 57 and P 14 to P31, and generally those that appear to be written on his letter heads and in his handwriting?

A. Yes, sir.

Q. Here on the body of the handwriting in the letter it has a very characteristic look, has it not?

A. It has a similarity.

Q. It is what you call very characteristic, is it not?

A. Yes, I should say so.

Q. You do not claim to be an expert in handwriting?

A. No, sir, I do not.

Q. When did you first see this will?

A. The original?

Q. The original Exhibit P 1.

A. Was that it that lay on the table a moment ago?

Mr. COLLINS: This blue one that lay on the table before you.

A. I saw it here for the first time to-day.

MR. MILLER.

Q. You have not seen it before to-day?

A. No, sir.

Q. When you testified then that it was the handwriting of Mr. Gordon, it was your opinion——(interrupted.

The ORDINARY.

Q. Was it when you were asked by Mr. Beckett whether that was Mr. Gordon's signature, was that the first you had seen this paper before you?

A. I had not seen it before.

Q. Not before Mr. Beckett showed it to you and asked you the question?

A. No, sir.

Q. How long were you in examining it?

A. A few seconds.

Q. Less than a minute?

A. Yes, I think so.

Mr. MILLER:

Q. You mean that the first time you saw it was when Mr. Beckett showed it to you this morning on this examination in Court?

A. Yes, sir.

Q. And you looked at it for a few seconds and then said it was Mr. Gordon's signature?

A. Yes, sir.

Q. When you said that you meant that from what you knew of his signature, from the letters, that you thought that looked like Mr. Gordon's writing?

A. I should say that was Mr. Gordon's from my familiarity with his handwriting, both in the body writings and signatures.

Q. What letters?

A. Any letters sent to me.

Q. The body writing on the letter heads that you identified?

A. Yes, and from his signatures and general writing, I should decide that it was the signature of Mr. Gordon.

Q. Then, on that short examination that you made, you thought it looked like Mr. Gordon's writing, did you not—the signature?

A. I give it as my judgment.

Q. I say, you thought it looked like his signature?

A. I thought it was his signature.

Q, Therefore, it looks like it?

A. Certainly, it resembles it very much.

Q. You say it resembles it very much?

A. Yes, sir, so much so, that I recognized it the first moment that I cast my eyes on it, and I knew it as the signature of Mr. Gordon.

Q. If it resembles very much the signatures of Mr. Gordon that have been shown you on the stand, state to me in what particulars you think it resembles those signatures?

A. Well, in the general formation of the entire signature.

Q. Is it, in your opinion, exactly like any of the signatures that you identified yesterday among those numerous letters Exhibits P 78 to P 96—this is my question, is it exactly like any of these signatures?

A. Well, it is not like that exactly, no sir, (indicating).

Q. No, go through them; I wish you to examine all these papers and see if it is exactily like any of them and which one it is exactly alike.

A. I fail to see any one that it is exactly like.

Q. You have only looked at one bundle, now look at the others.

A. I thought that was all (indicating P 78 to P 96).

Q. Look at the bundle P 14 to P 31 inclusive, and say if you see any signature exactly like it.

A. I do not see any exactly like any in that bundle.

Q. Now, look at the bundle P 48 to P 57, and say if you see any signature of George P. Gordon exactly like the one in Exhibit P 1.

A. I do not.

Q. Look at P 60 to P 69 inclusive and state whether you see any in that bundle exactly like the signature of "Geo. P. Gordon," to exhibit P 1.

A. None exactly alike. no, sir.

Q. Now, look at P 70 to P 77 inclusive, and state whether you see any in that bundle exactly like the signature of "Geo. P. Gordon," in Exhibit P 1.

A. Not exactly like it, no, sir.

Q. You say you can find none exactly like the signature of "Geo. P. Gordon," in Exhibit P 1, in the various exhibits that you have examined, being in George P. Gordon's handwriting—however, you think it resembles some of his signatures, do you not?

A. I should say that it resembles all of his signatures.

Q. It resembles some more than others?

A. It certainly does.

Q. Look through the exhibits and tell us the exhibit you think it most resembles.

MR. COLLINS: It is taking so much time and the witness does not pose as an expert, he does not come here and expect to have his powers tested in that way, he is a witness familiar with the testator's writing not as an expert.

The ORDINARY: Well, he poses as an expert to that extent. The witness can have all the time he desires to prepare himself to answer the question.

MR. MILLER.

Q. Go through these exhibits and tell me which of these this Exhibit P 1 most resembles (referring to Exhibits P 17 to P 97)?

The ORDINARY: I think it is proper to defer this examination until later, so as to allow the witness to take his leisure in answering the question.

MR. COLLINS: I think it proper to have the witness told that he might state that some of

the signatures resemble the signature in some respects and that others resemble the signature in other respects.

The ORDINARY: He may answer the question first and make his explanation afterwards.

A. I understand that I am to select more than one, is that correct?

Q. The question is, go through these exhibits and tell me which of these this Exhibit P 1 most resembles (referring to P 17 to P 97 inclusive)?

After the witness had been absent from the stand for a time sufficient to make his examination, he returned and further testified.

A. I should say that one more closely resembles the signature (referring to P 74).

Q. Do you think the scrolls resemble each other —that is, that the scrolls on P 74 resembles the scrolls on P 1?

A. It has a resemblance.

Q. And in all respects it most resembles the signature to P 1?

A. I should say it more nearly resembles the signature than any other, there is a good many and it was a very difficult thing for me to determine which more closely resembles the signature.

Q. Did you hear Mr. Van Wyck's testimony yesterday?

A. I did.

Q. Was the time in 1872, when you say Mr. Gordon was under the influence of liquor, one of the times Mr. Van Wyck referred to when he said Mr. Gordon was on a spree?

A. I think not, as near as I remember, I do not think that was the time.

Q. You think this you spoke of was a different one from that mentioned by Mr. Van Wyck?

A. I do, I do not remember what date Mr. Van Wyck gave.

Q. Did you listen close enough to be able to say?

A. No, sir, I did not, I cannot say.

Q. Have you a very good memory?

A. Well, ordinary, I suppose.

Q. What kind of a memory have you—a memory for figures?

A. Not specially, no sir, I do not think so.

Q. Have you a special memory for words, are you a good linguist?

A. Not very, I claim no extraordinary ability in that line.

Q. Do you claim an extraordinary memory for words?

A. I can remember dates.

Q. Not for words?

A. Yes, words.

Q. What part of your memory is best, in what respect do you think your memory is best?

A. Well, I don't know in what form to answer that question.

Q. Well, some people remember numbers very well and others languages and sentences, while some people both, and some one thing and some another, where do you classify yourself?

A. I can remember dates very well, I think.

Q. Rather better than language?

A. I do not know that I can.

Q. You haven't an extraordinary memory in other respects, have you?

A. I never claimed any extraordinary ability in any line.

Q. Answer my question in respect to that; I asked you if you have an extraordinary memory in other respects?

A. If I haven't an extraordinary memory in other respects?

Q. That was included in my question as well as others, was it not, and you say you don't claim to have an extraordinary memory, either as to dates or language?

A. Not extraordinary, I claim to have an ordinary memory of dates, languages, words and everything, just an ordinary memory.

Q. Are you able to repeat to us the language exactly—that is the exact language of any of Mr. Beckett's questions this morning?

A. I don't know that I can give it in his exact words verbatim, I don't know that I can.

Q. Can you repeat the question he asked you about the conversation you had with Mr. Gordon in 1872, repeat his question to you?

A. I do not know that I can give it verbatim, I do not think I can.

Q. Can you give the substance?

A. I think I can.

Q. Well, give us the substance.

A. What question was it you wanted?

Q. Repeat the question Mr. Beckett asked you this morning about the conversation you had with Mr. Gordon in 1872?

A. He asked me what conversation Mr. Gordon had with me after he came down to the shop after he had this time up to the house, you know.

Q. That is as close as you can get at it?

A. Yes, that is it generally.

Q. You were employed by Mr. Gordon, were you not?

A. I was.

Q. Shortly after you first came to his place?

A. The first year.

Q. You have been there from when?

A. March 5th, 1872, the same year.

Q. Did you have a conversation with Mr. Gordon in December, 1873, a year after this one?

MR. COLLINS: On what subject?

Mr. MILLER: On any subject.

A, I suppose I do, I saw him every day or two, yes, every day.

Q. Can you repeat any conversation you had that year with Mr. Gordon in 1873?

A. I cannot.

Q. Can you repeat any conversation you had with him in 1874?

A. It is pretty difficult to remember, so as to repeat absolutely verbatim, any conversation that I had with Mr. Gordon, except on some special occasions.

Q. As far back as 1872 and 1873, is that true—as far back as that—you remember the conversations you had with him in 1872 and 1873?

A. Well, he was always very free to talk to me, he would tell me his troubles and talk business to me and tell me of his family relations and his social matters and such things as that, those I can remember distinctly.

Q. Is it not a fact, that it is very difficult to remember the exact language of a conversation, or of the conversations you had with Mr. Gordon in 1872?

A. It is not difficult.

Q. It is not difficult?

A. No, sir.

MR. COLLINS.

Q. You may explain?

A. It is not difficult when the language is extraordinary, it is not difficult when the language is unusual, extraordinary.

Mr. MILLER.

Q. What was extraordinary about the language of Mr. Gordon that he used in 1872?

A. His expressions I thought extraordinary.

Q. What expression?

A. The expression that he made, he said that "no damned loafer would snap his money off at the end of a whip," and he said that he had fixed things so that no damned loafer would snap his money off at the end of a whip—that I thought in him that it was extraordinary, an extraordinary expression.

Q. You point your answer by the quotation that "no damned loafer would never snap his money off

the end of his whip," and then you came back and added quickly, that he "had fixed things so that no damned loafer would snap his money off at the end off a whip"—now why did you do that in the last answer you made: just give us the reason for that?

A. I did it inadvertently.

Q. You did it inadvertently?

A. Yes.

Q. Is it not a fact that the principal thing you remember about this conversation were these words, "that no damned loafer would ever snap his money off at the end of a whip?"

A. No, sir, that was not the principal thing, the principal thing was, having listened so much to his remarks made to me, and his telling me about his family troubles, and his telling me that he had fixed things so that no damned loafer should snap his money off at the end of a whip, I took it for granted that he had fixed things, and I have told of that hundreds of times since then.

Q. Told it hundreds of times since then, have you?

A. Yes.

Q. Who to?

A. To my people, and I have repeated it several times.

Q. Since the will contest has been proceeding?

A. Since and before that.

Q. What time before?

A. I remember telling my wife about it when I went home that day and she remembers it very well.

Q. Repeat again the conversation that you and Mr. Gordon had at that time, as you gave it to us this morning in answer to Mr. Beckett's question.

A. Mr. Gordon said——(interrupted).

Q. Take your time and recollect it and give it to us, repeat it again as you gave it to us this morning, in answer to Mr. Beckett's question.

A. He said he had asked and advised Mary to get married and he said he did not care about her marrying great wealth, as he had plenty of money, and that he had made provision for her, that he would

only have her marry a respectable young man, and he said that he had fixed things so that "no damned loafer would ever snap his money off at the end of a whip that married that girl."

Q. Have you rehearsed that conversation with any body lately before going on the stand?

A. Well, I think I have.

Q. With whom?

A. I told Mr. King.

Q. Who else did you say that to?

A. To Mr. Beckett.

Q. Who else?

A. I do not think of any one else.

C. How many times have you said it to each one of them, to these people you have mentioned, Mr. Beckett and Mr. King?

A. Once only, I think, I can think of but once.

Q. When was that?

A. It was when I came to New York last week.

Q. And you went over it again with them since that time, haven't you?

A. I think not.

Q. Not yesterday with Mr. Beckett?

A. No, sir.

Q. You have been thinking on the subject a good deal?

A. I have always had it in my head, of course.

Q. It has been uppermost in your mind for the last few days, hasn't it?

A. No, sir, I do not think so.

Q. Haven't you thought of it repeatedly during the last few days?

A. I thought of it—it did not go out of my mind.

Q. Haven't you thought of it repeatedly during the last few days?

A. I thought of it—it did not go out of my mind.

Q. Repeatedly have you not thought of it?

A. I cannot say how often I have thought of it, it did not go out of my mind, it had not been out of my mind from the time he made the remark in 1872, it has not been out of my mind since that time.

Q. Did it occur to you that you had repeated

that almost as fluently as you would the Lord's Prayer?

A. No, sir.

Q. You are positive at this date, twenty years after this conversation, that Mr. Gordon used the words, "had made provision"?

A. I am.

Q. And that he did not say, "would make pro-provision?"

A. No, sir, he said, "I had"—"I had fixed things."

Q. You are positive he did not say, "would make provision," are you positive of that, that he did not say that?

A. I am positive he did not say that.

Q. And you are positive he said "he had fixed things"?

A. I am.

Q. And not that he "would fix things"?

Q. No, sir, that he "had."

Q. You are positive of that?

A. I am, it has never been out of my mind from that time until to-day.

Q. What should keep it that long in your mind during these twenty years?

A. It was in consequence of the expression being an extraordinary expression aud a remarkable one to me it was, and during Mr. Gordon's life, of course, I saw him every few days from 1872 until he died in 1878, and that peculiar expression of his always remained with me.

Q. Do you say that he was a man of extravagant expressions, did he ever make any other?

A. Yes.

Q. Repeat some other expressions that have remained in your mind ever since.

A. In relation to what matter?

Q. Any matter, do it quickly now—you hesitate —(interrupted).

MR. COLLINS: No, the witness is thinking.

A. I should not want to select any particular one, he was in the habit of making extravagant expressions.

Q. You said that. Now, you said you remembered this conversation because he used an extravagant expression, I want you to remember some other because it was extravagant.

Mr. COLLINS: He said extraordinary.

Q. Extravagant is my question.

MR. COLLINS: You can think of some other Mr. Barber.

A. In relation to any matter?

MR. MILLER.

Q. Yes, you have been thinking about a minute. haven't you?

A. Well, I should think, about a minute.

Q. You are still thinking?

A. An extravagant expression?

Q. That is that has remained in your mind constantly?

A. Constantly.

Q. Yes.

A. In the fall of——(interrupted).

A. I want the expression now.

MR. COLLINS: Let the witness answer, he was about to answer when you interrupted him.

A. He made an expression to me in the summer of 1877.

Q. I want the expression.

A. That he should send no more money to Virginia to Mr. Van Wyck.

Q. Is that an extravagant expression?

A. I will give you the extravagant part of it in a moment.

Q. I want the extravagant expression first and the circumstances after.

Mr. COLLINS: He has to give the whole conversation.

A. I will do the best I can. He never would send any more money to Virginia to Mr. Van Wyck to run the Virginia property, that he had sent all he ever should, and if Mr. Van Wyck could not manage the property after he had spent—he told me the amount, but I do not now remember—"if he could not get along without any more money it might go to hell, I remember that."

Q. You call that an extravagant expression?

A. Yes, sir.

Q. When was that?

A. In 1877, in the summer, the summer before he died and before he went to Niagara Falls.

Q. What date do you say that was?

A. 1877.

Q. The year before he died?

A. Yes, the summer before he died.

Q. Do you remember any other extravagant expression that you can recall that remained in your mind ever since?

A. Yes, sir, I can.

Q. How long have you taken to think of that—a minute?

A. It took a little while to select it from many others that, perhaps, I could recall, if I had time.

Q. Recall them.

A. He said Nichols & Langworthy Company, where he had formerly had his work done after he took his work away from Hope Valley in 1872.

Q. Give the remark.

A. He said the Nichols & Langworthy Company might go to hell, he could build a better calendar cutter than they ever thought of building.

Q. The words, "might go to hell" you thought an extravagant expression?

A. I did, yes, I thought it was.

Q. When was it Mr. Gordon bought the Brooklyn house, if you remember?

A. I do not remember the date. I have no record of it and no means of knowing.

Q. How do you fix it as being prior to the Brooklyn purchase?

MR. COLLINS.

How do you fix what?

MR. MILLER.

Q. The date of the conversation?

A. When a man tells me he is going to buy a piece of property, I presume that is before he buys it.

Q. And it is from that circumstance that you remember it?

A. From that circumstance alone I remember what he said in relation to it.

Q. How long did you remain in the employ of Mr. Gordon?

A. Up to his death.

Q. And been in the estate's employ since?

A. I was continued by Mr. Doane until September, that is a year ago last September.

Q. When Mr. Doane died?

A. Mr. Doane died on the 30th day of March, 1888.

Q. You were continued after Mr. Doane's death, as superintendent?

A. I was.

Q. By General Porter?

A. Yes, sir.

Q. And were you dismissed by General Porter?

A. I was.

Q. And your three sons were employed there also and were dismissed by him also?

A. They were.

Q. Have you any feeling against him for that?

A. No feeling against General Porter.

Q. No feeling against General Porter?

A. No, sir, I have no feeling, I would not injure General Porter, I have no feeling, no antipathy.

Q. General Porter had charge at the time you were dismissed?

A. I presume he did, he acted as attorney of Mrs. Gordon, I take it, that was the case.

Q. How did you come into connection with the parties proposing the will in this case?

A. I was asked to be present and testify to what I knew in relation to the matter.

Q. Who asked you?

A. Messrs. Black & King.

Q. How did they first communicate with you?

A. They communicated with me by letter.

Q. Did they ask you to call and you went down there, is that it?

A. When they sent for me I came to New York.

Q. When was that?

A. Week before last.

Q. Have you seen a great deal of these things?

A. I saw them when I first came to New York and I have not seen them only in the court room.

Q. Did you devote your time to anything else?

A. Only visiting my friends.

Q. And taking an interest in this case, that is all you have been doing?

A. That is all I have done, I have done no outside business, that has been my only business.

RE-DIRECT BY MR. BECKETT.

Q. You have seen the Exhibits P 99, P 100, P 98 and P 97, or artotypes similar to them before?

A. Yes, sir.

Q. So that you have seen them in the office of Black & King?

A. Yes, sir.

Q. Where are you living now?

A. Hope Valley, Rhode Island.

Q. When these exhibits were shown to you, did you examine them?

A. Yes, sir.

Q. At that time you had your own letters there?

A. Yes, sir.

Q. Did you compare your own letters with the signature of George P. Gordon?

Mr. MILLER: I object to the question on the ground that it is leading.

Question withdrawn.

Q. What did you do with this artotype and these letters and the other letters that you had there?

A. I left them in the office of Black & King.

Q. Yes, I know; but what did you do mentally in regard to them, did you look at the photograph and at the letters at that time?

A. Yes. sir, I did.

Q. And you formed an opinion at that time as to the signature subscribed to the will?

A. I certainly did.

Q. And that opinion was the same you expressed here to-day?

A. Yes, sir, exactly.

Q. In looking through the exhibits numbered from P 14 to P 97, did you find any two signatures exactly alike——(interrupted).

MR. MILLER: Those are the same exhibits which were shown him before.

Mr. BECKETT: Yes.

Q. Now state if you found any two signatures exactly alike in those exhibits.

A. I do not.

Q. You selected out of these Exhibit P 74 as more closely resembling the signature and you also selected three other letters, namely, Exhibits P 49, P 54 and P 87?

A. I did.

Q. Why did you do so?

A. Because they more closely resemble the signature to the will than the remainder of those I examined.

Q. In your opinion?

A. More closely, in my opinion.

MR. MILLER.

Q. But not so closely as Exhibit P 74?

A. I do not know how to answer that, it is different.

THE ORDINARY.

Q. You prefer Exhibit P 74?

A. Yes.

Q. These others are not quite so close a resemblance?

A. No, sir.

MR. BECKETT.

Q. Do you know any reason why your dismissal was requested by General Porter?

A. I do not.

Q. Or your sons?

A. I never had any reason given.

Q. And you do not know to-day?

A. I do not.

CROSS-EXAMINATION BY MR. MILLER.

Q. Don't you know that the work did not admit of the employment of so many people?

A. I did not know that fact, no, sir.

Q. Do you believe it to be a fact or otherwise?

A. That the demand did not require the employment of so many men?

Q. That is as to include yourself and sons?

A. I want to answer that intelligently, may it please your Honor—(witness hesitates).

The ORDINARY: Do you believe that the dismissal of yourself and sons was in consequence of a necessary reduction of the factory force?

A. I should form my judgment on that point from the fact that there was no other help called in when those of us, six of us, were laid off, not only myself

New Jersey State Library

and sons, but others—the expenses were to be reduced, as I understood it, and they took that way to reduce the expenses.

ERNEST JOSEPH PHILIP BAUMANN, a witness produced in behalf of proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. BECKETT.

Q. Where do you reside?

A. Hot Springs, Arkansas.

Q. When did you arrive here in New York?

A. Last night at half past eleven.

Q. Where did you come from?

A. Hot Springs.

Q. Did you know George P. Gordon, in his lifetime?

A. I did.

Q. When did you know him, during what years?

A. When he first bought his property in Rahway.

Q. When was that?

A. About 1864, I think.

Q. And how long did you know him after that?

A. I knew him till he died.

Q. You knew him until he died?

A. Yes, sir.

Q. Were you living at Rahway in 1866?

A. I was.

Q. Tell us how you became intimate or acquainted with Mr. Gordon?

A. Well, Mrs. Gordon came to the green house—we kept as a nursery there—and that is the way I first got acquainted with her.

Q. State how this acquaintance continued.

A. Then, after a while they wanted to lay out their place and from there I was, naturally, called up to the house, and after that I went up there every day to attend to the laying out of the place.

Q. What year was that in, as near as you can recollect?

A. Well, 1864 or 1865, it was right after that time he bought the place, any way.

Q. Did you become well acquainted with Mr. Gordon?

A. I did.

Q. Tell us how well acquainted with him you did become and what you did and said?

A. Well, I used to call there pretty often in the evenings.

Q. How many times a week?

A. Oh; sometimes two and sometimes three times a week.

Q. How long did that continue?

Q. That continued until I left Rahway.

Q. When did you leave Rahway?

A. In 1873.

Q. In 1873?

A. Yes.

Q. What did you use to do when you went there evenings?

A. We used to talk about all kinds of business and different things and used to play a certain game there they called solitaire.

Q. Yes, what else?

A. We used to talk about what he intended to do with his property, how he intended to lay it out, and whether there was anything to speak to him about it.

Q. Did he play any musical instrument?

A. Yes, he had a flute.

Q. Your father was living at that time?

A. My father was alive until 1869.

Q. What was his name?

A. Eugene A. Baumann.

Q. You had brothers and sisters?

A. I had a brother, Cornelius Baumann.

Q. Where does he live?

A. He lives in Rahway, New Jersey.

Q. I want to call your attention to the summer of 1868, do you recollect any conversation you had with Mr. Gordon at that time in regard to his property, or any testamentary provision that he had made and if so, what?

MR. MILLER: I make the same objection as before on this point.

Same ruling.

A. I remember I went over with him about that time, that is over to the Adams place, which he spoke about buying, and I remember we disagreed rather about where to put the house.

Q. He talked about putting it at one place and you at another?

A. Yes, sir.

The ORDINARY.

Q. Was he talking about building a house?

A. Yes.

Q. Give us what he said?

A. It is a good while ago; I remember he intended to give that place to his brother.

Q. What place?

A. The Adams place.

MR. BECKETT.

Q. Intended to give that Adams place to his brother?

A. His brother.

Q. Mr. Gordon's brother?

A, Mr. Gordon's brother.

Q. Do you know what his name was?

A. I cannot recollect the name, but I know it was mentioned in Brooklyn.

Q. Go on and tell anything else that he told you that summer?

Same objection.

Same ruling.

A. Different things he told me that summer; well, he spoke about Mary, I remember that particularly at one time, about his having arranged it so no one could marry her for her money and spend the money.

Q. What time in the summer was that?
A. In the neighborhood of 1868.
Q. Was it in 1868?
A. I think it was.
Q. In the summer?
Q. It was in the summer time.
Q. What time in the summer?
A. Well, I remember we sat out in the porch, it was pretty warm, that is the only way I can get at the time.
Q. Do you recollect about Mr. Gordon being sick that summer?
A. I recollect about Mr. Gordon being sick, but I did not go up a great deal during his sicknsss.
Q. After he had recovered, did he say anything to you about making a will, and if so, what was it that he said?

MR. MILLER: I object to this for the same reasons heretofore given, and I also make the further objection to counsel placing the time of the conversation, as leading.

THE ORDINARY: I will allow the question, but the ruling as to the declarations will be reserved as before.

A. What I remember about the will is particularly about Mary Agnes, he spoke to me about it.
Q. He spoke to you about the will?
A. Yes, sir.
Y. You mean that he spoke to you about the will after he recovered from his sickness?
A. Well, I do not recollect whether it was after, it was either before or after, I do not recollect which, but I remember his speaking to me about the will that summer.
Q. Can you recollect anything more than that about it—did he say anything to you about where it was made, or who made it, or who helped him to make it, and if so, what was said?

Objection by M. Miller, as leading.
Question allowed.

The ORDINARY.

Q. Give your best remembrance, the best you can recollect.

A. All that I can recollect is, that I always thought it was the Adams family had something to do with it.

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

THE ORDINARY.

Q. What do you remember about it, Mr Baumann?

A. I remember Mr. Adams was there quite often, calling at the house, and I always—how I got that opinion I do not know— but I always put that family down as having made that will.

Q. Was that an assumption of your own, or was it from what Mr. Gordon said?

A. It must have been from what Mr. Gordon said, I had no other reason for knowing that Mr. Adams was a lawyer.

Q. Why did you reach that conclusion?

A. I suppose Mr. Gordon must have told me something about it.

Q. About what?

A. About the will being made about that time by them.

MR. BECKETT.

Q. From whom did you learn that Mr. Adams was a lawyer?

A. Up at the house, Mr. Gordon's house.

Q. Did you see Mr. Adams at Mr. Gordon's house a good deal that summer?

A. I saw him quite often there.

Q. What doing there?

A. Visiting.

Q. With whom?

A. Sometimes with Miss May and sometimes the Gordons.

Q. Did he and Mr. Gordon sit together on the piazza?

A. Yes, I have seen them sitting together on the piazza.

Q. What doing there?

A. Talking.

Q. Talking together?

A. Yes, sir.

Q. Was there anyone there at the Gordon house that summer that was more intimate with Mr. Gordon than you were, that you know of?

A. During the summer?

Q. Of 1868, more friendly, more confidential, more intimate than you were?

MR. MILLER: I object, as calling for the conclusion of the witness.

Question withdrawn.

Q. How close was your intimacy with Mr. Gordon that summer during that period?

A. That is pretty hard to tell.

Q. You can tell me whether you were friends or enemies?

A. I was there just about that time as much as if I was at home.

Q. Was he frank and free with you?

A. He was.

Q. Did he tell you about his business?

A. He did.

MR. MILLER: I object to counsel leading the witness in this manner.

Q. Did he tell you about buying property?

A. Whenever he bought any property in the neighborhood, he always asked my advice before buying it, and we went over the property and looked at it.

Q. Did he ever tell you anything about patterns and inventions, and if so, what?

A. Well, he used to speak to me a great deal about how he got to building these presses and what work he used to have to do.

Q. Tell us about it, what he said to you about it?

A. He talked to us about when he first began on his machines, working on his presses and he said one day his brother came to him and asked him to go and see a clairvoyant.

Q. Go on?

A. He had been at that time building a certain machine and it would not work, so he went to a clairvoyant, and he told him. Mr. Gordon, if you raise the platform or make some alteration in the machine it will go easy enough for a child to work it—that is as near as I can recollect it.

Q. Who did this message come from? Who did this clairvoyant say the message came from?

A. From Benjamin Franklin, and he always ever afterwards called it the Franklin Press, from that circumstance.

Q. Did Mr. Gordon tell you that he called it the Franklin Press from that fact?

A. Yes, sir.

Q. Was Mr. Van Wyck there at the house that summer?

A. Part of the time.

A. And away part of the time?

A. Yes, he was away part of the time.

Q. What was he doing there when you were there?

A. Visiting, I suppose.

Q. Was he there much of the time?

A. Well, he was in Rahway, he was there nearly all the time, sometimes he would go to New York in the morning with Mr. Gordon and then come home again in the evening.

Q. He usually stayed there with Mrs. Gordon?

A. Part of the time.

Q. Did you see them driving around occasionally a good deal?

A. Yes.

Q. After you went away from Rahway in 1873, did Mr. Gordon write to you?

A. Yes, sir.

Q. And you corresponded with him?

A. Yes, sir.

Q. Did you see him write?

A. I have seen him write from time to time.

Q. You have?

A. Yes, sir.

Q. You are familiar with his handwriting?

A. I am.

Q. You have received letters from him?

A. Yes. sir.

Q. What kind of a pen did he usually use, if you know?

A. That I do not remember.

Q. I show you a letter bearing the date March 30th, 1877, and ask you if that letter is in Mr. Gordon's handwriting?

A. It is.

Q. And the signature at the end, is that Mr. Gordon's?

A. It is Mr. Gordon's.

Q. Did you receive that letter from Mr. Gordon through the mail?

A. I did.

Q. And you sent it to me by registered letter?

A. I did.

MR. BECKETT: I offer that in evidence

MR. MILLER: Do you offer it as a standard?

Mr. BECKETT: Yes, and also for the declarations contained in the letter.

THE ORDINARY: I will not admit this as a standard unless it is by consent. I must have stronger proof than I have of this. It may go in for the purpose of showing intimacy between this witness and Mr. Gordon

Marked Exhibit P 130, May 28th, 1891.

MR. BECKETT.

Q. You returned to Rahway again after you left there in 1873?

A. I went several times to Rahway, though not to stop, just on a visit and in 1873 I went back.

Q. You saw Mr. Gordon there at this time when you went there?

A. Yes.

Q. You knew about the will ot 1873, did you not?

A. I knew about the will only so far as the party who made the will, I forget the name.

Q. Thorn?

A. Mr. Thorn, in meeting him, and he told me he had the will of Mr. Gordon in his pocket, that is all I recollect about it.

Q. When was that?

A. The time I was in Rahway, between 1876 and 1879.

Q. You met Mr. Gordon when you returned to Rahway on this visit, did you not?

A. I met Mr. Gordon several times, yes, sir.

Q. Do you recollect about being there about the time of the campaign in 1876?

A. Yes, sir.

Q. The Tilden and Hayes campaign?

A. I remember it then.

Q. Was Mr. Gorden there then?

A. Yes, sir.

Q. Do you recollect what he did in relation to the campaign?

A. The men in the factory wanted to illuminate the factory——(interrupted).

MR. MILLER: I object to that as immaterial.

The ORDINARY: I presume this is introductory, I will allow it.

WITNESS: They passed our house and they invited us to go down and see it.

Q. Who?

A. Mr. and Mrs. Gordon, they invited us to go down and see the procession, there happened to be two processions that night in the place, a Democratic and a Republican procession.

Q. In Rahway you mean?

A. In Rahway.

Q. Proceed.

A. There happened to be two processions and I remember how anxious they were to have it lit up for one and not for the other.

Q. An illumination of what?

A. The factory.

Q. Well, what else?

A. I remember when Mrs. Gordon went to light the lamps, she fell off the chair, and then Mr. Gordon he got wild and he went through the factory walking up and down swearing like a trooper.

Q. Did you visit Mr. Gordon's house on that visit you made to Rahway?

A. They called for me at the house to come down to the factory.

Q. Did you visit the Gordon house while there in Rahway?

A. Yes, sir.

Q. Were they living at their house in Woodbridge?

A. Yes. sir.

Q. At that time?

A. Yes, sir.

Q. When was the last time you were in Rahway, when Mr. Gordon was alive, do you recollect?

A. I was in Rahway at his funeral.

Q. When?

A. At his funernl, that was the last time. His funeral was from Jersey City Heights—or rather, from Brooklyn Heights.

Q. Before that, when were you there?

A. In 1879.

Q. I mean before Mr. Gordon died, when were you there last?

A. What year did he die in, I forget now?

Q. You do not recollect now the year he died?

A. I do not recollect.

Q. You testified about being in Rahway in 1876, the time of the Tilden and Hayes campaign, when next were you in Rahway?

A. I stayed in Rahway until 1879.

Q. From 1876 to 1879?

A. Yes, sir.

Q. Did you frequently visit Mr. Gordon at his house in Woodbridge during that period?

A. Yes, sir.

Q. He was living at his house in Woodbridge during that period?

Objection by Mr. Miller, on the ground that the question is leading.

Question withdrawn.

MR. COLLINS.

State how that household was carried on during that period, who was there and who you found there?

A. At Mr. Gordon's house?

Q. Yes.

A. Mr. and Mrs. Gordon——(interrupted).

The ORDINARY.

Q. State how often you were there.

A. Well, pretty often.

Q. At that time?

A. At that time.

Q. Give us some ideas how often, about?

A. Several times a week.

Q. What took you there?

A. Visiting.

Q. You went there socially?

A. Yes, sir.

Mr. BECKETT.

Q. Several times a week, do you say?

A. Yes, and sometimes for a week I would not go and then I would go two or three times, I would go just as it happened.

Q. This was what time?
A. During 1876 to 1879.
Q. Living in Rahway then?
A. Yes, I was living in Rahway.
Q. Whom did you visit there?
A. Mr. and Mrs. Gordon.
Q. What time of the day did you usually make these visits?
A. Sometimes in the afternoon and sometimes in evening.
Q. Now, going back to the year 1868——(interrupted).

MR. COLLINS.

Q. Go on a little further, did he find Mr. and Mrs. Gordon there——(interrupted).

MR. BECKETT.

Q. Did you meet Mr. Gordon there on these visits you last referred to?
A. Sometimes he was not there and sometimes he was.

THE ORDINARY.

Q. Did you take any meals there?
A. Sometimes, yes, sir
Q. What meals, usually?
A. Sometimes supper. sometimes dinner.
Q. Who would be there at the meals, at supper?
A. Mr. and Mrs. Gordon.
Q. Do you remember any specific times?
A. No, sir, I do not, sometimes they had visitors, too—specific times—I cannot very well tell, it is a good while ago and my memory is not very strong on dates, the only way I can do it is having the things come together.

Mr. BECKETT.

Q. Coming back to the year 1868, do you recollect a young man of the name of Charles Beebe?

A. Yes.

Q. Did you ever see him at the Gordon house?

A. Yes, I have seen him there several times.

Q. What do you recollect about him?

A, I recollect about his visiting Mary Agnes.

Q. How intimate was he with Mary Agnes, do you know?

A. I always understood he was engaged to her from his actions.

Q. Do you know whether Mr. Beebe is living or dead?

A. I do not.

Q. Do you recollect about Mary Agnes going anywhere with Charles Beebe?

A. I recollect once he was going to Boston to attend the Gilmore festival.

Q. She was going with Mr. Beebe?

A. Yes.

Q. Was it about that time?

A. I don't remember whether it was about that time or not.

Q. Was it about the year 1868, do you recollect?

Mr. MILLER: The jubilee was not in 1868. Question withdrawn.

MR. BECKETT.

Q. State whether or not, on more than one occasion, during the summer of 1868, George P. Gordon stated to you that he had made a will, or spoke in regard to its contents or provisions and state all that you can recollect about any of these interviews.

MR. MILLER: I make the objection as I have done before, on the ground that this is leading and an improper question.

The ORDINARY: The question is too complex.

MR. BECKETT: I will withdraw the last clause of it.

Q. State whether or not, on more than one occasion, during the summer of 1868, George P. Gordon stated to you that he had made a will.

Objection by Mr. Miller, on the ground that it is putting the language into the mouth of the witness and we are entitled to the whole of the conversation.

The ORDINARY: I presume this is in a measure introductory and I will allow the question to be answered.

A, Well, he spoke to me about the will——(interrupted).

The ORDINARY.

Q. Did he do it more than once?

A. He did it once.

Q. Only once?

A. He might have said it more than once, but once that I remember particularly, because of a certain thing happening.

Q. Is that the only one you remember?

A. That is the only one I remember, but I may be going on a little further and something else coming up might cause me to remember it.

MR. BECKETT.

Q. Tell us all that took place on this occasion ——(interrupted).

The ORDINARY.

Q. When was this occasion?

A. It was on an occasion we had some trouble about Mary, he spoke to me about Mary, he said I want to make it so that no gambler, or anybody like that could get hold of her money.

Q. What else did he say, that you recollect?

A. Yes, I remember he said that he would fix it so that nothing but her children, if she should marry, should have it, or that it should revert to the family that it should not be spent by no husband of hers.

Q. You have no means of fixing that date?

A. It was in the year 1868.

Q, Are you sure of that?

A. Because in 1869 my father died and I can only go by certain dates that I can come close to, it was in that neighborhood, I remember it was just about the time, or in the neighborhood of a sick spell he had.

Q. What time in 1869 did your father die?

A. In the fall.

Mr. BECKETT.

Q. Before or after the sick spell, was this talk before or after the sick spell?

A. I cannot recollect whether it was before or after.

Q. Where was this talk?

A. On the porch of his residence, we were sitting together.

Q. Did you ever have any conversation with Mr. Gordon in regard to your marrying Mary?

Q. It was suggested at one time, in the first beginning that he suggested it.

Q. What did he say?

Q. Well, that he would like to see Mary settled.

Q. Did Mrs. Gordon ever have any talk to you about that?

A. Yes, she suggested the same thing,

Q. Do you recollect whether this conversation in regard to the will that Mr. Gordon had with you was after or before the time that he talked with you about marrying Mary?

A. Oh, it was a long time after.

Q. That is, the conversation about your marrying Mary, or when it was suggested, that was before what he said about the will?

A. Yes, a long time before, years before.

Q. Were you pretty intimate with Mrs. Gordon?

A. Yes.

Q. She used to drive around the country a good deal with you when Mr. Van Wyck was not there?

A. Yes.

Q. And she used to come to your nursery?

A. Yes.

Q. Tell us all about your intimacy with Mrs. Gordon.

A. Well, I was up to the house nearly all the time they were living there, superintending the place and I used to see her every day and sometimes in the mornings in coming down, when she would take Mr. Gordon down to the depot, Mr. Gordon would stop and ask me to take Mrs. Gordon home and I would stop until the afternoon—of course, they knew very few of the neighbors in the first beginning when they first came to Rahway.

Q. Did you ever have any trouble with Mrs. Gordon?

A. I had trouble once.

Q. When was that?

A. When I found that some parties were making some remarks about it.

Q. About what?

A. About our going out together.

Q. About your going out with Mrs. Gordon?

A. Yes.

Q. You heard people talking about it?

A. Some friends joked me about it—some friends were joking about it.

Q. Tell us what happened.

A. Well, I refused to go several times.

Q. And then you had trouble?

A. Yes, sir.

Q. Did you ever make up with Mrs. Gordon?

A. Yes.

Q. When?

A. At father's funeral.

Q. And that was when?

A. In 1869.

Q. Now, does that line of facts assist your memory in any way in regard to fixing the time when you had this conversation with Mr. Gordon about his will?

Mr. MILLER: I object, I think these questions are calculated to put into the witness's mouth and enable him to place things which he is not willing to swear to, I think he ought to state the facts.

Question allowed.

A. Yes.

Mr. BECKETT.

Q. In what way does it?

A. Because for six or eight months before father's death I did not speak to Mrs. Gordon.

Q. These conversations you had with Mr. Gordon in regard to this will, was it before or after the period when you and Mrs. Gordon did not speak?

A. Before.

Q. The talk with Mr. Gordon about the will was before?

A. Yes, sir.

Q. What do you know about Mr. Gordon buying real estate on or after the year 1868 in Rahway?

A. Well, I can hardly tell what pieces of property he bought after that, I know what he bought, but the dates when he bought them I cannot tell you.

Q. Tell us what he bought?

A. Well, he bought, after the old homestead, which he bought first, he bought another strip of land going down towards the Six Roads, a large piece of land, that farm running or rounding of the road, and then I made a road from the lower part of that through to his place to the rear.

Q. You made that road?

A. Yes, sir.

Q. You were working for him as a landscape gardener?

A. Yes.

Q. Go on.

A. After that he bought the corner, the Bramhall place, I think he bought that property from Laings

and then he intended to buy some other property belonging to a man named Compton.

Q. How do you know that?

A. From his speaking to me about it, and at one time he was asking Mr. Compton whether he would accept his price.

Q. You went with?

A. That is, we were passing by in a carriage and Mr. Compton was near the fence and he hollered out to him, he had to holler out to him.

Q. Give the conversation?

A. "Have you made up your mind to let me have that property for that price."

Q. Who said that?

A. Mr. Gordon.

Q. What did Mr. Compton say?

A. "No, not yet."

Q. Was there any peculiarity about Mr. Compton?

A. Yes, he was deaf and you had to call out pretty loud.

Q. Was any price mentioned?

A. No sir, no price was mentioned.

Q. Can you tell about when this was by a reference to events or in any other way?

A. Well, I cannot very well tell the time.

Mr. COLLINS.

Q. Was it before you went away in 1873?

A. I cannot remember when.

Q. You cannot fix the time?

A. No sir, I should have to fix it along with some other dates of things that happened.

Mr. BECKETT.

Q. Did you see Mr. Van Wyck around and about the house very much?

A. He was there during a certain time and then went away again.

Q. Did you see him under the influence of liquor at all there?

A. Not at the honse.

Q. At Rahway?

Objection by Mr. Miller as immaterial.

Question withdrawn.

Q. Will you tell us where you were born and what your age is?

A. I was born in Alsace and Loraine. I was born in 1844.

Q. When did you come to this country?

A. I came to this country in 1859.

Q. What was your father's business?

A. A landscape gardener and a nursery man.

Q. You have already testified, I believe, that you have seen Mr. Gordon write frequently?

A. I have had about one hundred letters from him.

Q. You saw him write, too?

A. Yes.

Q. You have examined here the contested will and the page that bears the signature questioned?

A. Yes.

Q. I show you the last page of the will Exhibit P 1 and call your attention to the signature of "Geo. P. Gordon" at the end of that will and ask you in whose handwriting it is in your opinion?

A. In my opinion it is Mr. Gordon's handwriting.

Q. Have you any doubt about it?

A. I haven't any doubt about it at all.

Q. Did you know Mr. Henry Adams?

A. I knew him at Mr. Gordon's house.

Q. Which are you speaking of, there is father and son both named Henry?

A. The son.

Q. Henry C. Adams you saw at Mr. Gordon's house?

A. Yes sir.

Q. Did you know his father, Henry Adams?
A. I have seen him two or three times.
Q. They were living there in Rahway?
A. They were living nearly opposite Mr. Gordon's place.
Q. In 1868?
A. Yes, in 1868.
Q. Do you know his reputation for truth and veracity at that time?
A. I never heard anything against his reputation.

MR. COLLINS.

Q. Do you know what the relations of Mrs. Gordon and Mary Agnes Gordon were?
A. Yes, sir.
Q. What?
A. Stepmother.
Q. I mean how they felt towards one another?
A. Well, to outsiders everything looked smooth, but I know there was always some clashing.
Q. How do you know?
A. By Mrs. Gordon complaining about it and speaking to me about it.
Q. You did not consider yourself an outsider exactly, or they did not consider you one?
A. I think not.
Q. Do you recollect an occasion in which Mr. Gordon and Mary Agnes Gordon had a dispute in regard to the latter's extravagance?

Objection by Mr. Miller as immaterial.

The ORDINARY: I think it is too remote and will overrule the question.

RECESS.

CROSS-EXAMINATION BY MR. MILLER:

Q. You say you are an Alsatian?
A. Yes sir.

Q. What age did you say you came to this country?

A. Fifteen years old.

Q. And learned English after you reached here?

A. Yes, sir.

Q. How did you learn it, by teacher or by picking it up?

A. By teacher a great deal and by practice.

Q. Did you attend school?

A. I attended school here only about three months.

Q. Where?

Q. One of the public schools up in Yorkville.

Q. A public school in Yorkville, 86th street.

A. Yes sir.

Q. What year did you come here?

A. In 1859.

Q. Do you claim to have a thorough knowledge of the English language?

A. I claim to have a very good knowledge now, but not then.

Q. Well now?

A. I claim to have a pretty good knowledge.

Q. Have you a knowledge of the grammatical construction of the language?

A. Pretty fair.

Q. How long have you had that?

A. I suppose for a number of years.

Q. How long?

A. Two or three years after I came here.

Q. How long have you had it?

A. Two or three years after I came to this country.

Q. Was your knowledge of grammatical construction as good two or three years after you came here as it is now?

A. I suppose I improved with age, like everything else.

Q. You keep improving?

A. Yes.

Q. And you are really better to-day than two or three years ago?

A. No, I don't think so.

Q. As to grammatical construction, I mean?

A. No sir.

Q. When did you cease to develop in grammatical construction?

A. When I ceased to have as much correspondence as I generally did.

Q. When was that?

A. When I ceased writing—the business I am in I have done very little writing.

Q. When did that commence?

A. Five years about.

Q. You came to a stagnation point or climax about that some time ago?

A. Well, practice makes perfect.

Q. How long have you been at the Hot Springs?

A. Eight months about.

Q. Are you there in business?

A. Yes.

Q. How did you know about this Gordon will contest?

A. By receiving letters about it.

Q. From whom?

A. Mr. Beckett.

Q. Was that the first information you had of it?

A. Yes.

Q. Did you reply to those letters?

A. I did.

Q. Did you reply by sending that letter you spoke of that was put in evidence this morning as produced by you?

A. Not right off, but after some correspondence I had with the gentlemen I sent it afterwards.

Q. Have you come East to testify in this case?

A. Yes.

Q. Specially?

A. Yes.

Q. When did you arrive?

A. Last night.

Q. Did you have extensive correspondence with Mr. Beckett about it?

A. Six or eight letters.

Q. Why did you agree to come on?

A. Why?—I don't understand your question.

Q. Why did you agree to come here and testify?

A. Because I was going to leave; I was closing up my business anyway and it gave me a chance to come and see my brother at the same time.

Q. You came because you were requested, didn't you?

A. Yes; otherwise I would not have come.

Q. You have had interviews with counsel since you came here?

A. Yes.

Q. You say your memory for dates is poor, don't you?

A. It is rather poor.

Q. What do you remember happening in 1872 respecting Mr. Gordon, if anything?

A. In 1872—interrupted.

Q. You do not seem to recall anything?

A. Not very much.

Q. The mere naming of a date does not recall any occasion to you?

A. No, sir.

Q. You have to identify circumstances by different ear-marks than dates.

A. Yes, sir.

Q. You were in partnership with your brother when Mr. Gordon went to Rahway?

A. Yes, sir.

R. Landscape gardeners?

A. No, sir; when Mr. Gordon came father had charge of the business.

Q. You were in business with your father?

A. Yes, sir.

G. And in that way you came to visit the Gordon house?

A. Yes, sir.

Q. And you were there a great deal?

A. Yes, sir.

Q. Between what dates, you say you cannot recall dates—between the time Mr. Gordon came until when?

A. Until I went away.

Q. What marks the end of your dealings or intimacy with them?

A. Our drifting apart.

Q. Yes, from the intimacy that first grew up between you when he first came there?

A. I always corresponded with him.

Q. You say you do not recall dates, I want to know what circumstances enables you to fix the time when your intimacy ceased?

MR. COLLINS: I do not understand that the witness said it ever ceased.

A. The only thing ceased when Mr. Gordon died and it stopped the correspondence.

Q. I am talking about visiting the house?

A. When I was up there I always visited the house more or less, when he was there I always visited there.

Q. You cannot recollect not visiting there except by the circumstance of his death?

A. By his death or his not being there or his being there?

Q. What do you mean?

A. His being away later on when he went to Virginia.

Q. When did he go to Virginia?

A. I forget the exact date.

Q. Do you remember when he went to Brooklyn?

A. I don't remember that he went ever to live there.

Q. I asked you, do you remember when he went to Brooklyn?

A. Yes, sir.

Q. What was the date?

A. I cannot tell you.

Q. Did Mary go there?

A. Mary went there.

Q. Did you see Mr. Gordon around there after Mary went there?

A. Yes.

Q. Just as much as before?

A. Just as much or about as much.

Q. Just as much?

A. Yes, sir.

Q. Every day in the week?

A. I was not there to see him.

Q. Every day you went to the house, after the Brooklyn house was bought, did you see Mr. Gordon there?

A. No, sir, he was in New York several days attending to business and could not be there.

Q. You have gone there several days in succession and did not find him there?

A. I cannot say that I did.

Q. What suggested to your memory the fact that Mr. Gordon had spoken to you about Mary?

A. The fact about his telling me about it, it struck me at the time.

Q. Since you have been asked to testity in this case, what caused you to remember that he had spoken of a will?

A. What made me recall about the will?

Q. What made you recollect that he had spoken of a will?

A. Well, about some trouble he had had with Mary.

Q. Mary is dead, Mary has not been alive since this case was commenced, I mean what since this case has commenced recalled to your memory the fact that Mr. Gordon had at any time spoken to you about a will?

A. About my receiving a letter.

Q. The mere fact of receiving a letter recalled to your memory the fact that Mr. Gordon had at one time spoken to you about a will?

A. I did not take any trouble to recollect the will,

I never thought the will would give rise to any question again.

Q. I want to know what first recalled to your recollection the fact as to his speaking of a will, since you commenced to correspond with Mr. Beckett?

A. I don't know that I had forgotten it.

Q. Did you think of it constantly during these years?

A. No, sir, but this put it in my mind again.

Q. What?

A. Receiving this letter.

Q. The mere fact that Mr. Beckett wrote to you recalled the circumstance that Mr. Gordon had spoken to you about a will?

A. Yes.

Q. What was there there in that letter to recall that circumstance?

A. Because it struck me at the time about there being a contest, and knowing of the two wills I could not understand what was wanted with a contest, that is one case, because I did not know at the time that either Mrs. Gordon or Mary was dead, I did not know it.

Q. And that is the only circumstance that recalled to your memory the fact that Mr. Gordon had at one time spoken to you about a will?

A. It recalled it to my mind again.

Q. You and Mr. Gordon—almost continuously up to what time at Rahway, as you say, were you in the habit of seeing him frequently?

A. Well, I was there and saw him frequently.

Q. Did he frequently speak to you about a will?

A. Not frequently.

Q. How many times?

A. I am sure one time, and it may have been three or four times.

Q. Didn't he speak to you a dozen times about a will?

A. I don't know how many.

Q. Will you swear that he did not speak to you a dozen times about a will?

A. I am under oath now, I think.

Q. I understand but I want to impress upon you the fact that you are under oath, and I want you to testify how far you are willing to testify to the fact as to whether he did not speak to you a dozen times about a will?

A. I answered you before, I am sure of his speaking to me once and he may have done so several times more.

Q. Will you swear he did not speak to you a dozen times about a will?

A. That I cannot swear to, because I did not count how many times and I only remember one.

Q. Where was he when he spoke on the subject of the will?

A. At his house.

Q. Do you know where his desk was?

A. At Rahway?

Q. Yes.

A. Yes.

Q. He had a desk in the house?

A. Yes.

Q. Did he ever show you any slips of paper he had in that desk?

A. Not that I remember.

Q. Are you positive of that?

A. He may have done it I do not remember now.

Q. He may have done what?

A. Showed me slips of paper—so many things happened there, it is pretty hard to recollect them after twenty odd years.

Q. Don't you recollect his showing you slips of paper on which he had written something?

A. I cannot recollect.

Q. You cannot recollect?

A. No, sir.

Q. Now, when I speak of the circumstances, don't you recollect something about slips of paper?

A. I do not.

Q. Do you now recall anything of the kind?

A. I do not?

Q. Did he never have in his hand pieces of paper when he was talking to you about wills?

A. About the time I was talking——(interrupted).

Q. Answer the question, please, did he never have in his hands pieces of paper when he was talking to you about wills?

A. Not at the time he was speaking to me about it.

Q. Did he never have in his hands pieces of paper when he was talking to you about wills?

A. Not at the time that I spoke to him.

Q. You recollect and are willing to swear, that at no time he spoke to you about a will he had a piece of paper in his hand?

A. That I cannot swear to.

Q. Where was this conversation that you say you recollect?

A. Out on the porch in front of the house.

Q. Please repeat it to me again, giving Mr. Gordon's language, as near as you can recollect it?

A. As near as I can come to it?

Q. What he said and what you said to him?

A. Well, he said he was going to arrange Mary's affairs so that no gamblers or anything like that could get hold of it.

Q. Didn't you say before "that Mr. Gordon said I want to make it so that no gambler or anybody like that could get hold of her money?"

Q. That is what I said now.

Q. That is what he said at that time?

A. Yes, sir.

Q. That is the specific conversation you referred to this morning, when you say you remembered specifically his words?

A. No, sir; did I say——(interrupted).

Q. You are answering my question now and that question is, was that the specific conversation you referred to this morning, when you say you remember specifically his words?

A. I want you to ask the question——(interrupted).

Q. Don't you understand the question I asked you, answer my question, was that the specific conversation you referred to this morning when you say you remembered specifically his words?

A. I understand that question.

Q. Answer it, please?

A. What I told you there was not exactly in his words that I told you, I see now where I made a mistake, he told me at the time that he had made it so that no gamblers or any body like that could get her money.

Q. You say you made a mistake when you answered me a moment ago?

A. A lapsus lingua.

Q. You made a mistake, didn't you?

A. I made a mistake.

Q. And now you say it was a lapsus lingua?

A. Yes.

Q. What was that lapsus lingua?

A. That he had arranged Mary's affairs, so instead of he was going to.

Q. Why did you, in your direct examination say this, "I want to make it so that no gambler or any body like that could get hold of her money," and this afternoon when you first answered my question you said he said, "I am going to make it so that no gambler or anything like that could get hold of her money," why did you say that?

A. I had several conversations with Mr. Gordon about it.

Q. Why did you say that, why did you make that lapsus lingua?

A. I did not make it purposely.

Q. You did not make that purposely?

A. That lapsus lingua?

Q. Were you not telling the truth when you answered my question?

A. If you will let me answer that question right straight off I will state the whole language.

Q. Were you not telling the truth when you answered my question, answer that?

A. Which question?

Q. The question I asked you; what was the conversation you remembered, and you said that Mr. Gordon told you that he was going to make his will so that no gambler or anybody like that would get his money?

A. I said so at the time, I acknowledge, that the conversation was so as if he had made it.

Q. You are familiar with the English language?

A. Yes.

R. The present and past tenses?

A. Yes.

Q. And you understood exactly what Mr. Gordon said, didn't you?

A. Yes.

Q. And able to express to us exactly what he said?

A. Yes, I think so.

Q. And you expressed yourself exactly as you said you did, didn't you?

A. At the last time, not at the first.

Q. Were you at Mr. Gordon's funeral at Brooklyn?

A. Yes.

Q. Funeral services were at the house?

A. Yes.

Q. Did you go to the interment?

A. No, sir, I only went to the house and then went back again.

Q Do you remember this question of the political campaign in 1876 when you testified about when the factory was illuminated.

A. Yes, sir.

Q. Do you remember what month that was?

A. It was in the Fall, I think.

Q. What do you call the "Fall?"

A. Well, September or October.

Q. And you were going constantly to his house then?

A. When he was there, sometimes he was not there.

Q. A good many times he was there when you were there, is not that so?

A. They were always there, except when he went to Virginia.

Q. How do you know that when away from Rahway, how do you know where they were?

A. They told me where they were.

Q. And that is the only way you know?

A. Yes, sir.

Q. What circumstance enables you to remember when the Virginia place was bought?

A. Speaking to me about it.

Q. You simply remember one time he bought a place in Virginia and he spoke to you about the matter?

A. Yes, sir, and knowing him to go and say so.

Q. He was away a good deal of the time about that time?

A. During the Winter.

Q. He was away from Rahway a good many times after he bought that place in Virginia?

A. During the Winter time.

Q. I am not asking you the season as to his being away, but generally any time in the year?

Q. He was not away a great deal during the Summer.

Q. After he bought the Virginia place, is it not a fact that he was away a good deal from Rahway?

A The latter part, not in the first beginning.

Q. What do you call the latter part, how long before his death?

A. Quite a while before his death.

A. A year before?

A. I don't know.

Q. Two years?

A. You must remember that at that time I was in the South and whether they were in Rahway that time or in the South, I cannot tell.

Q. You were away what time—after his death?

A. After 1879 I was away all the time, except when I came to Rahway.

MR. COLLINS: You mean 1873?

WITNESS: No, 1879.

MR. MILLER:

Q. Do you know whether Mr. Gordon died before or after you went away South?

A. I was there when he was buried.

Q. You lived at Rahway when he was buried?

A. I forget whether I was living there then or not.

Q. What is your best recollection as to where you were living when Mr. Gordon died?

A. Can you give me the year he died in?

Q. No, I want your best recollection?

A. I cannot recollect the date, I cannot recollect it.

Q. All the facts in reference to your intercourse with Mr. Gordon are rather hazy?

A. Not very hazy, some are just as bright to-day as if they happened yesterday.

Q. His death was an important circumstance?

A. Yes.

Q. And yet you do not remember whether that happened before you moved away from Rahway or not?

A. No, because I have been to Rahway five or six times and it might have happened during one of these times.

Q. The time of his death is hazy is it not?

Mr. COLLINS: What do you mean, the date, the fact or what?

MR. MILLER: I speak of the time with reference to the date?

A. I forget now what time it was he died.

Q. That is very hazy then, is it not?

A. No, sir; I remember very well when he died, but I forget the year.

Q. I meant to ask you whether you remember whether you were living at Rahway at that time or not and I think you said you could not tell?

A. I have not been living in Rahway since 1873.

Q. Why not?

A. Because of my home South.

Q. When did you get your home South?

A. In 1873.

Q. How much of the time did you spend South from 1873?

A. The first three years and then I came back in 1874 and stayed three or four months and then went South again and came back in 1876.

Q. You were practically away from Rahway between 1873 and 1876?

A. Only visiting.

Q. Your visits were short?

A. Six or eight months.

Q. During all the time you were away, your visits were made up to six or eights months?

A. No, sir.

Q. When, after you went South, were you at Rahway, between 1873 and 1876?

A. In 1874, I was there six or eight months and then I did not get there until 1876?

Q. What part of the year were you in Rahway 1874?

A. Summer.

Q. What months?

A. I came up North in May, I think, or April.

Q. And stayed till when?

A. Till December or November.

Q. Of 1874?

A. Yes, sir.

Q. And then went away?

A. Then I went away and did not come back until 1876, during the exhibition in Philadelphia.

Q. Then, after stating that fact, is it not your recollection that your intimacy with Mr. Gordon's family, your coming to the house, was chiefly before 1873?

A. No, sir, because when I went back, I went to the house same as before.

Q. You did not come back until 1876?

A. That did not break the intimacy.

Q. How could you go to his house when South?

A. We corresponded.

A. I am talking about intimacy, about going there?

A. When I was South I could not go to the house.

Q. Then the intimacy in the way of visiting was chiefly prior to 1873?

A. Chiefly prior to 1873 and 1874?

Q. Chiefly prior to 1873 and 1874?

A. Yes, sir.

MR. COLLINS: That is not what he means—chiefly prior to 1873 and in 1874.

WITNESS: In 1874 I came back from the South.

MR. MILLER.

Q. In what part of 1873 did you go South, Spring or Fall?

A. In the Fall, it was in September.

Q. Now with reference to the time, of your memory of the time you went South, when was it the Brooklyn purchase was made, before or after that?

A. I am under the impression it was before.

Q. Before you went South?

A. I am under that impression.

Q. When, with reference to that, is your recollection that he purchasad the Virginia place, before or after?

A. After that.

Q. After that?

A. Yes, sir.

Q. That is your best recollection as to his purchases—both those events.

A. Yes, sir.

Q. In connection with this case you receive nothing but your expenses coming on?

A. That is all that I have been promised.

RE-DIRECT BY MR. COLLINS.

Q. As I understand it, you left Rahway to take up your residence elsewhere in 1873?

A. Yes, sir.

Q. And returned for a few months visit in 1874?

A. Yes, and returned again in 1876.

Q. From 1876 to 1879, where were you?

A. At Rahway.

Q. In 1879 you then departed?

A. Yes, sir, I went to Jacksonville.

Q. You were going on to account for what you called a lapsus lingua when you were interrupted by Mr. Miller, please make the statement how you account for the lapsus lingua, you got so far as to speak of several conversations?

A. We had several conversations about Mary, one in which I spoke of, the other part about his going to do it was a certain thing that happened to Miss Gordon on the porch and in speaking about her at one time I spoke of one of these instances in view and another was about the will bringing the first to the second, that was not the right one, the instance happened before the will and one after.

Q. State the one that happened before?

Q. When he said that he was going to fix Mary in such a way that gamblers should not get hold of her money.

Q. State the circumstances?

A. Sitting on the porch on the piazza and I think it was on a Sunday, I was sitting along with Mr. Gordon and Mary came and asked him for some money, and he said, laughing, what do you want some money for, I gave you $100 only a few days ago; and she said well, she needed some more money, she wanted some more dresses and he got excited and said she should not have any more than $100 that all she should get, and then she got angry and began to abuse him right before me, and he got up and wrote a check for $100 and gave it to her and said to me, that is the spunk I like in a woman. And he spoke also on that same Sunday, he said then that he should fix it in such a way that they should not run through her money, that it should be tied down so that no gamblers should get hold of it.

The ORDINARY.

Q. Did he say that?

A. Yes, sir, and it came up again after the will was made, then he spoke of having done the thing—there was two or three conversations about it.

Q. What circumstances surrounded that?

A. He spoke of some of his property.

Q. Where were you then?

A. Right around the house.

Q. Where abouts?

A. It was in the sitting room or the front room.

Q. How did you come to be there with him, give the particulars?

A. Visiting as usual.

Q. How did the subject arise?

A. He had a rambling way of speaking from one thing to another, first about his presses and things he had read and one thing and another, and he happened to speak about this, and I forget how this conversation came up in regards to what, but I remember perfectly well his speaking about it.

Q. What did he say then?

A. That he had everything arranged so that nobody should get the better of Mary, everything should be safe.

Q. Was there any other conversations?

A. Oh, there were several, but it was always more or less on the same thing, amounting to the same thing.

Q. Do you remember the circumstances of any other?

A. No, sir, there is no salient points to bring them out that I can recollect.

Q. So you cannot distinctly recall more than these two conversations you have spoken of?

A. No, sir, if I could remember some salient point in connection with it, you know how it is in conversations, you ramble over conversations without keeping it in mind.

MR. COLLINS.

Q. Try and reproduce, as closely as you can, just what he said on this specific occasion, which you spoke of as being after the will had been made, that is in the sitting room?

A. There was one on the porch and another in the sitting room.

Q. Was there one on the porch after the will was made?

A. No, that was before.

Q. Now, the one in the sitting room, reproduce it as well as you can?

A. He was sitting near the bay window, in front, I forget now what kind of a table he had there, but he was sitting along side it and he was speaking and the conversation came up in regards to something that happened—I forget now just what it was, I cannot recollect, it was something that brought out that conversation, I remember he said that everything was made in regards to Mary, that everything was made in such a way that her money would be safe and nobody could get hold of it—fortune hunters.

Q. Fortune hunters?

A. Yes, sir.

Q. Give the whole of it, as near as you can?

A. That is all the conversation, that is as near as I can come to it.

The ORDINARY.

Q. Are you giving his language?

A. No, sir, I am speaking of the impression his language left on my mind.

MR. COLLINS.

Q. Was it on this occasion that the reference that you made in your direct testimony to her dying without any children was made, or another occasion what would happen?

A. No, sir, that was another occasion, when we spoke about the will, it had nothing to do with this.

Q. What was that?

A. Speaking of the will that he had made and arrangement in such a way only in case that she had children it should go to her children.

Q. And if not?

A. It was arranged in such a way that the husband should not get control of it.

Q. And what was to become of it if she died without children?

A. I supposed it went to the family.

Q. When and where was that conversation?

A. During that Summer.

Q. What circumstances and where were you?

A. Up at his house during that Summer, I met Mr. Adams there.

Q. The Summer you met Mr. Adams there?

A. Yes, sir.

Q. By the way, can you tell how you connected Mr. Adams in your mind with this will?

A. Well, I never knew of Mr. Adams before, and I am under the impression from what I understood that he only got acquainted there in connection with the will.

Q. From what you understood, from whom?

A. From the conversations.

Q. With whom?

A. Mr. Gordon, not direct communications, but from what I heard of conversations going on.

Q. Conversations with whom?

A. Mrs. Gordon and Mr. Gordon and different parties in the house, I forget now.

Q. You have spoken about Mr. Gordon saying at one time that he thought of giving this Adams property to his brother, the minister?

A. Yes, sir, to his brother.

Q. You knew that that property belonged to old gentleman Adams, didn't you?

A. Yes.

Q. How, then, could Mr. Gordon give it to his brother?

A. He intended to buy it.

Q. What did he say on that subject?

A. He went over with me and asked me my opinion and then he said—I understood from what he said that he wanted to buy it, and we had discussed about the placing of the house, I spoke of placing the house in one part and he spoke of placing it in another.

Q. Can you fix that time with reference to events, when was that?

A. That was about the same time.

Q. 1868—that same Summer?

A. Yes, sir.

FURTHER CROSS-EXAMINATION BY MR. MILLER.

Q. In your direct examination and in answer to a question asked by the counsel for proponents, and in response to a question asked by his Honor the Ordinary, you have referred to three conversations you had with Mr. Gordon?

A. Yes.

Q. That you inferred referred to the will?

A. Yes, sir.

Q. You have given us those conversations now as they happened, haven't you?

A. As near as I can remember.

Q. Didn't you say, in your direct examination, that Mr. Gordon said—speaking of Mary Gordon—that he told you once he had made a will and that he said he had had some trouble about Mary, and that he said "I want to make it so that no gamblers or anybody like that will get hold of her money," and you said you remembered that he said, "He fixed things so that she would get nothing, but that it would go to her children in case of her death?"

A. So that he would get nothing.

Q. Did you say that in your direct examination?

A. I say that now.

Q. Did you say that in your direct examination?

A. That he would get nothing, yes sir.

Q, No, did you say substantially what I have said in my question on your direct examination?

A. What did I say?

Q. That Mr. Gordon said—speaking of Mary Gordon—that he told you once he had made a will, that he said he had had some trouble about Mary, and that he said, "I want to make it so that no gamblers or anybody like that will get hold of her money" and you said that you remembered that he said, "He fixed things so that she would get nothing, but that it would go to her children in case of her death," do you recall that to be your testimony?

A. Yes, sir.

Q. You do?

A. Yes, sir.

Q. You said you had an impression, or you said from the impression you received in a talk between Mr. and Mrs. Gordon that you heard and Mary that Mr. Adams was drawing a will, now who said anything to you about that?

A. No, sir, I did not say between Mr. and Mrs. Gordon, I said between members of the family who were there at the time.

Q. Who?

A. That I hardly recollect; Mrs. Gordon was there, but who the others were, I do not recall.

Q. Mr. Gordon was there?

A. Mr. and Mrs. Gordon were there and there were some other members of the family there and some other parties.

Q. And you got an impression from the general talk that Mr. Adams was drawing a will?

A. Yes, sir.

FREDERICK LOUIS DEGENER, a witness produced in behalf of the proponents, being duly sworn according to law, on his oath says:

EXAMINED BY Mr. COLLINS:

Q. Where do you live?

A. Rutherford, New Jersey.

Q. What is your business?

A. Machinist.

Q. Where is your place of business?
A. 69 Franklin Street, New York.
Q. Are you a son of Frank Otto Degener?
A. Yes.
Q. Referred to by Mr. Barber?
A. I am.
Q. Is he living?
A. He is not.
Q. When did he die?
A. March 23rd, 1873.
Q. Leaving a will?
A. He did.
Q. Who is the executor?
A. I was one of the executors.
Q. Did his papers come to your custody as executor.
A. They did.
Q. How old a man are you?
A. Forty-nine years of age.
Q, Who was the other executor named in the will of your father?
A. George P. Gordon.
Q. Did he qualify?
A. He did not.
Q. Of what State did your father die a resident?
A. New York.
Q. Where was the will propounded for probate?
A. Brooklyn, Kings County.
Q. New York?
A. Yes, sir.
Q. In 1873 he died you say, when was it propounded?
A. On the 28th of April, 1873.
Q. Did you say Mr. Gordon did not qualify?
A. He did not.
Q. Did he decline to qualify?
A. Yes, sir.
Q. Did he assign any reason why he did not qualify?
A. He did.

Q. What was the reason?

Objection by Mr. Miller.
Question withdrawn.

Q. When was that?
A. On the 28th of April, 1873.
Q. What reason did he assign?
A. It was necessary to give a bond and he said he had never asked any one to go bonds for him, and he did not propose to do it.
Q. Why give bonds?
A. Because of his being a non-resident of Brooklyn or New York City.
Q. Did you know George P. Gordon well?
A. I have known him since 1849.
Q. Have you often seen him write?
A. I have.
Q. Are you familiar with his handwriting?
A. Yes.
Q. Did you find among the papers of your father, letters from George P. Gordon that were sent to him in the course of the business he was transacting for Mr. Gordon?

Mr. MILLER: I object to counsel speaking of the matter of business.
Question withdrawn.

Q. Purporting to have been written on business in which your father was concerned with George P. Gordon?

MR. MILLER: I make the same objection.

The ORDINARY: Are these letters to be offered as standards?

Mr. COLLINS: Yes.

The ORDINARY: Have they been marked for identification?

MR. COLLINS: There are seven letters produced and all have heretofore been marked for identification.

Question allowed.

Q. Did you have such letters?

A. I found a number of letters, I can identify them from marks on them that I put on myself.

Q. Did you find exhibits P 119, P 120, P 121, P 122, P 123, P 124 and P 125, for identification (handing witness seven papers)?

A. Yes, there are six there found among my father's papers and one of these was a letter I received myself.

Q. P 120 for identification was one you received yourself?

A. Yes, sir, that is one written to me personally.

Q. And all the others were found among your father's papers?

A. Yes.

Q. And those letters and signatures, are they in the handwriting of Mr. Gordon?

A. They are.

MR. COLLINS: I offer them in evidence as standards.

MR. MILLER: I object to the 1857 one, as being too remote and another one, which bears no date, I object to it as being too indefinate to be of any value as to the time.

THE ORDINARY: I will admit them.

Marked Exhibits P 119 to P 125, both inclusive.

Q. Have you seen the autotype, Exhibit D 99, or one just like it, of the disputed signature, and have you carefully examined it and compared it with the genuine signatures and your knowledge of Mr. Gordon's handwriting?

A. I have.

Q. Compared it with the exhibits lately produced and your memory of Mr. Gordon's handwriting?

A. I have seen duplicates of these in the office of Booraem, Beckett and Hamilton and compared it with letters in my possession.

Q. Same as you produced?

A. Yes.

Q. When did you do it?

A. Last Saturday.

Q. And did you make a mental comparison with your memory of his handwriting?

A. I compared it with the letters I had in my possession, these letters that are here.

Q. And did you also bring to mind, or bear in your memory, the recollection of his writing?

A. I did.

Q. And compared it with that memory?

A. I did.

Q. Have you to-day, here in Court, seen and examined the will itself, Exhibit P 1?

A. I have not.

Q. Then you have not seen that yet at all?

A. No, sir.

Q. And your estimate of the signature is based on the autotype so far?

A. Just on that.

Q. Will you now look on the original, of which Exhibit D 99 is an autotype, namely, Exhibit P 1, and examine that (handing witness Exhibit P. 1).

Witness examines Exhibit P 1.

Q. Are you ready now (after examination)?

A. I am, sir.

Q. In whose handwriting, in your opinion, is the signature "Geo. P. Gordon," to exhibit P 1?

A. It is in the handwriting of Geo. P. Gordon.

Q. You say you became acquainted with him in 1849?

A. Yes, sir, it might have been a year earlier, it was in my earlier days.

Q. And from that to 1859, how often did you see him?

A. Quite frequently.

Q. What were you then?

A. Only a boy, my father used to work for George P. Gordon, and I used to go down and play around the shop.

Q. And when the war came you went to the war?

A. I did, in 1861.

Q. After the war, did you see him?

A. I saw him in 1862 when I was in New York on furlough, I saw him again in 1863 and at different times.

Q. In 1873 you say your father died?

A. Yes, sir.

Q. You saw him then in 1873?

A. Several times, I called on him at his office once.

Q. Was George P. Gordon ordinarily a rapid writer?

A. He was quite a rapid writer.

Q. Have these letters that you produced, those to your father and the one to yourself, marked Exhibits P 119 to P 125, both inclusive, been in your custody ever since your father's death, until produced in this cause?

A. They have.

CROSS-EXAMINATION BY MR. MILLER.

Q. Of course, you have no knowledge of the circumstances under which either of these letters was written?

A. I have of two, one to myself and——(interrupted).

Q. I mean to your father. I will give you the numbers—which is yours?

A. That is mine (indicating Exhibit P 120).

MR. COLLINS.

Q. Now, the other one you say you know something of?

A. That one I have some recollection of (indicating Exhibit P 119).

MR. MILLER.

Q. Exhibits P 119 and P 120—you have no knowl- of the circumstances under which either of the others, Exhibits P 121, P 122, P 123, P 124 and P 125 were written, is that not so?

A. Yes, sir, that is about the fact.

MR. COLLINS.

Q. What is the knowledge you have of Exhibit P 119?

A. My recollection is called to this from the fact that Mr. Gordon, at this time, was endeavoring to get up a larger style of press than the one they were making, and it was a matter of study by my father at home, and while studying it he received a letter from George P. Gordon, he was gone up to Hope Valley, and he brought the letter home and he began figuring out on it at home, how he could work out the problem at home.

Q. You remember the fact?

A. Yes, I remember the fact.

MR. MILLER.

Q. The circumstance you recollect, recalls the letter as a letter, but you have no knowledge of the circumstances or the place under which George P. Gordon wrote Exhibit P 119?

A. No, sir, I have no knowledge of that, but I know it was a letter my father received from George P. Gordon at that time.

EDWARD L. ADAMS, being recalled in behalf of proponents, says:

EXAMINED BY MR. COLLINS.

Q. I show you a bundle of checks, purporting to be signed "H. Adams," dated in 1868, 1869 and 1870, and ask you if you produced these?

A. Yes, sir.
Q. From where?
A. From among papers belonging to my father.
Q. That were in your custody?
A. Yes, sir.
Q. And have been since his death?
A. Yes, sir.
Q. In whose handwriting is the signature to these checks, each of them?
A. I think, unless they have been changed, every one of them is——(interrupted).

The ORDINARY.

Q. Don't have any uncertainty about it, run them through as rapidly as possible and answer the question?
A. The checks are all signed by my father.

MR. COLLINS.

Q. All signed by your father?
A. Yes.

MR. COLLINS: I offer these checks in evidence as standards.

Admitted without objection.

Marked Exhibits P 137 to P 172, both inclusive.

Q. The first three are to the order of A. C. P. Adams, and purport to be endorsed "A. C. P. Adams?"

MR. GUMMERE: They are standards of both.

MR. COLLINS.

Q. Do you know the signature of your brother, Alonzo C. P. Adams?
A. Yes, sir.
Q. Have you often seen him write?
A. Yes, sir.
Q. Are these endorsed in his handwriting?
A. Yes, sir.

MR. COLLINS: I offer these three checks.

Marked Exhibits P 131, P 132 and P 133, respectively.

Q. There are three checks that I want to prove by themselves, simply because they were photographed. I show you three other checks, one dated October 30th, 1868, to the order of Abm. P. Ayers, one dated August 6th, 1859, to the order of John B. Florence and one dated August 21st, 1869, to the order of Moore & Potter, purporting to be signed "H. Adams," in whose handwriting is the signature on each of these checks?

A. My father's.

Checks offered in evidence and marked Exhibits P 134, P 135 and P 136, respectively.

Q. I now show you a paper purporting to be an assignment of mortgages, from Daniel Gross to Henry Adams, dated January 29th, 1846, and ask you where that came from?

A. It came from out of the papers.

Q. Of your father's?

A. Yes, sir.

Q. And in whose handwriting is the entire document, except the signature "Daniel Gross and D. G. Lobbell?"

A. This is my father's handwriting?

Q. In the body of the instrument is the word "Henry Adams," in the fifth line from the top of the printed blank?

A. Yes, sir.

MR. COLLINS: I offer that instrument in evidence.

The ORDINARY: That is twenty-two years before the time in question.

Marked Exhibit P 173, May 28th, 1891.

Q. I show you a paper purporting to be a lease from Henry Adams to Romiynus Thornall, of lands

in the town of Woodbridge, dated October 11th, 1870, signed "Henry Adams," and witnessed by "A. C. P. Adams," and I ask you in whose handwriting these signatures are respectively?

A. This is my father, "Henry Adams" and "A. C. P. Adams" is my brother Alonzo.

Q. Whose handwriting is the signature, "Henry Adams," in the third line from the beginning of the instrument?

A. My father's.

Q. Is the body of the instrument in your father's handwriting?

A. Yes, sir.

Q. Except the name?

A. That is too.

MR. COLLINS: I offer that lease in evidence.

Marked Exhibit P 174, May 28th, 1891.

Q. I show you a bond given by Henry Adams to Thomas Morris, dated February 9th, 1866, and ask you in whose handwriting the signature to that bond is?

A. My father's.

MR. COLLINS: I offer that bond in evidence.

Marked Exhibit P 175, May 28th, 1891.

Q. I show you a mortgage securing that bond, and I ask you in whose handwriting is the first signature to that mortgage?

A. My father's.

MR. COLLINS: I offer that mortgage in evidence.

Marked Exhibit P 176, May 28th, 1891.

Q. I show you the trust deed which has been referred to, made by Henry Adams, that, of course, is in his handwriting?

A. Yes, sir.

Q. I show you now a signature, purporting to be

that of Alonzo C. P. Adams, taken on the 10th of May, 1862, before J. Wendall, Justice of the Peace, annexed to some legal proceedings in New York State—whose handwriting is that?

A. My brother, Alonzo.

Q. The signature?

A. Yes, sir.

Offered in evidence and marked Exhibit P 177.

Q. Was this document found among your father's papers?

A. Yes, sir.

Q. This last exhibit has upon it an endorsement, in which the name of Henry Adams occurs twice, once up above, which I take to be your brother, Henry C. Adams, and once below over the name of the purchaser, and I ask in whose handwriting is the lower one, "Henry Adams"?

A. This is my father's, that is the lower one, and the upper one is my brother's, Henry.

Q. I show you a promissory note, dated March 1st, 1872, whereby A. C. P. Adams promises to pay Henry Adams forty dollars, in whose handwriting is that document?

A. My brother, Alonzo.

Q. The whole thing?

A. Yes, sir.

Offered in evidence and marked Exhibit P. 178, May 28th, 1891.

Q. I show you a lead pencil letter, signed "H. Adams," with an endorsement in ink, "A. C. P. Adams," and dated December 29th, 1866, and ask you in whose handwriting are the words "H. Adams?"

A. My brother's, Alonzo.

Offered in evidence and marked Exhibit P 179, May 28th, 1891.

Q. I show you another one, being endorsed "A. C.

P. Adams," in ink under the pencil letter, purporting to be from "H. Adams," December 29th, 1866, and ask you in whose handwriting is the endorsement?

A. My brother's, Alonzo.

Offered in evidence and marked Exhibit P 180, May 28th, 1891.

1C Q. I show you a letter, dated April 2nd, 1867, purporting to be from A. C. P. Adams, and ask you in whose handwriting that is?

A. This letter is to me from Alonzo.

Q. All in his handwriting?

A. Yes, sir.

Q. And dated April 2nd, 1867?

A. Yes, sir.

Offered in evidence and marked Exhibit P 181, May 28, 1891.

2C Q. I show you a letter, purporting to be from Alonzo C. P. Adams, to his "Dear father," dated January 23rd, 1865, and ask you in whose handwriting is that letter?

A. Alonzo C. P. Adams.

Offered in evidence and marked Exhibit P 182, May 28th, 1891.

3C Q. I show you a letter, dated August 27th, 1872, from Alonzo C. P. Adams, and ask you in whose handwriting that letter is?

A. This is from my brother, Alonzo.

Q. Is it your brother's handwriting?

A. Yes, sir.

Offered in evidence and marked exhibit P 183, May 28th, 1891.

4C Q. I show you four receipts on a mortgage of Seymour & Marsh, four interest receipts, each witnessed by A. C. P. Adams, one dated April 1st, 1869, one dated March 25th. 1870, one dated March 30th,

1872 and one dated April 1st, 1873, and ask you in whose handwriting is the name "A. C. P. Adams" to these various receipts?

A. My brother, Alonzo, in each instance.

Offered in evidence and marked Exhibit P 184, May 28th, 1891.

Q. Were you acquainted with John Quincy Adams' handwriting?

A. Yes, sir.

Q. I show you a promissory note, "John Q. Adams," to "Henry Adams," dated April 8th, 1845, and ask you in whose handwriting that is?

A. John Q. Adams.

Offered in evidence and Marked Exhibit P 185, May 28th, 1891.

Q. Another promissory note between the same parties, dated August 31st, 1854, and ask you in whose handwriting that is?

A. The body of that is in my father's writing and the signature the writing of John Q. Adams.

Q. And the little note at the foot, signed "H. Adams," is that in your father's handwriting, including the signature?

A. Yes, sir.

Offered in evidence and marked Exhibit P 186, May 28th, 1891.

Q. I show you a letter signed John Quincey, addressed to "Dear father," dated "St. Louis, March 27th, 1866," and ask you in whose handwriting is the entire document?

A. John Q. Adams.

Offered in evidence and marked Exhibit P 187, May 28th, 1891.

Q. Now, have you seen your father and your two brothers, Alonzo and John, write frequently?

A. Yes, sir.

Q. You are thoroughly familiar with their handwriting?

A. Yes, sir.

Q. Have you examined this will, Exhibit P 1—you were one of the witnesses to it before the Ordinary?

A. Yes, sir.

Q. And you have examined it often since?

A. Yes.

Q. You have examined these signatures?

A. Yes, sir.

Q. In your opinion, in whose handwriting is the name "Henry Adams" to the attestation clause?

A. The writing of my father.

Q. In your opinion, in whose handwriting is the name "Alonzo C. P. Adams" to the attestation clause?

A. Alonzo C. P. Adams.

Q. Your brother?

A, Yes, sir.

Q. In your opinion, in whose handwriting is the signature "John Q. Adams" to the attestation clause?

A. My brother John.

Q. Mr. Adams, did you know George P. Gordon?

A. Yes, sir.

Q. Down to what time?

A. I knew him from 1866 until I left on the 26th or 27th of April, 1877.

Q. When you went away?

A. Yes, sir.

Y. At the time you went away in 1877, where did George P. Gordon live?

MR. MILLER: I object to the question, as calling for the conclusion of the witness.

Question withdrawn.

Q. When did you first become acquainted with him?

A. George P. Gordon?

Q. Yes.

A. In 1866.

Q. Where did he then live?

A. He had just bought the place, or was just getting it in shape, but I believe he lived in Brooklyn.

Q. What place?

A. The place called Neathoak?

Q. The railway station nearest to it is Houtenville?

A. Yes.

Q. In what township is that?

A. Woodbridge.

Q. Middlesex County?

A. Yes, sir.

Q. How far is it from Rahway?

A: About a mile and a half.

Q. He was getting it in order you say.

A. Yes.

Q. Did he move in?

A. Yes.

Q. Explain what he brought there?

A. I cannot say what he brought, I think he had bought the place and sent out his horses and things before he came there—he bought it sometime before he came there to live and there were horses and wagons and cows and things on the farm that he bought.

Q. Did he bring his household furniture there?

A. He fitted up the house—unless he bought it with the furniture in it, I don't know.

Q. Did it have furniture in it?

A. Yes.

Q. Did he come to live there at that time?

A. Yes.

Q. With whom?

A. His wife.

Q. Who else?

A. Those were all I saw at that time, and later on, Mrs. Burlingham, or Miss May, as she was then, came there.

Q. And how about their daughter?

A. Oh, yes, Miss Mary Agnes.

Q. Was he living there in 1868?

A. Yes, sir.

Q. You went away in 1877?

A. Yes, 1877.

Q. Up to what time—did you go to live with your father, when he moved down there?

A. Yes, sir.

Q. He occupied the adjoining farm, as I understand?

A. Yes, sir.

Q. How long did you live there?

A. I lived there until 1873, until my mother died, and shortly after that I went back to Fort Plain and stayed there or in that vicinity for a year or two.

Q. And then came back to the Adams place at Woodbridge?

A. I came back in the Fall of 1876.

Q. Up to the time you went away—you went away in 1873, you say?

A. Yes, 1873.

Q. Did Mr. Gordon still live there?

Objection by Mr. Miller, for the same grounds last stated.

Question withdrawn.

Q. Was there any change in Mr. Gordon's household or manner of occupancy up to the time you went away in 1873?

Q. No, sir, except that he had a place in Virginia, but just what time he bought that I cannot say, and he used to go occasionally down there and stay, but I cannot tell when that was?

Q. When you came back in 1876, describe the situation of the household at Neathoak; who did you see there and how was the establishment carried on?

A. Well, the establishment was, apparently, just as it always had been, except that Miss May had gone away.

Q. Who was there?

A. Mr. and Mrs. Gordon, and I think Mary was there sometimes, if not all the time, no, sir, I hardly think she was there all the time, and Mr. Van Wyck was there off and on.

Q. In regard to Mrs. Gordon, how much of the time was she there after you came back in 1876?

A. Well, she was there a good share of the time, except when she went South.

Q. How do you know she went South?

A. I don't know, only I know that Mr. Gordon had that place down in Virginia, and he had fitted it up, and I heard incidently that they had gone South.

Q. Did they have servants there at Rahway?

A. Yes.

Q. How much of the time did you see George P. Gordon there?

A. I used to see him all through that campaign of 1876, I saw him almost every day at his house.

Q. What campaign do you mean?

A. The Hayes & Tilden campaign.

Q. You lived at the next house to this Gordon's house, didn't you?

A. Yes, sir.

Q. Did you see Mr. Gordon there at supper?

A. At supper?

Q. At supper time, night time—at the time he would take his evening meal?

A. Yes.

Q. Did you see him there evenings?

A. Yes, sir.

Q. At this house?

A. Yes.

Q. Were there, or not, horses kept there?

A. Yes, there were horses there.

Q. And a man to attend them?

A. Yes, sir.

Q. Was there a gardener kept?

A. I presume so, I cannot say as to that.

Q. Were you and George P. Gordon on the same side in politics in that campaign?

A. I think not, I am not sure, but we had a great many talks on politics, although we never had any disputes in politics, but it struck me that he was a Republican, but that he rather leaned towards Tilden.

Q. Whereas you was what?

A. A Democrat and never was anything else.

Q. Were you and he, for that campaign, on the same side?

A. I cannot say exactly, he was rather non-committal and we did not talk much about politics.

Q. Do you remember the fact of the factory being illuminated?

A. I cannot say, I was playing in the band when they went by, but I cannot say.

Q. You took him to be a Republican with Tilden leaning?

A. Yes.

Q. Did Mr. Gordon contribute towards paying for that band?

A. I heard that he contributed for the campaign fund, but I cannot say.

Q. How often during that year, 1876, did you see him up there at the times when he was there at all, how frequently?

A. I cannot say, but it strikes me that I saw him every day.

Q. Did you see any difference in the manner of keeping that house from the manner it was kept before you went away in 1869 and 1870?

A. Well, I think they sent some things South and it appears they sent a horse from there.

Q. But horses were kept there?

A. Yes.

Q. And carriages kept there?

A. Yes.

Q. Did you see him driving out?

A. He did not do much driving, he did not care to ride, although he used to ride back and forth from the station.

Q. From where?

A, Houtenville or to his house.

Q. Did Mrs. Gordon go away and leave him there sometimes, or did both go away together in 1876 and 1877?

A. It strikes me she did go South and that he went afterwards, although I cannot say positive.

Q. After both had gone away, who took care of the house?

A. At that time Mrs. Gordon's father was there and he had charge of affairs generally.

Q. When Mr. Gordon and his family were away, was the house shut up?

A. I do not think the house was ever shut up, unless somebody was in the gate house to take care of the house and the horses that were left behind.

Q. Was there any intercourse between the inhabitants of the two places, the Adams place and the Gordon's place?

A. Yes, sir.

Q. Of what character?

A. As to George P. Gordon and Mary——(interrupted).

Q. I am speaking now of 1876 and 1877, not the time Mary was there.

A. Well, at that particular time there was nobody there of our family, except myself and my wife.

Q. Did you have any neighborly intercourse between your place and the Gordon place?

A. Yes.

Q. Of what character?

A. Mr. Gordon and I were fast friends always, we were very friendly, I did not go to his house very often though, but he used to stop in occasionally at our house.

Q. Did you have anything to do with the servants, or was that a matter of interchange of courtesy before when your father was living?

A. That was during the time my father lived.

Q. Now, about your father's place; do you know whether that was ever for sale?

A. No, sir.

Q. Do you know whether your father was unwilling to sell it, or to consider the sale of it?

MR. MILLER: I object to the question, as calling for the conclusion of the witness.

Question withdrawn.

Q. Well, state the fact without the conclusion, what did your father say about it?

Mr. MILLER: I object to that question on the ground that it calls for heresay evidence.

Question allowed.

A. A party came there to see whether he would sell the place.

Q. When?

A. Along about 1868 or 1869 when we lived there a short time.

Q. Proceed?

A. And he said he would sell it if he could get $50,000 for it. This man asked him if he would take $35,000 for it if he brought a customer, and my father said no, sir, and that settled the conversation.

Q. Did you hear that yourself?

A. Yes.

Q. Do you know how your father's mind continued down to his death about selling that place, and if so, how do you know it?

A. Well, I cannot say what his views were after my mother's death in 1873, he occupied the place and kept it going for a time and then he leased it for a term of years to a man who had been formerly employed by us, and he came on and took the farm and was there for twelve years and the property was in such shape, there was no market for it, and I do not know that he ever contemplated selling it.

Q. You never heard of it?

A. Up to the time of mother's death, I know he would not sell it.

Q. And after that you never heard him state that he would sell it?

A. No, sir.

Q. Why did your father come down to this region from Fort Plain?

A. Well, he had always had an idea—for one thing I had a sister living at Orange that he was very much attached to, and another was, that we have

long, cold winters up in the Mohawk Valley and he thought the weather would be milder down here.

Q. Did he like the place he bought?

A. Yes.

Q. Did he build a new house on it?

A. Yes, sir.

Q. How much did he pay for it?

A. I can tell by looking over the papers, but to the best of my recollection and knowledge, it cost about $12,000.

Q. Did he leave the other house there?

A. The Morris house had been burned up and there was nothing on it before he came there.

Q. Did he make any other improvements to the place?

A. Yes, he built a carriage house.

Q. What was the amount of your father's estate, outside of the advances to his children?

Objection by Mr. Miller, as immaterial.
Question allowed.

Q. How much was your father's estate worth when he died, outside of the advances made to his children?

A. I think, about $100,000.

Q. How much did the advances come to?

A. With the interest added?

The ORDINARY.

Q. What were the advances to Henry C. Adams?

MR. COLLINS: We don't know.

MR. COLLINS.

Q. How much were the advances you say, with interest added, state it either way, I do not care, only tell me which way you state it?

Objection by Mr. Miller as immaterial
Question allowed.

Q. Now, state how much the advances were, and to whom were they made?

A. I should think it came pretty close up to $40,000.

Q. To whom?

A. Two sisters and to myself.

Q. None to Henry?

A. I don't know that Henry ever had anything.

Q. And John?

A. Yes, and John.

THE ORDINARY.

Q. Were these advances part of the $100,000 you spoke of?

A. No, sir, in addition.

Q. Do these advances include interest that you have given?

A. No, sir, what I have had I always have paid the interest, the interest has been paid from the income, but what my sister——(interrupted).

Q. Does the $40,000 include the interest?

A. Yes.

Q. And that is the whole thing?

A. Yes.

Q. How many are interested in that estate, how many shares will there be if the deed is set aside?

A. If the deed is set aside there will be five shares.

MR. COLLINS.

Q. At whose instance was it sought to be set aside?

A. The question was brought up in behalf of the son Alonzo.

The ORDINARY.

Q. In estimating the estate at $100,000, how much did you estimate this farm to be worth?

A. If I am not mistaken, my brother-in-law and I figured up about what there was of it and I think we put it in at $25,000, which would be a very reasonable price for it at that time.

Q. What time?

A. Shortly after father's death.

Q. And you figure the estate now upon that basis?

A. Yes, sir.

Q. Have any other properties depreciated in value besides this?

A. No, sir, I think the other property, if anything, is more valuable.

MR. COLLINS.

Q. Were the buildings in good condition at the time of your father's death?

A. Yes, sir.

Q. Have either yourself or Henry C. Adams acquiesced in this pretended decree setting aside the decree in the New York Courts?

A. No, sir.

Q. Did any one of the family, except the son of Alonzo C. P. Adams, desire to overturn this trust deed?

A. No, sir.

THE ORDINARY.

Q. I understand you to say there is an answer filed?

Mr. COLLINS: Yes.

Q. And that others interested have not answered?

MR. COLLINS: Henry C. Adams was served and answered, I see the Babcocks were served and answered——(interrupted).

Mr. MILLER: I object to this line of evidence as immaterial.

The ORDINARY: I will exclude this inquiry.

MR. COLLINS.

Q. Is there any trust company in New York who has at yours and your brother Henry's disposal,

monies arising from the estate of your father, which you could receive as next of kin if you would acquiesce in this decree setting aside this trust deed?

A. As to Henry, there is, but if they should take out what I have already had, perhaps there would not be much left.

Q. You mean the advances you had during his lifetime?

A. Yes.

Q. How much is there over there in New York?

A. I cannot say, but I have heard it stated——(interrupted).

MR. MILLER: Never mind if you don't know it; I will get a complete record of the whole thing and put it in evidence.

MR. COLLINS.

Q. Go back to 1868; what were the relations in that year between the two families of George P. Gordon and Henry Adams?

A. Very friendly, so far as related to George P. Gordon, Miss May and Mrs. Gordon.

Q. Was Henry C. Adams accustomed to go up to the house that summer?

A. Yes.

Q. Frequently?

A. Yes, sir.

Q. Do you know whether George P. Gordon and Henry Adams were frequently together socially?

A. Yes, sir.

Q. To what extent?

A. I thought that they were very thick, Henry spent a good share of his time up there.

CROSS-EXAMINATION BY MR. MILLER.

Q. Do you pretend to say that any one else offered $35,000 for this sixty-five acre tract?

A. I did not say that.

Q. You do not pretend it?

A. I said a man asked him if he would take $35,000 for it if he brought a man——(interrupted).

Q. For the sixty-five acre plot?

A. It was the farm we lived on.

Q. Are you positive?

A. Yes. sir.

Q. Who was the man?

A. I cannot tell you who the man was, he was a stranger to me.

Q. What did he look like?

A. He appeared to be a real estate agent, that is what I took him for.

Q. How do real estate agents generally look?

A. I did not judge by looks, I am going by what he said.

Q. What did he look like?

A. A man.

Q. An ordinary sort of a man?

A. Well dressed, a nice sort of fellow.

Q. Had he a beard or no beard?

A. I cannot say as to that.

Q. Had he any hair?

A. Yes, he had hair.

Q. Was he well dressed?

A. Yes.

Q. Wore an ordinary hat?

Q. Yes.

Q. Quite a medium sort of man?

A. Yes.

Q. Do you pretend to say that your brother, Henry C. is a rich man?

A. No, sir,

Q. Is he a poor man?

A. I do not know whether he is rich or poor.

Q. You have produced a number of signatures which have been marked in this case as genuine signatures of Alonzo C. P. Adams, haven't you?

A. Yes, sir.

Q. And you have no doubt about their being genuine?

A. Not the least.

Q. You haven't any doubt about the signatures, John Quincey Adams, which you have produced here, being genuine signatures?

A. Not the slightest doubt.

Q. You have ordinary eyesight?

A. Yes, good when I put my specs on.

Q. You have ordinary eyesight, haven't you?

A. Yes.

Q. And claim to have ordinary intelligence?

A. Yes.

Q, And claim to see things as men usually see them?

A. Not always as some men see them.

Q. As men usually see them?

A. Yes.

Q. Do you wish the Court to understand that you have testified that this signature of Alonzo C. P. Adams is in his handwriting?

A. To the best of my belief.

Q. Do you wish the Court to understand that you really think there is the slightest resemblance in the style of the signature of Alonzo C. P. Adams, on Exhibit P 1, and those you have produced here to-day —those you say are his genuine signatures?

A. I do not wish the Court to think anything different from what it choses to think, I am satisfied from the way in which I got these——(interrupted).

Q. Do you wish the Court to understand that you really think there is the slightest resemblance in the style of the signature of Alonzo C. P. Adams, on Exhibit P 1, and those you have produced here to-day and which you say are genuine signatures?

A. I think these signatures somewhat different for some reason, they are not as well done as either of the parties were in the habit of writing.

Q. That is not my question—what I asked you was, whether you wished the Court to understand that you really think there is the slightest resemblance in the style of the signature of Alonzo C. P. Adams, as written on Exhibit P 1, and those you have produced here to-day, which you say are genuine signatures?

A. I cannot answer that question in the way Mr. Miller wants me to answer it, I know there is a difference in the writing, as I say they are not as well written as they are in the habit of writing.

Q. Do you really think there is the slightest resemblance in style?

A. Yes, sir, I do.

Q. Now I ask you the same question with regard to the signature of John Q. Adams—do you wish the Court to understand that you really think there is the slightest resemblance in the style of the signature of John Q. Adams, on Exhibit P 1 and those you have produced here to-day, which you say are his genuine signatures?

A. Yes, I think there is.

Q. You said you saw George P. Gordon every day in 1876 in Rahway?

A. Not always, not every day, not during the year 1876, I had reference to the Tilden and Hayes campaign, I saw him nearly every day during the campaign.

Q. When was he not there in 1876?

A. I cannot say as to that.

A. You saw him nearly every day during the campaign, is that so?

A. Yes, sir, I think so.

Q. What did you say about coming down somewheres in the Fall of 1876?

A. Coming down?

Q. Did you live in Rahway in 1876?

A. I lived in Newark part of the time, I came to Rahway in October, I think it was in 1876, but I was up to the farm very frequently during the time I was living at Newark.

Q. How often?

A. Once or twice a week.

Q. That is all?

A. It might have been three times a week.

Q. Is that all?

A. Well, we will let it go at that.

Q. I am not letting it go, I want to know what your memory is?

A. I cannot say.

EDWARD H. RAUCH, a witness produced in behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS.

10 Q. Where do you live?

A. At Mauch Chunck, Pennsylvania.

Q. What is your present vocation?

A. Publisher and printer.

Q. What is your age?

A. Seventy years.

Q. What has been your calling through life, the various things you have done?

A. For the greater part of my life I have been in
20 the printing business, and earlier in my life I was in several public offices as clerk.

Q. Name them?

A. Deputy Prothonotary of Lancaster County, Pennsylvania, at one time, and for one term I was Register of Wills.

Q. How long is a term?

A. Three years.

Q. For what county?

A. Lancaster County, Pennsylvania.

30 Q. The office of Register of Wills answers to that of Surrogate here, the same office.

A. Yes, sir, it is the same.

Q. And what else?

A. I was Transcribing Clerk in the Legislature for one term and Chief Clerk of the House for three terms in Pennsylvania.

Q. Three terms Chief Clerk of the House.

A. Yes, sir, for one term I was Transcribing Clerk and three terms Chief Clerk of the House.

40 Q. Your principal business has been that of publisher and printer?

A. Yes, sir.

Q. Have you given any special attention to the matter of handwriting?

A. I have.

Q. And to the examination of disputed writings?

A. Yes, sir.

Q. For how many years?

A. About thirty-five years.

Q. Have you been called as a witness to testify on the subject of disputed writings, where you had no personal knowledge of the men's handwriting, that is were you called as an expert?

A. I have personally testified where I have personal knowledge, of course as a witness, but nearly all the cases have been as an expert.

Q. How extensive has been your testimony as an expert, many cases?

A. Oh, hundreds of them, I do not know how many, I never kept any record of them.

Q. For how long a period?

A. For the last 35 years.

Q. Specify a few of the leading ones?

A. Well, there is the Middleton Will of Philadelphia, then there was the Marsden Will Case, the Whittaker Will, the Miller Will, the McIntyre Will, that is in Washington and a number of other will cases throughout the State of Pennnsylvania, and what we called the Southwork Foundry Case, a prosecution against Mr. Bergen for forgery, that was a very large case—the famous Oliver Cameron Case, that is a breach of promise case at Washington.

Q. Turning on letters.

A. The question was as to a letter alleged to be written by General Cameron.

The ORDINARY.

Q. Were you on the side of Cameron?

A. It was a prosecution against Simon Cameron for a breach of promise.

Q. Were you on the side of Cameron?

A. Yes, sir.

MR. COLLINS.

Q. Go on?

A. There were many local cases that I can name.

Q. In other States than Pennsylvania?

A. Yes, sir; I have had one case in Wytherville, Virginia, which was a controversy between a bank cashier and a member of the Bar, through an anonymous letter.

Q. State other States you have testified in?

Q. In New Jersey, probably a dozen times I have been in this State and I also examined a paper in a case referred to here in this suit, in Minnesota, the Blaisdell Case, I was not in that case for the reason that the party who interviewed me I could not serve him.

Q. You did not take the view that he did, that his side was defective?

A. I differed with him in his theory.

Q. What cases in this State?

A. Well, at Camden there is a present case pending, the Hoey Case, I think it is called, it seems to be an important case; and I also examined some papers in regard to the Leconey Case, in Camden, as to an anonymous letter, and in Belvidere, I forget the name of the case, I cannot name it now.

Q. Was it in the Orphans Court, or before the Chief Justice?

A. Before the Chief Justice. Another case out at Mt. Holly, I have been out there, I cannot recollect that case by name.

Q. Now, what peculiar aptitude or gift had you in your earlier years which first turned your attention to this study?

A. I made the discovery when I went to school first that I had the power to simulate, almost indiscriminately, any writing,

Q. Have you still that power?

A. No, sir, not now.

Q. Why not?

A. My hand is crippled from chronic rheumatism, I can barely write now.

Q. Have you exercised that skill you speak of in litigations?

A. Yes, sir.

Q. Describe how?

A. I have made or manufactured checks and notes and different papers that were used for the purpose of testing the judgment of parties who would testify in cases.

Q. How extensive are the writings you have simulated?

A. Oh, some—in some will cases—in the case of the Whittaker Will, I think I had to get up some letters purporting to be written in the handwriting of Thomas P. Roulett, whose name was forged to the will and about twenty checks of Mr. Wittaker's, who was deceased.

Q. Did you simulate them so that the persons themselves, whose writing they were, were themselves deceived?

A. Yes, sir, the whole of the witnesses in this Whittaker Will Case testified as to these simulated writings and they took mine to be the genuine handwriting.

Q. Now, do you consider that you have special knowledge therefor with regard to the capability of forging?

A. I should think I have. The first case in which I was known to possess this peculiar ability which I speak of, that was about in the year 1855 or along there, I received a letter from an attorney at Philadelphia, which said that he was informed that I was skilled in detecting forgeries. I immediately informed him that he was mistaken; I told him he was mistaken and I explained what I could do, that I could simulate writing, and he then wrote back to me that I was the one specially wanted if that was what I could do.

Well, I went to Lebanon in 1875, a few miles from where I resided, and I simulated some seven or eight papers and bankers' signatures for use in the trial and they all testified that they were genuine, in-

cluding the cashier whose name appeared on it. It was supposed to be rather remarkable. I did not testify as an expert and did not consider myself competent to do so; I simply went there for that particular work. That was the beginning of my first work in that line and from that time on I have gradually drifted into that kind of work.

Q. When was this?

A. In 1855, along there.

Q. Have you been present in and during the sessions of this hearing, when the various expert witnesses on handwriting have testified?

A. I believe I have heard most of it.

Q. And have listened to what they had to point out in regard to the discrepancies of these various signatures?

A. I did.

Q. Have you given a study to the four signatures that are called in question here?

A. I have.

Q. Both on the original document and in the autotypes?

A. Yes, sir.

Q. Have you compared them with the exhibits that have been offered as standards?

A. I did.

Q. Have you looked at the various exhibits which have been offered as standards by both sides here?

A. Yes, sir, I have looked at a great many of them, both checks and papers.

Q. Both the checks offered by the other side and the letters and other signatures offered by us?

A. Yes, I suppose I have handled, practically, all that have been offered here.

Q. How long have you been studying these subjects?

A. I was here before and I saw a great many papers both to-day and yesterday, in addition to what I saw before.

Q. How many weeks have you been at work on this subject?

A. I forget. At the former meeting here and I should say as many as eight.

Q. You began to look into this matter before the first session?

A. Yes, sir.

Q. Did you go to Trenton to see the will in the Secretary of State's office?

A. Yes, sir, that is where I first saw it.

Q. Now, to what conclusion have you arrived as to the genuiness of the signature of "Geo. P. Gordon" in Exhibit P 1?

MR. MILLER: I would like counsel to be more specific in referring to the standards; we were required to refer to the standards and I ask that counsel too refer to the standards more particularly

MR. COLLINS.

Q. Did you see all the standards that the exhibit clerk gave you?

A. Yes, sir.

MR. COLLINS: Did you give him them all, Mr. Carrick?

MR. CARRICK: I have not given him any; this witness has not examined any in my presence.

WITNESS: I know that there were checks and some letters that I saw.

Question withdrawn.

Q. I call your attention to the exhibits that are photographed upon the autotypes as photographs of Exhibits P 101 to P 113, inclusive?

A. Yes, sir.

Q. Have you studied those exhibits?

A. I have carefully heretofore.

Q. To what conclusions have you arrived from an

examination of these standards, as to the genuiness of the signature of "Geo. P. Gordon" in Exhibit P 1?

A. My conclusion was that I would take the signature in question to be written by the same man.

Q. To be written by the same man who wrote the standards?

A. Yes, sir.

Q. Have you made a little collection here of papers that you have pasted on to a larger paper?

A. Yes, sir.

Q. And you have caused photographs of the production in its entirety?

A. I had this photograph slightly enlarged.

Q. What is the left hand piece of paper pasted on to the exhibit, what was it cut from?

A. It is cut from the photo-lithographs of the will in questien.

Q. What has been called artotype, Exhibit P 99, of the disputed signature?

A. Yes, sir.

Q. What is the next one to it to the right?

A. It is cut from this paper (indicating P 22).

Q. What is the second left hand one?

A. It is a photograph of P 18.

Q. And what is the right hand second one?

A. That is this P 15 photograph.

Q. What is the left hand third line?

A. A photograph of P 20.

Q. And the right hand one on the third line?

A. A photógraph of P 21.

Q. And what are the next three, George P. Gordon, Lenore M. Gordon and George P. Gordon?

A. Taken from the same paper in the will.

Q. This is an artotype of those names in the body of the will?

A. Yes, sir.

Q. That is the artotype P 97?

A. Yes, sir.

Q. They are cut from the artotype of P 97?

A. Yes, sir.

Q. And the last, George P. Gordon, is cut from what?

A. Cut from P 100.

Q. What are the three "A's" to the left hand on the next line?

A. From the same paper, the first "A" is a capital "A." as found in Henry Adams, from Exhibit P 100 and the other two "A's" are the initial letters in Alonzo and in Adams from Exhibit P 100 from the name Alonzo C. P. Adams.

Q. What are the five capital "A's" immediately under those three capital "A's?"

A. They are taken from the body of the will.

Q. That is cut from the artotype?

A. Yes, when I say that I mean that, every time. I should have to look closely to identify each one, but they are different ones occurring in the will.

Q. They are all in the artotype?

A. Yes, they are all in the artotype.

Q. The first one is the "A" in the word "article" of Article 1?

A. Yes, sir.

Q. And the second "A" is the "A" in the word "A. Sidney," on the fifth line of the autotype of Exhibit P 98?

Q. Yes, sir.

Q. And the third "A" is the "A" in the word "article" of Article D?

A. Yes, sir.

Q. Now, the fourth?

A. The fourth is the "A" in the word "article," in the third line, copied from Exhibit P 98?

Q. And the last or fifth is what?

A. The fifth is the letter "A" in the word "and," in the fourth line and cut from the autotype Exhibit P 97.

Q. Now what are the five "A's" lastly pasted on this exhibit to the left?

A. They are the original writing of old Judge Broadhead, of Mauch Chunk.

Q. They are not photographs but originals?

A. No, sir, they are originals, taken from a book kept by the bookkeeper.

Q. Is he dead?

A. Yes.

Q? How long has he been dead?

A. About six months.

Q. And put them there simply for comparison or juxtaposition?

A. Yes, sir.

Q. You cut them yourself?

10 A. Yes, sir.

Q. What is the "G" standing by itself on the right?

A. That was written by the late A. W. Butler, President of the First National Bank of Mauch Chunck.

Q. Did you cut it yourself?

A. Yes, sir.

Q. He is dead, too?

A. Yes, sir.

Q. How long has he been dead?

20 A. About eight months ago.

Q. What are the eight "G's," immediately underneath the next letter?

Q. Those are written by R. Milton Broadhead, son of old Judge Broadhead, and occurring in the Gas Book of the Gas Company, an old book of accounts ten years old and not in use any more.

Q. You cut them out?

A. Yes, sir.

A. Are they originals?

30 A. Yes, sir.

Q. What is the contraction and the six capital "G's" immediately under, being the last line?

A. Those are from the same book, but written by the old gentleman, Broadhead.

Q. Who is now dead?

A. Yes, sir.

Q. What was the purpose of comparing this exhibit, which you hold in your hand, and of which these photographs have been handed around?

40 A. After I heard these gentlemen making comparison of certain letters, it occurred to me that they compared that number of letters that com-

pared with the handwriting generally, and it would be no difficult matter for me to go into other localities and find similarities quite as strong in all respects as theirs, and I thought I would follow it up and I naturally thought of Judge Broadhead; I knew of the "A" and the "G" and his initials being A. G. Broadhead and I naturally thought of him and one day went into the Gas Company's office and a son-in-law keeps it now, and he handed me this book and I not only found similarities, but also as to the letters "A" and "G," just as I have stated.

Q. What was your purpose in making this group of five admittedly genuine signatures of George P. Gordon on that paper?

A. Merely that I endeavored to find the extremes of differences in the signatures, how wonderfully different they are running all the way through, of different kinds and different sizes.

Q. And he wrote so differently?

A. Yes, sir.

Q. What was the purpose in the three photographs of the name George P. Gordon and Lenore M. Gordon, copied from the autotype of the body of the will?

A. To simplify a correct comparison between the signature of George P. Gordon and the word Gordon, written in the body of the will, which, as I understand the gentleman, to describe as being very similar.

Q. They even used the word "identical?"

A. Yes, I think so.

Q. So they are put there for juxtaposition?

A. Yes, sir, and in my opinion I cannot agree with them, and I put these here to simplify and assist in the matter.

Q. Assist your illustrations?

A. Yes, sir.

Q. It has been testified that the four signatures, namely, of the testator and attesting witnesses to this will and the body writing of the will were all, in the opinion of the experts, written by one and the same person; in your judgment, is such a thing possible?

A. Well, I cannot call anything impossible, I hardly would like to use that word "possible," but I think it is scarcely probable.

Q. Is it, in your opinion, a fact that they were all written by the same hand?

A. No, sir, I do not think so.

Q. Is it your opinion that the same person wrote any two of them?

A. I can see no evidence of it, but there is a strong similarity in their general appearance, of two of the attesting signatures, the two Adams'.

Q. Which two?

A. The two first, Henry and Alonzo.

Q. How do you account for that similarity?

A. That, in the first place, there is a similarity, what I would call a family resemblance, in the writing itself, but that is intensified by the peculiarity of the ink, and in addition, of the paper at the time of the writing, which would make it very black, and which intensified that similarity and would make it still stronger. I do not think they would look so very nearly alike as they do at first sight, were it written on dry paper and with ordinary flowing ink.

Q. What sort of ink was this?

MR. MILLER: Is this gentleman an expert in inks?

Question withdrawn.

MR. COLLINS.

Q. I mean, whether it appears to be thick?

A. I think there were to causes for this blurring; I have no doubt the ink was very much evaporated and has become thick from that cause and then the probability is that the paper was moist.

Q. When written on you mean?

A. Yes; sir.

Q. Had you any opinion as to how that might have been caused, that moisture?

MR. MILLER: I object to that question; is this witness an expert on that subject?

Question withdrawn.

Q. In your opinion, could that moist state of the paper have been produced by a man carrying around a document in his pocket close to his person in hot weather and becoming wet with perspiraion?

MR. MILLER: I object to that question; we can form as good opinion on that subject as the witness can.

Question withdrawn.

Q. Have you found, in your experience, that perspiration from the person carrying papers around in hot weather does moisten the papers?

MR. MILLER: I make the same objection, and also the further objection that it is immaterial.

Question overruled.

Q. You say you think the paper was moist?

A. I think it was moist from some cause.

Q. Does your exhibit that you have made up give an illustration of what you might mean by a family resemblance?

A. Yes, sir, it also incidentally does.

Q. Did you have that in your mind at all?

A. This I only discovered after I got this book; I did not seek it, but the similarity of the two signatures and the "G," between the father and the son of Mr. Broadhead——(interrupted).

MR. MILLER: I object to all this, as immaterial.

The ORDINARY.

Q. Did you see this written (referring to the diagram)?

A. No, sir.

Mr. Collins.

Q. Are you thoroughly familiar with their handwriting?

A. Yes, sir, thoroughly so; he and I was in business together for a while and we did a great deal of business together for about a year, and I was very familiar with his handwriting and also with that of the old gentleman, and this book that I cut them from contains the writing of both.

The Ordinary: I will overrule this line of examination.

Mr. Collins.

Q. Which of the writers who wrote the four signatuaes, respectively, to the Exhibit P 1, was the best penman, as judged from the result?

A. As to penmanship?

Q. Yes, in point of ability as a penman?

Mr. Miller: I object to that question; it is altogether to indefinite.

Question withdrawn.

The Ordinary.

Q. Do you distinguish an ability to handle the pen in these four signatures?

A. Yes, sir, I think I do.

Q. Describe the difference?

A. The best penmanship, I have no hesitation at all in saying, is that of George P. Gordon.

Q. What do you mean?

A. The best writing, showing the best degree of penmanship, as to good taste and command of the pen, easy flowing use of the pen and in clean strokes and what constitutes the make up of penmanship.

Q. Now, as to the name "Henry Adams," what have you to say as to that?

A. As regards the Adams without regard to the other part, my judgment would be in favor of Alonzo —in favor of him as next best—there is a little irreg-

ularity in the letter "P," but as a whole signature, "Henry Adams," I would say, was slightly the better.

Q. Better than Alonzo?

A. Yes, but take the "Adams," as far as that is concerned, Alonzo is the more perfect.

Q. In Alonzo?

A. Yes, in Alonzo it is far the best.

Q. What is your standard of perfect?

A. Well, it may be a matter of taste to some extent, the standard is as to ability to write, what is called "gracefully."

Q. Ability to handle the pen?

A. Yes, ability to handle the pen in a general way. John Adams is considerably larger than the others; he wrote a larger hand.

MR. COLLINS.

Q. In your judgment, would either person who wrote the signatures "Henry Adams," "Alonzo C. P. Adams," or "John Q. Adams," in that attestation clause to the will, be capable of writing the signature "Geo. P. Gordon," and if not, why not?

A. You mean simply the word "Adams," or the body of the will included?

A. I will include the body of the will?

A. I do not believe it is within the bounds of probability; I cannot call anything impossible, but I do not believe the writer of the body of the will would have been capable of writing the signature "Geo. P. Gordon," as I find it here.

Q. Why not?

A. Without the creeping out of the individuality of this writing, the writing of the body of the will, it is an open, irregular, angular writing.

Q. In the body of the will?

A. Yes, and it is uniformly irregular throughout, and is of the same character from beginning to end and manifestly a fixed habit of the writer. And the signature "Geo. P. Gordon" is written nearer a round school hand, nearer the hand a teacher of penmanship would teach, nearer a school hand as to regularity

and uniformity. The "Geo. P. Gordon" signature is entirely uniform and consequently consistent with itself, no one part is cramped, but is consistent with itself all the way through, the spacing is consistent with itself, and I do not believe that this penman, if he forged this name, as it is claimed—I do not believe he could execute the job as well as it is if it is a forged job—I do not believe he could do it without betraying somewhere the evidence of simulation.

Q. Do you see any?

A. No, sir.

Q. Any simulations?

A. I see irregularities here and there as to the spacing not inconsistent in itself, and the writing is clean under the glass.

Q. The signature "Geo. P. Gordon?"

A. Yes, there is no nervousness betrayed, as is usual to be discovered in cases of simulations.

Q. Do you examine alleged simulated writings for the purpose of seeing if you can discover inherent evidence of feigning, do you?

A. Yes, sir.

Q. Are you able to discover feigned writing?

A. I frequently do. In Pennsylvania, under the rules of evidence there, it is the only way an expert is allowed to testify.

Q. Not by comparisons?

A. Yes, sir.

Q. You are not permitted to testify as to a comparison?

A. No, sir.

Q. Do you see any evidence in the signature of "Geo. P. Gordon" to be one written by the person who wrote it in a feigned hand?

A. No, sir; there is in the signature of "Geo. P. Gordon," the first "G," from some cause or other, at the terminal of the first part of the "G" and the beginning of the second, there is an unusual pressure of the pen, and whether it has been painted or covered over, or whether it is a simple pause, I cannot tell.

Q. Point to it?

A. There is where I mean (indicating in the first "G" of the name "Geo. P. Gordon," at the junction of the first part of the letter with the last stroke of it); it may have been done without raising the pen, that is the only exception that I can see that I think amounts to an exception of the characteristic——(interrupted).

The ORDINARY.

Q. What do you say as to the bottom of the first curve of the "G?"

A. I do not know; this enlargement is very much magnified, that I cannot see on the original (witness takes a glass and examines the original and says), I cannot see anything in that, that may have happened in the regular run of the pen, but the one I point out is an exception, but how to be accounted for I do not know. I can see with the glass on the original what is on the cartoon, but what I do see I do not see any reason to doubt, but that it was caused by an accidental running of the pen, that it was made accidentally. In the whole make up to the signature "Geo. P. Gordon," it is written with more deliberation, probably than the general run of his signatures.

MR. COLLINS.

Q. That is, Exhibit P 1 is written with more deliberation than the general run?

A. Yes, it is written with more painstaking and more care than the general run of signatures and that may be accounted for by the condition of the paper, and if the paper was moist, as I believe it was, and the ink thick, it would very largely influence this result and would doubtless beget slower writing.

Q. And would a person accustomed to write with a forearm movement be likely to write slower?

A. Yes, that is what I mean, painstaking and writing slower generally.

Q. In your experience as Register of Wills, how many have you admitted to probate?

A. Oh, I suppose five hundred or six hundred, in my time.

Q. Has your experience led you to any conclusion with regard to any change in the writing of a man when he comes to sign a will, from that of his ordinary writing?

Objection by Mr. Miller, as immaterial.
Question withdrawn.

Q. In your experience of the probate of wills, were you in many cases familiar with the ordinary writing of people whose wills were propounded?

A. I was with quite a good many, but in a large majority of the cases I was not acquainted, but became acquainted with them in my official position as they were offered for probate.

Q. Were some of these wills contested cases?

A. Yes, some of them were, but I cannot recall them by name now.

Q. Have you observed whether or not, in signing a will, there frequently is a difference in the way in which a man performs that act, and if so, to what cause do you attribute it?

Objection by Mr. Miller, as immaterial.
Question overruled.

Q. Have you had occasion, as an expert, to compare signatures to wills with the ordinary handwriting of of testators?

A. Yes, certainly I have, where I was Deputy Register of Wills as well as Prothonotary I frequently, for the amusement of the members of the Bar coming in, and in matters of handwriting I naturally drifted—merely as a matter of amusement at first—to the study of writing and signatures and the imitation of anything peculiar. For instance, the Will Book U, by looking over that you will find

quite a number of the signatures in that book simulated, I did it merely as a matter of amusement.

Q. That is, you copied them?

A. Yes, sir.

Q. My question was, in your examination as an expert, for the purpose of testifying, had you had occasion to compare the signatures of wills with the ordinary signatures of the testator?

A. I do not recall that any question ever arose in that form. I have no recollection, all I do know is in my experience in the register's office; the general belief was, and it was the subject of remark, that in some people, many do not, but a certain number of people when they come to write a will or sign their name to a will consider it a somewhat solemn thing to do and that influences them to some extent in the execution of their signature.

Q. When a person does write his name with more deliberation than usual, what has your experience indicated has been the result?

A. If he is a good penman of this class, like George P. Gordon, a brilliant penman, he would write less freely, he would not write as well.

Q. Would there be any reversion in the writing?

A. Well, naturally he would drift back, or the tendency would be to go back to a school hand, to a painstaking hand.

Q. That is the round boy hand?

A. Yes, sir, the manner in which a copy is set to pupils.

The ORDINARY.

Q. How do you go about simulating signatures or writing, what is your method of simulation?

A. I simply look at it and make a picture just like it.

Q. Do you study the characteristic of the handwriting?

A. Yes, sir, to some extent.

Q. The space?

A. Yes, sir.

Q. Do you measure it with an instrument?

A. Well, I could do so about the distances, but I usually guess it.

MR. COLLINS.

Q. You simply look at it and judge by your eye?

A. Yes, sir, my eyes are sharp in that respect, to see the peculiarity and follow it up; the most of the difficulty in simulating is to get the compound of both character and form, you call it the form of writing, that is the shape of the letter, the profile of the letter and the other is the pen pressure.

Q. You study the pen pressure?

A. Yes, sir, I could—very few simulators are likely to do both, they do one or the other, but not both, which is necessary for a correct simulation and I could do both.

Q. Was this gift of yours a peculiar gift or required?

A. No, sir, it was perfectly natural.

Q. Did you ever know of any one else gifted in that way?

A. Yes sir, I knew plenty of people that can simulate in that way, but never heard of any one who did it to the extent that I did myself, and I think it was a natural gift.

THE ORDINARY.

Q. And that led you to study the mental processes by which it is done?

A. Yes, sir, and in the first case I was in Court, I denied that I was a judge of handwriting at all; I simply informed counsel what I could do, and my skill was employed in that way to make up papers to test the judgment of witnesses.

MR. COLLINS: I offer in evidence the composite paper, which has been prepared by Mr. Rauch.

Marked Exhibit P 188, May 28th, 1891.

Adjourned to July 8th, 1891, at 10 A. M.

INDEX TO VOLUME II.

Witnesses for Contestants.

PAGE.

Roche, Dominick H.—
Direct (Mr. Miller), . - - - 515
Cross (Mr. Collins), - - - - 517
Re-direct, - . - - - 592–595
Re-cross, - - - - - . 594

Knox, John M.—
Direct, - - - - - - - 519
Cross, - - - - - - 521
Re-direct, - - - - - 523

Merritt, David H.—
Direct, - - - - - - 524
Cross, - - - - - - - 526

Newcombe, John Franklin—
Direct, - - - - - - 527
Cross, - - - - - - - 528

Chandler, William J. D.—
Direct, - - - - - - 529
Cross, - - - - - - - 531

Van Voorhis, Elias W.—
Direct, - - - - - - 533

Rockwell, William—
Direct, - - - - - - - 541
Cross, - - - - - - 543
Re-direct, - - - - , - 544
Re-cross, - - - - - - 544

Jayne, Benaiah G.—
Direct, - - - - - - - 544
Cross, - - - - - - - 553

Adams, Henry C.—
Re-cross, - - - - - - 563

Crooks, Thomas W.—
Direct, - - - - - - - 571
Cross, - - - - - - - 572

PAGE.

Omberson. John W.—
Direct, - - - - - - 580
Cross, - - - - - - - 582
Lansley, James S.—
Direct, - - - - - - 584
Van Wyck, Henry D.—
Direct, - - - - - - - 587
Re-direct, - - - - - 608–665
Cross, - - - - - - - 625
Re-cross, - - - - - - 666
Sandhuson, George—
Direct, - - - - - - - 596
Cross, - - - - - - - 600
Re-direct, - - - - - - 600
Re-cross, - - - - - - 600
Colby, Albert—
Direct, - - - - - - - 600
Crater, Philip W.—
Direct, - - - - - - 603
Cross, - - - - - - - 605
Cushing, Henry B.—
Direct, - - - - - - 666
Cross, - - - - - - - 672
Re-direct, - - - - - - 681
Fish, Frothingham—
Direct, - - - - - - - 681
Cross, - - - - - - 684
Re-direct, - - - - - 692–694
Re-cross, - - - - - - 693
Savage, George W.—
Direct, - - - - - - - 695
Cross, - - - - - - 697
Re-direct, - - - - - - 697
Carpenter, David P.—
Direct, - - - - - - 697
Cross, - - - - , - - 698
Sanders, Samuel—
Direct, - - - - - - 701

Witnesses for Proponents.

	Page.
Barber, Amos P.—	
Direct (Mr. Beckett),	704
Cross (Mr. Miller),	733
Re-direct,	749
Re-cross,	751
Baumann, Ernest Joseph Philip—	
Direct,	752
Cross,	771
Re-direct,	785
Re-cross,	790
Degener, Frederick Louis—	
Direct,	791
Cross,	796
Adams, Edward L.—	
Direct,	797
Cross,	8e4
Rauch, Edward H,—	
Direct,	818

The Prerogative Court,

OF THE STATE OF NEW JERSEY.

In the Matter of the Probate in solemn form of the last Will and Testament

of

GEORGE P. GORDON, Dec'd.

Evidence taken in the above stated cause before Hon. ALEXANDER T. MCGILL, Ordinary of the State of New Jersey, at the Chancery Chambers in Jersey City, July 8th, A. D., 1891, at 10 A. M.

APPEARANCES:

Messrs. COLLINS & CORBIN, for proponents, Adeline J. Gordon and Sidney Doane.

WILLIAM T. DAY, Esq., for Pauline Teresa Reitz and Samuel Richard Ruyssenaers, residury legatees under the alleged will of Mary Agnes Gordon.

WILLIAM F. ABBETT, Esq., for William W. Old, executor of will of Leonore M. Van Wyck, and

THEODORE F. MILLER, Esq., Counsel for William W. Old.

BARKER GUMMERE, Esq., of Counsel.

Pursuant to adjourment the parties and counsel met at the Chancery Chambers, July 8th, 1891, at 10 A. M., and the following evidence was produced:

MR. COLLINS: I would ask that the Court permit me to suspend the further examination of Edward H. Rauch, the witness on the stand at the last adjournment, for the purpose of examining Mr. Ewell, an expert from Chicago, who desires to return to Chicago to-night, as he is engaged as an expert in another case—that of the Davis Will Case.

Motion granted.

Mr. COLLINS: There are few more standards in the hands of our witnesses which have not yet been proved, and I will, therefore, prove those standards before proceeding with Mr. Ewell's examination.

EDWARD L. ADAMS, being recalled in behalf of proponents, testified as follows:

EXAMINED BY MR. COLLINS.

Q. I show you, Mr. Adams, some papers purporting to be signed by John Q. Adams, either in his full name or by his initials—eight papers in all—have you examined them?

A. Yes.

Q. Are they not the signatures that is in the handwriting of your brother, John Q. Adams?

A. They are.

MR. COLLINS: I offer these eight papes in evidence.

MR. MILLER: I ask permission to cross-examine this witness before these are admitted.

Motion granted.

CROSS-EXAMINATION BY MR. MILLER:

Q. Where did these papers come from?

A. From among the papers of my father's.

Q. In whose custody have they been?

A. They have been in mine.

Q. Continuously?

A. Well, they have not been in my hands all the while, but they have been among the papers that came to me, or rather to us, from my father.

Q. Where have they been kept, that is what I want to know?

A. In a little box my father used to keep in his office which he had in the house.

Q. Since your father's death, where have they been kept?

A. In the same box he kept them—they were never disturbed until, I believe, they were taken out to bring them here.

Q. Where were they kept, in the house—that is in the Rahway house?

A. Yes.

Q. Where were they kept in the house?

A. Up in the corner of the garret where they had been put away—where the box had been put away.

Q. Were you requested to search for these papers by the proponents' counsel?

A. Yes.

Q. And that is the way you came to find them?

A. Well, we hunted for them and found them, yes, sir.

MR. MILLER: I shall simply object so as to raise the Court's attention to the fact of the extreme age of these papers. I submit that they are so very old, being in the years 1844 and 1849, that I think they ought not to be admitted.

The ORDINARY: I will accept these papers in evidence as standards, only upon the consent of counsel. I do not think proof of this kind is sufficient to establish the genuineness of the papers; it is not enough to admit them

even though the custody of the papers may be as testified to.

MR. COLLINS: I cannot make any better proof of this. The simple fact is that Mr. Beckett, my associate, went out to Rahway on Sunday and at his request Mr. Adams went up into the garret and dug out all the papers containing the signatures that they could find of John Q. Adams—that is all there is about it.

Mr. MILLER: On the statement made by counsel I don't urge the last objection, but simply urge the objection as to their admissibilily on account of their age.

The ORDINARY: I shall ccnsider them in by the consent of counsel.

Papers marked Exhibits P 189 to P 196 inclusive.

MR COLLINS: I desire to call Mr. Hicks later on, on the merits, but just now on the question of handwriting.

WILLIAM V. H. HICKS, a witness produced on behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS.

Q. You live in Brooklyn, I think?

A. Yes, sir.

Q. Did you know George P. Gordon and that he carried on the Gordon Press Works in his lifetime?

A. I did.

Q. How long have you known him?

A. Since about 1860.

Q. Continuously down to his death?

A. Yes, sir.

Q. Did you go into his employment?

A. Yes, sir.

Q. At what time?

A. In 1876.

Q. Did you continue in his employment until his death?

A. Yes.

Q. Have you still remained in the employ of the Gordon Press Works?

A. Yes, sir.

Q. And are still there?

A. Yes.

Q. Did you become acquainted with his handwriting?

A. Yes, I did.

Q. Well acquainted with it?

A. Yes.

Q. Did you often see him write?

A. I have, yes, sir.

Q. I show you a number of letters purporting to have been written by George P. Gordon to Nichols & Langworthy, his manufacturers, and I ask you whether or not those letters and the signatures under them are in his handwriting (handing witness a bundle of papers)?

A. I believe they are.

Q. And I show you another one from Nethermuir, Virginia, dated December, 1870, and I ask you whether or not that letter and the signature to it is in his handwriting?

A. Yes, sir; I should say that is the handwriting of George P. Gordon.

Q. The first series which I show you—all, excepting the last one—are touching the business of the Press Works?

A. Yes, sir.

MR. COLLINS: I will state to counsel that all the letters were handed to us by the firm of Nichols & Langworthy, since the beginning of this suit, and upon our request for them—that is the correspondence they had with George P. Gordon.

I offer these letters in evidence.

MR. MILLER: I request permission to cross-examine the witness before they are marked in evidence.

CROSS-EXAMINATION BY MR. MILLER.

Q. Did you see any of these letters written?

A. No, sir.

Q. You don't know under what circumstances any one of them was written, whether in haste or deliberately?

A. No. sir, I don't.

MR. MILLER: We take the same position in respect to these letters. We do not question that these letters were written, or the body of them, by Mr. Gordon, so far as we can judge, and so far as they are valuable, not knowing the circumstances as to how they were written, and we do not object to their being used as standards of the signature of George P. Gordon, or of standards of his handwriting, but we ask the Court to take all the facts into consideration and not to give them as much weight as other items written under different circumstances, might have given to them.

The ORDINARY: Counsel admits the admissibility of the letters as samples of handwriting, subject to the question as to their weight?

MR. MILLER: Yes, sir; I don't find fault with that qualification, because, I presume, certain kinds of writing are to be treated by the Court and everybody else in the light of their environment—the circumstances inherent in them, and I might as well say that we find a very great variety in the letters of Mr. Gordon, but all characteristic.

Marked Exhibits P 197 to P 207 inclusive.

MARSHALL DAVIS EWELL, a witness produced in behalf of the proponents being duly sworn according to law on oath says:

EXAMINED BY MR. COLLINS.

Q. Where do you live?

A. I reside in South Henderson, Cook County, Illinois, and have my office in Chicago, at 97 Clerk Street.

Q. What is your age?

A. Forty-seven the 18th of next month.

Q. What is your profession?

A. Primarily I am instructor in the Union College of Law at Chicago, in connection with that I am also lecturer on Medical Jurisprudence in the Michigan University, and also have given considerable attention and study to microscopy and also have given considerable study to the subject of questioned handwriting and to handwriting.

Q. Are you the Mr. Ewell the author of Law Works?

A. I am

Q. What works?

A. I would not want to enumerate all that I am the author of, a few will be sufficient. Ewell on Fixtures, also a Manuel on Mental Jurisprudence, next, Leading Cases on Disabilities—the last two Works published by Little, Brown & Co., in Boston; three Volumes on Abridgment, and others which have been published by F. H. Phoer, of the Boston Book Company.

Q. Any other legal treatises?

A. Yes, sir, eight or nine volumes of the Illinois Reports have been entered by me, and which have been published by Clemcn & Co., of Chicago; two editions of Linley on Partnership, one on Agency, that is Evidence on Agency and Numerous articles in Law Journals.

Q. You were admitted to the bar when?

A. In 1868.

Q. Receiving your degree from what university?

A. I received the degree of Bachelor of Laws in 1868 from the University of Michigan, and I received the degree of Doctor of Laws in the same institution in 1879; I received the degree of Doctor of Medicines from the Chicago Medical College in 1884.

Q. And you have held some judicial office—that was what?

A. I held the office of Judge of Probate for one term in Mason County, Michigan and resigned it.

Q. What offices have you held in Scientific pursuits?

A. I have been Vice-President of the American Society of Microscopists and Fellow of the Royal Microscopic Institute of Great Britain and a member of the New York Microscopical Society; I am also a member of the Astronomical Society of the Pacific, also a member of the British Astronomical Society of London, England.

Q. I think you stated that you had given special attention to matters pertaining to microscopy and to the matter of handwriting?

A. Yes, sir, microscopy and handwriting are my special branches.

Q. Have you testified on the question of the genuineness of disputed signatures?

A. I have.

Q. Name a few of the leading cases?

A. I was one of the experts in the Jerome Will Case in Chicago, Illinois, and also in the criminal prosecution growing out of the same case. I am one of the experts of the Davis Will Case now pending in Butte, Montana and other cases in which I have been an expert, the names of which I can give you if you desire.

Q. Preliminary I wish to call your attention to a subject—I call the attention of the Court and counsel to Mr. Carvalho's testimony found on page 208 of the printed book, where he testifies that his photographs to all intents and purposes are fac-similes of the originals (referring to the photographs of the

checks which are marked D 63 for identification and of the will marked D 62 and the testamentary signatures on D 61); and also to what he says:

"Q. Does this method correctly reproduce the original?"

"A They are to all intents and purposes fac-similes of the originals."

Then on page 209 at folio twenty, where he says in answer to the question—"Does that photograph fully and fairly—is it a full and fair photograph of the original signatures before us," to which he answered "They are." Now on page 218 of the same book he says at folio 30.

"Q. You superintended the making of the negatives, as well as these?

"A. I superintended the making of the negatives and personally superintended the making of these cartoons. I did not do the manuel labor, but it was done under my supervision, and I am willing to take the responsibility as to their correctness."

Now on page 250 as follows;—"And I want to say also that the signature taken as a whole from what appears to be the initial stroke of the "G" to the finish occupies more space than in the signatures, any that I have seen." Mr. Ewell, before taking up your affirmative testimony I wish to direct your attention to the measurements of the original signature, Exhibits D 56 to D 60 inclusive, and Exhibit P 1, the whole of the measurements of the photographs made by Mr. Carvalho of these signatures upon D 63—have you carefully measured the original signature of Exhibit D 1, to wit, the disputed signature of the will in question?

A. I have measured it—that is, the alleged signature of George P. Gordon. I did measure it yesterday from the points designated by you.

Q. In reading from Mr. Carvalho's testimony just now I said from the initial stroke of the "G" to the extremity of the scroll or loop to the final "n"?

A. Yes.

Q. Have you also measured the signatures of the originals of D 56 to D 60 inclusive.

A. These checks?

Q. Yes?

10 A. Yes, I measured them yesterday.

Q. Have you also measured in the same way the photographs, the alleged reproductions of these original signatures shown on the photograph Exhibit D 63?

A. I did at the same time and place.

Q. Will you give the results in as convenient form as possible?

A. I am comparing the original of each one with the photograph.

20 MR. MILLER: I ask the witness what memorandum he has in his hand?

WITNESS: A memorandum I made by myself for myself when I made the measurements; it would be impossible for me to keep them in my mind without some memorandum.

MR. COLLINS.

Q. Is this a measurement that his Honor could do

30 for himself?

A. Any individual present could do it as well as I could. I made it with a pair of dividers, making the coincidents with the terminals by means of a watchmaker's glass, and then I applied the dividers to a Brown & Sharp rule and read off the distances in one-hundredths of an inch. That method of measurement is not a refined one, such as I would use on microscopical objects, but it is as correct a one as matters of this kind would admit of.

Q. What rule did you use?

40 A. A Brown & Sharp rule—a rule of steel.

Q. Have you that rule with you?

A. I have (witness produces):

Q. Did you use the same dividers and rules for every measurement?

A. And the same glass under the same identical condition as near as I can tell.

Q. Did you make the measurements more than once?

A. Yes, sir, and three and four times so as to be sure I made no mistake.

Q. Please now state the measurements of each signature and the measurements of the reproduction of Exhibit D 63?

A. The first is the paper marked Exhibit D 56, marked on the face next to the signature with the Roman figure "I," and I made the length of that two and thirty-six one hundredths inches.

Q. That is the signature?

A. Yes, sir, the signature from the left extremity of the initial curve of the letter "G" to the upper extremity of the end of the letter 'n." The photograph of the same, which is marked Roman figure one, I made two and thirty-one one-hundredths inches.

Q. That is the photograph of D 56?

A. Yes, marked with the Roman figure to the left side of it.

THE ORDINARY.

Q. The difference is what?

A. Six one-hundredths of an inch.

MR. COLLINS: Proceed.

WITNESS (continuing): Exhibit D 57, marked with the Roman numerals two at the left of the signature is two and seventy-six one-hundredths inches, measuring between the same points—that is, the left hand convexity of the terminal curve of the "G" to the right-hand extremity of the terminal curve of the signature, two and seventy-six one-hundredths inches.

The photograph of the same marked in Roma

numerals "II" I made two and seventy-one one-hundredths inches, a difference of 6-100 inches; the photograph is that much short.

Exhibit D 59, also marked B of the Roman figure "III," measuring between the left-hand convexity of the initial stroke of the letter "G" and the furthest right-hand point of the terminal flourish of the "n," I make it two and sixty-five one-hundredths inches, and the length of the corresponding photograph is two and fifty-nine one-hundredths inches—that is to say, the photograph is six one-hundredths of an inch shorter than the original.

Exhibit D 60, also marked "IV," I measure from the extremity of the initial curve of the "G" to the same point of the terminal flourish of the "n," as in the last instance, and I make that two and forty-two one-hundredths inches and the corresponding photograph two and thirty-six one-hundredths inches—that is to say, the photograph is six one-hundredths of an inch shorter than the original.

Exhibit D 58, measuring from the left-hand convexity of the terminal curve of the letter "G" to the same point on the terminal flourish of the letter "n," I made it two and twenty-eight one-hundredths inches. The corresponding measurement of the photograph I made two and twenty-two one-hundredths inches—that is to say, it is short six one-hundredths of an inch.

The signature to Exhibit P 1, that is the signature of the alleged testator to the will measuring from the initial point of the initial curve of the capital "G" to the right hand point of the terminal flourish of the letter "n" I made two and fifty-five one-hundredths inches and the corresponding measurement of the photograph of the same is two and sixty-nine one hundredths inches, that is to say, the photograph is fourteen one hundredths inches longer than the original.

Q. The photograph of Exhibit P 1 is fourteen one hundredths inches longer than the original?

A. Yes, sir; I want to say in this measurement

that there might be a possible error of one one hundredth of an inch, as it is impossible to get them exactly, but there is a limit of error I think not to exceed in this measurement one one hundredth of an inch.

Q. But a difference, namely, that the photographs of the check signatures are shorter than the originals and that the will photograph is longer in the will signature, is perfectly plain to anyone who will put the dividers on it?

A. Yes, sir.

Q. And the proportions of the remainder of the photographs are the same?

A. The proportions will remain the same between the two—the proportion is not effected throughout.

Q. What is the average shortness of the check signatures, Exhibits D 56 to D 60 inclusive?

A. On Exhibit D 63 six one hundredths of an inch.

Q. And the lengthening of the will signature is what?

A. Fourteen one hundredths of an inch.

Q. Aggregating what?

A. Twenty one hundredths of an inch.

Q. One-fifth of an inch?

A. Yes, sir.

Q. Mr. Carvalho said at the point from which I read that the signature of the will taken as a whole from what appears to be the initial stroke of the letter "G" to the finish occupies more space than in the signatures—"any that I have seen" is that the fact in regard to these identical originals Exhibits D 56 to D 60 as compared with the will?

A. No, sir.

Q. Point out if there are any in D 56 to D 60 that are as long or longer than the will signature—I refer to the original?

A. The will signature is two and fifty-five one hundredths inches, Exhibit D 57 is two and seventy-six one hundredths inches and Exhibit D 59 is two and sixty-five one hundredths inches, I believe that is all.

Q. I call the attention of the Court now to page 218 of the printed book which has been already quoted of Mr. Carvalho's testimony, and also to page 219 where Exhibit D 71 for identification is proved as a cartoon, from which he takes the responsibility of their correctness—I call your attention to Exhibit D 71, does that purport to have upon it an enlargement of D 59, D 60 and D 58, together with the will signature, Exhibit P 1?

A. It does.

Q. Have you satisfied yourself with degree of enlargement—how many times does that cartoon, Exhibit D 71, enlarge the original substantially?

A. I have mislaid my memorandum, but I think it is about 14 or 15 times—that is my recollection; I will make the computation and give you the exact figures if you think it necessary.

Q. In reality the difference between the signatures would be magnified fourteen times?

A. Yes, sir; that is if they are on the same scale.

Q. Is Exhibit D 59 one of these signatures; you have told us that by actual measurement of the original is longer than Exhibit P 1, the disputed will signature?

A. No; excuse me, I am wrong about that, it is ten one hundredths of an inch. Exhibit D 59 is two and sixty-five hundredths inches, and the original is two and fifty-five one hundredths inches.

Q. And yet upon Exhibit D 71, where they are in juxtaposition it seems to be considered shorter to the naked eye?

A. It appears so to me, but I have measured them.

Q. State the result of that measuremeut?

A. The one marked Exhibit D 59 on the cartoon is thirty-seven and one-eighth inches long from the same points specified in my testimony respecting the length of the original signature.

MR. MILLER;

Q. How long is that?

A. Thirty-seven and one-eighth inches approximately, that is.

MR. COLLINS:

Q. The length of the will signature Exhibit D 71?

A. It is thirty-seven and six one hundredths inches.

Q. Or five-eighths of an inch longer than D 59 on the cartoon?

A. Yes.

Q. It should be by proportion how much longer?

A. If they are both enlarged on the same proportion, D 59 should be thirty-eighth and six-tenths inches. Exhibit P 1 should be thirty-seven and one-quarter inches.

Q. What is the difference?

A. Fourteen one hundredths of an inch or approximately one-tenth of an inch longer.

Q. You have given us the actual measurements on the cartoons, Exhibit D 59 and Exhibit P 1; now I want to know what would be—(interrupted.)

A. The actual length of this is thirty-seven and six-tenths inches (referring to exhibit P 1). I have given you the same proportion. Exhibit D 59 should be thirty-eight and six-tenths inches, but in point of fact it is thirty-seven and one-eight inches.

Q. How much longer should Exhibit D 59, on the cartoon be than P 1, if they were faithfully reproduced in the same proportion from the original?

A. About four-tenths of an inch longer than it is.

Q. That is Exhibit D 59 should be about four-tenths of an inch longer than it is?

A. I think you have it wrong.

Q. You may make that calculation and see if you are not in error?

A. I will do so.

Q. You may revise that calculation later.

A. Yes, sir, I will do so.

Q. My question is not how much longer it ought to be than it is—but how much longer it would be than Exhibit P 1 would be?

A. It should be eight-tenths of an inch longer.

Q. How much longer is Exhibit D 59, on the original than Exhibit P 1 on the original?

A. One-tenth of an inch.

Q. Now, then, would you not multiply that by fourteen to get the difference?

A. The way I made the calculation was to get the proportions between the originals and multiply by that proportion, but I will give you the full computation, if you wish it.

Q. Do so?

A. I take two and fifty-five hundredths of an inch the length of the original signature, and divide it into two and thirty-six one-hundredths of an inch, which is Exhibit D 56, also in the D 57, D 59, D 60 and D 58, which gives the per centage relation between the two, and then adding or subtracting that per cent. from the cartoons, I thought that was the right way to do it, but, perhaps, on reflection, I might change my mind.

Q. If the proper way would be to multiply the difference between the two signatures and fourteen, what would be the result?

A. That would make it larger, but I don't think you should multiply the actual difference, you could multiply the proportionate difference.

Q. Now, then, did you measure D 60 on that cartoon, Exhibit D 71?

A. I did and it measured 33 inches.

Q. And Exhibit D 58?

A. Exhibit D 58 measures thirty-one and seven-eighths inches.

Q. Now, leaving that subject, will you give us a statement of the elements to be considered in forming a judgment of handwriting, as you have developed them by your experience?

A. There are some fifteen or sixteen things to be considered in determining the authenticity of questioned writing, all being evidence of the habits of the writer.

1st to be considered, is the freedom of the move-

ment, whether it is a limited finger or wrist movement, or what we call a forearm movement.

2nd.—Is the angle or inclination of the letters and characters with a ruled line on the paper upon which the characters are written.

In the third place, is the pen pressure and shading.

In the fourth place, the habit or otherwise of writing on the lines.

The fifth place the punctuation.

6th.—Capitalization and spelling.

7th.—What I call the paraph, that is to say, the floroush.

Q. Some of the witnesses have called it the "rubric?"

A. The rubric—well, I don't call it the rubric—I call it the paraph, the term which in the Greek is *para* and *grapho*, which means to touch something very near to it.

8th.—The condition of health of the individual, as to nervousness, intoxication or otherwise.

9th. The manner of holding the pen.

10th.—The kind of pen and the paper and the kind of table upon which the writihg was done.

11th.—The position of the writer at the table or desk.

12th.—The space between the letter and the work.

13th.—The relative size of the letters and the signatures as a whole.

14th.—The different kinds of signatures in different documents, as for instance, there are what have been called check signatures or formal document signatures.

15th.—The difference as between the body writing and subscription or superscription.

16th.—The effect of the age and the like of the writer.

17th.—The matter of resemblance of writing of different members of the same family. I don't think these have the same relative importance in determining the question of the authenticity of writing,

but all the elements enter into the problem. Some of them might have an effect on the result and one is ordinarily enabled to determine after a comparison and in view of all these elements, but no one is able to determine in advance. Some of them I have no way of determining from the writing of the party unless a party has seen the document written.

Q. Do all these elements, some of which you say you have no means of determining, enter into your mental grasp of the possibilities in considering the signature?

A. They do, so far as I am acquainted with it. Now, I can specify the relative degrees of importance, if it is thought necessary, and can illustrate them by authentic specimens, which I have collected during my experience. I don't think that you can always determine whether a particular writing is written by a finger, wrist or forearm movement, but, ordinarily, I think you can. The angle or inclination is, in my experience, variable. It depends on the position of the writer when he sits at the table and the same writer will vary the angle from the right of the perpendicular to the perpendicular, or to the left of the perpendicular in the same document. I don't think there is any question of that and unless I see that the habits of the individual is uniform in this respect, I can't determine the matter. The one of shading and pen pressure is one of the elements, which in my judgment, is of importance, but if the shading is of the ordinary type, I don't think it is of any more importance, that is, any more importance than you would attach to the identification of the man by his personal habits, that he drank coffee or smoked tobacco, and, as I said before, I should not attach any great importance to that element of shading or of pen pressure, that is, not to that extent. If the pen pressure is unique, or if the loops of the capitals were shaded in an eccentric manner, then I might attach some importance to it, but not otherwise. If the manner of shading were unique in an ordinary way, then it would be possible

to follow that characteristic and which would aid in getting to a decision as to the genuineness or otherwise of the writing. The habits of writing on the lines comes next. That would have some influence, although, I must confess, not much, unless you should have some knowledge of the circumstances under which the instrument was written. Now, as to periods and punctuation, they might have some influence in determining the judgment, provided it appeared that the habits of the writer were uniform in that respect; but if his habits were various, then we should not attach any considerable importance to it. The same remarks will apply to the capitalization and spelling. With reference to the paraph or flourish. In my experience persons often times—I have known them have a certain signature to sign one class of documents and another signature to sign other documents. One signature would have a paraph or flourish under it of a certain character, and the other signature, being for another class of documents, would be without a paraph and the weight to be given to that element is only obtained from the thorough study of authentic documents.

Now, as to the position or condition of the health of the writer, so far as nervousness was concerned, that might have more influence, indeed, upon his writing, and it would vary the characteristics of his handwriting. Of course, in an unknown manner, it might affect it so that you would not be able to recognize it, and, in fact, I have specimens where—— (interrupted).

MR. MILLER: I want the witness to confine himself to expert evidence, his specimens would not be evidence.

MR. COLLINS.

Q. You base this opinion upon specimens which you have?

A. Yes, upon actual observation.

New Jersey State Library

Q. Have you had experience with the handwriting of insane people?

A. Yes, and have brought a number of specimens.

Q. So that the condition of a man's health and nervous state affects the writing a very great deal?

A. Unquestionably.

Q. And you can't make any estimate about it?

A. No, sir, not without actual experience with the individual.

Q. And what about the condition of the pen, paper or the ink and the peculiar circumstances under which the writing is done?

A. That might and probably would influence the writing to considerable extent, that is the manner of holding the pen, the kind of pen and ink, and the paper upon which the writing is done and the manner of sitting at the table, and the kind of table, and the condition of the paper, all these would influence it to an unknown degree.

Q. You could not estimate what it would be?

A. You could not, unless you reproduced the exact condition and even then there would be an element of uncertainty.

Q. Did you mention, in your list of elements, the proportion of the small letters to the capitals?

A. I think I did. They sometimes sustain a reasonable and certain relation in some persons and in others they vary to very wide extreme, so that whether it should have any weight in the judgment should be ascertained in the habit of the writer in each particular.

Q. Then, in determining upon the genuineness of particular signatures, if there seems to be a difference between them and typical examples produced, you would want a large range of a man's writing?

A. Very considerable latitude; yes, a long range.

Q. Before you could form a solid opinion?

A. Yes, I might refer to the fact, if you wish it, although, probably, I have said enough on that subject.

Q. State now to the court what study and exam-

ination of the photographs and afterwards the original exhibits you have give to the present litigation?

A. I have given two days study to the originals and a week or more to the study of photographs like these before me, not these—just seen them once—but photographs like those—that is, others which I have seen.

Q. That you did in Chicago?

A. Yes, sir; I have also a photographic copy of the first page and the page containing the attestation clause and the signature of the alleged testator for that purpose.

Q. And also some original letters?

A. Yes, sir.

Q. You referred to the autotypes which we have made when you referred to the phographs that you examined in Chicago?

A. I have them here—those which I used. They are Exhibits P 97, P 98, P 99, P 100, P 101 to P 105 inclusive, P 106 to P 113 inclusive.

Q. And you have given two days here in court in the presence of the custodian, Mr. Carrick, to the study of the original exhibits?

A. I have.

Q. And have you examined all the exhibits?

A. All so far as I know. I asked the custodian to give them all to me, and he said he had everything in the box, and I think they all passed under my inspection.

Q. I will first call your attention to the document itself, the alleged will, Exhibit P 1, and ask you what you have to say about the paper, ink and the general condition of it. State it in your own way?

A. I observed quite a marked difference between the effect of the writing. The ink in the signatures, that is, from that in the body of the will and in the attestation clause, and from my experience and experiments that I have made I am of opinion that the paper was damp when it was executed, but not when the paper was written. The ink appears to have stricken through in these respective places, and in

experimenting with paper under such conditions as I assume, or rather as it is in my opinion such conditions existed, I find the same result is produced. I didn't have the same identical paper or that same kind of ink, but I wrote on ordinary legal cap on damp paper with an ordinary fluid ink, and I found that it strikes through in portions which were damp, and not so where it was not damp, and therefore I am of the opinion that such was the condition of the paper when the signatures were put to the will.

Q. When you said that you thought that the paper was damp when executed, and not so when the paper was written, you mean when the signatures were written?

A. Yes; I don't think that it was immerged with water, because if it had been the ink in the signatures would have blurred condsiderably, and the ink in the body of the will would also have run and blurred or blotted.

Q. You think it was simply damp?

A. Yes, sir, I have no doubt of it so far as I can arrive at a judgment without having seen it myself at the time of the execution of the paper; so far as I can judge from the inspection of the body of the will it appears to have been written in the natural handwriting of the person who wrote it, and I come to that conclusion because there appears to be a uniformity—that is, no deviation of type, and therefore I think it is the natural handwriting of the person who wrote it.

Q. What kind of paper is that?

A. It is legal cap paper, but I don't profess to be an expert on paper. I don't see such paper in common use at the present time.

Q. Is it what is called laid paper?

A. I wouldn't express an opinion on paper; that is beyond the range of my experience. I would not like to give an opinion.

Q. You don't feel like giving an opinion as to the age of the document, or is it that you don't have knowledge on that subject?

A. I have some experience respecting the age of paper, but in my judgment that cannot be absolutely determined. It is, in my opinion, an old document, but my experience is not sufficiently large in that line that I would like to be bound by that judgment.

Q. Do you know anything about inks?

A. I have studied a good deal about the chemistry of ink, but I didn't study this document in that view, and don't feel competent to pronounce an opinion on that subject.

Q. Even as to the question whether the same ink was used in the signatures as was used in the body of the will?

A. I don't think that I would like to give an opinion; I haven't studied it sufficiently with that view; it wouldn't be right for me to give an opinion on the subject without having given the subject more study.

Q. Does the paper show lines across it?

A. It does, and I know how that kind of paper is made; that is made by what they call the wire cloth on which the paper is formed. They are there without question, not only the lines across the paper, but there are several vertical lines.

Q. I will now come to the subject to which you have given special study; you were going on to give the characteristics of the writing in the body of the paper, but I will if you don't object, first ask you whether in your opinion the body of the will and the four signatures purporting to have been made to it are in the same handwriting, and if no, why not?

A. I don't think they are in the same handwriting. The writing of the body of the will is very peculiar; it is a nervous angular sort of writing. The capital letters are compressed somewhat, that is the letter "G" is narrower as compared with the capital "G" in the signature. The letters nearly all of them show a tendency of angularity—what I might term the southwest corner of the letters for the want of a better expression, which is quite noticeable and not possessed in any one of the signatures to the

document. I regard that as quite a characteristic. And then again, the curves which join the small letters are also quite characteristic—they all have their convexity downward.

Q. Point it out to the Court?

A. The convexities of curves of the lines joiniug the small letters point downwards and not upwards, and this I regard as a very important characteristic of the document.

Q. You say it is the general thing to have them with such convexity?

A. This is uniformly done.

Q. As a general thing there is a convexity in that paper—in the small letters downward?

A. Yes, sir, they are almost without exception.

Q. You have indicated these to the ocular explanation of the Court; indicate them now so as to have them put down in the record?

A. In the first "Gordon" in the first line—the small line connecting the letter "o" and the "r," the "r" and the "d" and the "o" with the "n" in the word "Gordon" that is on the first line of the will. In the second line—the hair lines connecting the two "o's" in the word Woodbridge"; then the "o" with the "d," then the "b" with the "r" and the "r" with the "i," all in the same word. These also have examples I think, and as I say I find nothing of that sort in any other portion of the will, that is in any of the signatures to the will.

Q. Nothing of that sort?

A. No, sir. I ought, perhaps, to specify that I refer to the lines which drawing them at the top of the small letters, not at the bottom, that is the top of the small letters. Another of the characteristics in this writing in the body of the will—interrupted.

Q. Is this convexity that you speak of, pointing downward a peculiarity of the writing of this draughtsman of the will?

A. Yes. Another characteristic of the writer that wrote the body of the will is the fact that all the letters having a loop extending below the line have

such loop bent as it were to the right, that is, a convexity to the right and not to the left of the line designating the angularity of the word. When it doesn't bend to the right then it is parallel as a rule with the line which designates the angle of the main part of the letter and so far as I have observed them don't extend at all, or if at all to a very minute degree to the left of the line which indicates the prevailing angle of the writer. I would indicate as an illustration of what I mean, the two small "g's" in the third line of the will on the first page of the will and generally all of the "g's" throughout the will and the same remark will apply to the "y's" as a rule. There is a "y" which is straight (indicating), that is to say, the letter "y" in Section 1 of Article I, it does not bend either way. Take the word "yearly" of the second line of the third page of the will in Article IV, that angle is somewhat to the right. Take the two "y's" in the third line of the same page and so on.

Q. You don't find that characteristic in the signatures?

A. I don't; they bend to the left instead of the right.

Q. Indicate them?

A. Take for instance the "y" in "Henry," the first "Henry" to the subscribing witness. The "z" in "Alonzo"—these are in small letters, that being the exception. Proceeding to the individual letters I find that the capital "G" in the body of the will in the signature of "George P. Gordon" are typically different. "G" in the body of the will is narrower, compressed and angular? The "G" in the signature is round, more flowing in its character. The capital "P" in the first line of the body of the will and wherever it occurs, so far as I can discover in the body of the will is typically different from the "P" in the signature. The "P" in the body of the will is formed without taking the pen from the paper. The "P" in the signature is formed in two movements. The "P" in the body of the will has no loop on the

top. The "P" in the signature has a small but distinct loop somewhat masked by the upper curve of the "P," but which is quite apparent on an examination by the use of a glass, but in my opinion that is very fairly a characteristic loop of that part of the letter "P."

I do not find that the writer of the body of the will ever uses that loop in the letter "P."

10 The same remark will apply to the second "g" which was made with reference to the first.

Proceeding now to the small letters I find that the small "e" of the signature is what is called a Greek "e". I do not find that the writer of the will has ever used that kind of "e" in the body of the will. If there is any in the body of the will, I have not been able to find it.

The small "o" in the word "George" in the body of the will possesses the characteristic angularity of
20 its lower left hand corner to which I have referred, while the leter "o" in the signature is round and flowing, that is the last "o" in the "Geo."

The "George" in the signature is abbreviated and therefore I cannot institute a comparison with the other three letters.

The same remarks will apply to the first small "o" in the word "Gordon" in the first line of the body of the will, which were made with reference to the small "o" in the word "George" in the first line.

30 Q. You refer to what you call the angularity of the southwest corner of the letter?

A. Yes, that seems to be about the most convenient way to designate it.

The same remark will apply to the last "o" although not to so marked a degree and also to most of the "os" found in the body of the will. For instance, in the word "good" in the third line in the body of the will and the "o" in the word "sound," and the word "off" of the third line in the body of the
40 will.

I might designate them at much greater length but probably have identified enough that appears to

be the characteristic of the writing of the author of the body of the will I do not find any such characteristics in any of the signatures of the will,—not one.

Q. Is it applicable to what I might call the "o" part of the "d?"

A. The same remark will apply to the "o" part of the "d" and to all or nearly all of the letters which has an oval as a lower left hand part.

Q. Proceed?

A. I have already referred to the letter "E" in the comparison of the two "e's" in the Gordon signature. I find that the small "e" in the name of the first subscribing witness "Henry Adams," is of a different type from that usually used by the author of the body of the will.

In many, not all, but in many of the same "e's" in the body of the will you will find this angularity. In others there is a tendency to a diametrically opposite direction, namely, the lower left hand curve is very much broader, almost circular. In this one (indicating) that is not universally the case but it is sufficiently so to mark it as a characteristic.

Now passing on to the subscribing witness I will mention the striking characteristics and omit what I regard as minor details, and I will first pass to the name of the subscribing witness "Henry Adams."

Q. Before doing that oblige me by calling attention to the small "r"?

A. The small "r" of the writer of the body of the will is most characteristic. It is made with a blind loop at the top, whereas the "r's" in the signatures are all of an entirely different type.

The "r" in "Gordon" is made without a loop at the top but with a smooth curve, and the "r" in "Henry" the only other "r" which appears in the signature is of an entirely different type, not made with any curve, such as exists in the "r" in the body of the will.

Q. Now the "r's" in the body of the will?

A. An inspection of the document will make plain just what I mean without any explanation. The "r's" in the body of the will are of this type (indicating) the "r" in the signature, is either of that type or simulates this type (indicating)——interrupted.

Q. Make your explanation so that it may be recorded?

A. The one in the will has this blind loop at the top and the ones in the signatures don't have it, or have another kind of "r" and I dont know any distinctive name for it.

Q. Now proceed?

A. Passing to the capital "H" in the word "Henry" I don't find any such kind of "H" in the body of the will, and the difference between them in my judgment is this, that the second staff of the capital "H" has a convexity to the left, whereas the "H's" in the body of the will are straight.

There are several here if I can find them. In Article III, Section 2, in the words "Henry Adams." you will find an illustration of what I mean—the second stroke of the capital "H."

Q. Proceed?

A. The same remarks will apply to the small letter "e" and the "r," and the small "y," which were made previously, thatis to say the "e" has a rounder curve and is taller than the rest of the letters in the word, and the small "y" rather inclines to the left instead of the right. The letter terminal "s" appears to be a different sort of "s" from that which is ordinarily used, that is not only the first but in the second and third it is different from that which occurs in the body of the will.

Q. What about the first?

A. I don't find so much difference as in the second and third. The second and third have loops—the last "Adams" especially has an open loop and I don't find in the will that the writer of the body of the will uses a small "s" with the open loop. If so, they have escaped my notice.

With reference to the other signatures of the sub-

scribing witnesses there is some resemblance between portions of them, but there are also typical differences.

For instance the difference in the "o" exists, to which I have referred, that is the small "o."

The difference in the "a's" and the angularity of the "z's" to the left, which you don't find in the body of the will, any such small "z's" as that used in the word "Alonzo," and the difference is a typical difference.

The "z" in the body of the will is made without a stroke below, and to the left there is no stroke whatever below the lines.

The capital "P" is quite different from that which prevails in the body of the will, and which probably I have sufficiently described below.

The capital "C" in the name of "Alonzo C. P. Adams" is made without taking the pen off the paper, and the movement is quite different from that in the body of the will. In that there is a curve of the ascending line of the "P," which is to the left of the staff instead of to the right of the staff, as in the body of the will—the capital "P" in the body of the will—in that there is quite a distinctive difference.

I don't find any capital "J" in the body of the will resembling the one in the signature "John Q. Adams." The "J" in the signature of "John Q. Adams" has an outside curve to the left and the shading has the peculiar shading to the last terminal curve of the staff, which I do not find existing in the body of the will.

The same remarks will apply to the small "o" in the "John" of the "John Q. Adams" signature which were made with reference to the small "o's" in the other portion of the document.

I do not find any capital "Q" in the body of the will, and therefore have no means of instituting a comparison in these two letters.

I do not remember to have seen any capital "A" like the initial "A" of the last "Adams," and I think there are none like it in the body of the will, but I

may be mistaken as to that. I can't find any, and if it should be that there is any such then that would be another characteristic difference.

And then, again, I find no such convexity to the small letters either at the top or the bottom as exists in these signatures of the last Adams, and no such terminal flourish of the "S."

Q. You have spoken of letters that extended below the line. Now look at the letters "J" and "Y," and has their tendency in the body of the will to go up to the right——(interrupted).

A. Or at least not to depart further than the average line that measures the inclination.

Q. What have you to say about the tall letters above the line in the body of the will as compared with the tall letters of these three witnesses?

A. Well, as a rule, they have a disposition in the body of the will to curve with a convexity to the right, whereas in the signatures, in most instances, exists a disposition to curve in an opposite direction. For instance (pointing to the "l" in "Alonzo" and "d" in the second "Adams"): there is a little tendency to have a convexity to the left, whereas the tendency in the body of the will is to have the convexity in an opposite direction. Take the word "testament"—the first "T" on the first page of the will, you will observe the tendency in a marked degree in the three "t's" in that word.

Q. Referring to the attestation clause, now, see what you have to say as to the word "will" and and "testament" and "his" and the various other letters in that clause, so that the court can see first by glancing at those?

A. I find the three "t's" in the word "testator"; I find it slightly in the "d" and in the first "t" of the word "the" and in the "h" of "publish" in the first line of the attestation clause. In the two "d's," although not in a very marked degree. The two "l's" in the word "will"; the two "t's" in testament, and nearly all the "t's" and "h's," and in the word "first," all have the same tendency.

Q. In the attestation clause the witnesses' signatures, you say, those letters do not have that tendency?

A. Yes.

Q. Now I will call your attention to something you spoke to me of—I hardly know how to phrase it—but it appears to my mind the effect of crowding down of the small letters?

A. There is so much material in this document that I am liable to omit some of it unless my attention is drawn to it, and I thank you for calling my attention to it, for it is a marked characteristic.

The characteristic to which I refer will be found generally throughout the body of the will, where a conclusion of the small letters occurs, that is to say, there is a tendency to converge to the right—to run down hill, as you might say— that is the vertical termination of the small letters—the dimensions decrease as the writer proceeds to write. For instance, take the word "and," in the fourth line of the will, and wherever in the will you find the word "and" the same combination of letters as in the word "Adams"—this characteristic shows itself in a marked degree, and in some instances in a slight degree.

For instance, in the first "m," in Section 1 of Article I. In the letters "am," in the word "Bramhall," in the fifth line of Section 1, Article I—it is quite noticeable that dimunition to the height as they progress to the right, and they don't go below the line, they go smaller, the relative height of the letters as they progress to the right diminishes, and he fails to lift his pen high enough.

The "n" in Article V, the first line, not quite to so marked a degree.

The "am" in "James," not quite to so marked a degree.

In the word "and," the letters "an" of the first line of Article V in the word "Adams," on the fourth line, it is also noticeable.

In the letters "am" on the seventh line of Article V, it is quite noticeable.

Q. How about the words "farm," in the fourth and fifth line?

A. Yes, it is also observable there and indeed in nearly every instance, if not in all of them. In no instances which I have observed, do the words progressively increase in height as they go to the right.

Q. Is this particularly so where the letters "m" and "n" follow a large letter?

A. Yes, quite so, or where they follow the letter "a."

Q. Take the letters "an" in the word "and," on the eight line of Article V, and the letters "an" in the word "thousand?"

A. Yes, they are particularly marked in the syllable "an" in "thousands," and in the two letters "an" in "and" in the lines designated.

Q. The word "Adams" occurs in a number of places in the will?

A. I think you will find it in every one of the paragraphs or articles.

Q. Now the "Adams" in Article III, Section 2?

A. It occurs there. There is one peculiarity about that "Adams" you will notice, that the first part of the letter "m" is sometimes shortened, and if you lay a straight edge along the upper part you will find it converges in the word "Adams."

Q. How about the ninth line of the seventh page in the word "Adams"?

A. It exists in quite a marked degree, and also in the word "Adams" in the fourth line below that and in the second line below that one.

Q. Now do you find any manifestations of that tendency of the writer of that body of the will in the three "Adams" signatures in the attestation clause?

A. I don't in the word "Adams." In the word "Henry" you will find that characteristic, but I also find that characteristic in the standards of the word "Henry," so that it appears that it was a characteristic of that person, also in writing his name.

Q. Did you see nothing whatever in the signa-

tures of "Alonzo C. P. Adams" or "John Q. Adams" approaching it?

A. Not the slightest, quite to the contrary.

Q. At present we were speaking of the body of of the will, as compared with the signatures of the subscribing witnesses?

A. Yes, my impression is that I have pretty nearly covered all that I intended to designate with reference to those.

Q. Now in answering my question whether the body of the will and the four signatures were of the same writing, your answer was that you didn't think they were, I want you to say whether you only think they were not, or whether you are clear on that point?

A. I am quite clear and entirely of the opinion that they are not for the reasons that I have stated.

Q. It is intimated on the other side that the writer of the body of the will wrote the four signatures and that het ried to disguise his hand, but that peculiarity of his nevertheless crept in that he couldn't prevent—now do you find any such indication?

A. I don't.

Q. Do you find any peculiarities of the writer of the body of the will in any of these signatures before us?

A. I do not find any peculiarity except those,—I think I have already designated, and the fact that many of the curves of the lines are dulled or blurred by the dampness of the paper, which in my judgment should not effect my opinion as to the authenticity.

Q. Do you think any two or more of the four signatures of the will, that is the testator, and the three subscribing witnesses—do you think any two or more of them are written by the same hand or that each of the four were written by different hands?

A. I don't think that any two of them were written by the same person.

Q. And, therefore, it follows that each was written by a different person?

A. Yes; of course, I don't know who by, because I never saw that written.

Q. What have you to say, taking the "Adams" signatures, as compared with each other?

Q. There is some degree of resemblance between them, which might be accounted for if the fact existed by the fact that they were near relatives and I expect that if it should appear that they were near relatives and intimately associated in writing or copying, or in their school exercises, then I should expect to find a certain degree of resemblance, and such has been my experience in the past.

Q. Suppose it should be proved in the case, that "Alonzo C. P. Adams" and "John Q. Adams" were sons of "Henry Adams," and that in their earlier days they were accustomed to copy documents that had been written by their father, would that fact tend to give some similarity to their writing?

A. It would be somewhat remarkable if it did not; I should expect to find such similarity, that is, if the amount of copying which they did was at all extensive, and taken at a time when they were comparatively young men.

Q. Would it be more likely to manifest itself if they came to write on paper immediately beneath their father's signature?

A. I think it would, and although I cannot base that opinion upon actual observation, but from experience which I have had, I should think there would be an unconscious imitation.

Q. Point out the characteristic differences in the three signatures?

A. Well, there is a characteristic difference in the "m's," and the "s's"—the last "m" is quite oval in its upper outlines. The "m" of "Alonzo C. P. Adams" is less so, and that of "Henry Adams" is quite angular.

The terminal "s" of "Henry Adams" has no loop, no flourish at the end of it.

The "n" in "Alonzo" is quite different in its form, from what, I suppose, was intended to be the letter "n" in "Henry," the signature of "Henry Adams,"

and the letter "n" in "John" is quite different from either of them.

The "d's" differ to some degree.

Q. Describe that—how do they differ?

A. The first two "d's" have the curve to which I referred, a convexity somewhat to the left, and the last "d" does not appear to possess quite so much curve, and the terminal loops in the "d" are different —the first "d" terminates abruptly and the second "d" the same, and the next "d" with quite a large loop, and the capital "A", the first two differ from the last one.

Q. Speak a little more on the letter "d"; does the finish of the "d" in "Henry Adams" resemble the finish of the letter "s"?

A. It does.

Q. Whereas the "d" in "Alonzo C. P. Adams" has a curve upward or hook?

A. Manifestly a disposition to flourish, yes sir.

Q. And in the signature of "John Q. Adams" it has a distinct joining to the letter "a"?

A. Yes.

Q. What have you to say as to the relative height of the different stems of the "d's"?

A. Well they differ; the stem of the "d" in the middle of the name of "Alonzo C. P. Adams" is higher than the others and relatively longer when compared with the rest of the word.

The stem of the last "d" is fine at the top and shaded somewhat as you proceed downward, but as I said before I don't put much reliance on the shading.

Q. Considering the larger handwriting of John Q. Adams isn't the "d" relatively more than the rest of the word?

A. Yes, sir.

Q. Did you see an indication of the loop in the "d" of John Q. Adams"?

A. Yes, sir, I do. There appears to be a tendency to a loop at the top and the tendency is masked by

the ink flowing in and I do not discover such an indication in the other two.

Q. I suppose it is difficult to determine if handwriting is natural or not, unless you have something extravagant to guide you?

A. I don't know how it can be done unless you have something extravagant or abnormal, that is unless there is something abnormal or extravagant in the way the signature is formed.

Q. Now as to the capital "A's"?

A. The capital "A" of the first "Adams" exhibits a different tendency at the loop of the initial stroke. The "A" in the signature of "Henry Adams" has no loop, while the "A" in the other two names have loops in the initial stroke.

Q. It is thought by the experts on the other side that there was a similarity between the capital "A's" in the body of the will and the first two signatures of the witnesses in the attestation clause, do you find such to be the case?

A. As a rule not, but in some instances there is some resemblance or similarity, but as a rule the writer makes an apex of the "A" curve; he doesn't always do it, but as a rule it is done.

For instance, the letter "A" in the word "Adams" in Section 4 of Article III also; also all of the "Adams," and also in section 2 of the same article, and again it occurs in the same article.

Q. And where you do find a sharp point is there a difference?

A. The sharp points I have found are often in the captions to the articles.

Q. Where you did find it is it different from the formation of it in these "A's"?

A. Yes, sir, I think it is; you observe a tendency in these articles to have a convexity to the right in the second stroke of the "A," to which I have referred once before—that is, in the down stroke of the "A."

Q. I will now call your attention to the standard signatures of these subscribing witnesses, and ask

you to tell the court whether or not, in your opinion, in each case the person wrote the signature to the will that wrote the standard. Take the name of "Henry Adams," standard first?

MR. COLLINS: The trust deed which was produced, and which I called on the other side for seems to have no exhibit number, and if they have offered it, it will do no harm for us to offer it and give it a number, and we now offer it.

Marked Exhibit P 208.

Q. (Witness being shown the Trust Deed, Exhibit P 208, and the bundle of checks, Exhibits P 131 to Exhibit P 172, and the Henry Adams signatures within Exhibits P 173 to Exhibit P 187 inclusive, and also Exhibit P 127 and Exhibit P 128 is asked:) Whether or not, in your opinion, the same hand that wrote these Exhibits wrote the signature "Henry" or "Henry" Adams to that attestation clause?

A. In my opinion they were written by the same person.

Q. You have examined all these exhibits before?

A. Yes. sir, I may run through them again now.

Q. State whether you think so or not?

A. I find in almost every one of them the convexity of the left staff of the capital "H"——(interrupted.)

Q. You mean the right staff?

A. Yes, the right staff of the capital "H," to which I have previously referred. I find in one or two of them that it is very slight, but as a rule it exists in all of them, and in many of them there is a little loop at the top. In fact, that is quite characteristic in all of them, and I think I might say that in all there is the same convexity to the right, and in many of them the loop to which I have referred.

Q. You find that present in the signature of the will?

A. Yes, sir, I do to quite a marked degree and it

doesn't exist as far as I have observed in any of the "h's" in the body of the will.

Q. Proceed?

A. I find the curvature in the "d" or the staff of the "d" to which I referred——(interrupted).

Q. The convexity of the staff of the "d"—the convexity bending to the left—do you find a convexity bending to the left in that initial stroke of the letter "A"?

A. Yes, sir, I do.

Q. You find that tendency in his writing?

A. Yes, sir, without exception—at least I have not discovered any exceptions to it.

Q. Do you frequently find that terminal "s"?

A. Yes.

Q. That isn't uniform in that respect?

A. No, sir, for instance, in P 160 we have almost identically the same "s" except for the blurring caused by the dampness.

Q. Do you or not find the tendency to break off his "d" and not adjoining it with the "a"?

A. That exists universally that appears to be characteristic with all the three "Adams" the "d" is separated from the small "a" and as a rule from the capital "A" also. They have characteristic resemblances with each other in that respect.

Q. Take the "r" in the first name which seems to be imperfect in form, but so far as it is perfect is it the same as the writing in the body of the will?

A. Yes.

Q. Take the "r" in the first name of "Henry Adams," an attesting witness, is it at all like any of the characteristics or like the "r" used in the body of the will?

A. Not the slightest, it is a different type of letter.

Q. Does or not the mistake in the writing of the first name indicate genuineness or a lack of genuineness in the signature?

A. In my judgment the mistake was so gross a mistake in the spelling of the name as exists in that

instance would not be any indication whatever of forgery, but on the other hand, would indicate to me that it was genuine, and it would be in my judgment evidence of genuineness of the signature.

I have observed in the name of "Geo. P. Gordon" myself, that he has made mistakes and has gone from the letter "G" to the "o" and omitting the "e" and then turned back as it were, and supplies the deficiency, and he has also put in the letter "r" after the name has been written, having written the name "Gordon" without it—that was an omission.

MR. MILLER:

Q. That is an omission?

A. Yes, sir, and this we are referring to is an omission—I don't think a forger at all would make a mistake of that sort. I often make that mistake myself—I frequently drop letters and sometimes multiply them.

MR. COLLINS:

Q. I call your attention to the word "Henry Adams" where first occurring in Exhibit P 173, and I ask you if you see a similarity or a similar tendency there to an imperfect writing of that word "Henry"?

A. Yes, there is precisely the same tendency in the letter "r"; he makes an abortive loop of the letter "r" in the word "Henry" on the wrong side of the "r," that is on the right side instead of the left side, which is certainly a very singular characteristic, quite so, in fact I never have seen a characteristic like that in any writings, so far as I can remember.

Q. I now show you the Exhibits containing the standards of the signatures of "Alonzo C. P. Adams," which were numbered Exhibits P 131, P 132, P 133, P 177, P 178, P 181, P 182, P 183 and P 184, and also Exhibits D 2 to D 5 inclusive, and I ask you whether, in your opinion, the same hand that

wrote the signature of "Alonzo C. P. Adams" on these papers which have been offered as standards, wrote the name of "Alonzo C. P. Adams" as atttesting witness to Exhibit P 1?

A. I think they were written by the same person.

Q. Will you state why?

A. There is considerable variety in these different standard signatures, but I find the same general habit. In one instance, the separation of the "o" at the end of "Alonzo." There's the same kind of "C's." I will give you the numbers, I have not had as much time to examine these as I would like and you will pardon me if I take a little time to examine them now.

RECESS.

WITNESS CONTINUES.—In this comparison I base my reason principally on the resemblance between the small letters. The same habit of dividing his letters appears in the signature of the will, and I think in all of the Exhibits that I have seen, that is to say, there is a break between the "d" and the "a" in nearly all of them, and I only notice one exception—the terminal "s" is the same generally, that is of the same general type, and the flourish not so elaborate, but of the same type as that in the signature is found in Exhibits P 180, P 178, P 131, P 132, P 133, P 183, P 5 and P 184.

The letters "an" differ somewhat in some of them, but is of the same general type.

In the letters "an" in Exhibits P 184, P 178—in most of the standards the capital "A" appears to be made in two movements, and I discovered in Exhibit P 180 that the capital "A" appears to be made with one movement like the one in the will.

I find the general type of the "P" in Exhibit P 178, P 181 and P 177, and particularly in Exhibit P 177 I notice a tendency to flatten the top of the "P" in precisely the same manner that occurs in the cap-

ital "P" of the signature to the will, that is, the curve at the upper right hand portion of the curve of the "P" is flattened.

Q. While you are on that Exhibit——(interrupted).

A. I notice the same characteristic, but not to so marked a degree in Exhibit P 133, that is, the flattening at the top, also in Exhibit P 183, and also in Exhibit P 181. There are only two signatures I believe in which the word "Alonzo" is spelled out. The letter "o" is the same type in both of them,—closed at the top by a loop.

Q. Let me direct your attention to that "o"—look with your magnifying glass at the final "o" in "Alonzo's" signature?

A. I was about to do so and I see it is separated from the rest of the word in the will and also in Exhibit P 177.

Q. Please explain whether the terminal of the letter "z" in "Alonzo" ends and entirely ceases and then the "o" is added?

A. Yes, sir, it does in both instances, in my opinion, quite clearly in Exhibit P 137.

Q. That is apparent, but I ask you whether the one annexed to the will also does so?

A. It can be made out that it does so. The "z" in the will, in the name "Alonzo," has a square top. The same peculiarity, although not so marked, appears in Exhibit P 177, and in both there is a loop extending below the line, somewhat exaggerated in the will.

The "d's" in all of them have the curvature with the convexity to the left, to which I referred before recess.

It is more marked in Exhibit P 131, Exhibit P 132, Exhibit P 178, Exhibit P 181—the combination of the letters and the rest of the word is substantially the same in the two. There is some difference in the curvature of the "m," but, in my observation, I have found that different writers not infrequently in writing the same page will change the curvature.

In Exhibit P 182, which I observe is another "Alonzo"—I thought there was only two—the "z" is made in the same way, but the "o" appears to be joined to the "z"—it does not seem to be separated.

Q. I call your attention to Exhibit P 178, and ask you whether you perceive there a tendency to a loop in the initial stroke of the capital "A," such as the will shows in a more marked way?

10 A. Yes, sir, I do; but not so marked, but with the same tendency; and also in Exhibit P 183. These characteristics are somewhat masked. I would not say that they are easy to observe by reason of the blurring which I observed and referred to before recess.

Q. Do you find "Alonzo C. P. Adams" quite a variable writer?

A. Yes, quite so, especially in capitals.

Q. I show you now the standard signatures of
20 "John Q. Adams," namely, Exhibit P 185, Exhibit P 186, Exhibit P 187 and Exhibit P 189 to Exhibit P 196, inclusive, and I ask you whether or not, in your opinion, the same hand that wrote the signature "John Q. Adams," or "John Quincey Adams," and in one case "John Quincey" alone, wrote the signature of "John Q. Adams" to the attestation clause in Exhibit P 1?

A. I have examined the writing in question, and in my opinion they are written by the same person
30 who wrote the words "John Q. Adams" in the will, and my reasons for this opinion are as follows:

The capital "J" in Exhibit P 1—that is the will—in Exhibits P 193, P 187, P 192, P 195, P 191, P 194, P 190, P 185, P 189 and P 186, were all made without taking the pen from the paper—that appears to be the invariable habit, so far as I have observed in these.

The lower loop, or terminal rather, of the staff of the letter "J" has the same type of a curve, although
40 very exaggerated.

In Exhibits P 186, P 192, P 193, P 195, P 194 and P 189—I think that is all—the letter "Q" seems to be

different in the two writings and I will state, generally, here that I do not, in the comparison of handwriting, lay so much stress on the capitals as I do on small letters—it is usual to find more variation among capitals, in my experience, than in small letters, that is in the method of writing.

The capital in the word "Adams" appears in the different standards to be framed in different ways—sometimes he uses the round "A," like the one in the will, and at other times, he uses the sharp pointed "A," the ordinary type.

I find the same type of capital "A" in Exhibits P 190, P 185, P 189, P 161, P 194, P 180, P 192 and P 195.

In Exhibit P 193 I find the sharp pointed "A," to which I referred, and I think that is the only one, and all the others have the oval, circular "A."

I find the same combination of letters, "d-a-m-s," in Exhibits P 180, P 185, P 194 and P 192, that is to say, in those numbers the "d" is separated from the other letters, and in the other papers appears to be connected with them, so that it appears that he has the habit of writing both ways. In the will, I believe, it is separated—in the will I am not hardly able to state whether it is separated or not, but, in my opinion, it is separated—I think it is separated.

He makes, in his standards, both round pointed "m's" and sharp pointed "m's." One rounded at the top in Exhibit P 192 and also in Exhibit P 186—the top of the "m" is rounded, and he appears to employ both methods in the frame of the small "m."

Q. What have you to say about the terminal flourish?

A. I have already referred to that; I find the terminal flourish in Exhibit P 192, P 186 and P 191.

Q. In Exhibit P 191 there is a tendency more to curve upward, than in the others?

A. Yes, sir, it is shorter than the other. The angle of the "s," in Exhibit P 191, departs very much more from the perpendicular than in most of the other standards.

I find, also, the terminal flourish in Exhibit P 190 Exhibit P 194, Exhibit P 193 and Exhibit P 195.

The manner of combining the letters in the word "John" appears to be the same in Exhibit P 194 and Exhibit P 195.

Q. Do you mean the joining of the "o" to the "h?"

A. No, sir, the break between the "J" and the small "o"—you will see it in Exhibit P 186—I think that is all.

Q. On that subject, let me call your attention to one exaggerated peculiarity in the signature to the will, in the attestation clause, of the joining of the "o" to the "h," with a sort of elbow—that is in Exhibit P 1, in the word "John," do you find that tendency in this signature?

A. Yes, sir, I do; in every one in which the word "John" occurs.

Q. Give them?

A. Exhibit P 185—what I refer to is the fact that the upward stroke of the small "o" proceeds upward before it turns to the right to join the "h." I find that in Exhibit P 185—I don't notice it in any of the others that I have.

Q. Have you noticed in the loop in the final "s" either a blind loop or an open loop?

A. I didn't see any—yes, here is one in Exhibit P 190. It is not a very large loop, but the loop is there—that is, a blind loop in the "s" of the word "Adams."

Q. Do you find the same relative proportions of size in "Adams" as written, for instance, the body of the writing in Exhibit P 187, which indicates the size of the man's writing?

A. Yes, sir; he writes in Exhibit P 187 a large or a rather large hand as compared with ordinary handwriting—about the same size as the one in the will. Many of the others, however, are smaller, but that one is large.

Q. This Exhibit P 185 indicates that at times he was in the habit of writing a large hand?

A. Yes, sir; in fact, he did write a large hand, if this was written by him, because it is so written.

Q. Is it as large as the signature in the will?

A. Yes, sir, quite as large. I find in the body of the will in the "I," I find the tendency to emphasize the loop on the beginning staff of the "J." On the second page, ninth line from the bottom in the word "Jersey" of "New Jersey."

Q. Is that all that occurs to you?

A. That is all that occurs to me at present in reference to that signature.

Q. I now call your attention to various papers proved as standards of George P. Gordon's handwriting. They comprise Exhibits D 16 to D 54, Exhibits D 56 to D 60, Exhibit D 93, Exhibit D 121 to D 126 and Exhibit P 10, P 11 and P 12 to P 29 inclusive, P 32 to P 34 inclusive, Exhibit P 35 to P 39 inclusive, Exhibits P 45, P 48 to P 57 inclusive, Exhibits P 60 to P 69 inclusive, Exhibits P 78 to P 96 inclusive, P 119 to P 125 inclusive, Exhibits P 131 and P 197 to P 207 inclusive—you have examined all those?

A. I think I have all of them.

Q. What do you find as a characteristic of Mr. Gordon's handwriting with respect to variableness or otherwise?

A. He is very diversified in respect to signing his name; there are several distinct types of signatures, some of which are quite ornamental and others not quite so—that is, more plain. I will refer to some of them. Exhibit D 93 is a typically framed signature.

Q. I don't know that you need to select samples unless you have some in your mind?

A. I don't know that I have. Some of the signatures are very ornate and some not so.

Q. Is the ornate method the one generally adopted on checks?

A. Yes, sir; the cartoon signatures are typical signatures, such as appears on the checks and those are what I refer to as ornate.

Q. Did you find a difference between the writing, with respect to the use of the forearm movement and the wrist or finger movement?

A. I don't think it is possible always to determine the precise method of movement.

He appears as a rule to use a pretty free movement and very rarely writes with a finger movement, although, as I said before, it is impossible to tell accurately, but I think he was quite a free writer as a rule.

Q. Do you find sufficient to show that he sometimes did use a finger movement?

A. I have not examined that particularly as to that, as I say it is not always possible to tell.

Q. Have you examined the signature to Exhibit P 1 carefully and compared it with the standards?

A. I have.

Q. In your opinion did the same person who wrote these standards write the signature of George P. Gordon to the will Exhibit P 1 or not?

A. I think they were written by the same person.

Q. Will you give your reasons and in so doing indicate to the Court by reference to the Exhibit numbers the various exhibits in which you find the different elements of the will signature?

A. In the first place the shading of this signature is so diversified that I do not regard the manner of the shading of a particular signature—the will signature whether shaded in a particular manner—whatever, because I find that in the different signatures he will first shade one part of the signature and not another; I will specify them.

MR. MILLER: I ask that the witness should refer to the points he refers to.

A. I will do so; there are so many of them it is very difficult; yet, for instance, in Exhibit P 14 there is practically no shading on the "G," only a little on the whole of the signature.

The lines are pretty nearly all the same; there is

a slight difference, but not enough to warrant me in applying the word "shading" to them.

In Exhibit P 15 the down stroke of the first capital "G" is quite heavily shaded and no other part of the signature appears to be shaded to any considerable degree.

In Exhibit P 10 the first upper curve of the "G"—both "G's" is shaded slightly. The staff of the first "G" is slightly shaded and the second "G" not at all.

The "o," the small "o," and the small "d," and the small "o" is somewhat shaded, but very little shading on the rest of the signature.

Q. Let me show you Exhibit P 204 as an illustration of this shading.

A. There appears to be no shading whatever in the capitals in that case, and very little, if any, on the small letters.

The staff of the small "d" appears to be little heavier than the rest, but it is because it is a blind loop, not because of the shading.

Exhibit P 17 in the staff of the first "G"—that is the lower staff—is quite heavily shaded and the staff of the second "G" is very lightly shaded.

In Exhibit P 19 the staffs of both "G's" are shaded. The first "G," the staff of which is straight, the second "G" is curved, and no other part of the capitals appear to be shaded.

In Exhibit P 20—the same remark may be made as respects P 20, except that both staffs of the capital "G" are straight and not curved.

In Exhibit P 21—in this exhibit both of the staffs of the capital "G" are shaded, but the second one much more so than the first. The first is very little shaded, if any, and none on the rest of the signature.

Exhibit P 22—the upper left hand portion of the loop of the capital "G," the two staffs of the capital "G's" and the staff of the "P" are slightly shaded.

The small "e" and the small "o" and the left oval of the "d" are slightly shaded.

Exhibit P 23 offers an illustration of the patching by the writer of the signature. The upper left hand curve of the capital "G" is patched and there is no shading on the staff of the "G" until you get to the curve. The curve turns upon itself and makes, I think, a revolution and a fraction and nearly all of it is heavier than the rest.

The staff of the "P" is somewhat shaded, the upper left hand curve of the "G" is quite heavily shaded and the lower staff of the capital "G" is slightly shaded.

The conclusion is, that there is no rule, no fixed habit as to shading.

Q. Go on as to the other matters to show variableness.

A. There is one thing in reference to the shading I shall call attention to before I leave it. That is the upper portion of the staff of the "G"—the shading at the top. You will find that in Exhibits D 54, D 16 and D 121.

The second "G" is shaded more at the top than it is in any other portion of it, not very heavily, but more than the rest. So also, although not much in that of Exhibit D 54. In my opinion, if these two signatures had been made upon damp paper that characteristic would have been very much exaggerated.

It appears quite heavily shaded in the manner stated in Exhibit D 121. I doubt not but that there are others but that will suffice, perhaps, to illustrate that peculiarity.

Q. Go on with others showing variableness.

A. The "G's" in the will are what you call a plain type. I observe the lower left hand curve of the staff characteristic; the same characteristic appears in the exhibits—(interrupted.)

Q. You refer to what you may call the terminal hook?

A. Yes, the terminal hook for both of the "G's."

Q. Point out incidents in which that occurs?

A. Show me Exhibits P 119, P 121 and P 132 and

Exhibit D 124 in the word "God"—(the exhibits asked for handed to witness.)

Exhibit P 119—it is observable in both of the capital "G's" and the same remark would apply to these as to the others, and if these were wet it would be more distinct.

The first capital "G" in Exhibit P 121.

In Exhibit P 122 you will find the same characteristic in the first capital "G," but not so marked, the elements of it are there, but it is not shaded quite so heavily.

You will find the same loop in the lower part of the staff of the "G" in both of the capital "G's" in Exhibits P 125, although they are not emphasized so much as they are in the will.

In the last line of the letter "God bless you" it is emphasized to a very considerable degree in the manner indicated in Exhibit D 124.

The general frame of these capital "G's" is identical with many—so many that it would be tiresome probably to enumerate them—of course there are many of that general type.

Passing now to the capital "P." I find in Exhibit D 93 a type of "P" something like the one in the disputed signature—I refer now to the name of "Geo. P. Gordon" in the body of the letter, the sixth line from the bottom. I referred, I think, to the fact that the staff in the disputed signature presents clear evidence under a slight magnification of the loop at the top—(interrupted.)

Q. Refer to Exhibit D 93 again.

A. In this particular "P" the loops on the two sides of the staff are nearly of the same size and it crosses the top of the staff and not below, as is usual in the case.

Q. You were about to speak of a little hook or loop on the top staff of the "P"?

A. He sometimes puts that in and sometimes leaves it out. You will find a loop on the top in Exhibit P 125; no, I am mistaken in that; I have got

the wrong one. Exhibit P 197 we have a small loop on the top in the manner indicated.

Q. That is a type of what you mean?

A. Yes.

Q. Did you say you found that, although masked by the ink in the cross-bar in the disputed signature?

A. Yes, sir.

10 Q. Have you examined it under a microscope?

A. Yes, sir.

Q. Of what power?

A. Any sterling power from four diameters up to about one hundred.

Q. And is that loop perceptible under the microscope?

A. Yes, sir, it is plainly perceptible.

Q. Is the protuberance on the other side or lower part of the loop?

20 A. That is the lower knob of the loop.

Q. How do you account for it?

A. It is characteristic.

Q. Is it an erratic manner of joining the loop to the top of the "P" or what?

A. Well, that is a matter of theory, sometimes he joins them and sometimes he does not, sometimes you find it and sometimes do not, oftentimes you find it—generally——(interrupted)

Q. You do not think it is a mental hair line, not

30 put on the paper but in his mind?

A. No, sir, it does not impress me as to that.

Q. What does the presence of that loop which you think characteristic of him, masked as it is and hidden by other ink, what does that indicate to your mind as to its genuineness?

A. It is strong evidence of its genuineness, because I do not understand how a forger would purposely mask a characteristic.

Q. Go on, you were going to give us the other "P's"—show us them?

40 A. There are more I can point out, more if it is

thought desirable. Here is one in Exhibit P 13 with the loop on the top—there are plenty of them.

Q. I did not know. I thought you had other things to say about "P"?

A. I find in the body of the will nothing of the sort indicated, no "P" with a loop at the top whatever, the "P" in the body of the will is made without taking the pen up off the paper and the staff of the "P" is made with a downward movement without any curl, or any simulation of it, it is a straight line and then the pen passes upward to the right to form the loop of the "P"—the habit too is a distinctive difference in that respect.

Q. I notice some "P's" in which the curve or cross-bars are at the top of the staff, but the whole "P" is nevertheless shorter or lower than the other capital letters, whereas in the disputed signature it approaches the height of the other capital letters—does that fact indicate to your mind anything as to the genuineness of the signature?

A. I do not know that I quite understand your question.

Q. Take this "P" in Exhibit D 93 in the body writing—you perceive that although the cross-bar of the slant is at the top of the staff, nevertheless the "P" as a whole is lower or shorter than the capital "P"; whereas in the disputed signature it comes pretty well up to the same height.

A. I do not attribute any importance to that—there is a great degree of variableness in this signature and the mere location of the cross-bar on the staff would not be conclusive characteristic either way—he adopts both methods of making the line across the staff of the "P."

Q. I show you Exhibit P 206, and ask you if the "P" in the signature there is of the same character as in the disputed signature in the will?

A. It is. It crosses at the extreme top of the staff

and I did not discover in that one any loop—there is no loop at the top of the staff of the "P" in that particular signature and it crosses at the extreme top.

Q. Go on with your comparison?

A. I observe that the alleged testator is very erratic in his method of following the lines. He more often departs from the line than follows it in writing his signature.

For instance, Exhibits P 35, P 36, P 37, P 38 P 39 —in P 39 he has come considerably below the line.

In P 35, P 36, P 37 and P 38 he is considerably above the line in his signature.

The same is found in reference to the signature in Exhibit P 45.

Q. Is the habit varied in that respect?

A. Yes, I think it is.

Q. Observe the staff in the original, and say whether the capital "P" is or not formed firmly?

A. Yes, it is steady and firm, direct and positive.

Q. Would there or not be in drawing such a line as that by a forger, likely to be a tremulousness?

Objection by Mr. Miller, as incompetent.
Question withdrawn.

Q. How would you detect a simulated hand?

A. In my experience a simulated hand has tremors, has more or less tremulousness in the signatures.

Q. Where would you detect it?

A. Principally in the long strokes, in the hair lines and everywhere in fact.

Q. Where would you look for it in this signature?

A. Particularly in all of the upward strokes, and in the staffs of these letters. I do not think that there is any tremulousness or any wavering in this signature more than would necessarily result on writing on this sort of paper.

Q. By that sort of paper you mean moist paper?

A. Yes, sir.

Q. Have you been able to discover through the microscope—have you been able to discern any patching?

A. I have not observed any noticeable evidence of patching in this signature, or any evidence of it in fact. There are places in which there is more ink than in others, but there is not a break, a sudden change in the color of the ink, which you would expect to find if the pen had been put on for the purpose of patching—the ink is thicker in some places, but I do not think it has been patched.

Q. At the same time, if it were patched, it would not surprise you?

A. No, sir, in view of his manner of writing, it would not be astonishing, because I observe that he has patched them, and I will give instances of that if you wish them.

Q. Yes, give us some.

A. Take the letter "o" in Exhibit P 94; there is absolutely no doubt of it in that case.

THE ORDINARY.

Q. Is that patching or merely a misstroke?

A. That depends on what you mean by patching. I have some examples which I could produce to illustrate it, and that I call patching.

MR. COLLINS.

Q. The "G" is not patched?

A. No, sir, he has the habit of making that kind of "G."

THE ORDINARY.

Q. In Exhibits D 60 and D 58?

A. Those separate strokes; whenever he makes that ornate sort of stroke, in my experience, he makes the loop in two portions.

Q. In Exhibit D 58, in the letter "G," is that patched—the two strokes there?

A. No, sir, that is not patched; that is a misstroke.

MR. COLLINS.

Q. Now Exhibit P 94?

A. It looks to me as if he had gone over that right-hand part of the smaller portion twice, for the reason that there is a little projection there which would indicate to me that he had gone over it twice.

Yes, sir, there is a place here where he has finished off his signatures—for instance, the small "g"—he has changed the type of the small "g," or apparently tried to do so. I now refer to Exhibit P 94, and he has made the second mark in that lower stroke of the "g" afterwards.

I do not discover any patching in the original signature; therefore did not make an exhaustive examination on that point.

Q. Go on with the other things you want to point out.

A. The small "e" is a characteristic letter; it is what I call Greek "e," which is found so frequently that it would be tiresome to enumerate them in the standards. I discover no departure from the normal standards in the small "o," neither do I in the "o" and "r" in the word "Gordon."

The small "d" in the word "Gordon" is such a "d" as is made in many of the standards, and I will enumerate for instance Exhibits P 36, P 37 and P 38. These are all shaded, and they are not so tall as the others, but his manner in respect to making the length of the "d" is exceedingly variable, sometimes not above the average and sometimes quite tall. All of these are shaded as described.

The second small "o" in the word "Gordon" is partially closed as in the will.

In Exhibit P 54 the first small "o" in the word "Gordon" is closed in the standard referred to, same as in the will.

I discover, in looking these exhibits over, two more cases in which the "P" has the cross quite at the top, namely, in Exhibits P 94 in the initial letters "A. P. B." on the fifth line of Exhibit P 94 and the "P" in the first line of Exhibit P 36.

Q. And in that last case it has a straight staff and no curve?

A. No, sir.

Q. And is the "P" as high as the other capitals?

A. Yes, or very nearly so.

Q. As much so as in the signature to the will, Exhibit P 1?

A. Yes, I should say so; here are two others in Exhibit P 37.

Q. Is there an instance in the "P" in "Amos P. Barber" on the envelope Exhibit P 48?

A. Yes, that is quite like the "P" in the disputed signature, both in the manner, the form and shading and height also.

Q. Calling you back to the loop to that final "o" in the word "Gordon," it is a back-action loop—do you understand what I mean—in the disputed signature?

A. Yes, I observe that.

Q. The "o" being only partially open, but having a distinct pressure of the pen in making a blind loop, that is?

A. Yes, I observed that.

Q. I call your attention to Exhibit P 199?

A. You will find Exhibit P 199 in the last "o" the same characteristic, but not in quite so marked a degree, but substantially the same.

Q. What have you to say as to the first "o" in "Gordon" not being open, but in the "Geo. P. Gordon," in the body of the letter in Exhibit D 93 as to the same action on the pen in that "o"?

A. In "Gordon" the sixth line from the bottom you find the "o" closed in "Gordon," the first "o," that is.

Q. With that catch or loop in it?

A. Yes, sir.

MR. MILLER.

Q. On the initial stroke, or end of the "o," which?

A. At the end of the "o."

One thing I think I did refer to in the "P's."

Please show me Exhibit D 26. (Exhibit D 26 handed to witness).

In Exhibit D 26 the lower part of the staff of the "P" we find the same sort of curve which we find in both "G's" of the disputed signature, only not quite so exaggerated.

The same thing will be found in Exhibit P 70, P 49 and P 50, and in two letters the Exhibit numbers of which I do not know, but which were submitted to me and which I marked with my initials, "M. D. E.—T. & U."

It is not quite so characteristic in this Exhibit P 206; the lower stroke of the "P" crosses down in the manner indicated, and the curve at the bottom is also quite at the top of the staff in that case.

The "G" in P 207—that is, the first "G,"—has the characteristic curl at the end of the down stroke of the staff, as indicated in the will.

The final "n" of Gordon—that is of "Gordon" in the disputed signature—I find reproduced in substantially the same way in Exhibit P 15. The second or last part of the letter "n" is sharp pointed at the top—not rounded.

You will notice the same thing in Exhibit P 17.

You will notice the same in Exhibit P 25.

And the same thing occurs in P 39, although not quite to so marked a degree.

Q. The same thing occurs in Exhibit P 50. The last one also has the same sort of terminal flourish as is found in the disputed signature.

You will notice the same thing in Exhibit P 55, it has the same sort of "n" and the same sort of flourish as found in this Exhibit.

I have a lot more of them of the same sort, but I think these sufficiently show what I mean.

Q. That is enough of them, now the terminal flourish?

A. You do not care for any more letters—"n's."

Mr. BECKETT:—I think we had better go on and give them all.

WITNESS:—I have made a memorandum and the only object of looking at the standards is to verify the memorandum which I made, but I will give you the numbers of those in which the same peculiarity occurs. They are Exhibits P 56, P 78, P 92, P 94, P 119 and P 120. The only object of looking at them, was as I said before to verify my memorandum.

THE ORDINARY.

Q. You have a memorandum of them all?

A. Yes, sir.

Q. Then if you have not made a mistake those numbers which you give represent the same peculiarity?

A. Yes, sir

MR. COLLINS.

Q. Now as to the terminal flourishes being either a smaller loop or crossing above the line or being a heavier loop which they say is in contra-distinction from the genuine ones, now what have you to say about that?

A. Exhibit P 36, P 37, P 38, P 39, P 50 and P 74, if I have made no mistake in speaking of the numbers are marked exemplifications of that peculiarity.

Q. State what the peculiarity is?

A The peculiarity is that this terminal flourish extends down below the lines and ends with a heavy mark. I do not know just how to describe it better than that—a heavy shading, a heavy straight mark.

Q. Something has been said about the first "o" in "Gordon," being further away from the "G" than would be looked for in Mr. Gordon's signatures, do you attach any importance to that?

A. I do not.

Q. Why?

A. Well, it does not to my mind appear to be an unusual distance—the spacing from the "G" is

about the same as exists between the other letters, it is not exactly the same, but the difference is not such as to attract my attention and did not attract my attention at all.

Q. They speak of the paraph as you call it being further below the signature than it is in the standards?

A. Mr. Gordon was not at all exact in the manner of placing his signature on the paper and I find, in numerous instances, that he did not put any paraph at all under his signature and that is so various that I do not pay or put any particular stress on it at all.

Q. Would there be a natural difference on a check where there was only a small space for the paraph under the signature?

A. I think so; I have a paraph under my own signature to my checks, and have left directions with the paying-teller at my bank never to pay any checks unless they have it on.

Q. Well, on that subject, does Exhibit D 17 afford an illustration of Mr. Gordon's starting to sign a check with his ordinary "G" and then changing his mind and changing it to a check signature "G"?

A. Yes, it is a typical instance of it. He makes such a "G" first—such as is made in the will and subsequently puts his pen to the paper again and adds on to it the flourish which makes it into the ornate "G," and thereby changes the type of letter.

Q. Something has been said about the signature, as a whole, having a dead appearance?

A. I don't know what that means, unless it means that the lines are heavier, which in my mind is due to the condition of the paper. I have a number of signatures here which run so regularly there is no difference in them, and I have others in which there is some tremor manifest in the signature, in which doubtless they have been written upon paper of this sort—that is, moist paper—and if written on moist paper they would present the heavy appearance to which you refer.

I refer to Exhibit P 54. In my opinion, however,

the appearance to which you refer is entirely due to the character or condition of the paper and the pen possibly. I do not know what kind of pen he used, that would make quite a difference. This is irregular to some extent; the lower left hand portion of the curve of the "G" is somewhat sharp in both "G's."

In Exhibit P 54 it has not the regular appearance which is apparent on most of his signatures.

In Exhibit P 49, I do not know that this could be called tremulous, but it has somewhat an unusual appearance—it is somewhat an unusual signature, the lower part of the second "G."

I do not think I could refer to instances of that sort unless it should happeu that some of these papers had been moistened in the same way.

Now, that one, in my judgment, written upon the same sort of paper, would look heavy like the other —that has the heavy appearance of it (referring to Exhibit P 78).

You will find a tremor in this, quite noticeable in the Greek "E" to the signature (referring to Exhibit P 71).

Q. What have you to say about the paraph being somewhat irregular in outline and having only one dot between the two members?

A. I noticed several in the standards which have only one dot and some of which have a variety of forms, I did not retain a memorandum of them, I did not think they were of any consequence.

Q. How about the wavering outline or uncertain outline?

A. I think the character of the paper or the pen might have had something to do with that.

Q. Would a man customarily writing with a gold pen, with considerable freedom, be likely to find a difficulty in the making of an ordinary flourish if he had a steel pen to do it with?

A. Unquestionably, if he had that kind of paper.

Q. You said something about making some corrections in your measurements—you can do so now?

A. I think, with reference to the measurements referred to before recess, I think that the principle upon which I computed them and also with respect to the principle referred to by counsel, were both correct; the reason was because I did not care to decimal out far enough in getting the ratio. I think both principles are correct enough for the purpose, but I think the method of comparing them by counsel will produce a more accurate result than the one which I stated.

I found the ratio between the signature of the will and the large "Gordon" signature to be approximately 14.8 inches—nearly 15 inches. Now, multiplying the difference which existed between the two signatures compared at that time, would make a difference of 1.48 inches, which, added to the sixty-three one hundredths inches, would made a discrepancy of 2.1 inches.

Q. The "Gordon" photograph to which you refer is Exhibit D 71 and the check signature of D 59 on the top of it?

A. Yes, sir.

Q. That is as compared with the original?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER.

Q. You have been retained and paid to come here as an expert?

A. Yes, certainly I am retained; I am not an Eleemosynary Institution.

Q. Have you been paid yet?

A. Yes, sir, in part.

Q. When was this case first brought to your attention?

A. I haven't any memorandum by which I can designate that with any degree of certainty; I have left my letters and such like things at home, but I should think probably three weeks ago.

Q. About how long?

A. Perhaps two or three weeks, I cannot say with any more certainty than that. There are some cor-

respondence with me before I was engaged and I did not finally commence work on this matter until about—if you will let me see some of the exhibits; I think I put the date on them when I examined them, (A bundle of exhibits handed to witness), June 29th, 1891; I was mistaken when I said three weeks ago; it is not so long as I thought it was; that is the date, June 29th, 1891.

Q. What papers were sent to you to examine; were the photographs, Exhibits D 61 and D 62 sent to you?

A. I am not able to specify these photographs by numbers, but I can tell you—(interrupted.)

Q. Tell us generally?

A. That is, an artotype copy of the will was sent to me.

Q. An artotype which has been put in evidence by the proponents containing the signature of George P. Gordon to the will Exhibit P 1, and that of the subscribing witnesses?

A. Yes, sir.

Q. And copies of the signatures of checks—that is the artotypes with the signatures of "Geo. P. Gordon" and the attesting witnesses at the bottom of it?

A. I cannot identify these things by numbers; I have the identical ones before me and if you will allow me I will show them to you.

Q. Was not the artotype of the natural size of the work appearing on Exhibit D 71 sent to you?

A. My recollection is it was not.

Q. When did you first see that?

A. Yesterday.

Q. And it was yesterday you made your measurements as to that?

Y. Yes, sir,

Q. After seeing the will and seeing these artotypes which were sent to you, you came to the conclusion that these artotypes were well taken, didn't you?

A. I am not a photographic artist, but they appear to me to be well taken.

Q. They are well taken, are they not?

A. Yes, sir, I think so.

Q. And they show truly the characteristic of the handwriting, do they not; don't you think so?

A. Well, I think so, except as to the matter of the proportions as indicated in my direct examination. I have not seen Exhibit D 63 until yesterday, or one like it.

Q. You know something about photography, don't you?

A. Well, not practically. I have done a little in it to the extent that I have pressed the button "and you do the rest," to that extent a little; I have not been much further than that.

Q. But do you not understand by looking at Exhibit D 63 that the pictures representing the four signatures were taken as one negative—all at once on one negative?

A. I cannot say as to that.

Q. Do you believe or understand that to be so?

A. I do not understand it; I do not know and I did not examine it with reference to that.

Q. Do you understand that the last name on that Exhibit D 63 and the name of "Geo. P. Gordon" above it were all reproduced and taken at the same time as the others; that is, the "Geo. P. Gordon" in Exhibit P 1 was taken at the same time as the others in this photograph?

A. I cannot say; all I do say is that I simply made measurements of those with the result I have stated.

Q. The measurements of the photographs will depend in great measure on the focus length of the picture?

A. Yes.

Q. The pictures made show the result of the focusing and the proportions of all are the same, which must be correct and true, don't they?

A. The proportions in respect to the original are —(interrupted.)

Q. Within themselves I mean; they would show the true proportions, do they not?

A. That is the relation between the photographs and a particular signature photograph, is that what you mean?

Q. I mean that the lens by which these photographs are taken will photograph one in the same proportion as it will photograph others taken at the same time on the same negative?

A. Yes, I think so.

Q. What importance then has this measurement which you have given us?

A. If you show me I will try to—(interrupted.)

Q. Answer my question, please; what importance is this measurement which you have given us?

A. It appears to me that some are longer, as I have endeavored to show, and others which are apparently reduced, and this one is a larger photograph, which was enlarged for the purpose of contrast I take it (indicating.)

Q. You infer that that was done for the purpose of deceiving the Court?

A. I decline to make any such inference as that.

Q. Won't you answer that question?

A. I decline to infer that.

Q. I ask you, was not your testimony given for the purpose of having the Court draw that inference?

A. I do not know as to what inference the Court will draw; I have nothing to do with that. Counsel asked me to make the measurements and I did so to the best of my ability and I gave you the result.

Q. You understand these photographs to be enlargements of smaller photographs, don't you?

A. They look like it.

Q. Obtained and given for the purpose not of showing the sizes of the different signatures in relation to each other, but for the purpose of easy reference?

A. If I had thought them in evidence I should have told you all about it, but as I did not know

anything about it I could not tell you anything about it.

Q. You want the Court to be as charitable as you are in its inferences, don't you?

A. Well, I won't——(interrupted).

Q. Question repeated.

A. Certainly.

Q. And as a matter of fact there is quite a variety in the length of Geo. P. Gordon's signature?

A. Yes.

Q. And you want the court to understand so, don't you?

A. Yes, sir.

Q. You give us on our side credit for a little common sense, don't you?

A. I am not going to give an opinion on that. I do not know what capacity you bring to bear on the subject and cannot give you an opinion as to the aggregate of common sense.

Q. In the various activities or pursuits to which you have devoted yourself, which do you give the most time to?

A. To the matter of the instruction of law students; in that is my livelihood made, or rather from that sort of work.

Q. In the preparing of these text books which you have mentioned you simply supervise it as I understand, and let the work be done by assistants?

A. No, sir, I do the work in person.

Q. How many works have you published altogether?

A. Well, I have published a good many; it will be hard to remember them all.

Q. Give them to us?

A. Leading Cases on Disabilities and Fixtures, A Manual of Medical Jurisprudence, two editions of Lindley on Partnership, two volumes of Evans on Agency, eight or nine volumes of Illinois Reports. I cannot say definitely how many, but several volumes, two or three of Michigan Reports. I assisted Mr. H. K. King, just convicted of

murder in Memphis, in the preparation of his Digest and some other matters which I have been connected with in the so-called Essentials of Law—three volumes, published by a Boston Book Company, 15 1-2 Bacon Street, Boston, and there might be others, but I cannot just now recollect.

Q. That kind of work takes a good deal of your time, does it not?

A. No, sir, not a particle of my time for some years past; my health was broken down some years ago and I have done nothing in that line of professional work since that period. My last work was my Manual of Medical Jurisprudence, which was completed some years ago. My duties in the law school require me to be there two hours a day on each of Wednesday, Thursday and Friday and two and a half hours on Saturdays. Since my health broke down I have devoted quite a large amount of my time to my duties in the law college of which I spoke. 1C 2C

Q. Do you practice law?

A. No, sir, I do not; it is not agreeable to my tastes, and when I found that out I gave it up.

Q. How much time do you devote to lectures in the University?

A. About two weeks in the year.

Q. And you say the rest of your time is given up to scientific pursuits of the various branches you have mentioned?

A. A portion of my time is devoted to the subject of meteorology—that is the science of the measurement and calculations necessary in meteorology, which is the science of weather. I take observations in behalf of the observatory service of the United States Government, I also devote considerable time to the subject of metallurgy, and I also devote considerable time to the practice of microscopy—the practice of which is necessary in almost all the pursuits which I have, and I also include in my pursuits the subject of handwriting. 3C 4C

Q. How much time do you devote to microscopy?

A. It is very rarely that there is a day passes that I do not look through my microscope, not even excepting Sundays.

Q. How much time do you devote to that branch at once?

A. Two or three days at a time?

Q. How much time have you devoted to the study of handwriting?

A. Considerable; as much as any of the others.

Q. You have been retained to testify as an expert in Western cases?

A. Yes, sir.

Q. In the Whittaker Will case?

A. No, sir.

Q. The Morey Letter case?

A. No, sir.

Q. Did you testify in the Blaisdell Will case?

A. No, sir.

Q. Did you testify in the Jeroloman Will case?

A. Yes, sir.

Q. Were you on the same side as Mr. Tolman, another expert?

A. Yes.

Q. In what cases have you been engaged in which Mr. Ames, Mr. Hagan, Mr. Carvalho, Mr. Haynes and other experts have testified who have testified in this case?

A. I don't know that I have testified in any cases in which they have been engaged, but I understand they are engaged on the Davis Will case, in which I am also engaged.

Q. And you are on the other side from them?

A. I understand so.

Q. Tell us what you consider your duties are as an expert in testifying here in this case?

A. I always make it a point to get the truth, the true facts of the case before I testify.

Q. What do you understand your duties to be as an expert in this case?

A. To investigate the case as well as I can and testify to that.

Q. Do you claim to see any more than any other people can see?

A. No, my eyesight is not very good; many people have better eyesight than I have.

Q. I see you use two pairs of glasses. Why is that—what is the difficulty with your eyes?

A. My eyes are what people call hypernutropic—that is to say, the first pair of glasses makes my eye into a normal eye, and the second pair, which I put on I put on same as any other gentleman would put on a pair of glasses of my age, to correct a difficulty in the vision of a person of forty-six years of age and upwards.

Q. You think you can see as well as an ordinary person of your age does?

A. I have been able to see things that others have had a difficulty to see, and I think that my eyesight is quite as good as people of my age usually have. In looking at new subjects, as has been my practice for a number of years, of course there is a good deal in the training of the eye.

Q. In pointing out any particular object in writing, you expect another person to see it as you think you can see it.

A. He ought to do so; I do not think there is anything occult in my eyesight or different that could not be seen by an ordinary intelligent person.

Q. And if he does not see it as you see it—that is, if others do not observe it as you observe it—then either his observation you think defective, or his understanding you think defective?

A. Either his understanding or his observation is at fault.

Q. Or he cannot see what you wish him to see?

A. Yes, perhaps.

Q. You think you have pointed out what you think you see or what you claim to see in these various signatures?

A. I pointed out what I know I see. So far as the exercise of the various senses is concerned I have pointed out what I know I see.

Q. And your power of description is ample?

A. It ought to be; I have been an instructor for over fifteen years.

Q. And seeing a thing and telling it in your own way will enable an ordinary person to see it as you think an ordinary person ought to see it?

A. If he has ordinary understanding.

Q. And there is nothing you see occult, which you can see that cannot be made clear to any person of ordinary undestanding?

A. Not in the line of handwriting, but in the matter of a very minute light line I might see something that others not educated to it would not be able to see. I have been educating my eye and understanding for a number of years to observe very minute objects, and as I say that another person might not see a very minute object which my trained eye would see.

Q. These papers which have been shown you and which you have indicated are the photographs which were sent to you first?

A. When I made reference to photographs I meant those, and I meant all the photographs except as to these large cartoons and these smaller ones.

Q. You told us of the ones you received when your opinion was asked in this case?

A. I do not think I told you of all. I had some others like these (indicating).

MR. COLLINS: Show them.

A. I haven't them here, and I did not form my judgment respecting them, and therefore do not refer to them. I did not know by whom they were taken or anything of that kind.

MR. MILLER.

Q. Look through these photographs and say which were submitted to you?

A. I never saw that one until I came here.

Q. That is Exhibit D 55?

A. Yes. This looks like one which was submitted to me.

Q. That is Exhibit D 61?

A. Yes, sir. This also looks like one that I had—either that or one similar to it (referring to Exhibit D 62). I cannot tell which they were. They were about the same size and of that general appearance (referring to the whole of the photographs).

Q. What standards were shown to you?

A. I did not regard these as standards. I did not base my opinion on them.

Q. You did not have Exhibit D 63, you say?

A. I did not have the one you hold in your hand. I do not know the number of it—or did not until yesterday.

Q. What I want to get at more particularly is as to the matter of the standards sent to you.

A. All these marked with my initials, "M. D. E.," were sent to me.

Q. There were numerous letters sent to you?

A. Yes.

Q. Were checks sent to you or photographs only of check signatures?

A. I think there were some photographs of check signatures—that is my recollection, but I would not say positively, but I think these are the ones (referring to Exhibits P 106, P 107, P 108, P 109, P 110, P 111, P 112 and P 113); these look like them, although I would not be certain, and I think I received also these (referring to Exhibits P 101, P 102, P 103, P 104 and P 105).

Q. Except the photographs referred to and the letters referred to, what other standards were sent to you?

A. No others; I had a bundle of letters simply signed "George" which I looked over, but on which I did not base any conclusion, because I understood that they were not standards.

Q. And after you looked at these you had no

doubt of the genuineness of the signature of George P. Gordon to Exhibit P 1?

A. No, sir. In my statements to counsel I distinctly stated that if these are correct presentations of the originals I think I can assist you. I always make it a condition that there should be a truthful representation, and my correspondence, if I had brought it here, would show that that was the condition that was made.

Q. You have spoken of several elements which you say go to make up handwriting, and among them you have spoken of the action of the hand, whether a finger movement alone, or a wrist movement; you have spoken of a forearm movement, and you have also mentioned the angle or inclination and the presence or absence of shading and the habit of writing on the lines; you also spoke of the effect of age upon handwriting.

A. That is, the age of the writer.

A. The age of the writer and the kind of writing material that he had, and also spoke of several other elements which you say enter into the question of handwriting to determine individuality, did you not?

A. Yes, I did make those statements.

Q. Assuming that a person, that a writer is given a convenient place to write in—a place of ordinary convenience and is supplied with stationery of an ordinary quality, which of the elements would you consider the more important in your judgment, of those which you say go to make up individuality in handwriting?

A. The characteristics to which I gave the most importance to which I assign the most importance are the habits of combining the small letters.

Q. Next to that what is the more important element?

A. I should say, possibly, the form of the letters.

Q. The form of the letters, how would you determine as to that?

A. By a visual inspection, a similarity of the letters.

Q. What makes the form of the letters by a writer writing under circumstances such as I have suggested; does not the holding of the pen have something to do with that?

A. Certainly, I think so. In fact I ought to have specified that as one of the characteristics.

Q. And does not the movement or the using of the hand, whether used from the wrist or whether propelled by the arm, have a great deal to do with the form and character of the handwriting?

A. Something.

Q. Would it not have a great deal to do with it?

A. I think it would, but I am unable to determine whether a writing is made or written with an arm movement, or wrist movement; or how.

Q. Sometimes writers use a part of each kind of movement, part of the writing being done from the wrist and part by the forearm or elbow movement, is not that so?

A. Yes.

Q. And others have many characteristics of writing differing from those?

A. Yes.

Q. And others write entirely with an arm movement?

A. Yes.

Q. And others still write with a finger and wrist movement combined?

A. Yes, I have seen persons whose writing I knew from observation did have that characteristic.

Q. And some people write so that the action of the thumb forms the letters and give character to the writing?

A. I should say—well I cannot say as to that. I think that is secondary to the other fingers; undoubtedly it has some effect, but I do not know how you can determine that from an examination of the writing—what influence the thumb has had in the writing.

Q. I am asking you what may exist?

A. It may exist, but if it cannot be determined I do not consider it a fact in the case.

Q. Is it not possible that in the case of a person writing with the fingers and using the thumb—that the action of the thumb would be apparent when the pen comes down to the line and reverses to make the upstroke—do you not think that the thumb movement in the writing would then become apparent?

A. I cannot say as to that.

Q. Is it not probable that it would?

A. I cannot say that it would.

Q. Where would the thumb come into action, in turning to go up to make another stroke when it reaches the line?

A. My experience is that it is not a turning motion, but a matter of extension.

Q. I am speaking now of writing with a side motion?

A. Well, undoubtedly the thumb would have something to do with something of that sort.

Q. Particularly a person who held the pen above the first joint and his hand resting on a table you think it might have an influence then?

A. It might.

Q. It would, would it not?

A. If he held the pen in this way (indicating).

Q. I assume that he held it below the first joint of the index finger and resting his hand on its side and writing, then would not the thumb motion be disclosed in the heavy stroke as the lines turn up from the bottom or at the line?

A. I do not think you could discriminate as to that, it is formed by all three movements, now if you——interrupted).

Q. In simulated writing, it is intended that it shall deceive?

A. Yes.

Q. And a person trying to simulate another person's writing is trying to avoid all the characteristics of his own natural handwriting, is not that so?

A. If he is simulating—that of course is implied in the word "simulate."

Q. When you went through the will, Exhibit P 1, and spoke of the various things you found in the signatures of the subscribing witnesses, and as well in the name of Geo. P. Gordon, which you did not find in the will, you did not for a moment expect to find that a person had attempted to forge had used the characteristics of the writing in the will, or rather you did not expect to find the characteristics of the handwriting of the person who is trying to make the forgery—you do not expect that? 1C

A. It is upon the theory that those characteristics cannot be concealed otherwise there could not be any ground for judgment.

Q. The most expert forger is the one who can best conceal all his own peculiarities of penmanship and make the best copy of the writing he is trying to forge? 2C

A. That is trae.

Q. And a nervous person could not become a good forger, could he?

A. I should not think he would make a very good one.

Q. If the forger is a person of hardened character, you would not expect to find any nervousness in his work, would you?

A. I do not think a hardened person would have anything to do with it at all, the hardness of the character would have nothing to do with it, it would entirely depend on his condition of health, age, etc. 3C

Q. Would not a hardned character be less likely to be nervous in the execution of a crime, such as forgery?

A. Well, as to nervousness that would depend entirely upon his condition, but if the person who attempted to forge or commit a crime was not nervous then his handwriting would not of course, show any nervousness. 4C

Q. If the person who wrote the body of the will

simulated either one or all the signatures, you would not expect to find in either of these signatures the peculiarities of the handwriting which appear in the will itself?

A. Yes, I should expect to find some unless he had made it a matter of practice for months in the writing of that signature, I should expect that there was some characteristic, which he might possibly, either not have noticed or omitted to conceal or not known of.

Q. And in the name, however, you would expect him not to show the characteristics of the handwriting contained in the body of the will?

A. That would be his intention, his success would depend——(interrupted).

Q. Well, do it as well as he could?

A. Yes, I should expect to find some characteristic that he had failed to conceal.

Q. And the presence in the signature of his characteristics—that is of his own handwriting would be the unconscious betrayal of his characteristics?

A. If they existed.

Q. Have you ever investigated as to the similarity of the handwriting of persons of different families?

A. Most of my work has been done in the investigation of handwritings of persons of different families.

Q. Well as a rule one man has not the characteristic or individuality of the handwriting of another man?

A. Not all. Well, I have seen instances in which the writing of two different individuals were so nearly alike that I could not tell them apart.

Q. In the main you did not expect to find, nor do you expect to find the characteristics of one man's writing in the writing of another?

A. As a general rule I do not.

Q. That is true of two men of different families, now what is the doctrine of changes as to three men writing in the main with the same characteristics?

A. They would not be so likely to have the same characteristics—Three ordinary men would not be so likely unless they had happened to have taken lessons from the same teacher, and if they had done that, then they might have the same characteristics more or less—in fact, I know that to be the case from the examination of pupils in a commercial college, who have been in the habit of following copies given to them by the same master.

Q. So much so, that you could not distinguish the difference?

A. I have seen instances where——(interrupted).

Q. Answer my question please, so much so that you could not distinguish the difference?

A. I have seen them so very similar that at a glance you could not distinguish the difference, but it is possible that if I had had enough material I might have obtained enough material out of the writings so as to have observed a material difference in some respects, enough to have distinguished them.

Q. Suppose the three men were not in the same school, then what are the chances of finding three men whose characteristics are the same?

A. Very small.

Q. Now as to four men, what are the chances as to four men whose writing in the main show the characteristics?

A. Very small.

Q. Smaller than that of the three men?

A. Yes, the larger the number, the less the probabilities of the changes.

Q. And the chance of five persons would he very much slighter than that of four, would it not?

A. Yes, that is true.

Q. You understand, I suppose that it is claimed that there are five different handwritings on that will, that is the body of the will, the signature of Geo. P. Gordon to the will, and the signatures of the three subscribing witnesses?

A. Yes.

Q. Upon your own statement there should not be in each of these different handwriting, characteristics found in all the others?

A. Well, I did not say that.

Q. What did you say?

A. I said found in the same family—you, probably would not find them outside—the chances would be very small if they were not in the same family, or if their duties had not led them to copy the same handwriting.

Q. Don't you feel that your testimony respecting the signature of "Geo. P. Gordon" to the will, Exhibit P 1, has been apologetic?

A. No, sir, I do not.

Q. Will you please tell me whether or not—looking at the cartoon, Exhibit D 71—one of the chief characteristics of the three signatures there appearing, excepting the second one, is not that of a smooth, easy, flowing hand?

A. Yes, one of the chief characteristics is as you state, but these are different types of signatures, and again, they are written on dry paper, which would materially modify the method of making a signature.

Q. You may be mistaken about this paper having been wet when the signatures were written?

A. I said damp, I did not say wet—I do not see how I can be. I did not see the will at the time the signatures were put there, and therefore do not know it, but it is my opinion, formed upon information and observation, that it was damp at the time the signatures were written there.

Q. I am asking you the question now, how do you know that one of the checks were not written on wet paper?

A. I do not know it, but in my opinion it was not, and that opinion I gathered from the manner of the writing.

Q. This signature of "Geo. P. Gordon" requires some explanation you think, because of its peculiar appearance?

A. The blurred appearance, I think should be explained and I have endeavored to explain it.

Q. That is what I call an apology for it, don't you think that that is all it is?

A. No. sir, I do not call it an apology; I call it an explanation of an obvious fact.

Q. Although you assume only that the paper was damp, it is on that you base that opinion on, that assumption?

A. I don't know it as a matter of absolute knowledge, but I assume it to be so.

Q. Use your imagination now in my behalf, not altogether in behalf of the other side—is it not possible that the name of "Geo. P. Gordon," in Exhibit P 1, was written by some person when the paper was damp, but by the use of some particular kind of pen——(interrupted)?

MR. COLLINS: I object to the question on the ground, first, that it is offensive, and also on the ground that it is immaterial.

Question admitted.

Q. Is it not a fact, that having testified to it in favor of the proponents to the will, that your opinion is very strongly influenced in favor of the will?

A. Yes, because I believe it to be based on fact, not because I am employed by them.

Q. Your opinions are in favor of the will, are they not?

A. I am very strongly of opinion that it is an authentic document.

Q. And as a fair man, facts might be brought to your attention which might move, or by which we might be able to move your opinions?

A. It might be possible.

Q. Is it not possible that the name of "Geo. P. Gordon," in Exhibit P 1, is written by some peculiar kind of pen?

A. I think it is, possibly, but it is highly improbable, and I will go further than that, I would not

like to say that it is absolutely impossible, but I will say that it is improbable.

Q. You have some knowledge of inks, have you not?

A. Yes, some.

Q. You know that a chromate of potash ink will go through some kinds of paper, don't you?

A. I have not made any experiments of chromate of potash inks, but the experiments that I have made ——(interrupted).

Q. You don't know, as a fact, that it is possible for a chromate of potash ink to soak through a dry paper?

A. I don't say that it is not, but I should not believe it until I saw it, that is, assuming that the paper was ordinarily good paper. I never yet have seen an instance in my experience where ink did soak through dry paper.

Q. You have said that the writing of the small letters and the body letters in Exhibits D 58, D 59 and D 60, as shown on the cartoon, Exhibit D 71, are an easy, flowing handwriting?

A. They are.

Q. In your judgment, were they probably written with a wrist and finger movement combined, or with an arm movement also.

A. I think it was an easy arm motion, I would not say positively that it was, but I think so.

Q. Do you see in this Exhibit P 1, on this cartoon, in the name of "Geo. P. Gordon," the same easy, flowing signature as is in the others?

A. I call it an easy, flowing signature, but not so easy and flowing as the others.

Q. It is an easy and flowing signature in your judgment?

A. Yes, I do think so.

Q. There is nothing cramped about it, in your judgment?

A. No, sir.

Q. Do you consider that an easy, flowing signature?

A. Yes.

Q. Do you consider the "G"—the formation of the "G," in the name "Geo. P. Gordon," in Exhibit P 1, on the cartoon, Exhibit D 71, as easy and flowing a "G" as the others?

A. Yes, I consider it an easy and flowing "G," but not so easy as the others, but I do consider it——(interrupted).

Q. Do you consider that the Court ought to see it in the same way?

A. That is my impression—there are, of course, degrees of fluency.

Q. Look at the down stroke of the upper part of the "G," in Exhibit P 1, and state whether, in your opinion, the pen was taken off at that point?

A. Pardon me, I want to testify from the originals, not from the photographs, I did not make the photographs——(interrupted).

Q. Answer my question, look at the down stroke of the upper part of the letter "G," in Exhibit P 1, and state whether, in your opinion, the pen was taken off at that point?

A. I will answer your question from the original (interrupted).

Q. Look at the down-stroke of the upper part of that "G" in Exhibit P 1 and state whether the pen wrs taken off at that point or not?

A. I see no evidence of it whatever.

Q. How do you know from the originals without using a microscope?

A. I am using a microscope, a sort of microscope or magnifying glass.

Q. What kind—magnifying how many diameters?

A. Fifteen diameters, about.

Q. Mr. Tolman examined it under a microscope of 75 diameters, have you done so?

A. Yes, I have more than that.

Q. I ask you whether, in your opinion, whether the pen was taken off at the upper part of the letter "G" in that Exhibit P 1 or not?

A. In my opinion it was not.

Q. Why were you in doubt about it—why did you hesitate?

A. I am not in doubt about it; I see no evidence of it at all.

Q. What do you attribute the heaviness of the letter at that point to—that is, at the bottom of the first downward stroke in the first "G" in the name of "Geo. P. Gordon" on Exhibit P 1 of the cartoon Exhibit D 71—do you attribute it to pen pressure or the taking off of the pen?

A. I attribute it to pen pressure upon a damp surface.

Q. Where is the greatest pressure, at the turning or above the turning point?

A. It is about the same at the turning point and a little above it gradually shades off.

Q. Come now to the shoulders of the first "G" in the Exhibit P 1 and state where the pen pressure is there?

A. The greatest pen pressure appears to be at the top.

Q. Have you noticed that at the point you have just referred to, commencing almost horizontally on the line with the top of the Greek "e"?

A. I notice that it commenced a little below the top of the Greek "e"—not much below.

Q. Almost on the line?

A. Not far from the line.

Q. Have you not noticed that the commencement of the formation of the bottom stroke of the "G" in the check signatures commences at that point (indicating) very much higher than the same point in the standards?

A. It does not impress itself upon my mind—anything special about it.

Q. Have you noticed the Greek "e" in Exhibits D 58, D 59 and D 60 being either composed of a blind or open loop?

A. That appears to have one there. I looked them all over, but there was nothing that struck my attention about this Greek "e." I looked over them

all very carefully, but it did not attract my attention.

Q. Do you see any loop in Exhibit P 1 in the Greek "e"?

A. Yes.

Q. You say there is no Greek "e" in the body of the will, in the handwriting of the body of the will?

A. I said so, but if there is any that I have not observed then I will correct my testimony. 1C

Q. Look at the "E" in the word "Executors" on the sixth line from the bottom of the will, just above the attestation clause—look at those and state whether the turning point of the "E"—the belly of the "E"—is not of the same style and character in form as the "e" which we have called the Greek "e" in the "Geo." of the signature to Exhibit P 1?

A. In my judgment those are capital "E's," and my testimony was confined to small "e's."

Q. Look at those other letters of the same general character and say what you have to say about them? 2C

A. Except that they are capitals—and my testimony is confined to small letters, not capitals——(interrupted).

Q. Why do you call them capitals?

A. Because they are capitals.

Q, Do you say that because they are larger?

A. No; to be exact, this is the view that I take: the hair lines extend up in the characteristic of the capital letters.

Q. Now let me ask you whether the turning point of the "E" of that word is not exactly like the turning point in the signature of "Geo. P. Gordon" in Exhibit P 1? 3C

A. No, sir, there is an angle in each and no loop in it, but they are capital "E's," not small letters.

Q. I am talking about the turning point of the "E"—there is an absence of the loop, is there not?

A. Yes.

Q. And also an absence of the loop in the signature of the will? 4C

A. Yes, that is true.

Q. Have you not noticed that in the standards of the signatures of the checks that the letter "P" is very much lower than the tops of the two "G's" in the signatures of "Geo. P. Gordon"?

A. Not all—in some of them it is.

Q. Generally in the check signatures is not that true?

A. In quite a proportion of them.

Q. Is it not a general characteristic that the letter "P" is as high or rather not more than two-thirds as high as the letters "G"?

A. I would not say all of them.

Q Speaking of the general characteristics of the signatures as they appear in cartoon Exhibit D 71, I ask you whether you do not notice the down stroke of the first "o" in the word "Gordon" is in the form of a wedge, with the pressure of the pen at the bottom of the "o"?

A. I do not call that a wedge; that is not in accordance with my conception of a wedge.

Q. Is it not wider at the bottom than it is at the top?

A. Yes, but it is not a wedge; that is not my conception of a wedge.

Q. What do you describe a wedge to be?

A. I describe a wedge as a solid bounded by two triangles and four quad-angles.

Q. That is a geometrical wedge?

A. Yes.

Q. We do not have geometrical wedges in handwriting?

A. You used the term "wedge" and I supposed you meant it geometrically.

Q. Is not the first "o" in the word "Gordon" of a a wedge like shape?

A. Very slightly. It would depend on the scope allowed to his imagination whether he called it a wedge or not, but I should say not.

Q. In these other Exhibits which are found on the cartoon Exhibit D 71, does not that characteristic appear in that first "o"?

A. I do not see it, I see it in the upper cartoon to a slight extent, and I think quite as much so as in the one you refer to.

Q. You think the first "o" in the cartoon is almost as marked in that particular as in the one above it (referring to Exhibits D 59 and P 1, in D 71 cartoon)?

A. I will qualify my statement by saying that there is a more graduated pressure at the bottom in Exhibit D 59, than there is in Exhibit P 1.

Q. The heaviness of the pressure in the first "o" of the name "Gordon" obtains generally in the signatures you have examined in these standards?

A. I would not say "generally," but there are instances of it.

Q. Now come to the letter "r"—is it not a fact that in the letter "r" there is the pen pressure on the down stroke (referring to the same cartoon)?

A. There is some.

Q. Do you notice a similar pen pressure in Exhibit D 59, D 60 and D 58?

A. I do not notice much, I notice some.

Q. Have you noticed that same kind of pen pressure is also to be found in Exhibit P 1 and generally in the standards you have examined?

A. There is the same kind, but it differs in degree in some of them, I must say there is.

Q. Now come to the letter "d"—interrupted.

WITNESS: But I submit that it is not fair to confine my attention to three indicated standards when I have examined others—interrupted.

Q. I asked you whether that same kind of pen pressure obtained in these standards you have examined in this case, and you said it did more or less?

A. I would not say that it "generally" obtained, for the reason that he has no set rule in pen pressure, sometimes he has none and at other times it occurs in most unexpected places.

Q. If you understood that as a rule Mr. Gordon does not shade the small letters—interrupted.

A. I would not say that "as a rule"—I think that is so, but I would not want to be bound by it as saying that it is a rule. I did not examine the matter in that view, and if you will allow me I will explain why I did not—(interrupted.)

Q. Now come to the letter "d" of the name "Gordon" in Exhibit P 1 is it not a fact that there is a characteristic and strong pressure throughout the whole down stroke of the stem of the "d"?

A. I would not say there is a strong pressure. I think the pressure is modified by the condition of the paper. It appears strong, because it is modified by the condition of the paper.

Q. Is it not a fact that the very strongest pressure is manifest at the very bottom of the letter "d" as it turns to go up?

A. The difference is almost imperceptible.

Q. It is strongest there, is it not?

A. To a very trifling degree,

Q. It is strongest then in that place, is it not?

A. I would not say that it is a stronger pressure; it might be due to the fact that the moisture was more there than at the other places.

Q. When you refer to the moisture and to the dampness, do you not think you are rather apologizing for the appearance of the signature?

A. No, sir, I do not. That is my opinion, and I base my opinion from the examination I have made of it.

Q. As an expert you can eliminate that from your mind, can you not?

A. Well, I will try and do so, although I regard it as unfair.

Q. Do you think that answering the question without referring to the dampness of the paper would impair your evidence?

A. No, sir, I do not think so, but—(interrupted.)

Q. Do you find in the standards of the name of "Geo. P. Gordon" in the letter "d" in the cartoon of Exhibit D 58, D 59 and D 60, the pen pressure of

the down stroke of "d" appearing in the letter "d" on Exhibit P 1 on the cartoon D 71?

A. I do not find it in those standards.

Q. Do you as a general thing in the standards you have examined find that pressure on that part of the "d"?

A. His practice was so varied that there was no general rule.

Q. You would not say that as a general thing you see in the standards you have examined that there was that pressure on that part of the letter "d"?

A. No, because sometimes he has an open loop.

Q. And that is the conclusion you reach after a full and deliberate examination of the standards?

A. Examining them with as much deliberation—that is with as much time as has been at my disposal.

Q. Do you call it a conclusion reached after a full and deliberate examination of these standards?

A. Not so full and deliberate an examination as I would like to have made, but it might have been dignified by that term.

Q. Look at the last "o" in the word "Gordon" on Exhibit P 1 and state whether or not—whether it has not a very marked characteristic in this respect—that before closing that letter a loop appears there?

A. It is a characteristic.

Q. There is a loop in this Exhibit P 1?

A. This is a closed blind loop.

Q. Its centre does not appear?

A. With that modification I should say yes.

Q. Do you see the same in Exhibit D 60—is it in that?

A. There is no evidence of a loop there, but there is evidence of a habit.

Q. No' a loop habit?

A. I cannot call it a loop.

Q. Generally in the signatures which you have examined in this case do you find the loop at the end of the "o"—I am referring now to the second "o" in the word "Gordon"?

A. As a general thing not.

Q. So marked as that; you looked all through the papers to find isolated examples where a loop was used by Mr. Gordon in some of the standards—(interrupted.)

A. I do not think I looked through all the papers with that point in view.

Q. You have testified on that point on some few of the papers?

A. Yes.

Q. Did you not have that in your mind?

A. When I selected that paper I had.

Q. Is not that a characteristic present throughout the whole body of the will commencing at the first page of the will—look at the "o's" on the first line?

A. I think that is a characteristic of the person who wrote that will.

Q. Go all through it and see if that is not a very marked characteristic in that will?

A. Yes, very much more marked in the body of the will than in the particular case to which you called my attention in the signature of "Gordon."

Q. It is a marked characteristic throughout?

A. Well, I should say it is a characteristic.

Q. Look at the words "Township of Woodbridge" after the names of each of the subscribing witnesses, in your opinion, was the paper damp when those lines were written?

A. I see no evidence of it on the face of the will.

Q. Do you not assume that the residence of the witnesses is put down when the witness affixes his name to the instrument?

A. No, sir, I do not assume that, because it is a notorious fact that the draughtsman puts down the residence of the witnesses usually before the paper was executed, knowing, of course, who they were to be.

Q. You think that is a general practice?

A. No, sir, I say not uniformly, but where they know that certain persons are to become the witnesses, then it is done.

Q. If the signature of "Geo. P. Gordon," in Exhibit P 1, is simulated, you would expect the person who had forged it to have concealed, as far as possible, his peculiarites and characteristics of style of writing?

A. Yes.

Q. Therefore, you would not look in this signature for letters that correspond in characteristic with letters in the body of the will?

A. Well, I should not expect the party to make them prominent.

Q. If he betrayed them sometimes, then that would be evidence of simulation?

A. That would depend on circumstances—if they were numerous in which the characteristics occurred then I should say that would be evidence, but the fact is, there are frequently cases where persons have the same characteristics and the fact that one of the characteristics should be reproduced in writing and not others, would not have so much weight in my mind as where a number of characteristics occur, that is, a number of characteristics would have weight in my opinion.

Q. If the signature of "Geo. P. Gordon," in Exhibit P 1, was simulated would you expect to find many characteristics of the writing of the person who had forged it?

A. No, sir, for the reason that it is a short signature and he would not have an opportunity to do so.

Q. If you found many—what would you say about it?

A. That they were written by the same person.

Q. And you would call that a bungling forgery?

A. It depends from what standard you look at it, it would not be a clever forgery——(interrupted).

Q. You would call that a bungling forgery, would you not?

A. Yes, I think so.

Q. And if a good many of the characteristics of the original writer crept in, you would call it a bad forgery, would you not?

A. Yes, certainly, he would give himself away in that way; I should think it was a bad forgery.

Q. Look at the loop were the first "G" terminates, and compare that with the loop—with the same downward mark with which the "P" terminates in "Alonzo C. P. Adams" and state whether that has not the same characteristic downward pressure?

A. No, sir, because it occurs in a different part of the letter. I do not call that a characteristic. It may be the same pressure, but to my mind it would have no special weight for the reason that it is at a different part of the same letter.

Q. It is at a terminal, however?

A. Not a lower terminal.

Q. It is at a terminal, is it not?

A. Yes, I suppose that is a terminal, that it is made last.

Q. And it is a terminal with a heavy down pressure in both instances?

A. It is a terminal with a down pressure, but I am not prepared to say it is a heavy down pressure.

Q. Heavier than the rest of the loop?

A. Yes, but I do not call it a heavy pressure.

Q. You do not consider that that should be considered a characteristic terminal?

A. I do not regard pressure as distinctive at all, unless there is something eccentric in it.

Q. Don't you call that an eccentric terminal?

A. No, sir, of course I find it in other standards in signatures and appears to be quite natural.

Q. Have you found in any standard signature where that occurs except in Exhibit P 119.

A. Where there is any other?

Q. Where there is any other example?

A. I did not take any notes of any others than those—I did not have the time.

Q. Is not the terminal of the first "G" which you have referred to in Exhibit P 119, a rounder and smoother terminal than the first "G" in Exhibit P 1.

A. I perceive the same angularity existing in

these instances you have given me, as in Exhibit P 1. I find the same characteristic somewhat triangular, but not to so marked a degree as in that—(referring to Exhibit P 119) as in Exhibit P 1, with the modification due in my opinion to the dampness of the paper again.

Q. Once more you apologize for the dampness of the paper?

A. Yes.

1C

Q. Is not the "G" in Exhibit P 119, the terminal, rounder than the "G" in Exhibit P 1?

A. It is more round than that, but in the second one it is not half the angle as in the other.

Q. In the second one do you say it does or does not connect with the second letter?

A. Yes it does.

Q. Can you point to a single example except Exhibit P 119, where there is a terminal of the first "G" or any "G" that corresponds with the terminal of the "G" in Exhibit P 1?

2C

A. I cannot answer that question without going all over them.

Q. Go all over them and answer the question.

A. I did not go through all the signatures with reference to that particular characteristic, but only such as came to my observation.

Q. Look at the body of the will—is it not a fact that the characteristics of the writing of scrivener was to have a pen pressure on a letter and the pen pressure to be near the bottom of the letters?

3C

A. I think that is true.

Q. Is not that true of Exhibit P 1 in the signatures—the whole of the signatures, George P. Gordon and the attesting witnesses as well?

A. It is not universal.

Q. Is it not generally true?

A. I would not say that it is generally the case, I will specify if you desire me.

Q. Tell us what proportion of that signature has the pen pressure at the bottom?

4C

A. The small letters.

Q. Is it not the rule?

A. Yes, it is heavist in both of the "o's," in the "r," the last stroke of the "d" and the first stroke of the "n," but not in the last stroke of the "n."

Q. It is general in the small letters?

A. Not "general" —there are others that it does not appear in at all.

Q. You have pointed 5 out of seven?

A. Yes but not all of those five letters—it does not occur in all parts of them.

Q. Don't you see and did you not say that the pen pressure was heavist in the first "o" of the word "Gordon"?

A. Yes.

Q. And in the letter "r"?

A. Yes.

Q. And "d"?

A. In the last part of "d" it is.

Q. It is in "d" however?

A. Yes, in one part of it.

Q. In the second "o"?

A. No, sir it is heaviest at the top there.

Q. And is not the blending of the up stroke the cause of that appearance?

A. No, sir, I think it is due to both causes, but I think the pen pressure is heaviest at the top.

Q. You think it is heaviest there?

A. Yes.

Q. You think you are right in that?

A. Yes, I think so.

Q. And after saying that you think you are right, when you say that generally the pen pressure of the small letters is at the bottom——(interrupted.)

A. I would say the majority of the cases—it depends on the signification you attach to the word "generally"—general, in the majority, it is I think.

Q. And that characteristic exists throughout the will, does it not?

A. I think so.

Q. Look at the letter "d" in the word "Gordon," and look at the word "disposing" in the first page of

the will—is not that letter "d" of the same style and characteristic as the "d" in "Gordon"?

A. It resembles it to some extent, but the down pressure in the first part of the "d" is very much stronger in the body of the will than it is in the "d" in the signature.

Q. Look at the word "declare" in the sixth line?

A. Yes.

Q. Is not that "d" in the same style and characteristic as the "d" in the word "Gordon"?

A. Precisely the same remarks apply to that—that it resembles it to some extent, but that the down pressure in the first part of the "d" is also very much stronger in the body of the will than it is in the "d" of the signature.

Q. Taken as a whole, do not the "d's" to which I have referred resemble in style and character the "d" in the word "Gordon" of the signature?

A. No, sir, for the reason——(interrupted).

Q. Never mind your reasons; I have your answer.

A. I have the right to state my reasons, and I say no for the reason that there is an angle there, to which I referred in my direct examination, at what I termed (for the loss—for the lack of a better term) in the southwest corner, and I do not find it in the signature.

Q. Is that the angle there (indicating)?

A. Yes.

Q. And that is the reason you say no?

A. That is one reason.

Q. Is not the downward stroke of the two "d's" to which I have referred in the body of the will the same or similar as in the word "Gordon"?

A. It is in those two "d's."

Q. In that point then these two writings resemble the body of the will?

A. Yes.

Q. Kindly look at the "on" in the first line of the will (indicating) and the "on" in the signature of Mr. Gordon, and state whether or not there is not a

marked resemblance in the style and character of those two—the loop at the end of the "o" and the declining "n"?

A. There is some resemblance between the two, but there are also some considerable differences between the two.

Q. Are they not alike in characteristics and style?

A. There is some resemblance.

Q. Are they not alike in character and style, that is my question?

A. Not absolutely.

Q. No two persons are exactly alike—no two writings of two different persons are exactly alike?

A. No. sir.

Q. And no two writings by the same person are exactly alike, are they?

A. No, sir, not exactly alike. The top of the letter "n" in the body of the will is sharp at the top, whereas it is round in "Gordon" in the signature.

Q. What other reasons have you wherein they are different?

A. I do not wish to designate any others.

Q. That combination of letters—the "on" at these two places—are nearly enough alike to have been written by the same person?

A. They might have been, yes, sir. I do not think they were, although they might have been.

Q. Look at the name of "Henry Adams" where it appears as subscribing witness.

A. That is the first name of the witnesses.

Q. Before you do that—in comparing the will with the signature of "George P. Gordon," you say that they resemble each other in these particulars; that in the majority of the letters the pen pressure is at the bottom of the letters in both cases; that the stem of the "d" is alike and the "on" is alike?

A. I did not say the "on" is alike.

Q. That they resemble each other?

A. There is some resemblance.

Q. So that in those three particulars there is some

resemblance between the writing of the body of the will and the signature of "Gordon?"

A. Enumerate those three again?

Q. That in the majority of the letters the pen pressure is at the bottom of the small letters, that the stem of the "d" in the word "Gordon" and the places I have pointed out are alike, and that the letters "on" resemble each other.

A. These resemblances do exist, but in connection with characteristic differences.

Q. But in these three particulars, they do resemble each other?

A. Yes, slightly.

Q. Now come to the word "Henry Adams;" is it written on the line or above the line?

A. It appears to have been written above the line.

Q. The name "Geo. P. Gordon" is written above the line, is it not?

A. Yes, slightly. It touches the line in a portion of it and other portions are above the line. For instance, the lower staff of the letter "p" nearly touches the line, so does several other letters, but taken as a whole, it is slightly above the line.

Q. As is also the name "Henry Adams," the subscribing witness?

A. Portions of the name of Henry Adams is above the line also.

Q. As is also the name "Alonzo C. P. Adams?"

A. In the name "Alonzo C. P. Adams," the first part of it is principally on the line.

Q. I mean the signature is partially above the line?

A. I will specify. "A," "l" and "o," those three letters are on the line—the last "o" is on the line approximately; the "C" is on the line and the rest of the signature is slightly elevated.

Q. The last portion of the signature of "John Q. Adams" is above the line, is it not?

A. Very slightly. The last part of the word

"John" is on the line, the letter "Q" touches the line and the last part of the signature is above the line.

Q. Now come to "Henry Adams" again; did you not say that the letters "en" of the word "Henry" was precicely or substantially like the same letters in the name "Henry Adams," appearing in Article V, in the body of the will?

A. I did state that, but I added the qualification that I found the same characteristic in the standards of "Henry Adams;" which is true.

Q. You find that fact to be true?

A. Yes, both of these statements are correct, but should be taken together.

Q. Is it not a fact that the first "A" of "Henry Adams" is, in the style and character, like the "A" in article of the subdivision of Artible V?

A. Article V—the "A" there is very much more blended on the top.

Q. Is not the bellying of the "A" out like the "A" in that respect of the "Adams" of the subscribing witness?

A. To a very slight degree.

Q. Do you mean that it bellies to a slight degree, or that it resembles it to a slight degree?

A. In that particular instance there is a very slight resemblance, but in the other capital "A," there is a very considerable likeness and resemblance.

Q. Look at the letter "d" of "Henry Adams," and say whether or not that is not like many of the "d's" in the body of the will?

A. In some respects it is, but it has the curvature with the convexity to the left, which, as a rule, does not exist in the will.

Q. Are there several examples where the convexity is the same in the will as in the signature of "Henry Adams?"

A. I do not find any; there may be some, but, as a rule, they are the other way.

Q. What about the word "declare," in the first paragraph of the body of the will?

A. That does not curve as I stated.

Q. You think that is straight?

A. It is approximately straight—if anything it curves to the left, and I notice in the same paragraph quite a number of "d's" in which they curve; the top end is decidedly to the left, the convexity to the right and the top curve to the left.

Q. Look at Article I, Section 1, line ten—look at the "d" in the word "Gordon" and state whether that "d" has not any characteristics like the "d" in the signature "Henry Adams," where the name appears as subscribing witness?

A. Well, I think there is a slight—there is more curve to the right in "Henry Adams" signature than there.

Q. In the general characteristics, do they not resemble each other—are they not alike in general characteristics?

A. Considerably alike, except that the "d" in "Adams" comes down square without any curve to the finish of it.

Q. There is a general resemblance?

A. Somewhat.

Q. Look at the word "direct" in Article I, Section 1, line 16—is not that "d" substantially like the "d" in the signature "Henry Adams?"

A. It is except that it is a projection to the lower left-hand corner—an angularity. I referred to the existence in part of the will, and not in the other of that peculiarity, but the general resemblance is somewhat like either.

Q. Look at the word "deceived" in Article I, Section 1, in line 19, and say whether that "d" is not substantially like the "d" in the name of "Henry Adams," where it appears as subscribing witness?

A. No, sir. I don't think that is like it.

Q. Look at the word "direct" on line 20, and say whether that "d" is not substantially like the "d" in the name of "Adams" as subscribing witness?

A. There is a distinct curve to the left and the convexity to the right; the other three have some resemblance, but in this not any.

Q. In the name of "Henry Adams," where it appears as subscribing witness, does not the "d" end abruptly?

A. Yes, sir, it does; so does it also in the standards—some of them.

Q. Is it not a fact that the general rule is that in the name of "Henry Adams" the "d" turns up sharply as if to connect with the next letter?

A. I have specified cases, but I cannot tell you them without going over them all again.

Q. In the trust deed and in Exhibit D 176 and Exhibit D 175 and D 174, does it not turn up sharply as if to connect with the next letter?

A. In the trust deed it does; it also has a convexity to the left.

Q. Now as to Exhibit D 176—in the name of "Henry Adams," does not the "d" turn up sharply, as if to connect with the next letter?

A. It does in that way, but the shading is different.

Q. Now as to P 175, is not that the general rule there that in the name of "Henry Adams" the "d" turns up sharply as if to connect with the next letter also?

A. It turns up in that way.

Q. Now in Exhibit P 135, in the name of "Henry Adams," does the "d" there turn up sharply as if to connect with the next letter? (I hand you the bundle of checks; go through them and answer the question.)

A. In these instances which you present to me that is the case.

Q. It seems to be a general characteristic that so far as you have seen the "d" turns up in "Henry Adams" as if to join or connect with the next letter?

A. I haven't seen any of these yon have presented to me now (referring to Exhibit D 71, to Exhibit D 172.)

Q. You said there was some resemblance between the "s" in the name "Henry Adams" as it appears as

the subscribing witness to the will Exhibit P 1 and the "s's" in the body of the will?

A. I think so.

Q. Now look at the last page of the will—(interrupted.)

A. But there is a characteristic difference which I thought about in the same connection—that the letters converge to the right.

Q. Look at the "s" in the word "books" on the last page of the will, fourth line, is not that the same as the "s" in "Henry Adams" as subscribing witness? 1C

A. It resembles it.

Q. Look at the word "issues" immediately below it, that is in the same general character like the final "s" of "Henry Adams," is it not?

A. Not quite so.

Q. It is like it, is it not?

A. No, sir, because there is a curl to the left in that "s" which does not exist in the one in the will. 2C

Q. Look at the last "s" in the word "executors" and say if that has not any of the characteristics like the final "s" in the name "Henry Adams" as subscribing witness to the will?

A. In that one there is another curl—no sir, it is not like it.

Q. Now on the thirteenth line of the last page of the will there is another "s"—is that like any character to the final "s" of "Henry Adams"? 3C

A. No, sir, in neither of them, because in both of them there is a curl on the last stroke—on the "s" to the left—it does not exist in the signature.

Q. Not alike in many characteristics—as much alike as two "s's" can be written by the same person?

A. No, sir, I don't think they are, for the reason that the terminal of the letter "s" is straight without any curl, and that is very unusual.

Q. The ,'s" in the word "books" is alike, is it not? 4C

A. Yes, sir, that appears to be more like it, but even "s" in "books" has the characteristic curl to the

New Jersey State Library

left which does not exist in the signature—I did not observe it at first.

Q. None of these "s's" I have referred to are like the "s" in the will in character, are they?

A. No, sir, because they don't have the curl to the left in any except as to the shading, in that they do have some resemblance.

Q. In the three particulars heretofore mentioned and gone over there are characteristic resemblances, you think?

A. That is in the "e" and the "n" in "Henry"—(interrupted.)

Q. The capital "A" of "Adams" and the small "d" of "Adams" and the "e" and the "n" in "Henry"?

A. Not in the "n" at the top, because the "n" is sharp pointed and I think that the "e" in "Henry" is higher than the other.

Q. Did you not say that the "e" in "Henry" corresponded in size and style with the "e" and "n" where the "en" appears in the name of the subscribing witness "Henry Adams?"

A. I don't remember saying that; I can't bear all these details in my mind.

Q. Referring to Article III, Section 2, is not the falling down in style of the "en" in "Henry" like the same letters in "Henry" of "Henry Adams" in the will?

A. No, sir, the faliing down is hardly perceptible in the first part of the "en" in the body of the will, whilst it is very considerable in the signature.

Q. There is a falling down in Article III, Section 2, in the same letters and the same hame?

A. There is a trifling falling kown, but as I have already stated, that is the character of the dimensions. In the heighth of such letters in the body of the will, and also in the signature of "Henry Adams" it appears also in the signature of "Henry Adams" as subscribing witness.

Q. You admit that there is a resemblance in style, but in a different degree?

A. Yes, in the "en" in the body of the will in the

signature of the subscribing witness and in the word "Henry."

Q. In that respect the signatures resemble the same names written on the body of the will?

A. Very slightly.

Q. That is one of the resemblances?

A. Yes.

Q. In the capital "A" of Article V and the capital "A" of the word "Adams" as subscribing witness, do they not resemble each other?

A. In that particular instance they do.

Q. The "d" of "Henry Adams" resembles the "d" that I have referred to in the words "disposition and declare"?

A. In some respects and in others it differs radically.

Q. In three respects there are resemblances in characteristies, in the writing of Henry Adams' name as it appears in the body of the will and in the name of "Henry Adams" as it appears as subscribing witness to the Exhibit P 1?

A. In those three instances, yes.

Q. You said it was one of the characteristics of the scrivener of this will that in connecting the top of the small letters he connected it with the concave curve?

A. Yes, sir.

Q. Now look at the name "Alonzo C. P. Adams." The only two places where that top stroke is used are between the letters "o" and "n" of the word "Alonzo" and the top of the letter "z"?

A. Only one place. The top of the letter "z" is not a connection; it is a portion of the letter.

Q. In the connection between the "o" and the "n" in "Alonzo" the same characteristic exists as in the will in similar letters?

A. In that one instance.

Q. Look at the standards of "Alonzo C. P. Adams" and say whether that peculiarity exists in any of the two standards of Exhibits P 182 and P 183?

A. Yes, sir, it does?

Q. Now look at the letter "z" in the word "Alonzo," where it appears as the name of the subscribing witness to the will, and state whether there is not the same convex horizontal loop as appears as the characteristic in these two signatures?

A. If you will excuse me I want to know if I correctly understood; your question is whether that characteristic existed in these two signatures (referring to Exhibits P 182 and P 183)?

Q. Yes.

A. Well, that's correct.

Q. Now refer to Exhibit P 177 and look at the "z" of "Alonzo" where it appears as the name of the subscribing witness to the will, and state whether there is not the same convex horizontal loop as appears as a characteristic in that signature?

A. It also exists in Exhibit P 177—the convexity downward.

Q. Is it perceptible to the naked eye?

A. Yes, sir, but more perceptible with a glass.

Q. Look at the "z" of "Alonzo" where it appears as a subscribing witness to the will and state whether there is not the same characteristic generally as appears in the exhibits which have been handed you?

A. I don't think that comes within the rule or the term of characteristic as I stated—that is the joining of the letters and not the top of the letters.

Q. Is not that the same thing that you called attention to?

A. No, sir, because it does not join two separated letters; it is the top of the letter.

Q. It is a convex top to the letter?

A. Yes.

Q. And can be used as a connecting stroke if so applied?

A. Yes, but it is not so applied.

Q. Look at the names on the three exhibits which I have handed you containing the names of three "Alonzos," and say whether there is any such convex tops to the "z"?

A. In Exhibit P 183 it does not exist, in Exhibit P

182 it does not exist, and in Exhibit P 177 it exists to a slight degree.

Q. To a slight degree?

A. Yes.

Q. Can any see it?

A. Yes, if he has eyes. It is but a slight degree; it is not marked. What I mean to say is that the top of that "z" is slightly convexed with the convexity of the point downwards, but not nearly so marked as in the will.

Q. Is there any resemblance between the bottom of the letter "z" in "Alonzo" in the will and the three standards of "Alonzo C. P. Adams," to which we have referred?

A. Well, the resemblance is slight.

Q. It is entirely different, is it not?

A. Not entirely different, because each of them has a loop.

Q. And they are all the letter "z"?

A. Yes.

Q. They agree in that respect?

A. Yes.

Q. And they all have loops?

A. I prefer to make my own answer.

Q. I prefer to have you answer my question directly.

A. I see the resemblance, just as I have stated it, but the angle of the loop, which appears to be long in the will, is very much more to the right.

Q. And you want the Court to understand from your evidence that there is the slightest resemblance between the letter "z" in the will and the letter "z" on the standards to which you have referred?

A. Yes, because the shading is approximately the same. For instance, in Exhibit P 182 the shading is in the middle of the downward stroke of the letter "z," although, as I said before, I don't place much reliance on the shading, but you seem to put considerable reliance on it, and I therefore called your attention to it.

Q. You think it counts for you on your side?

A. I think it is of no consequence in any event. You asked me if there was any resemblance between the two, and I said there was in that respect, as I think it was responsive to the question.

Q. So far as the characteristics in the handwriting are concerned, you now take the position before the Court that there is no resemblance between the "z" in the name of "Alonzo C. P. Adams" as written as subscribing witness to the will and the three standards to which you have referred?

A. It is not marked.

Q. Is there any?

A. Yes, slight, but not marked. If they stood alone I should not regard them as the same writing, that is if the stood alone.

Q. Look at the "dams" of the name "Alonzo C. P. Adams" and state whether that does not resemble any character — the general appearance of the "dams" in the name of "Henry Adams," as it appears as the subscribing witness to the will?

A. No, sir, for the reason——(interrupted.)

Q. Never mind the reason—I have my answer, I want the fact.

A. No, sir.

Q. You notice that the terminal "s" of each of the "Adams"—"Henry Adams," "Alonzo C. P. Adams" and "John Q. Adams"—is further removed from the "m" than the other letters are from each other?

A. Yes, sir.

Q. And that characteristic holds of all others in the will compared with each other?

A. I find the same characteristic in the standards.

Q. Answer my question, will you, please—I ask you if that characteristic holds of all others in the will compared with each other?

A. It is further removed—that answers it.

Q. In all three instances?

A. Than the rest of the letters, yes, sir.

Q. Do you find a single "C" in the name of Alonzo C. P. Adams' name in form like the "C" in the name of Alonzo C. P. Adams in the will?

A. I think I find some of a general style, but I am unable to designate them now without looking over it again.

Q. Have you ever seen anything except the ordinary commercial "C"?

A. Yes there are other "C's"; he makes them of two different styles.

Q. You say you found "C's" that are like the same "C" of the will?

A. No, I did'nt say so.

Q. Well, that resembles them?

A. I found them with the loop, but not with the loop with a small dot—well, they are not alike.

Q. Doesen't the general slant of "Alonzo C. P. Adams" in the standards appear to be straighter that the signature, that is the whole signature of "Alonzo C. P. Adams" in the will—as a rule, is there not less slant?

A. Very slightly, they are somewhat straighter.

Q. Generally very much straighter?

A. Not very much, although there is a noticeable difference.

Q. Noticeable in the slant?

A. Yes, but I would like to look them all through before I state that positively—in those called to my attention, the slant is less than in the body of the will.

Q. In respect to the "z" and in respect to the "C," and in respect to the slanting in the name "Alonzo C. P. Adams" in the will, there is a difference in style from the standards?

A. In respect to the "z"?

Q. In respect to the "z" and in respect to the "C," and in respect to the slanting in the name of "Alonzo C. P. Adams" to the will, there is a difference in style from that of the standards?

A. There is some difference in those respects.

Q Considerable difference, is it not

A. That is my judgment—that there is some difference.

Q. In a matter of this kind, is it your object to

point out to us general differences, such as will enable us to determine the character of the handwriting, or do you wish to call our attention to specific points which alone tell for your side?

A. I think we ought to point out our general differences or general resemblances, and I think there are certain resemblances between all of these names of "Alonzo C. P. Adams," that is certain resemblances among all of them; but I think, there are more resemblances between the signatures in the will than in the checks. They exist between the signatures of the will and in the body of the will.

Q. I don't understand you.

A. What I mean to say is, that there more resemblances between the name of "Alonzo C. P. Adams" in the testation clause and in the standards, that is more points between that and the standards than there are points of resemblance between the name of "Alonzo C. P. Adams" in the signature as attesting witness to the will and where it occurs in the body of the will.

Q. Where is "Alonzo C. P. Adams" in the body of the will?

A. I mean the "A" "C" "P."

Q. You place yourself professionally on the ground that it is your opinion that the name of "Alonzo C. P. Adams" in the will resembles the name of "Alonzo C. P. Adams" as shown on those standards?

A. To the extent that I have stated.

Q. You wish it to be understood that it is the same handwriting, do you not?

A. Yes.

Q. And you think the Court ought to see it the same way?

A. I don't know as to that. That is a matter for him to determine for himself. He is on his oath and that is his matter—I am simply stating how it appears to me, and I said there are points of resemblance among them.

Q. Look at the "dams" of the word "Adams" in the

standards of "Alonzo C. P. Adams" and state whether it is not a general rule that the "d" has a loop at the top and connects with the next letter in the standards and that it does not exist in the will?

A. There is a shading at the top on that one—there is a square top—I cannot call that a blind loop, I consider it a square on the top.

Q. Look at the rest of them and say what the general character is.

1C

A. The rest of them or some of them have loops.

Q. That is not an answer to my question—look at the rest of them before you answer and say what the general characteristic is?

A. In answering that question I should say that the character of the pen will change the character of the loop, whether it be an open or blind loop. In many instances that is so, but I would not want to say as a general characteristic they are open, because the same open loop in one instance might be a closed loop in another, but in these it seems to be an open loop. 2C

Q. It is the general characteristic to have open loops, is it not?

A. It appears so in quite a number of cases.

Q. Does not it appear so in every case?

A. I think it does in the majority of the cases.

Q. Why didn't you say so before?

A. I did.

Q. Is it not a fact, where a signature is brought to you, after you have seen a standard of the same signature, that you jump upon the signature and form an opinion by a first impression? 3C

A. No, sir.

Q. First impressions have very little or nothing to do with your opinions?

A. It has something to do with it.

Q. How much?

A. That is difficult to say, I studied it in all its phases and endeavored to do so before coming to a conclusion. 4C

Q. If I had desired you to show the differences

between the signature of "Alonzo C. P. Adams," as it appears in the will, and the standards, you might say that you could not have pointed out these things that I have called your attention to—of differences —might you not?

A. Very likely I should; but I must say, as I said before, that these are very remarkable signatures, for the fact that there is a resemblance among all of these words of "Adams."

Q. Does the first impression of the name of "A. C. P. Adams" in the will, or "Alonzo C. P. Adams," strike you as being like that in the standards?

A. In some respects, yes, and in some not.

Q. In what respect does it?

A. In general, the letters, and it does to some extent resemble the "d's" separated from the "ams" in "Adams." For instance, that appears to be a characteristic and the same thing appears to be in the will, as well as in the standards, and in fact, also in all the standards—I regard that as a matter of considerable importance.

Q. You consider that of controlling importance as against the difference in appearance?

A. Yes, sir, I do. In my experience the habit of joining letters has proved of vastly more importance than the mere form of the letters.

Q. What I want to know is, does the first impression of the name of "A. C. P. Adams" in the will, or "Alonzo C. P. Adams," strike you as being like that same name in the standards?

A. The first thing I always look for in examining writing, is the manner or combination of the letters, and I have been informed and detected simulated writing in more than one instance, simply from the manner of combining the letters, irrespective of the form of the letters; so that I regard the manner of joining the letters more than the mere form of the letters and, in my judgment, that is of vastly more importance than the form of the letters.

Q. Now look at the name of "John Q. Adams," in the will, where it appears as attesting witness. Does

not the top of the letter "J" look like the top of the letter "J" in the word "July," before the year 1868, in the body of the will?

A. Yes, sir; the "J" in the will is a blind loop, and the "J" in "John" is an open loop, with the shading on the outside.

Q. In general characteristics, is it about the same?

A. Yes, sir, the upper part of it.

Q. Does it not show the same hand habit?

A. I should not like to judge of the habit from isolated instances, but I should say that these two "J's" slightly resemble each other.

Q. And those two compared together you think, do not show the same hand habit?

A. I cannct deduce a habit from that.

Q. Isn't the top of that "J" of a peculiar formation—the "J" of "July" and the "J" in the word "John" referred to?

A. I don't see anything very peculiar.

Q. Is there not something peculiar and awkward about it?

A. It doesn't strike me as awkward.

Q. Didn't you see something like it in the form of the letter "T" in the word "Township of Woodbridge," after the attesting witnesses' names?

A. No, sir.

Q. Look at the commencement of the letter "h" —(interrupted).

A. If you refer to the fact that there is an angle at the top of the letter "T" and an angle at the top of the "J," then I should say there is in both something alike.

The ORDINARY.

Q. Are they similar?

A. They do resemble each other.

MR. MILLER:

Q. Do they show the same handwriting?

A. I couldn't say, although there is a similarity

between the two, for the reason there is no loop at the beginning of the top, as there is in both of the "J's."

Q. Look at the top "J," and say whether that is not connected in the word "John" away above the line of the small letters?

A. Yes.

Q. Now look at the "h," of the word "his," in the fourth line of the attestation clause, and say whether you don't see the same characteristic there?

A. I shouldn't call that the same characteristic, for the reason that it does not connect with the previous letter. In the next line above that—in the second line above that, rather—you see quite a different characteristic.

Q. It is even, whereas it connects with the previous word?

A. Yes, but not with the other.

Q. And is not that a very marked characteristic in the words "at his request?"

A. I shouldn't call it so.

Q. Can you find a single copy of the letter "Q" among the standards like the two in the attestation clause in the name of "John Q. Adams?"

A. I haven't found any.

Q. Does the style of the writing of the letter "Q," in the will resemble the "Q" of the standards at all?

A. There is none that I have observed.

Q. Does it strike you as singular that a man should use it once and never again that style of letter?

A. I don't know that he hasn't used it, but it attracted my attention.

Q. Did it direct you to anything?

A. It attracted my attention, but I would like you to direct my attention to some other standards—(interrupted).

Q. Well, look at the name of the last "Adams."

A. I have told you I don't pay much attention to capitals—not such attention to capitals as I do to small letters.

Q. Do you see the same pen pressure in the name of "John Q. Adams" in the will, as you do in the standards?

A. My recollection is—there appears to be very little pressure in the "J" of "John," except——(interrupted).

Q. I am talking now about the whole pen pressure.

A. There does not appear to be any pressure in the word "John," except at the terminal loop.

Q. Can you find a "J" like it?

A. Something like it.

Q. How much like it?

A. It is difficult for me to say how much like it.

Q. You said it is like it, now we want you to illustrate and elucidate these things to us and to the Court—you said that you could show us of the existence of one like it?

A. There is one a little like it (referring to Exhibit P 191).

Q. Very little, is it not?

A. Yes—Exhibit P 192 bears a slight resemblance, not much, though.

Q. Well; the next one?

A. The habit in this appears to be the same.

Q. As in the next letter?

A. Yes.

Q. But as to shape and shade, is there any resemblance at all?

A. Yes, sir, there is a shade in the terminal loop of the "J," in Exhibit 199, and in the movement of the hand in making that capital "J," that is somewhat like the "J" in the will.

Q. Does it or not resemble it?

A. Yes, to some extent in this respect—that in the forming of the letter, the pen starts with a fine line before the middle loop of the "J," proceeding upwards, crosses upon itself at the top and then downwards with a shade—very little shade at the left hand of the loop—in that respect it resembles it——(interrupted).

The ORDINARY.

Q. I notice in these three Exhibits you have spoken of, namely, Exhibits P 189, P 191 and P 192 that the loop of the "J" clasps the staff?

A. Yes, sir.

Q. And in the will there is some separation?

A. Yes, sir, that is true.

Q. What significance do you attach to that?

A. In the presence of only a few standards I don't attach very considerable significance to it and I don't think there is so much significance to be attached to it as in the general movement. The general habit of forming the "J" as it appears in the standards as in the will, never varies, in the details, it is more exaggerated here in the will.

MR. MILLER.

Q. Will you make a letter "J" with a continuous stroke?

A. I will endeavor to do so (witness writes).

Q. Does the "J" made by you with a continuous stroke, resemble the standards as much as the will?

A. Well, I think it does.

Q. Is it anything like it?

A. Anything like the standards, like "J?"

Q. Yes.

A. Yes, I think it is something like it.

Q. And something like the will in style also?

A. I don't go by the will—I go by the habit in appearance as it first strikes me and I think there is quite a striking contrast between the two, but in the habit of formation I think there is more or less resemblance.

Q. Isn't the writing of "John Q. Adams" and the writing of John Q. Adams in the standards, all an easy, flowing hand?

A. Yes, sir.

Q. And is that true of the will?

Q. The pen pressure appears to be quite similar and they appear to be written with a sharp pointed pen upon smooth paper—now what would be the

effect if this paper had not been damp—but it appears to be a flowing, easy hand in my mind.

Q. And style and character, it is like the standards you think?

A. In the habit it is alike.

Q. What do you mean by "habit?"

A. The habit is a swinging style of forming the letters and in the manner of joining them.

Q. Doesn't that make style?

A. Yes.

Q. The habit or style of the signature of "John Q. Adams" in the standards, you think are like those in the will?

A. I will say that the habit is alike, but not the style.

Q. Distinguish between the style and the habit, explain the difference to us?

A. Style is the outward appearance to the eye, as I understand it, and by habit, I mean the general manner of forming it, or general motion—the combination. It may present a different appearance to the eye, but the habit is the same.

Q. Are not signatures to be judged by their general appearance to the eye?

A. As a rule they are, but I think the habit should ——(interrupted).

Q. Is habit something that you can point out? If so, point it out to us.

A. The "J" in Exhibit P 186 is made with one continuous movement without taking the pen from the paper.

Q. That is what you mean by "habit," irrespective of "form"?

A. The pen is placed upon the paper again and the "ohn" is formed without taking it off the paper, and then the "Q" is formed, and then the pen is taken off the paper and placed on the paper again at the letter "A"; then that letter is formed, and then follows the letter "d"; then the pen is removed again and then placed on the paper again—that is the same in both documents—then the remaining letters

of the word "ams" is formed. Now that is what I call habit.

Q. How is it made manifest to us by the disconnection of letters?

A. Less together with the appearance of the letters.

Q. Now I take my pencil and I write. Then I write "ohn" continuously, then I write "Q"; I take up my pencil and then I write the "A"; I take up my pencil again, now I write "d"; I take up my pencil again and write the "ams." Now look at that signature as I have written there, and state whether that resembles the standards and the signatures?

A. In some respects it does; the same habit appears there.

Q. Is it not the same signature?

A. No, sir.

Q. It does not appear like the original at all?

A. Yes, it does.

Q. Therefore, you would say it was genuine if you hadn't seen me write it?

A. No, sir, I would not say that.

Q. If you had not seen me write that name you would have thought it was genuine, would you not?

A. No, sir, I would not.

Q. Is it not a fact that the general appearance or formation of the letters with respect to each other—all that goes in to make the appearance of the signature—that determines its genuineness, rather than the taking up of the pen and the placing down of the pen as you have described it?

A. No, sir, I don't think so; I have in numerous instances seen genuine signatures that you would not recognize as genuine signatures. Some of them had been written in a back-handed movement, but the habit was there, and now as to the formation of the letters that would be found in every instance.

Q. And that experience which you refer to is what you base your testimony on to-day?

A. In my judgment, that is the particular crite-

rion and is entitled to more weight than anything else, in my judgment.

Q. Just look at the standards of the "A. C. P. Adams—(interrupted).

A. I would state that in adopting that means I have in several instances fixed the authorship of anonymous letters so that it became certain that it was all done by a certain party. This I did by first obtaining the knowledge of the habit of the writer of the letters irrespective of the formation of the letters. 1C

Q. You have said as among the reasons why you consider the signature of "Alonzo C. P. Adams" genuine, is that because in the will the "d" is disconnected from "ams" following it, and that the same peculiarity is found in the standards—is that so?

A. That is one and perhaps the principal reason.

Q. Is it not a fact, that in the will the capital "A" of the word "Adams" is not connected with the "d" following it? 2C

A. It is a fact.

Q. Is it not a fact, that in all the standards the capital "A" is connected with the "d" in that name?

A. I am unable to state whether it is joined in that one or not (referring to Exhibit P 131).

Q. Now referring to Exhibit P 132, P 133, P 182 and P 177 is it not a fact, that in all those standards the capital "A" is connected with the "d" following it? 3C

A. It appears to be connected in Exhibits P 183, P 131, P 133, P 132, and I think disconnected in Exhibit P 182, but I cannot definitely say it is not connected in Exhibit P 177.

Q. Why don't you attach to the difference between the will in this respect—the failure to connect the capital "A" and the "d" of the word "Adams" in the case of the will which is also disconnected in all the standards except one, the same importance that you attach to the disconnection of the 4C

"d" in the "Adams" and the "a" following it, before mentioned?

A. Because my attention was not called to that heretofore. The "d" and the "a," which were uniformly disconnected in respect to the "a" and the "d" and parts taken, seem to have a fixed habit in all these cases you have presented to me; he has—— (interrupted).

Q. Would that not lead you to suppose it was his habit to connect them?

A. No, sir, I wouldn't say it was his invariable habit, because the standards are limited in number.

Q. Take all three of the names of the subscribing witnesses. "Henry Adams," "John Q. Adams" and "Alonzo C. P. Adams," is it not a fact that the "A" is separated from the "d" and in each case the small "d" is separated from the small "a?"

A. Such is the fact.

Q. That existing in this case, you would not attach considerable importance to that fact as leading to the conclusion that they were written by the same person?

A. If that was all the evidence presented to me I should, but my recollection is that in the case of the standards of Henry Adams and the other Adams besides—the "Henry" and the "John Q. Adams" that they are separated.

Q. Then the separation of the letters does not have the same importance in some respects as it has in others?

A. Unless it is invariable.

Q. It is the habit in respect to these three names, is it not?

A. Not universally; you assume that they are all written by the same person; there are other evidences of habit besides those.

Q. I take you on your own ground that the separation of the letters is most important in the determination as to their genuineness—(interrupted.)

A. Where invariable.

Q. It occurs in all three of these signatures, does it not?

A. Yes.

Q. And then does it not lead you to suppose that it was written by the same person—each of the three of them?

A. No, sir, if I didn't find them in the original standards it would lead me to suspect it.

RE-DIRECT BY MR. COLLINS.

Q. Does microscopy go with handwriting?

A. Yes.

Q. In other words, part of your microscopic study has been on the question of handwriting?

A. Yes, sir, on the study of handwriting.

Q. If Exhibit D 63 was shown to a bankman and others by the opponents of this will, would the fact that there is this abnormal condition of affairs developed by your measurements be likely to have its effect on these gentlemen that were examining the paper?

A. It would have a very great effect if that was presented to me and nothing else—I should have been driven to the conclusion that they were written by different hands if that was the only data I had.

Q. Partly because the five paper signatures were shortened and the lower one lengthened.

A. Partly because the one appearing not to be a check signature and the other one check signatures. If you had sent me this instead of this Exhibit D 63 I should have told you I couldn't have helped you.

Q. Can you tell whether the signature to the will "Geo. P. Gordon" was written with a finger movement or not?

A. I don't think it was written with a finger movement; it is too fluent in my opinion.

Q. You have been told, perhaps, what Mr. Hagan said about the rotary motion of the thumb, that he could distinguish it; did you hear of it?

A. I read it.

Q. Do you believe any such thing as that is possible?

A. In my opinion it is not.

Q. You have had your attention called to the fact of the "J" in the name of "John Q. Adams"—the signature as an attesting witness to the will, being similar at the top with the "J" in July in the date of the attestation clause?

A. Yes.

Q. Is it a fact that the angle of the letters are very different?

A. Yes, different; the letter "J" in "July" approximates ninety degrees, whereas the angle of the "J" in "John" approximates forty-five degrees from the vertical.

Q. You have also had your attention called to the fact that the draughtsman of this will has a loop to his "o's," which were said to be similar to the last "o" in the word "Gordon," and your attention was directed to the "o's" in the word "Woodbridge" in the residence of the witness; is there a very decided difference to the slant of the finish of these "o's" from that in the word "Gordon"—in other words take the "o's" as made by the draughtsman of the will slanting downward, whereas the finish of the "o" in the testator's signature is nearly horizontal?

A. Yes, that difference exists in a very clearly marked manner, and also the "o's" in the word "Woodbridge" have a very distinct angle at what we call the southwest corner.

A. Yes, but the top of the loop slants downward to the right?

A. Yes, sir.

Q. One other subject, that is whether you have observed in that standard signature of "Geo. P. Gordon" at the point where the first staff of the "G" makes its turn to come to a second, have you noticed a tendency to break as you expressed it in the standard signatures?

A. I suppose you mean the angular form of it.

Q. No, I mean when you come round with a curve at that point (indicating), is there a tendency to break?

A. You will observe that tendency where a person makes a curve under considerable pressure. You will observe a ragged outline caused by the action of the pen at the turn.

Q. Do you find that in the standards?

A. Yes.

Q. What was the highest diameter you examined the outlines of the signatures with?

A. One hundred diameters.

Q. You read the testimony of the other witnesses as to the question of patching, do you find any evidence of patching in that signature?

A. I find no evidence of patching in that signature and in my opinion it is not patched.

Adjourned to July 9th, 1891, at 10 A. M.

Pursuant to adjournment the parties and their counsel met at the Chancery Chambers, in Jersey City, July 9th, 1891, at 10 A. M., and the following evidence was taken:

EDWARD H. RAUCH, being recalled in behalf of the proponents, says:

EXAMINED BY MR. COLLINS.

Q. You called my attention since the last session to the fact of your statement, that before your affliction you had the power or ability to simulate writings, indiscriminately, almost, and you said that you wished to qualify that statement somewhat—you now may do so.

A. I only had an indistinct recollection that I did not qualify it, but whether I did or not, I really don't remember.

Q. You said that you wanted to qualify it to the extent that you could simulate the handwriting of any person whose ability as a penman did not exceed that of your own ability?

A. Yes, my qualification would be to that extent,

that I had that power to simulate writing up to the abilitythat I had as a penman, that the ability to write as a penman would not surpass my own ability, that I could not simulate beyond that.

Q. Have you caused to be prepared a little exhibit here, made up of the word "Gordon," cut from a photograph of the signature to the will and of the word "Gordon" in three different places, cut from the artotype of the body of the will; and also on the same paper the letters "or," cut from the photographs in the body of the will; also the letters "ohn" in which "John Q. Adams," as attesting witness to the will, and the collection of "H's," cut from the artotype of the body of the will, which you have just put them in juxtaposition for the purpose of comparison, as I understand?

A. Yes.

Q. And you had some little photographs made of that exhibit, for the purpose of convenient comparison of the will, of the writer of the signature of "Geo. P. Gordon" and of some of the letters made by the body writer of the will?

A. Yes.

Q. And also a comparison of the style of the writer of "John Q. Adams," as a witness, and the style of the writer of the body of the will in making "H's?"

A. Yes, sir.

Q. You have marked upon the photograph the line in which the word is in in each case?

A. Yes; I took them from the last page of the will, I believe, or there may be one exception, but I believe all are from the last page.

Q. And the line is given?

A. There are indicated by numbers there, meaning the number of the line in the will.

Q. That "P" was put on to show that he sometimes patched his letters?

A. Yes, sir.

Q. It has nothing to do with this comparison, but is just to show the patching?

A. Yes.

Q. Where is that from?

A. From the artotype of one of the signatures.

Q. It is cut from the artotype of Exhibit P 20?

A. Yes.

Q. And I think your signature "Gordon" is cut from the signature of the will in the paper which you had compiled and it is enlarged, is it not?

A. Yes, slightly.

Q. And the others are simply taken right from the artotypes?

A. Yes, sir; the original is that small piece that I prepared and then I had it enlarged to this.

Q. It does not pretend that the type of the name "Gordon" and the other "Gordon" is the same?

A. No, sir.

Q. The purpose has nothing to do with the size, but only the style of the writing?

A. No, sir; the "Gordon" is made from a photograph, which was slightly enlarged before, and the size has nothing to do with it, and the others were taken directly from the artotype.

MR. COLLINS: I offer this photograph for the purpose of illustrating the testimony of the witness.

Marked Exhibit P 209, July 9th, 1891.

Q. Just briefly state, so as to go on the record, from what lines these are taken as you have marked them?

A. The "or" at the extreme left of the second line —that is the first line of the will.

The next "or" right under it is in the tenth line of the will.

I did not mark the "Gordons"—the upper "Gordon" is the signature in question, but the other three "Gordons" I can point out if I had the will here.

(The will handed to the witness, who says:

The first "Gordon" is the second line of Exhibit P 100.

The next "Gordon" under it is the first "Gordon" in the will—the first line of Exhibit P 97. Under the last "Gordon" is the name of "Lenore M. Gordon," 11th line of Article I, as shown on Exhibit P 97.

The first "on" is in Article V, third line.

The "on" under it is Article V, fifth line.

The next one I neglected to mark. I don't know how that happened.

The next "on" is on the fourth line of Aricle I.

The "H's" are all taken from the last page of Exhibit P 99.

The 19th line is the first "H," and the next is the 9th line, the next the 3rd line, and the next is the 19th line, and then the 2nd line and then the 9th line, then the 20th, then the 2nd, then the 8th, then the 11th, then the 9th, then the 5th, the last line. The next following that is the 8th, the 12th, the 16th and the 1st, meaning the "h's" across and not downward from the exhibit.

The "P" is from the photograph, Exhibit P 110, of the original Exhibit P 20, as found on the artotype offered.

Q. Give us the conclusions which you arrived at with respect to who wrote the signature "Geo. P. Gordon" to Exhibit P 1 and the three "Adams" signatures, respectively, as attesting witnesses, referring to other writings in the case proved to be genuine writings of the various parties? Do you understand the question?

A. I believe I do.

Q. I prefer to have you go on your own way and give your reasons therefor?

A. I have examined a great many papers as standards of the signature "Geo. P. Gordon," and considering everything—in the first place there is a difficulty in these four names that I understand are in question—the condition of things, the physical condition of the pen and paper, enters into it, and they have a sameness on comparision, but I am satisfied neither of the four names were written in the usual

manner of writing by the writers, for the physical reason that there was either moist or damp paper at the time of writing, or heavy or bad ink, or both; I do not know which; I cannot make up my mind, but a condition of things which seriously interfered with the writing, and they have an impression, by the general appearance of sameness in their general appearance, that would not exist but for that condition, I am satisfied of that. 1C

And taking the name of "Geo. P. Gordon"—that is in the same condition; it was doubtless written on the same occasion and under the same conditions and the same ink that the other three "Adams" were. What is the cause of it? I cannot say, I am not prepared to say; it was either damp paper, bad pen or ink, I cannot say which. But I come to the conclusion and I have the belief that it was written by George P. Gordon, judging from all the signatures —not by the check signatures alone—but taking all his signatures. I find all the evidences of Mr. Gordon's writing contained in that signature; he is wonderfully different in all his writing. 2C

I do not believe in all my experience I ever saw a good penman who had so many different ways of writing his signature.

Q. Do I understand you that the person who wrote the various exhibits which are offered in evidence and proved as the genuine handwriting of George P. Gordon, and as I said are offered in evidence, is the same person that wrote the "Geo. P. Gordon" in the will? 3C

A. That is my belief. I do not believe it is a simulated signature, reading it on its face. It is freely written and a clear, clean signature, written with a steady hand, and if it is a simulated signature, done by drawing or copying and having standards before him, it must have been done with rare skill. Take, for instance, the stem of the "P" in the name of "Geo. P. Gordon"; it is perfectly clean, and it is, according to my experiense, difficult to execute a long line without betraying nervousness in the copying. 4C

It can be done, only a simulator would require to have an extraordinary steady hand to execute it so cleanly—horizontally, I mean, it would be easy, but an up and down hand makes it so very much more difficult.

This signature is as angular and regular in regard to height and spacing as you could find any good writer; it has no evidence on its face that I can discover of a character that would lead me to think that it was not the handwriting of the writer who wrote the standards, but that it was written by him under difficulty or under bad conditions, either as to pen, paper, or whatever it was—it is self-evident that that difficulty existed.

Q. Proceed with the three "Adams" signatures?

A. Precisely the same difficulty, the same trouble comes in in all of the signatures.

Q. Now as to your opinion with regard to whether or not the same person wrote that signature "Henry Adams" to Exhibit P 1 that wrote the signatures of old Mr. Henry Adams that had been proved to be genuine in this case?

A. It is quite consistent with that theory with the difficult qualification that I have mentioned, and that it is heavier, has a heavier pen pressure all the way through; that occurs in all of them, and to which I attribute the physical reasons I refer to.

Q. When you speak of pen pressure, do you mean an actual pressure or apparent pressure from the condition of the ink?

A. The condition of the ink would produce that.

Q. You call it pen pressure then for a better name?

A. Yes.

Q. You do not perceive the actual pressure there?

A. No, sir.

Q. Do you or not think that the person who wrote the standards "Henry Adams," which I now show you, and all of which you have seen heretofore, wrote the "Henry Adams" as attesting witnesses to the will, Exhibit P 1.

A. I see no evidence of it.

Q. You misunderstand me; I ask you if you have reached the conclusion that the person who wrote "Henry Adams" signatures also wrote this on Exhibit P 1 as attesting witness?

A. That would be my conclusion.

Q. What have you to say as to the conclusion you reached with reference to the same person having written or not the standards of "Alonzo C. P. Adams" now proved, and the signature of "Alonzo C. P. Adams" as attesting witness to the will?

A. I have seen the standards of "Alonzo C. P. Adams," a few of them, and from that source it is perfectly consistent with the theory—they do not resemble it owing to the difficulty of the damp paper, or some other reason, but that is the only difference, but I do think that it is perfectly consistent with the theory that he wrote the signature to Exhibit P 1.

Q. What have you to say as to the standards—the same as to "John Q. Adams" and "John Quincey Adams"?

A. It would be the same answer in regard to that also, judging by the standards.

Q. And you had examined all these exhibits that have been offered in evidence?

A. Yes, sir.

Q. Have you given a thorough study to the body writing of the will Exhibit P 1.

A. Yes.

Q. Do you see anything in that body writing to lead you to think that the writer of the body of the will wrote either of the four signatures to the will?

A. I do not believe that, and my conclusion is decidedly in the negative, I cannot see any evidence of that at all, and I cannot call it impossible of course, but I would call it to the highest degree improbable.

Q. Proceed to give the result of your researches in that regard in your own way?

A. It is largely contained in this little slip, Exhibit D 209. The capital "G" first and second, both "G's" in the name of "Geo. P. Gordon," I will limit

myself first to the first "G"—there was a pause I think, and I pointed out either a pause or retouching or pointing in the first "G" of the signature to the will, but the "G," the make-up, the form is entirely consisting with the "G's" generally made in many cases by Mr. Gordon in the standards.

The small "e" in the word "Geo." are identically the same in character and form found in the different standards a number of them.

The "o" does not differ in its make-up, but it is a little touched up at the top of it, and he made the same retouching in the standards, but I cannot see any reason to doubt that that was made by Mr. Gordon.

The "or" and the "on" have been referred to as identical with the body of the will. They are absolutely, in my judgment, radically different, which is shown in the "or" and the "on' 'on this small photograph.

The connection between the "or" and the "on" is a straight horizontal line in the signature of "Geo. P. Gordon" to the will. In the "on" in the standards is a straight horizontal line in all cases, I can find no exception. In the body of the will the "on" has a bowl shape nearly a quarter circle downwards in the body of the will, it is shown prominently in the photographs. That is, the swing of the pen from the "on" in the body of the will uniformly was a straight line which shows the pen habit of the writer, that is the unconscious habit of which the writer is hardly aware, for instance, I will illustrate it on this piece of paper (witness illustrates.)

The whole of the writing of the body of the will is an open, rolling, irregular hand and has no characteristics of the signatures which are uniform and regular.

I cannot find a single characteristic. The "G" is radically different, not only in form, but in character from the "G" in the signature of "Geo. P. Gordon," that is the capital "G's" where they occur in the body of the will.

The "o's" are similar and if they were all like the "o's" I might agree with the theory, but they are similar, although smaller as a general rule; they are similar to the "o" here, but so they are in the Gordon signature also; they are common to writings generally, a general type.

Q. Do you find a tendency in those "o's" in the body of the will to go down instead of straight across after the conclusion of the "o"?

A. Yes, just what I tried to explain, that from the top of the "o" there is a curve downward to the next letter.

Q. So that in that respect the "o's" differs?

A. In relation to the next letter they differ.

Q. Go on.

A. The "d" is larger than the standards given there in the check writing in the check signatures, but plenty of them are found in Mr. Gordon's writing of the same kind; there is not a single letter here that is not contained in the standards somewhere; you can see them all the way through.

Q. How do you account for the difference between the general appearance of the "Geo. P. Gordon" signature of Exhibit P 1 and the check signature, such as Exhibit D 59, for instance; I speak now without regard to what may have caused the difference, in the look of it the thickness of the ink and the moistness of the paper, but I refer to the style of writing?

A. It is with more hesitation; it is not written with the same rapidity, it is written under different circumstances and probably under the influence occurring once in a lifetime, as it does to most men of making a will; there is a sort of moral impression in his mind, which might cause a reversion to a previous kind of writing, he would write more deliberately, more in the shape of school writing, such writing as he used before he had formed an individuality in his writing. It is easily returned to—I do not know that that is the case of cause, but it is highly probable. Men are influenced in writing and it de-

pends on what they are writing frequently, some men cannot sign a formal document with the freedom and ease and lack of hesitation that they can sign their names to checks.

Q. Coming now to your selection of Exhibit P 209 of the letters "ohn" from the name of "John Q. Adams" and the collection underneath of small "h's" from the body of the writing, explain to the Court the purpose of that collection and what it teaches us?

A. The form of "h," the main letter is similar to most of the "h's" in the body of the will as regards the inclination, curving to the left near the terminal. In that respect the "h" corresponds with the majority of the "h's" in the body of the will, but it differs entirely as to character, the pressure of the pen or emphasis of the pen begins at the top in the body of the will, almost invariably, quite so in fact, there are one or two where it is a little altered and a little lighter pen, but the heavy pressure of the pen is quite on the lower end, and in the body of the will the "h's" are uniform almost completely and entirely uniform, beginning the pressure at the top and running all the way down.

Q. And in the witnesses' signatures at the bottom?

A. Yes the form there is smilar but the character is dissimilar.

Q. And your purpose was to show us that dissimilarity?

A. Yes.

Q. Was that because some witness for the other side had indicated that "h"?

A. Yes.

Q. As an evidence of the same handwriting, both?

A. Yes, sir.

Q. Your attention was called to it?

A. Yes.

Q. Which of the four signatures to the will evidences the best penmanship?

A. The signature of "Geo. P. Gordon," decidedly.

Q. Mr. Ames on page 380 says, "I cannot admit it to be within the bounds of possibility that the hand that wrote the standards could have written the signature in question" (referring to Exhibit P 1) and at page 281, he contends that all four were written by the same hand—what have you to say as to that statement with regard to the relative powers of "Geo. P. Gordon" to have written that Exhibit P 1 signature and the draughtsman of the body of the will?

A. I came to an extremely opposite conclusion differing from Mr. Ames on that point. If I thought any one was competent to write that signature it was a good penman such as Mr. Gordon was, he could have done it, he was able to write the signature but I do not think it is probable that the writer of the body of the will could have written it, it was beyond his capacity.

Q. Because you find him to be inferior in penmanship to Mr. Gordon as is shown by the standards?

A. Yes, inferior as to penmanship. And more over his strong individuality would creep out somewhere on that signature and I do not find any, I cannot find any traits of similarity on that signature of Geo. P. Gordon with the writing of the body of the will.

Q. Mr. Ames says, on page 386 of the printed record, "That the terminal "s" in "Alonzo C. P. Adams" and "John Q. Adams" respectively on the will are identical, what have you to say in regard to that?

A. I differ from Mr. Ames in that respect; I do not think they are identical; they have some similarity, but just the same similarities that are common to writings generally, but they are not identical.

Q. He also says, on pages 386 and 387 of the printed record, "that the letter 'A,' the capital 'A' in 'Henry Adams,' signed as a witness to the will, is almost identical with the 'A' in the word 'Article' of Article VI in the body of the will." What have you to say on that subject?

A. There are two very important dissimilarities in the "A" in the signature of "Alonzo C. P. Adams" and in "Henry Adams" and the "A" in the body of the will.

Q. Direct your attention to what Mr. Ames says as I have read it to you?

A. I contend that the "A's" in the signature of "Henry Adams" and entirely dissimilar from the "A's" in the body of the will——(interrupted).

Q. Address your attention to the "A" in Article VI of the will, which was specifically pointed out by Mr. Ames?

A. I can see no similarity at all except in the initial upstroke, which has a curve outward, a pretty strong one, and slightly in the "A" in the signature of "Henry Adams," but aside from that, then the "A's" are radically different with that one exception. I agree with Mr. Ames if he means the first up-line, there is a similarity there, but as to the whole of the letter "A," it is radically different.

Q. What have you to say as to the loops?

A. Quite different, quite a different style; the loop in the word "Adams," both the "Adams" signatures are open and running up from the bottom to the last main stem occurs, and is an open loop turning to the right.

Q. You mean in the name of the witnesses?

A. Yes.

Q. Go on?

A. The loop in the body of the will is nothing but a sharp triangular form in the body of the will.

Q. Mr. Ames says, on page 390, that the "r" in "Gordon" is the same in habit as in "George" and in "Gordon" in the first line of the will?

A. I cannot agree with Mr. Ames, in that I think the difference is quite radical, very decided; if they are similar I cannot discover it; they are given for that purpose on this photograph, Exhibit P 209, of showing the difference.

THE ORDINARY.

Q. Why are they dissimilar? You have stated that you disagree with Mr. Ames; now Mr. Ames gave his reasons. What are your reasons?

A? There is the "r" (indicating); it goes up to a sharp point here (indicating), whilst they are in the word "Gordon" is in that style like an open "v" or similar to a "v."

Q. It is like a blind loop, you mean? 1C

A. Yes, at this point (indicating).

Q. At the second top of the "r"?

A. Yes, this is similar, only this is open and that is not open (indicating).

MR. COLLINS.

Q. Just put that into language that can be taken down and refer in each case to what Gordon you mean. The "r's" in the George at the first line in 2C the will are how? Now go on.

A. Well, beginning from the initial part of the "r," the first stroke that comes from the "o" in the word "Gordon," (referring to the first line of the will) makes a curve to the right, a bowl-shaped semi-circle, and comes to a sharp point and runs down on an average, sloping to the line of the paper; then it returns and goes beyond the starting point, higher up and again a small circle, a circle similar to the first part, a semi-circle.

The line approaching the "r," which constitutes 3C part of it, comes to a sharp angle and runs down to the lines, then returns and goes up above the starting point of the main body of the "r," and then another semi-circular terminus.

Q. You are speaking of the body of the will?

A. Yes.

Q. Are you through with the body of the will?

A. Yes.

Q. Now, these semi-circles which you speak of, 4C how do they curve?

A. To the left or right?

Q. Downward or upward?

A. Downward.

Q. Now describe the "r" in "Gordon" in the signature to Exhibit P 1?

A. The initial part, beginning from the "o," is in an horizontal line running to the main stem of the "r," turning downward to the line, returning, and with an easy curve coming to the terminus and ends by a curl upward (not downward), curving to the right.

Q. If this line you speak of is horizontal from the "o" to the beginning of the "r," arches at all which way does it arch?

A. Well it is scarcely perceptible either way, it is downward right at the beginning of it from the "o" with a slight inclination downward and then straight across.

Q. That is the way it seems to you?

A. Yes.

Q. You mentioned in your notes to me what you thought was the only real similarity between the will and the signatures and then you explained, what was that?

A. The letter "J."

Q. In what?

A. The name "John Q. Adams."

Q. What had you to say about that apart from the fact that there is some similarity?

A. It is only the initial part of the "J" which is similar, not the whole body of the "J," but the first part of it is similar, and there are a great many "J's" made in a similar manner, they are very common, there are plenty of people making "J's" in a similar manner, and in looking at the standards I find in several the same characteristics only it connects with the main stem of the loop with that difference?

Q. You have pointed out to us some similarities in the letter "J"?

A. Yes, sir.

Q. And great dissimilarities in the letter "H"?

A. Yes.

Q. Now I ask you whether considering the whole signature the fact of similarity in the letter "J" tends at all in your mind to reach the conclusion that the same hand that wrote the body of the will wrote that name "John Q. Adams"?

A. No, sir, I do not think so.

Q. You do not think so?

A. No, sir.

Q. It does not lead you that way?

A. Not at all.

Q. Why not?

A. It is because there are incidents of similarities that often occur in different handwriting and I would want more than one instance to make me believe that.

Q. And you think the dissimilarities out-weigh the similarities.

A. Yes, far out weigh the similarities.

Q. Mr. Ames also referred to the capital "P" as a straight line downward in the "Gordon" signature, while in the standards the capital "P" curved to the left, what have you to say on the subject?

A. That main stem?

Q. He says that the "P" in the disputed signature of "Geo. P. Gordon" to the will is a straight line while the same staff in the genuine standard signatures curves to the left, that is one of the points with him?

A. That is true in regard to the majority of Mr. Gordon's writings, but there are also "P's" that correspond entirely with the one in question.

Q. Can you indicate some?

A. Yes.

Q. Have you noted them?

A. Here is one for instances on this photograph. Exhibit P 209, that is, in fact, take the lower section, it is made in two parts, the main stem,—the two sections are all about an equal length from the top down, but which was made first I cannot say, but there is a heavy pen pressure about half way down, but whether that was added afterwards or

made in the first place I cannot tell, but aside from the upper part, the lower part is as near that identscally as I can think of.

Q. This is why you selected that for your Exhibit P 209?

A. For both reasons, for the reason it corresponded with the "P" in question and also to show that Mr. Gordon sometimes tinkered, or mended or patched his writing, there are others, however, this is not the only one, I have seen others, but I haven't them ready here, there is only one in these papers. Here is one in Exhibit P 21 comes very near to it, but it is not identical, it has a slight curve.

Q. Mr. Ames says on page 431, that any change of circumstances such as moist paper, color of the ink and writing with a steel pen where the writer was accustomed to use a gold pen, and a marble top table to a certain extent will change a man's handwriting as to appearance, but not in characteristics, what is your judgement on that point?

A. It will change in both respects, both as to appearances, and as to characteristics, and I am not sure but that the emphasis should be put on the characteristics rather than in the matter of form.

The influence of a bad pen and ink, and the physical conditions of the writer will influence and change the manner of writing, both as to its character and form, and that I guess is the experience of everybody that writes.

Q. I understand you to agree with Mr. Ames and some of the other experts, who have testified that the unconscious habits of a writer will appear in a forgery?

A. Yes.

Q. And you have looked for traces of that in the four disputed signatures on the theory advanced by the other side, that the writer of the body of the will, wrote the signatures and you did not find any such?

A. No, sir, I could not find any.

Q. Have you noticed under the glass whether

there is at the top of the staff of the capital "P" in the signature of the "Gordon" in the will, a loop which is covered up by the ink of the cross piece?

MR. MILLER: What glass does the witness use?

WITNESS: A magnifying glass.

MR. COLLINS.

Q. Have you observed the top of the staff of the Capital "P" in the signature of "Geo. P. Gordon" to Exhibit P 1, to observe whether there is a little hook at the top somewhat covered up by the ink of the cross piece?

A. I do see a little hook.

MR. MILLER.

Q. What power is that glass?

A. I cannot tell you, but I think it is about double as near as I can guess, I don't know exactly.

MR. COLLINS.

Q. Even with that power it can be perceived?

A. Yes.

Q. What does that indicate to you?

A. In all probability, it is the initial of the down stroke when the "P" was made, it may be, but what it is I do not know, it has the appearance of being the initial, and if it means anything it is an initial or downward stroke of the "P."

Q. Do you find any standards of "Geo. P. Gordon" with such a little hook?

A. I do not know that I have examined for that.

Q. I would not trouble you with it, if you have not seen it?

A. I do not know that I have looked for it; I see none here in this which I have just looked at.

Q. It is possible another witness told me about that; I do not find anything on your notes about it?

A. Yes, I think there is one here, but a marked smaller hook——(interrupted).

Q. I show you Exhibit P 13?

A. That is at the terminal; I think this has it also (referring to Exhibit P 105).

Q. I show you Exhibit P 17?

A. That has it also.

Q. Also P 18?

A. Yes, that has a terminal.

Q. And in the name and the body of the check, Exhibit D 56?

A. Yes, sir.

Q. Now, those occur in instances where Mr. Gordon did not join by a hair line the "Geo." to the top of the "P," don't they?

A. Yes.

Q. Now, if a forger was familiar enough with that peculiarity of the "P's" made in that way by Mr. Gordon to make the hook, would he be likely to cover it up and hide it by a cross-bar?

A. No, his object would be to give it prominence.

Q. Does the fact that you find the hook there, although covered up, have any evidential force in your mind?

A. Yes, I think it is quite consistent; it is certainly a habit with the writer; he did not always do it, but he did it frequently.

Q. What is the fact of its being there and also covered up partially indicative to your mind—is it evidence of genuineness or the lack of genuineness?

A. The tendency would be toward genuineness; he would certainly not want to have it covered up; he would want to show it.

Q. What do these combination of facts lead you to believe—that it was genuine, or that it was not genuine?

A. I would be in favor of the genuineness of the letter.

CROSS-EXAMINATION BY MR. MILLER.

Q. You came here, Mr. Rauch, as a paid expert?

A. Yes.

Q. You told us the experience you had had as an

expert in handwriting, and you named among other cases the McIntyre case, the Marsden will case, the Whittaker will case, the Middleton will case—those were all Pennsylvania cases?

A. Yes, except that the McIntyre case was in Washington.

Q. Your experience has been mainly in the State of Pennsylvania or about Pennsylvania?

A. Yes, although I thinkI have been in New Jersey about ten or a dozen and in Washington as many times, and the rest I think were in Pennsylvania.

Q. What cases have you appeared in as an expert when Mr. Ames, Mr. Hagan, Mr. Carvalho or Mr. Tallman was also sworn as experts?

A. None, except once, in which Mr. Ames was interested in some naval fraud cases in Washington in which I was also interested, and I think Mr. Ames was also in one of the Congressional litigations.

Q. You have consulted with Mr. Ames in certain cases?

A. Now and then.

Q. You have been in cases with him and consulted him?

Q. Yes, incidentally, we have consulted, but in the Washington cases we examined a number of papers and documents (Mr. Ames and myself), and we were several days in the examination of certain naval records separately, although we were in the same room, but at different desks, yet we did not confer with each other—as I say we occupied the same room, but did not discuss the questions at all, and we reached the same conclusion from a separate examination substantially.

Q. You were not in the Blaisdell case or the Whittaker case or the Jerome will case.

A. I was not in the Whittaker Cadet case but I was in the Whittaker Will case.

Q. Were you in the Morley letter case?

A. No, sir.

Q. Were you in the Jerome will case?

A. I did examine a photograph of the Morley letter case.

Q. You were not examined as a witness?

A. No, sir.

Q. You have spoken of certain exhibits and also that you had a capacity or power at one time to simulate almost any handwriting; that is, before you became infirm?

A. Yes.

Q. When did you commence to practice?

A. I suppose when I went to school.

Q. When first as a matter of professional occupation?

A. I think the first case I attended in court was in Lebanon in 1855.

Q. It was a fact that you had this power and that led you to give attention to the study of handwriting?

A. Yes.

Q. And in the exercise of your profession you became an observer of the characteristics of particular writings submitted to you?

A. Yes.

Q. And you claim to see some characteristics which you think are controlling and which you can point out to other people?

A. As a general rule.

Q. That is your contention as an expert?

A. Yes.

Q. There is nothing that you can see about handwriting that a person of good eyesignt and judgment cannot see also, is there?

A. I claim that I find no opinion and give no opinion unless it is founded on physical facts which any other eye can see as well as mine. Others may come to a different conclusion, based on the same facts, but what others see I can see.

Q. How do you describe what we sometimes call "style"—what does that word mean?

A. It is a manner of writing, the style of producing a picture, a picture of writing, I should say would apply to good handwriting, the word "style."

Q. Is it synonymous with character?

A. Yes, to some extent.

Q. And individuality?

A. Yes, sir, I suppose so, men will acquire an individuality, and we call it his style of writing.

Q. When a given piece of writing is shown you of one name or word written by a person throughout, that word or name you say has four leading elements—the height of the letters, the shading of the letters, the form of the letters and the connection of the letters? 1C

A. Well, I generally recognize but two distinct characteristics in writing—that is, form and character.

Q. I am asking about character as a general term?

A. Well, we may go into details of height also.

Q. Any given handwriting that has character has a general uniformity in height, a general uniformity in form, it has a general uniformity in shading, and a general uniformity in the connection of letters, has it not? 2C

A. Yes, as a general rule.

Q. And in judging of handwriting you judge, don't you, of the handwriting generally, and not on specific examples where the rule is violated?

A. I think generally is the safest.

Q. A fair expert would be compelled to do that?

A. Compelled to do it as a general rule.

Q. No two names written by any man, for instance, are exactly alike?

A. Not in all respects. 3C

Q. They have perhaps general characteristics?

A. Yes.

Q. And in forming an opinion as to the genuineness of the writing you have reference to these general characteristics?

A. Yes.

Q. You say you have the power of simulating. Now, will you kindly explain what mental process you went through with before you took up your pen to simulate a signature? 4C

A. I don't know of any mental process, other than

copying, drawing a picture of the signature with the pen.

Q. Slowly?

A. Sometimes rapidly.

Q. When you copied handwriting you tried to eliminate all the forms that you personally adopt when you write naturally.

A. Yes, unless it was similar to my own handwriting.

Q. But your idea was to get out of the way all peculiarities and characteristics and habits you had formed when writing naturally?

A. Yes, sir.

Q. You tried to get rid of your individuality, and in the shading of the letters and such things?

A. The shading, to a large extent, is uniform and common to all writing, but shading at given points, any extensive flourish and the scroll—those are peculiarities, and in simulating writing the object is to get shading at the proper places.

Q. You try to get rid of your own individuality in shading?

A. I endeavor to imitate and do it by my eye and by the copy before me. There are two classes of writing. I could write any hand, any wrist writing, simply a rising hand up and down, and there is an eccentric hand. Now I could sit down and copy it in both processes without any special effort. In signatures of that character, I mean such as the writing of Geo. P. Gordon, but the check specimens are entirely different from the others, and I would be required in that case to take an hour's time to accomplish it perhaps.

Q. But the point is that you get rid of your own individuality, so far as you can, if the writing you copy differs from your own?

A. Yes, I suppose so; I suppose I would have to get rid of my own individuality.

Q. You know that in writing naturally you acquire certain habits, and which you acquire unconsciously?

A. Yes, sir.

Q. Is not that seen in any other persons' writings—is it not apt to come out in terminals and such like?

A. Yes, if he writes without thought the unconscious habit will develop itself.

Q. So in simulating the chief o bject is to get rid of individuality and to copy as perfectly as you can the pen pressure and the form of the writing you are trying to simulate?

A. Yes.

Q. And if you succeed in doing it then it is a good forgery?

A. Yes.

Q. And if you do not succeed then it is not a good forgery?

A. Yes.

Q. Would you not say from the examination of these letters and standards in this case that one of the chief characteristics of the writer of the letters was to write a smooth, unshaded hand?

A. As a general rule.

Q, That is the general characteristic?

A. Yes.

Q. You see that characteristic in the checks, Exhibit D 56 to D 60?

A. I see it in the checks.

Q. You see that characteristic?

A. Yes.

Q. Do you see that characteristic in the body of the letters?

A. No, sir, not to the same extent.

Q. You see the characteristics?

A. He varies very much; some letters are very much better written than others.

Q. Is not Mr. Gordon's handwriting a smooth, unshaded hand?

A. I never knew a good penman—I do not think I can recall one in all my life—that wrote as many different ways as Mr. Gordon.

Q. As to form?

A. Form and character.

Q. What other respects as to the small letters does it differ?

A. Very careless—that, however, is common to all writers, and largely due to the conditions under which it is written—some of his letters are smaller than others, some larger.

Q. But they are generally smooth and unshaded, are they not?

A. Yes, generally smooth.

Q. What would you call a round hand?

A. Yes, easy writing, no labor at all.

Q. The pen directed by an arm movement rather than that of the wrist or fingers?

A. A combination of both.

Q. But the arm movement was generally involved?

A. The arm movement was likely to predominate.

Q. The arm movement predominates in Mr. Gordon's writings?

A. Yes

Q. If a person writes with a finger and wrist movement, If that is his habit and he attempts to simulate a writing which is an arm writing, a round writing, he is likely to incorporate in the simulation some of the finger and wrist marks?

A. I do not know whether I understand you.

Q. I mean a person who writes any way in a measure, a cramped hand, because he uses the fingers and the wrist without the arm movement, whether he is not likely to incorporate in the simulations those characteristics?

A. It is a difficult matter to draw the line between what is termed wrist and finger writing; there are almost innumerable ways of writing, in the holding of the pen and I consider it a doubtful thing at best to express a reliable opinion upon, how a particular pen was held, the position of the hand and other things which might cause it to differ in that respect, so that is is hard to tell what writing is written with a wrist or finger movement.

Q. But if a person who writes with the fingers alone, is he not apt to write a cramped hand?

A. There are few people who do write with the fingers alone.

Q. I mean a person who writes mainly with the fingers, that person generally writes a cramped hand?

A. I have been all along adhering to two kinds of writing; one a shaded writing written with the fingers and the arm stiffened and the other an arm movement, consisting of large flourishing strokes, that is, where there is no wrist or finger movement, and the other is the wrist writing, which every gentleman would call a finger writing, but I classify it all in a general way as wrist writing, whether the little finger slides along the paper or the hand rests on the table, a resting hand.

Q. But a person who writes with the wrist movement writes a more cramped hand than a person who writes with the shoulder movement?

A. Yes.

Q. Then if any of the characteristics are incorporated in the writing it would be a cramped characteristic?

A. Yes.

Q. That would occur unconsciously?

A. Yes.

Q. If you had been simulating Mr. Gordon's signature, would you have used your wrist or used your shoulder — I would specify as Examples Exhibits D 56 to D 60, the check signatures?

A. It would depend entirely upon what kind of signature of Mr. Gordon's was used.

Q, Well those in Exhibits D 56 to D 60?

A. In that case I would use both, the large letters would be what I would term a shoulder movement.

Q. And the scroll would be in the shoulder movement too?

A. Yes.

Q. How would the loops be made, would they be made with a shoulder movement?

A. ,Yes a combination of the two movements. you would make a shoulder movement first and then go to work and write on the wrist, but when there is a large swing of the pen you would use the other motion.

Q. Now if any person had simulated the signature of Geo. P. Gordon in this will he would have tried as you said to bury all of his own characteristics, that is all his own individuality in writing?

A. Yes.

Q. Therefore if this Exhibit P 1 be a forgery you would not expect to find in it any of the characteristics of the writer who forged it?

A. I am not so sure about that.

Q. You would not expect to?

A. I don't know as I would, but I do believe—interrupted.

Q. Answer my question please—you would not expect to?

A. I will answer your question, I say I do not know as I would, but I do believe I would be likely if this is a forgery that I believe that I would discover it on this paper or some evidence of it.

Q. I am not asking you that question, I ask you would you expect to find it?

A. By reason of its freedom—it is free from all nervousness—it is written without hesitation, it is not done by a slow constrained drawing, the name is clean in that respect.

Q. I want you to answer my question directly, would you expect to find it?

A. No, not if he is a good forger.

Q. And if a poor forger you might find them whether you expected to do so or not?

A. Yes.

Q. Now if the person who wrote the body of the will, wrote the signature of Geo. P. Gordon you would not expect to find in the signature of Geo. P.

Gordon any of the characteristics of the writer of the will if he was a good forger?

A. No, sir, I would not.

Q. Now if there be in that signature to Exhibit P 1, the will in question, any of the characteristics of the writer of the body of the will, it is a tolerably suspicious circumstance, would you not think so?

A. If there should be characteristics that do belong to the will, is that what you mean?

Q. Yes?

A. If there are marked characteristics then it would be.

Q. If any of the characteristics of the writer of the body of the will appeared in the signature of Geo. P. Gordon, would it not under those circumstances be a suspicious circumstances?

A. Unless they corresponded with the same characteristics occurring in the handwriting, whose name it purported to be, if that happened to be the case then it certainly would not.

Q. If the general characteristics of the writer of the body of the will appeared in the signature of Geo. P. Gordon would not that be a suspicious circumstances?

A. Yes, it would.

Q. If the general character of the writing of the body of the will-writer were similar to those of the siguature of Geo. P. Gordon, then you would consider that a suspicious circumstance?

A. Well, but they do not——(interrupted.)

Q. But assuming that the characteristics of Mr. Gordon's writing generally, are not like those of the writer of the body of the will, then you would not expect to find in the signature of "George P. Gordon" to Exhibit P 1, any of the characteristics of the writer of the body of the will, but if you did find any then it would be a suspcious circumstance, don't you think so?

A. Yes.

Q. To continue, if you found any of the characteristics in the body of the will occurring in the

signature of "Henry Adams," as attesting witness and also the same characteristics in the name of "Geo. P. Gordon," as signed to the will, Exhibit P 1, would not that add very greatly to your suspicion of its genuineness?

A. Yes, if they were clear and actual characteristics and peculiarities?

Q. If you found, in addition to that characteristic of the writer of the body of the will in the handwriting of the name of "Alonzo C. P. Adams," in connection with the characteristics appearing in the name of "Geo. P. Gordon" and "Henry Adams," then that would amount almost to conviction, would it not that there was forgery?

A. If material, yes, sir.

Q. And if you found in the fourth name, the name of "John Q. Adams," as attesting witness to the will, Exhibit P 1, the same thing occurred, would not that be a conviction of forgery to your mind?

A. It would depend on a number of instances, all pointing one way, and they would constitute a strong suspicion if they occurred.

Q. Would it not be more than that, more than a suspicion?

A. If they could amount to—if they occurred really, then the simulation would amount to my mind almost conclusive.

Q. To conviction?

A. Yes, sir.

Q. I want to call your attention to certain letters in the signature of Exhibit P 1, in comparison with the writings in the will—look at the will, Exhibit P 1, and state whether or not it is not a fact that the signature of "Geo. P. Gordon" in Exhibit P 1, and the names of each of the subscribing witnesses are written all of them above the line?

A. Part of the "Geo. P. Gordon" signature is above the line and a portion of it strikes the line.

Q. Now look at the attestation, the signatures of the witnesses to that?

A. "Henry Adams" is above the line, "Alonzo C. P. Adams" is above the line.

Q. Throughout?

A. Not entirely throughout.

Q. Partly on the line and partly off it?

A. The "Alo" in "Alonzo" is on the line, then the "n" is slightly above it, and the "z" also, and the second "o" is on the line. The capital "C" is on the line, the lower part of the letter "p" is very close to the line. 10

Q. But still above it?

A. Slightly above it, not more than the thickness of a hair.

Q. Now the word "Adams?"

A. The latter part is above the line and the "a" and the "d" are a little inclined upwards very close to the line.

Q. Now go to the other name.

A. The line is very faint. As I see it the "John" is slightly above the line and the "o" is on the line, the dot is on the line, and then the name "Adams" is above the line. 20

Q. Then it is the habit of all four of these writers to write part of the names above the line?

A. Yes, sir, it is the habit of most people to write on the line, near the line or above it.

Q. Didn't you say that it was a characteristic of the writer of the body of the will to make a loop at the end of the "o" when he connects it with the next letter, as appears in the last "o" in the name of "Geo. P. Gordon," in Exhibit P 1? 30

A. Yes, sir.

Q. That is a uniform habit throughout the will.

A. Yes, as far as I can see it.

Q. You have seen so many cases of it that you think it a characteristic?

A. I would say so.

Q. That appears in Exhibit P 1?

A. Yes, sir.

Q. But you said, did you not, that the writer of the signature of "Geo. P. Gordon" to Exhibit P 1 40

did not do that where the first "o" of the word "Gordon" is connected with the "r," didn't you say so?

A. I do not remember what I said, I had reference to the horizontal line across, the connecting line between the "o" and the "r," I said that was an horizontal line and not concaved downwards.

Q. Does or does not the flat characteristic of the straight connection of the letter "o" to another letter appear in the body of the will?

A. It does not appear in the will as a rule, it does not, but there might be exceptional cases.

Q. Look at the word "therefrom," on the last page of the will, in the 8th line and state whether or not that "o" is connected with the next letter exactly as is the "o" in "Gordon" connecting with the "r"?

A. No, sir, it is horizontal, but it is curved down also slightly.

Q. Any more curved than the line between "o" connecting with the "r"—the connecting line between the "o" and the "r" in the name "Gordon?"

A. It is a stronger curve than that.

Q. You think so?

A. I think so.

Q. Look carefully, we want your best opinion?

A. It is smaller, more condensed.

Q. What about its character?

A. In the word "Gordon" it is closer to the "o," and that gives it the appearance of a curve after leaving it, but the line is straight, it can be seen in the large cartoon, the "o" has a slight return and then goes across in an horizontal position.

Q. And is different from the word "therefrom" that I called your attention to?

A. I think it is very nearly like it, but the "o" and the "n" has a slight curve or bowl.

Q. You are sure?

A. Yes.

Q. Now go down to the word "Executors" on the 13th line of that page, the "o" in the word "Executors" before the "r," look at that and state whether

the connection between that "o" and "r" is not horizontal, as you say is the connection of the first "o" to the "r" in the word "Gordon"?

A. Yes, that comes nearer, that is nearer, it is not perfectly horizontal, it inclines downwards, some degrees downwards.

Q. Look at the first word "Gordon" in the will, and state whether or not the connection of the loop in the second "o" in the word "Gordon" with the "n" is not the same in character as the connection of the "o" and the "n" in the signature?

A. It is slightly curved.

Q. Now, look at the same thing in the signature?

A. The "on" in the "Gordon" in the signature ——(interrupted).

Q. Is it not of the same character?

A. No, sir, in the signature it is more regularly horizontal, in the "on" it is some degrees downward from left to right.

MR. COLLINS.

Q. Look at the "on" in the first line of the will—is not the curve connecting the "o" of the "on" in the word "Gordon," on the first page, a convexed curve downward, corresponding in convexity with the line connecting the "o" and "n" in the "Gordon" in the signature?

A. No, sir, I repeat——(interrupted).

MR. MILLER.

Q. Answer that question?

A. I believe I have already answered that question that the "on" connecting the two, or the stroke connecting the two is perfectly horizontal in the case here in the body of the will, and the line is not only curved but downward.

Q. Are they not both convexed downward, we are not talking about being horizontal?

A. I can see no convexity in the signature, but I see a slight one here in the name.

Q. You see no convexity from the loop down to the end?

A. Not at all.

Q. That is horizontal then?

A. Yes, from the commencement it is, it has the appearance of being convexed, but it is not, from that on to the end is on a straight line in the signature of the will.

Q. Then it corresponds with the letters "om" in the word "therefrom" and in the "or" in the word "Executor"—does it not, in that they are straight line connections?

A. In the word "therefrom," in the 8th line of the last page, that is horizontal.

Q. Just as in the connection of the "o" and the "n"?

A. But it is not a perfectly straight line, it has a slight curve, and in the other case the word "Executors," in the third line there the "or"——(interrupted).

Q. Is it a straight line or not?

A. It is nearly straight but has a downward inclination to the right.

Q. In judging of lines in handwriting, as to whether they are straight or curved, you do not apply mathematical accuracy to it?

A. No, sir.

Q. In this case would you not say it is fair for an expert to call the line connecting the "om" in "therefrom," on the 8th line and the "or" in "Executor" in the 13th line of the last page, as straight lines?

A. Practically they are.

Q. And practically it is a straight line connecting the letter "o" and "n" in the signature of "Gordon"?

A. Yes.

Q. And a practically straight line connecting the "o" and and the "r" in the "Gordon" signature also?

A. Yes.

Q. You find that characteristic holding in the handwriting of the will and in the signature, do you or not?

A. As a general rule throughout the will——(interrupted.)

Q. I want you to answer my question. I ask you if you do not find that characteristic holding in the handwriting of the will and also in the signature?

A. I find it here to a certain extent an exceptional case.

Q. As a general characteristic in the writings of the names of "Geo. P. Gordon" in the standards you have seen, is there a shading to the small letters?

A. You have reference to these cartoons?

Q. I ask you about the general characteristics?

A. There are some shaded and some not shaded; there is great variety in that respect.

Q. I ask you for the general characteristics?

A. You mean the handwriting of Mr. Gordon—the average handwriting of Mr. Gordon?

Q. Whether shaded in the small letters or not?

A. In many cases they are and in many cases they are not.

Q. What is the prevailing rule?

A. I cannot say without referring to see.

Q. Haven't you studied the case enough to know what the prevailing rule is?

A. I think the prevailing rule is shading in the small letters; I may be in error. I do not know whether I have charged my mind about that one point or not, but I know that he does shade the letters.

Q. I ask you what the prevailing rule is?

A. I am not prepared to answer.

Q. You came here to pass an opinion as having examined standards, and cannot you tell now what the prevailing rule is?

A. I cannot tell you the prevailing rule in Mr. Gordon's signatures; he writes differently at times.

Q. You mean to say that throughout all the standard signatures of George P. Gordon that you seen there is a great variety of shading in the small letters?

A. I cannot say great variety, but I have seen a

great many, and my recollection is that a great many were shaded and others were not.

Q. As to the signatures, what is your understanding as to the general rule—whether they are shaded or not?

A. Very little in the majority of cases, but some of them are shaded.

Q. Look at Exhibit P 1, at the signature of Mr. Gordon there, and state whether or not the first "o" in "Gordon" is not shaded down at the bottom?

A. Yes, sir; it is.

Q. And the down stroke of the "r" is shaded, is it not?

A. Yes.

Q. And the down stroke of the "d" is shaded, is it not?

A. Yes.

Q. And the down stroke of the final "o" in "Gordon" is shaded, is it not?

A. Yes.

Q. And the down strokes of the "N's" are shaded?

A. Yes.

Q. Is that also true of the "eo" of the word "Geo."?

A. Not quite so in that case; the "o" is shaded.

Q. But the word "Gcrdon" is shaded throughout in the small letters?

A. Yes.

Q. That is not the prevailing characteristic of the standard signatures of "Geo. P. Gordon"?

A. No, sir.

Q. And in that respect the word "Gordon" differs from the standards?

A. It does: yes, sir.

Q. And in that respect does not the writing of the word "Gordon" in Exhibit P 1 correspond with the will as to the shading throughout that is in the handwriting of the body of the will?

A. In the will it is irregular, some shading is more

emphatic than others; all the way through it is irregular, the shading is.

Q. As a prevailing characteristic throughout the will, is there not shading of the small letters near the bottom—is it not a prevailing characteristic?

A. Yes; the shading predominates, but now and then the shading is very light.

Q. In that respect the body of the will corresponds with the characteristic of the shading of the small letters in the signature of "Geo. P. Gordon" to the will, does it not?

A. As to the weight of the shading, as a general rule, yes.

Q. As to the place of shading, is not that so?

A. Well, it is different; they are so very irregularly written, some letters not so high as others, while that in Exhibit P 1 is uniform, and gives it a more emphatic shaded appearance.

Q. Is it not a fact that the prevailing characteristic of the shading to the small letters of the writing of the will that the shading is at the bottom of the small letters; now answer that, yes or no?

A. Yes.

Q. Is not that the characteristic of the signature of the will, Exhibit P 1, in the name of "Geo. P. Gordon"?

A. Yes, sir.

Q. And in that respect the writing of the will and the signature to the will are alike?

A. No, sir; they are not alike.

Q. Well, they resemble each other.

A. There is a resemblance here and there.

Q. In that respect?

A. I say yes, provided that in the will there are plenty of characters quite as heavy or heavier than in Exhibit P 1, but they are irregular, while in the signature in question the shading is uniform.

Q. If the writer of the body of the will sat down to forge the signature of "Geo. P. Gordon" he would not try to copy his own writing in the will; you have said that before?

A. Yes, certainly.

Q. And you have looked through the body writings of Mr. Gordon's considerably?

A. Yes.

Q. Have you found in all of these writings a single "p" any place, with a sharp angular top, such as appears at the top of the main staff in the "p" of Exhibit P 1?

A. I have seen a great variety, but I have not seen one like that.

Q. Is it not an invariable rule in the writings of Geo. P. Gordon that you have seen that the top of the "P" where it crosses the staff or above the staff is a smooth, semi-circular curve, and not a sharp one like the "P" in the will?

A. Yes, as a rule.

Q. Is it not an invariable thing?

A. I don't know about its being invariable.

Q. I am talking about the smoothness and roundness of that top?

A. Yes, I can answer you in the affirmative.

Q. In that respect the disputed signature differs from the other writings of George P. Gordon, does it not?

A. Yes, it does differ, but you don't allow me to state the differences.

Q. Any explanation you have to make you may make?

A. I do not think it differs materially considering the condition of the paper, the conditions under which it was written, I must keep in view the differences in the writing, not only Mr. Gordon's signatures, but the Adams signatures, the attesting witnesses, there was a physical reason why the writings were different from their usual writing and I think it would be fair to make that explanation.

Q. That is the explanation you want to give?

A. Yes.

Q. That is the only explanation you want to give?

A. Yes for the present.

Q. Now come to the letter "d" in the word "Gordon," do you claim that that is like the characteristic "d" of George P. Gordon in his writings?

A. I do claim that it is like many "d's" that Mr. Gordon made.

Q. Is it like the prevailing "d" that he made?

A. Not the prevailing, no, but in many cases a number of cases.

Q. Is the connection of the "o" with "n" a connection such as Mr. Gordon made in the standards you have seen with the loop at the top of the "o"?

A. I have seen standards that correspond fairly with that.

Q. Correspond fairly with the loop?

A. Yes.

Q. Do you recall them now?

A. I can refer to them, they are in the papers, I have a memorandum made of them, none entirely and exactly like it, that is not possible, of course not.

Q. You do not now recall any where the "o" is connected with the "n" as it is here?

A. I have seen it in some of the Gordon letters.

Q. You do not recall it now?

A. I cannot recall it.

Q. But the prevailing characteristic is the absence of that loop?

A. Yes, sir.

Q. And in the writing of the will the prevailing characteristic is the presence of the loop?

A. Yes.

Q. Is it not a fact, that the prevailing rule in the signature of "Geo. P. Gordon" is that the "p" in height is very much lower than the tops of the two G's?

A. Yes, in the majority of cases.

Q. And notwithstanding the difference between Exhibit P 1 and the standards and the similarity existing between some of the characteristics of the signatures in Exhibit P 1 and the writing of the body of the will, you still maintain your opinion

that this is a genuine signature of "Geo. P. Gordon"?

A. Yes, that is my firm belief notwithstanding that.

Q. Now take the signature of Henry Adams, I want to call your attention to some similarities between that and the body of the will and differences between that and the standards of Henry Adams; look at the "en" in Henry, is there not a sloping down from the "e" to the "n," a declining, not just as there is in the last "n" of Gordon, a running down in size I mean, the "e" being higher than the "n" and the first prong of the "n" being larger than the second?

A. The "e" is twice as high as the "n."

Q. It is larger and declines, it runs down, the writing does?

A. The "n" is uniform and very small?

Q. And it runs down as it were?

A. Yes, certainly.

Q. Take the same word in Article III in Section 2, is not the same characteristic there, a running down apparent in the letters "e" to "n" of the Henry in Henry Adams?

A. In other words, you mean whether it is not like it?

Q. Similar in style?

A. I cannot see it?

Q. You cannot see it?

A. No sir, the "e" is about equal in height with the first part of the "n" in Henry, here it is twice as high as the "n" in Henry.

Q. I am talking now about the running down the fact of its contracting in size?

A Besides, the "e" itself is entirely different from the one in "Henry Adams"——(interrupted.)

Q. Answer my question please?

A. It is not nearly as large as the one in Henry in the signature in question, it is smaller, corresponding in size very nearly with the next succeeding letter, the first part of "n," I can see no similarity

Q. Comparing these two names in the places I have named you see no similarity of style in that there is a habit of contracting the size of the letters in making the small letters smaller than the preceding letter, that is the habit, is it not of diminishing the letters in size?

A. Yes.

Q. Look all through the will and see if that is not the prevailing characteristic, look at the "on" in the word "Gordon" first.

A. The whole of the writing is irregular in respect to the height of the letters, some are very low occurring here and there, and some much higher than others, although the point you call my attention to in "Henry" in two places, I must say I can see no striking similarity.

Q. Throughout the will is it not the habit of the writer, is it not the prevailing characteristic?

A. It is the habit to be irregular as to size and the height of the letters.

Q. Do not the connecting letters—is it not the prevailing characteristic of the letters preceding larger than the one following it?

A. I cannot say that is the prevailing characteristic, it is irregular as to height, it is very low in some places and higher in others, in all the writing it is a very nice point to draw a line on.

Q. Do you not see the feature of the diminution in size between the two prongs of the letter "n" in Gordon in the signature to the will?

A. The "n's" are nothing more the mere motion of the pen.

Q. You regard it as of no consequence in judging of handwriting?

A. How is that?

Q. The diminution of the second prong of the "n" being smaller than the first in the "Gordon" signature, you judge it of no importance as to the handwriting of Mr. Gordon?

A. Certainly it is, but I cannot see—in other words, the best description I can make of it is that it

has no height at all, considering the accident of the pen, and it is very irregular all through the body of the will.

Q. I am asking you in respect to the letter "n"?

A. Often it does and often it does not.

Q. Look through the will and see whether it is not the prevailing characteristic that the second prong of the "n" of "m" is not lower than the first?

A. You mean the "m" and the "n's" generally?

Q. Yes.

A. The answer is, sometimes it is and sometimes it is not, and I cannot state which prevails, but frequently it is so.

Q. You cannot tell which prevails?

A. No, sir, I say frequently they do, and I would answer your question affirmatively in many case, but it frequently does not.

Q. You cannot give the prevailing habit?

A. I think, in the majority of cases, as far as I would judge without counting them, the "m" and the "n's" are not of that character—that is, the majority of them.

Q. They do not diminish in size?

A. No, sir.

Q. Look at the "n" in township in the three places where it occurs under the names of the subscribing witnesses of Exhibit P 1, and say whether that is not true of them in characteristic?

A. It occurs in two cases and not in the one.

Q. You are not able to give an opinion as the prevailing characteristic in that respect?

A. You mean in the three townships?

Q. I call your attention to those?

A. Whether they are of that character?

Q. Yes.

A. Two are and one not.

Q. You cannot give an opinion as to the prevailing characteristic?

A. There are a great many cases where they are diminishing in size and a great many cases not.

Q. In the whole, how many places does it occur in the will? It does occur in the will?

A. Yes.

Q. And now go to the "A" in the name of "Henry Adams." You say that is like the upstroke of the "A" in Article VI?

A. Yes, sir.

Q. You say the upstroke of one was like the upstroke of the other?

A. Yes.

Q. Throughout the will is not the prevailing characteristic of the letter "a," where used in connection with the word "article," that the upstroke bellies out or has a concave curve?

A. The "a" in Article X is practically straight, in Article IX it is not.

Q. Article X does not belly out?

A. No more than the thickness of a hair.

Q. It does belly out, though?

A. Yes.

Q. Article IX, the "a" does not belly out just where it starts?

A. And take the body of the will it does not.

Q. I mean at the point where it starts?

A. There might be a fraction.

Q. Article VIII bellies out?

A. Yes.

Q. Article VII bellies out, does it not somewhat?

A. I would call it straight, but it may be a little outward inclination.

Q. Article VI has a very marked inclination out?

A. Yes.

Q. Article V, does it not belly out a trifle at the middle?

A. Very faint.

Q. Well, some?

A. Yes, some.

Q. Article IV, does it not belly out?

A. Not at all.

Q. Article III, does it?

A. No, sir.

Q. Article II, does it belly out?

A. Very slightly.

Q. It does belly out a little?

A. A little.

Q. Article I, does it belly out?

A. Starting it is inward and before it terminates it is a little outward.

Q. Is it not the prevailing pen habit of the person who wrote the will in respect to the construction of the upstroke of the letter "a" in the word "Article" throughout the will the same as the "a" in Henry Adams to the signature?

A. Yes.

Q. And that is one of the characteristics where the forger might have forgotten himself, is it not?

A. I hardly think a forger would come down to that nice point.

Q. That is one of the things he might overlook and be guilty of his unconscious habit in doing?

A. Yes, he might.

Q. Look at the "d" in the signature of "Gordon" and see whether there are not "d's" in the Adams signatures of that character?

A. The first one in "Gordon" is dissimilar, and the two in the word "Middlesex" are very dissimilar.

Q. Look at the "d" in "Lenore M. Gordon," where it occurs in the will—is there any resemblance there?

A. That has some resemblance, but not as high.

Q. It has some?

A. Yes.

Q. Look at the word "disposing" in the fourth line of the first page?

A. That has some similarity.

Q. It resembles it?

A. Yes, and some dissimilarities, too.

Q. It resembles it?

A. Yes, in the main stem it does.

Q. Look at the word "declare" in the sixth line of the first page—is that like the "d" in "Henry Adams" in the will?

A. The stem is, but the character is different.

Q. The stem is like it?

A. Yes, but the loop is different; it has a sharp angle below.

Q. Now look at the final "s" in the signature of the "Adams", are there not "s's" in the body of the will corresponding in character with that; look at the "s" in executors in the third line of the last page?

A. Compare that with the Henry Adams.

Q. Is it similar in style?

A. No sir.

Q. Why not?

A. This comes down abruptly and terminates and this has an unfinished curve in executors on the third line of the last page, it is not a straight line down it is a mere dash downward.

Q. And you expect every body else to see that as you do?

A. Yes, there was a different pen motion in that from the others.

Q. Now look at the last "s" in books on the fourth line of the last page and compare that with the "s" in "Henry Adams" and say whether it is of the same character or not?

A. No, sir; it is not.

Q. Look at the final "s" in issues on the seventh line, is it not like in character—I don't mean a duplication of it—but in character with the final "s" in "Henry Adams"?

A. The final "s" in "Adams" is straight and this has a curve.

Q. Are not they all finished "s's"?

A. It is not like it.

Q. Do you notice that the Greek "e" of the standards of the signature of "Geo. P. Gordon" have either blind or open loops?

A. Yes, as a general rule.

Q. That is a general characteristic?

A. Yes.

Q. That is not so in the disputed signature, Exhibit P 1?

A. No sir, not in that case.

Q. That is the only case?

A. No sir, not in Exhibit, P 1.

Q. The juncture where the "e" breaks in the center, it is at right angles is it not?

A. Nearly.

Q. Look at the "e's" of the word "executors" on the last page of the will, nine or ten lines above the signature and state whether the formation of the "e' the first letter of those words does not correspond and resemble in character the Greek "e" in "Geo.' in the name of George P. Gordon?

A. Somewhat similar, but it is a Greek "e."

Q. Are they not similar in character?

A. The lower part is not similar.

Q. Wha' do you mean by the lower part—I am talking about the junction where the letter breaks?

A. In that respect they correspond fairly.

Q. They correspond fairly?

A. Hold on they do not, the pen pressure is different.

Q. I am talking about the shape?

A. I thought you asked me generally to compare it.

Q. In form?

A. They are made in a different form, their form is entirely different.

Q. After having gone through the name of "Henry Adams" are you still of opinion that none of the characteristics of the writing of the will exists in the signature of Henry Adams?

A. Not according to my opinion.

Q. Now take the name of "John Q. Adams", the top of the "J" is in character and form like the "J" of "July" you said?

A. Well similar not strikingly alike.

Q. It shows the same pen habit?

A. Yes.

Q. And the same thing is observed in the first "T" in "Township" under the names of the three subscribing witnesses?

A. Not identically the same.

Q. It is the same pen habit?

A. There is a similarity, they are distinctive, it is not identically the same.

Q. In style I mean?

A. There are some similarities.

Q. Now you have on your diagram Exhibit P 209, show us the word "ohn"?

A. Yes. 1C

Q. Why did you omit the letter "J"?

A. I simply wanted to show the difference between "ohn" and the same letters in the body of the will especially the "h's."

Q. You have given several "h's" taken from the different parts of the will?

A. I do not know but I think they are taken from the last page of the will, I think I confined myself to the last page.

Q. Why didn't you take some from the attestation clause? 2C

A. I did not care about it, I did not want more than enough to illustrate the point.

Q. Have you seen the "h" in the fourth line of the attestation clause?

A. Yes.

Q. Did you purposely omit photographing that?

A. I should have done it by all means because it is so very different and I wish I had done it because the "h" of the word "his" in that clause in the fourth line of the attestation clause is so very different from the "h" of "John" in the name of "John Q. Adams" that I wish I had done so, I mean as to character, the pen pressure as I stated—interrupted. 3C

Q. Between these two "h's" to which I have last referred the "h" of the word "his" on the fourth line of the attestation clause and the "h" in the "John" of the name John Q. Adams, are they not alike in that the initial stroke of the "h" is away above the top of the line of the small writing in both cases? 4C

A. Yes, it is looped.

Q. And commences away above the ordinary line?

A. It is a continuation of the crossing of the "t."

Q. Exactly, but it commences away up above the line, does it not?

A. Yes.

Q. The "h" of "John" commences away up above the line?

A. Yes.

Q. And that is rather an unusual form, is it not?

A. Yes.

Q. And in that respect both the "h's" are alike?

A. Yes.

Q. Is it not a fact that the stems of the "h's" are of the same general form?

A. That is what I stated in the first place in chief; yes, sir.

Q. Of the same general form?

A. Yes, and my object in making this collection was simply to show the difference as to the character of them; the stem is the same, but the character is entirely different by reason of the pen pressure running from the top down.

Q. Describe the difference between the two "h's" we have just been discussing—the difference in character?

A. The "h" in the fourth line begins by the crossing of the "t"; it is, in fact, the continuation of the crossing of the "t," and then runs pretty well up and the loop is made and a strong curve near the bottom to the left and a good pressure of the pen all the way down; that is the best description I can make.

Q. Describe the differences of the other one?

A. The difference is that the "h" in the "John Q. Adams'" signature the loop is smaller, as to the height above, being not quite so high up as it is in the other, comparatively so, but all the pen pressure is below near the line.

Q. They are alike in form, but unlike in pen pressure?

A. Yes, sir.

Q. Alike in construction?

A. Yes.

Q. And alike in pen habit?

A. No, sir; that is pressure.

Q. You think we should say that they are not alike?

A. I contend that they are not in the whole—in the will, as a rule the "h's"—interrupted.

Q. No; these two I mean.

A. I say they are entirely different in character, but in form they are similar.

Q. Are there any "d's" in the body of the will like the "d" in "John Q. Adams"—I mean in respect to pressure at the final part of the down stroke?

A. No, sir; it looks more like an "a"—it is very short.

Q. Irrespective of the height of the stem, in the character of the finish of the "d" where it connects with the next letter, is it not alike in character with the "d" in the word "hand" which I point out?

A. This is angular here and this is not.

Q. They are not alike, you say?

A. No, sir.

Q. They do not show the same pen habit?

A. No, sir; I do not think so.

Q. Look at the word "adjusted" in the fifth line above?

A. That would come a little nearer.

Q. That "d" comes nearer the "d" of John Q. Adams' signature?

A. Yes.

Q. Now look at the word "and" the line above that?

A. That is dissimilar.

Q. That is different?

A. Yes, entirely so.

Q. Now go to the word, the name of "Alonzo C. P. Adams"; do you find any "l" in the will like the "l" in "Alonzo," the small "l" in character and formation—I mean the letter that comes down with a down stroke and then turns sharply and connects

with the next letter like the word "dollars" in Article IV, Section 3?

A. No, sir; they are not identical.

Q. No, but in style?

A. They are not in style; the style is a curve similar to the "h" we are talking about.

MR. COLLINS:

Q. The curve in which?

A. In "dollars"; it has an inclination similar to the "h."

MR. MILLER:

Q. Are not the "l's" the long "l's" with a sharp turn at the bottom?

A. The "l's" in "dollars" are sharp, especially the first one, and in the length it is perfectly straight and plain.

Q. I ask you whether they are not both long and end in a sharp turn at the bottom?

A. As to length they compare.

Q. Now as to the turn at the bottom?

A. One of them has a similar turn and the other has not.

Q. One has and the other has not?

A. Yes,

Q. Do you find any "d" in the name of "Alonzo C. P. Adams"—that is, in the last of the Adams signature corresponding with any "d" in the will: look at the eighth line above the signature in the word "doing"—that is as to character?

A. No, sir; it is of a different character entirely.

Q. Throughout the body of the will do you find very many "d's" of the same form, but differing very much in style?

A. Differing in character.

Q. Throughout the will?

A. Yes, they most all of them have a sharp angle at the point or loop below, in an angular form, not round at all.

Q. Most of them in ending the last stroke of the "d" are connected with the next letter and end with an abrupt turn, a sharp turn?

A. You mean the terminus of the "d"?

Q. Yes?

A. Most of them; many of them are round and some are sharp; the same word appears two times in the third line on the sixteenth page; there is an example of both kinds opposite each other as to character.

Q. You find as many varieties of small "d's" as there are varieties in the three "Adams" signatures as attesting witnesses?

A. I have not found one that is as long; no main stem as long as theirs.

Q. But there are more than three varieties, are there not?

A. Yes.

Q. And you say you found three varieties in the signatures?

A. I do not think there is one in the—— (interrupted).

Q. There are more than three varieties in the will, you say?

A. Yes.

Q. And you say there are three varieties in the witnesses' names?

A. There is a difficulty in estimating the number— (interrupted).

Q. I did not ask you for the numbers?

A. You asked me for the varieties.

Q. I did not; I said there were more than three varieties, and you said yes. Now I ask you are there not three varieties in the witnesses' signatures?

A. There may be, and in the will there is a dozen or half a dozen, no two are alike; it is very irregular, is this writing; very irregular is the characteristic of this writing all through.

Q. I ask you if there are more than three varieties of "d's" in the body of the will?

A. Yes, I think so.

Q. And there are three different varieties in the names of the Adams as attesting witnesses?

A. Yes.

Q. And you have admitted that there are some one or more of the "d's" in the Adams signatures that correspond with the "d's" in the body of the will?

A. No, sir, I do not admit it; in some respects, and you specified a part of the letter to that extent, they corresponded but I did not understand that when I said a certain part of the letter is similar to certain parts of other letters or the same letter in other parts of the writing, that therefore the dissimilarity should not be so apparent.

Q. Did you not say when I asked you concerning the "d's" of each of the "Adams," where their names appear as witnesses to the will, that in each one of them there was a "d" that I pointed out in the will that was like it in characteristics?

A. Similar, yes, but not like it.

Q. Not precisely, but like it in characteristic?

A. Yes, I understand that there are many cases of the kind; for instance, the "a," as a mere illustration, is curving outward in making the "a's," while that I admit is characteristic in these cases which have been pointed out. yet the "a" as a letter, as a whole, is radically different.

Q. My question was about the letter "d"?

A. I can assent to your question and do, but I not mean that the whole letter——(interrupted).

Q. You seem to be in trouble, as though you wanted to prevent inferences being drawn from your testimony?

A. Well——(interrupted).

Q. Well, you say you have compared the names of John Q. Adams where they have occurred in the will as well as in the standards with each other and you are of opinion that they are in the same handwriting?

A. I see no reason to doubt it; I believe it is the same handwriting.

Q. Do you find among the standards a "J" that is

in character like the "J" of the signature, the contested signature?

A. I can answer that yes or no, either way. I think I stated in my chief examination that the loop preceding the initial part of the letter does occur in the standards that I have seen, except that it strikes the main stem differently.

Q. Do you find a single "J', among those standards that swings off almost horizontally as does the "J" of the contested signature?

A. No, sir, I do not mean that.

Q. You haven't found a single example where there was either in form or shading such a terminal as there is in the "J" of the contested signature?

A. No, sir.

Q. Yet you admit that the top of the "J" is like the handwriting of the will in character?

A. With the difference of the loop, one is open and the other is black; one is open and that is black, but it is practically similar.

Q. Do you find in the standards of the names of John Q. Adams a letter "Q" that is in form, shading or in any respect like the "Q" in the signature as attesting witness to the will?

A. No, sir.

Q. Does it not appear singular to you that this signature has two capitals unlike any two letters that you have seen?

A. There is nothing strange about it.

Q. Now take the name of "Alonzo G. P. Adams," is not the slant of all the standards of that name less than the slant of the standards of the contested name; are they not written more nearly upright than the standards?

A. You mean the sloping?

Q. Yes.

A. Well I can see no material difference to the naked eye.

Q. Look at the standards and then look at the will, and then say whether you adhere to that answer?

A. They have not as much slant.

Q. It is characteristic that they have not as much slant?

A Yes.

Q. Look at the three examples we named. Alonzo is written out in full; now look at the "z" and compare the "z's" with the "z" in the signature and state whether they are alike in any respect?

A. No, sir, they are made differently.

Q. They are different?

A. Yes.

Q. A different habit of pen?

A. I say they are not made in the same form with that "z" in "Alonzo."

Q. They are totally different?

A. Yes.

Q. In the contested signature there is a cramped angular type of "z" and then a peculiar prolonged sweep to the left just as in the "j" of the "John Q. Adams" signature is not that so?

A. Yes, similar in character of the swing of the pen.

Q. And that "z" is unlike any swing of the pen—in any of the others, I mean in the "Alonzos" I have shown you?

A. Yes, in the loops and different in the form.

Q. And in the swing?

A. Yes, sir.

Q. Are not the "c's" in the standards entirely different in character and form from the disputed signatures—that is, as to form and character?

A. All vary more or less in form and character there is several very similar.

Q. Show me one of the standards where the capital "C" is similar in character to the disputed signature, give me the number of the exhibit?

A. There is one very heavy and there is a difference as to form, I refer to Exhibit P. 178.

Q. Is it like it in character in any respect?

A. Here is one, Exhibit P 181, approaches to it in

form although not like it but it is similar, it has not the initial stroke.

Q. It is a "c" that is shaded, but that is about all, is it not?

A. Yes.

Q. In any other respect it is like the contested "C"?

A. No, sir, it has not the initial superfluous figure at the beginning.

Q. Not the marked shading on it at the beginning?

A. No, sir.

MR. COLLINS:

Q. Point out those that resemble that "C"?

A. I find none in that particular form, that is, it is that form minus the first part of it.

Q. Point out those?

A. Well, exhibit P 133 and Exhibit D 2.

MR. MILLER;

Q. Exhibit D 2 is similar to the one in the will?

A. Yes, with the qualification that it has not got that initial part.

Q. Are you of opinion that the writing of the "C" in that standard is like the writing of the signature of Alonzo C. P. Adams in the will?

A. As a whole it is not.

Q. Now come to the "P", do you find in the standard of "Alonzo C. P. Adams" where there is a "P" with a terminsl like the one in the contested signature.

A. I find none with that terminal.

Q. Is not that terminal the same terminal in character that appears in the first "G" of the name of "Geo. P. Gordon"?

A. It is somewhat similar I can see.

Q. Don't you say that if a person was forging that the terminal of a letter would be a place where he would be very likely to betray himself?

A. Yes.

Q. After I have called your attention to these points

in Alonzo C. P. Adams' and "Geo. P. Gordon's" name are you still of the opinion that the hand that wrote the name of "Geo. P. Gordon" did not write the name of Alonzo C. P. Adams in the contested signature.

A. I do not think he did.

Q. You are still of that opinion?

A. Yes.

Q. You said in the opening of your testimony that there was a sameness about all four of those signatures?

A. I had reference to the sameness of the conditions to the writing.

Q. You know nothing about the writing except what appears to your eye?

A. No, sir.

Q. To your eye there is a sameness in all four of the signatures?

A. Yes, there is as to the conditions of the writing.

Q. What do you know about the condition, were you there when it was written?

A. No, sir.

Q. You have no personal knowledge of what was written?

A. I have personal knowledge of the evidence that there was unusual conditions in the writing of that will in that signature it appears on the face of it.

Q. That evidence appears to your eye as you look at those four signatures?

A. Yes, sir.

Q. And you think it should appear to our eyes?

A. I can only answer for myself.

Q. To your eye there is a sameness of appearance between the four signatures?

A. As far as the peculiarity of color and the flowing of the ink is concerned there is, yes sir.

Q. Do you see the color of the ink and do you see the flowing of the ink as you look at it?

A. Yes.

Q. You do?

A. These were manifestly written under circum-

stances and under certain conditions that begets a sameness of appearance.

Q. How do you know that?

A. I know it is written by a different ink?

Q. A different ink from what?

A. An unusual condition of things, in writing the flowing of the ink and everything, all is evident.

Q. You say you know it; now tell us how you know it?

A. I don't know that I can "know" that I possess a hat or anything, but I see it and I see the evidence of it, and it is evident to me that when these names were written there was a certain condition, either a peculiarity of the ink differing from the other ink used, which I cannot explain and do not undertake to give the kind of it, but it is a fact that there was an extraordinary condition, something remarkable, and the flowing of the ink even going through to the next page is a condition of things I would like to understand the why and the wherefore before I can give an opinion.

Q. You say there must have been an extraordinary condition of things because there is a sameness of appearance?

A. As far as that is concerned there is, and whatever resemblance there is in the two "Adams" signatures in general appearance, what is termed a family resemblance becomes intensified by reason of the peculiar condition of the ink; if it were written with ordinary ink I think there would not be that striking resemblance that appears and which I think is owing to the peculiarity of the ink.

Q. Your statement, then, is that there is a sameness of appearance?

A. I do say that; yes, sir.

Q. And you said that, therefore, either it was not written in a natural way or that heavier ink was used or that it was written unnaturally, or both?

A. My recollection is that is what I said, or if I did not say it I intended to say it, that the paper was moist or wet or damp, or that the ink had very

much evaporated from the bottom and become thick or heavy, or either or both; now, that is what I meant and I cannot tell which it was, whether it was owing to the thick condition of the ink or to the moist or damp condition of the paper, but in either event it would influence the writing and beget different writing from the usual habit of writing of the parties who wrote the names.

Q. Conceive of this circumstance, conceive of the paper being dry when the names were put upon it, conceive of one person writing all four names, would not there be a similarity in appearance between the four names?

A. If one man wrote them?

Q. At the same time, yes.

A. Certainly.

Q. That is a possible hypothesis, as well as the hypothesis of dampness, is it not?

A. It may be possible; I cannot say what is not possible.

Q. Now, as to the question of dampness: Will you look upon that paper at an angle where the light is good and see whether the gloss has been removed at all or not — that is, where the signature is written?

A. There is a gloss on it, but not as strong as it is in the middle of the paper, but I think that may be attributable to the handling.

Q. Was it dampness, in your opinion, that you say you think was upon the paper when the names were put there, sufficient to remove the sizing of the paper?

A. I cannot tell; that I do not know.

Q. What element has dampness to do with it, if dampness does not affect the sizing of the paper, what effect will it have on the running of the pen on the paper?

A. I distinctly say, as I have said before and I now repeat, that I do not know which it was, whether it was dampness or the condition of the ink alone, but

I say there was something unusual about this ink or the dampness, or both, I cannot tell which.

Q. Are you not disposed to give up your idea of dampness when you see the gloss there on that paper?

A. I do not know but that if it was soaking wet it would affect the gloss, but I do not know as mere dampness would affect the gloss?

Q. Or would it affect the running of the pen when the sizing was not removed by dampness?

A. I do not know, but I do know that, as paper is moistened, it also retains its gloss, but when much wet it loses its gloss; but a mere wetting down does not remove the gloss, but rather protects it somewhat. I know that in my experience of the printer that wetting down sheets does not entirely destroy the gloss, and, as I say, in some respects it protects it.

Q. Does damping the paper which does not affect the gloss make the pen stick?

A. No, sir.

Q. You said Geo. P. Gordon wrote a better hand than Alonzo C. P. Adams?

A. Yes.

Q. Do you find in Alonzo C. P. Adams' standards any such scroll as appears in the disputed signature?

A. No, sir.

Q. Do you see, in the making of the scroll in the Alonzo C. P. Adams signature, any but an easy, flowing pen, is there anything that indicates an impediment to the pen by the dampness of the paper or anything of that kind?

A. No, sir, I do not.

Q. That is free and easy?

A. Yes.

Q. And without impediment and obstruction of the pen at all?

A. Yes.

Q. Yet you claim that George P. Gordon, whom

you say is a better writer, a better penman, was interfered with in making a scroll to his name?

A. I did not say interfered with, I said that there was an interference, whether produced by the dampness of the paper or what, I could not say.

Q. If George P. Gordon was a good writer, why couldn't he make a scroll perfectly. If Adams could make an easy scroll, I ask why could not George P. Gordon make an easy scroll on the same paper of the same kind and at the same time?

A. I don't know.

Q. Is it not probable that some one simulated his scroll for him?

A. I do not think so.

Q. How do you explain the miserable scroll under the name of "Geo. P. Gordon," in Exhibit P 1, and the smooth one to the name of Alonzo C. P. Adams?

A. I can't explain it, but I would do as I would in my own case, if I make a baulk of it I would try again, but as I say, I don't know the condition of the pen, it might have been a corroded pen, that, coupled with bad ink, would do all that, especially if the paper were damp.

Q. Writing them all at the same time, all four signatures you would think the same ink would be used?

A. Yes, certainly.

Q. Well, we eliminate the ink as a trouble in making the scroll when Alonzo C. P. Adams made a good one and George P. Gordon, who was a better writer you say, made such a bad one?

A. Yes, he made a good one did Alonzo.

Q. Both had the same paper?

A. Yes.

Q. And the good writer makes a bad scroll and the bad writer makes a good one?

A. Well, that can happen.

Q. You have no other explanation to give as to the genuineness of these signatures, except what you have given, is that so?

A. I can state it all over again, but it is only repetition.

Q. My question is, have you no other explanation to give as to the genuineness of these signatures, except what you have given?

A. I have only to explain that I have come to the conclusion that I have come to, believing these are the genuine signatures and I see nothing inconsistent in the standards, either in the names of the "Adams" or of "Geo. P. Gordon," under the conditions that I have repeatedly stated.

The ORDINARY.

Q. If anything new occurs to you, you may state it, but what you have stated already it will not be necessary to repeat.

A. I believe the condition and the circumstances had considerable to do with the appearance of these signatures and I know as a fact that conditions certainly change a man's handwriting.

Q. The question is, have you anything further to add to what you have said as to the genuineness of the signatures?

A. I believe I have covered the whole ground.

MR. MILLER.

Q. Do you know what Kosmian ink is?

A. No, sir.

Q. Do you know anything about its capacity to go through paper?

A. No, sir.

RECESS.

RE-DIRECT BY MR. COLLINS.

Q. Counsel asked you if you had testified in the Blaisdell case referred to, and I did not hear your answer?

A. I did not testify in the case.

Q. Why not?

A. I could not be any use to the party who wanted me or came after me.

Q. You reached a different conclusion from that he desired to establish?

A. Yes, I examined the papers in the case.

Q. Is successful forgery an easy or difficult matter?

A. I think it is a difficult matter, I mean good forgery.

Q. What do you look for in detecting forgeries?

A. Mainly to ascertain the naturalness or unnaturalness of the writing, whether writing by drawing, simulations or otherwise, there are several classes of forgeries. One, strictly a simulation, is usually done by drawing, which is constrained, and it takes a skilled man to make all the proportions, the heights of the letters and the spacing of them and the character of the pen so as to get into perfect harmony in naturalness without betraying the fact that he has written slower or in a manner inconsistent with the kind of writing it purports to be.

In another class which is done by a training, for instance clerks acquire by practice to infuse into their writing the characteristics of another person and they gradually acquire the freedom with the form and character of the writing.

Q. You say that the person in copying or drawing has to write slowly?

A. Yes.

Q. Do you look for tremor and hesitation?

A. Yes, that was the case in the Whittaker will case, for instance, there was an evidence of slow drawing not rapid writing.

Q. Do you find anything of that kind in either of these alleged disputed signatures?

A. I do not.

Q. I think you said that you were of opinion that Mr. Gordon in his ordinary writing, that has been proved as genuine, show a mixture of what you call shoulder or wrist or finger movement?

A. I think so.

Q. In some cases appearing more of one and in other cases appearing more of the other?

A. Yes, sir.

Q. And did you say which you thought the signature of "Geo. P. Gordon" to Exhibit P 1 was?

A. The slower movement.

Q. Without so much of the shoulder movement?

A. Not much of the shoulder movement.

Q. Would that in itself make a perceptible difference in that signature from the ordinary check signature?

A. I think it would, independent of any consideration of difficulty or conditions as to paper or pen.

Q. And those matters would intensify it?

A. Mr. Gordon wrote generally with a gold pen and this was written by a steel pen.

Q. And the writing of the slower movement would make it different from the check signature?

A. Yes.

Q, And would these surrounding circumstances that you have mentioned cause or intensify that difficulty?

A. Yes.

Q. You say that the small letters in all four of the signatures are quite heavily shaded?

A. Yes.

Q. Is that altogether attributable to the deliberate pen pressure or some other cause and if so, what?

A. Well it is hard to tell because of the peculiarity of the ink; I cannot understand,but the probability was that the ink was very heavy and thick and that that influenced the writer to put more pressure on the pen than usual.

Q. And would it also cause a broader mark independent of the pressure, the thickness of the ink?

A. Yes.

Q. And you cannot tell how much is attributable to pressure but you do think that the character of the ink would conduce to greater pen pressure?

A. That is what I believe, that the ink influenced

New Jersey State Library

the writer to give more pressure, because the ink probably did not flow as freely.

Q. Is or not the character of the shading, from whatever cause it came in the four disputed signatures different from the character of the shading in the body of the will?

A. There are differences certainly.

Q. Differences in characteristic and shading?

A. Yes.

Q. The two shadings are not alike?

A. No, sir.

Q. If a writer sat down to copy an unshaded signature I presume he would shade it?

A. No, I think not.

Q. So that if Mr Gordon did not shade his signature you would not expect to find in a simulation of the signature that the writer of it would shade it deliberately?

A. No, sir.

Q. He would avoid that?

A. He would certainly avoid it.

Q. You have said that Mr. Gordon frequently shaded his small letters heavily?

A. Yes.

Q. I have picked out a few to which I will call your attention and ask you is that what you mean (handing witness Exhibit P 67), now refer to the signature?

A. Yes.

Q. I show you Exhibit P 77 in the signature, not so much?

A. That is not so strong but it is also shaded.

Q. Exhibit P 49 in the body writing, especially the words "two and a half inches shaft," how is that?

A. That is heavily shaded.

Q. Exhibit P 55 in the body writing in various places and in the signature?

A. Yes.

Q. Exhibit P 78 the signature and the body writing also?

A. Yes, sir.

Q. Exhibit P 80 in the body writing?

A. Not uniformly throughout but it frequently occurs, does the shading.

Q. Exhibit P 86 in the body?

A. This also and in the signature.

Q. Exhibit P 93 in the body and the signature?

A. Yes, sir.

Q. Is it a fact that Mr. Gordon himself very frequently made the second prong of the letter "m" in his name shorter than the first?

A. I have seen a number of them.

Q. Is it not so in Exhibit D 60 which they have put upon their cartoon right under the signature?

A. Yes, slightly.

Q. Is it not markedly so in Exhibit P 92?

A. Yes, in that respect it corresponds fairly.

Q. Now as to Exhibit P 19?

A. Yes, sir, that is also shaded.

Q. In Exhibit P 72?

A. Yes.

Q. In Exhibit P 61, is it not to a marked degree?

A. Yes.

Q. Did or not Mr. Gordon in his writing have a tendency to run down hill or contract the letters as they went to the right frequently.

A. Well to some extent, yes, but not very prominently so.

Q. Now, attention has been called to the flourish under the name of "Alonzo C. P. Adams" as differing from any found in the same place, and it is also very different from the normal flourish of "Geo. P. Gordon," is it not?

A. Yes.

Q. And yet do you not find almost that exact flourish under the name of Mr. Gordon's own signature in Exhibit P 20?

Mr. MILLER: — Like the flourish under Alonzo C. P. Adams' name?

Mr. COLLINS:—Yes.

A. Similar, yes sir, somewhat.

Q. In other words a man might vary somewhat in the making of the flourish under his name?

A. Yes, Mr Gordon has great variety of flourishes under his name, and I think he had no particular fixed habit.

Q. I mean it is no more strange that Alonzo C. P. Adams should adopt such a flourish under his signature than that "Geo. P. Gordon" should adopt the one that he did in Exhibit P 20?

A. No, not at all.

Q. Is it not a fact that we find in the signatures of Henry Adams in the standards that he made the "m" and "r" smaller than the "e"—for example, there are not many—where he wrote "Henry" in full, but take Exhibit P 176, the "n" and "r" are smaller than the "e."

A. Yes.

Q. And markedly so in the trust deed Exhibit P 208?

A. Yes, sir.

Q. And do you find a tendency in Henry Adams signature in the capital "A" in the standards to belly out the first staff of the "A" as is in the will?

A. Yes.

Q. You find in the "A" a tendency to belly out?

A. The lower part is bellied, the upper part is close to the stem.

Q. Take Exhibit P 171, does not that belly out?

A. Yes.

Q. And Exhibit P 170 also?

A. Yes.

Q. And Exhibit P 166 also?

A. Yes.

Q. And Exhibit P 157 quite strikingly?

A. Yes.

Q. And Exhibit P 144 also?

A. Yes, quite strongly.

Q. Now you say that the "d's" in the three

Adams signatures as witnesses differ each from the others?

A. Yes, sir.

Q. Do they each differ and all differ from the "d's" of the draughtsman of the will, the body of the will in important particulars?

A. The "d's" in the body of the will, the main stem are some of them resembling each other although none of them have the length of the "d" in the name of "Alonzo C. P. Adams, but as a rule, with very few exceptions they are made in quite a different character from those three; they have the habits of a circle or "o" but in the body of the will they run down to a sharp point frequently.

Q. Does not the staff of the "d" have this curve that you spoke of in the tall letters of the draughtsman of that will with the convexity to the right in the "d's" in the body of the will?

A. They have that same curve.

Q. Is that so also in the "d" of "Lenore M. Gordon," which you said was like one of the "d's" in question?

A. There is a very slight tendency, very slight.

Q. Have you read that printed testimony of Mr. Carvalho, the expert witness of the other side?

A. I have read the greater part of it, I guess nearly all.

Q. Was anything testified to by him to shape your conviction of the genuineness of these signatures?

MR. MILLER—I object to that question; it is not proper at this stage of the case, and it would not be proper anyhow without putting the questions with reference to specific subjects testified to by Mr. Carvalho.

MR. COLLINS—Which would take too much time.

MR. MILLER—I insist upon my objection.

Question withdrawn.

Q. Did you hear the testimony of the other experts in the case?

MR. MILLER: I make the same objection. Question overruled.

Q. Mr. Carvalho is here in court?

A. Yes.

Q. And has been all day to-day and yesterday for the other side

A. Yes.

FURTHER CROSS-EXAMINATION BY MR. MILLER:

Q. You say a person writing unthinkingly would be likely to press more heavily upon his pen than a person who wrote more deliberately?

A. I do not know that I said that; I say that if the ink is not in the usual order and he has a different pen and conditions different then it has an influence upon his writing to make his writing different. I believe that heavy thick ink that refuses to flow freely would be likely to beget heavy writing.

Q. Suppose you were given thick ink that flowed from your pen and you attempted to write your name and you found it was making the writing very much more heavy than you were accustomed to make it, would you not press more lightly on the paper then?

A. Quite likely.

Q. You said that you believed Mr. Gordon wrote this signature with a steel pen?

A. I believe he did.

Q. Do you know that he did?

A. No, sir.

Q. Is it a mere opinion that you have deduced from the examination you have made in this matter?

A. Yes, that is my opinion.

EDGAR WILLIAMS, a witness produced in behalf of the proponents, being duly sworn according to law, on oath saith:

EXAMINED BY MR. COLLINS:

Q. Where do you live?
A. Orange, New Jersey.
Q. What is your profession?
A. Editor.
Q. What newspaper?
A. The *Journal.*
Q. Do you know Henry C. Adams, now present in court?
A. Yes.
Q. He lives in Orange?
A. Yes, sir.
Q. How long have you known him?
A. About a dozen years.
Q. During all which time he has lived there?
A. Yes.
Q. Do you know his reputation for truth and veracity in the community in which he lives?
A. I do.
Q. Is it good or bad?
A. Good.

CROSS-EXAMINATION BY MR. MILLER:

Q. What are the occasions of your meeting Mr. Adams?
A. Well, I first became acquainted with him when clerk in the law office of Blake & Freeman; I met him there quite a number of times.
Q. How long ago is that?
A. About ten or twelve years ago.
Q. How many times a year have you seen him since then?
A. Perhaps every week.
Q. On the street?
A. On the street or at different entertainments, in the Music Hall and once or twice in my office perhaps, or more in my office.
Q. What brought him to your office?
A. I do not recollect what the special cause of his visits was.

Q. Just come in to ask a question?

A. Probably.

Q. You are not intimate with him, are you?

A. It depends on what you mean by "intimate"; I know him very well.

Q. Do you bow to him every time you meet him?

A. Yes, or I would not call myself a particular friend.

Q. Do you dine with him?

A. Yes.

Q. Will you swear you see him once a month?

A. Yes.

Q. And talk to him?

A. Yes.

Q. And on the cars?

A. At different places; occasionally meet him at the restaurant where we occasionally dine—at Davis' restaurant.

Q. You say you did not call yourself an intimate friend?

A. Well no, sir.

Q. Is he not a sort of recluse?

A. He devotes a great deal of time in the preparation of a glossary.

Q. He is not a man that goes out amongst men?

A. Not as much as some men.

Q. How much does he?

A. I cannot answer that question.

Q. Is he a man that particularly does not go out among other men?

A. I say not as much as some.

Q. As much as the ordinary?

A. I cannot answer that question.

Q. You meet him, you say, occasionally, but you are not brought into contact with him and talk to him every time?

A. Not always.

Q. Do you ever see him talking to other people?

A. Not often.

Q. He lives a life of a recluse, does he not?

A. He lives a retired life; I do not say that he is a recluse.

Q. You did not know him up in Fonda?

A. No, sir.

RE-DIRECT BY MR. COLLINS:

Q. There is nothing morose or misanthropic in Mr. Adams, is there?

A. No, sir, he is a very pleasant man.

Q. And quite well known about Orange?

A. Yes, quite well known.

FURTHER CROSS-EXAMINATION BY MR. MILLER:

Q. You do not visit his house?

A. No, sir.

Q. Does he visit your house?

A. No.

FRANK W. BALDWIN, a witness produced in behalf of the proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. COLLINS.

Q. Where do you live?

A. West Orange, New Jersey.

Q. How long have you lived there?

A. Five years.

Q. What is your business?

A. My business is that of publisher of the Orange *Chronicle*.

Q. Are you acquainted with Henry C. Adams?

A. Yes.

Q. How long have you known him?

A. Ten or twelve years.

Q. You have lived in the neighborhood of Orange?

A. Yes, I lived in Orange previous to going to West Orange.

Q. West Orange adjoins Orange?

A. Yes, and my business is in Orange.

Q. You have known him ten or twelve years?

A. Yes, sir, about that.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. Yes, very well.

Q. Is it good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER.

Q. Are you a musician?

A. An amateur musician.

Q. So is Mr. Adams, is he not?

A. Yes.

Q. You met him, then, in that connection?

A. Yes.

Q. And your connection with him was entirely social?

A. Yes.

Q. You never had any business transactions with him?

A. Yes.

Q. You have had?

A. Yes.

Q. Does he visit your house?

A. Yes, frequently.

Q. In connection with musical matters?

A. Yes, almost entirely.

Q. And you go to his place?

A. Yes, frequently.

Q. For the same purpose?

A. That and socially, and he has been sick and I have visited him as a friend. I have called upon him otherwise also.

Q. How long do you say you have known him?

A. Ten or twelve years; I do not know exactly about that.

Q. He lives there by himself in apartments?

A. He has a room.

Q. He lives there by himself in apartments?

A. Yes.

Q. Where does he eat, do you know?

A. Well, I think he prepares a great many meals himself and he also goes to the restaurant.

Q. And he does not circulate among men as much as an ordinary man or inhabitant does?

A. I think he does.

Q. Except in musical matters?

A. Yes, that is right; his music takes him amongst a very fine class of people.

Q. And he has his company manners with him then in that connection?

A. Don't ask me that please.

Q. Did you know him at Fonda?

A. No, sir; I did not.

JOHN N. LINDSLEY, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS:

Q. Where do you live?

A. Orange, New Jersey.

Q. How long have you lived there?

A. Forty odd years.

Q. Pretty near as old as you are?

A. Pretty near.

Q. What is your business?

A. I have a mercantile store in Orange.

Q. Have you become acquainted with Henry C. Adams now present in court?

A. Yes.

Q. How long have you known him?

A. Ten years I think, at least.

Q. How well have you known him?

A. I met him frequently and have seen him very often.

Q. Are you acquainted with his reputation for truth and veracity in the community in which he dwells?

A. Yes, sir.

Q. What is it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER:

Q. You are one of the musical coterie also, are you?

A. No, sir.

Q. Where did you meet Mr. Adams?

A. In my office, at my house and at various places.

Q. What is your business?

A. I am in the hardware business.

Q. For yourself?

A. Yes.

Q. In Orange?

A. Yes.

Q. Does he visit your store to buy hardware or other articles?

A. Yes.

Q. How came he to visit your house?

A. Well, his sister lives near to me and at my invitation he called upon me and after that visit he has called more than once.

Q. How many times?

A. Half a dozen, perhaps.

Q. In how many years?

A. Well, he has never been called to go there until within the last few years.

Q. How many years?

A. Three or four years.

Q. Do you know much about his habits?

A. Yes.

Q. He is a man that does not mingle much with men?

A. I think he is a man that mingles a good deal with men.

Q. In what way?

A. I meet him down town in different stores and and at my office and at the restaurant and many places.

Q. He goes about among the stores, to and from New York and attends these musical meetings; now we have all that, what other going about does he do?

A. I have met him in the newspaper office.

Q. That is one of the goings about that I speak of?

A. Well, I don't know where he goes; I have seen him at different places, I have seen him going to other people in my neighborhood.

Q. You would say that he had a good reputation as you would for any other person against whom you know nothing?

A. Yes, certainly.

Q. You don't know anything about Mr. Adams except as you meet him in society?

A. No, sir.

JOHN GILL, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS:

Q. Where do you live?

A. Orange, New Jersey.

Q. How long have you lived there?

A. Thirty years.

Q. You are a man of about fifty?

A. Yes, a little better than that.

Q. Which is better, less or over?

A. Over.

Q. What is your business?

A. Hat manufacturer, or hat foreman, or hat framing which is part of the manufacture.

Q. In your own name?

A. No, sir, with the firm of J. & J. Gill; my brother is my partner.

Q. You are one of the brothers?

A. Yes.

Q. Do you know Henry C. Adams?

A. Yes.

Q. How long have you known him?

A. Well, perhaps ten or fifteen years; I cannot say exactly.

Q. Have you seen much of him?

A. Quite a good deal.

Q. Where have you met him?

A. At my office and my house and at my neighbors' houses.

Q. Socially?

A. Yes, sir.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I never heard anything against his character for truth and veracity, and my opinion is that it is always up to the standard.

CROSS-EXAMINED BY MR. MILLER.

Q. Are you one of the musical coterie?

A. I belong to a musical society.

Q. You see more of Mr. Adams in that connection than any other?

A. I have seen much less of him in that connection than in any other connection.

Q. He comes to your house?

A. Yes.

Q. And because he became acquainted with you in a musical way?

A. No, I think not.

Q. Why did he come?

A. To spend a social evening and have a chat about any subject.

Q. Did you give him an invitation or did he come without?

A. With or without, his invitation was always open to him.

Q. With or without?

A. Without, perhaps, at first.

Q. Why did you invite him afterwards?

A. Because he made himself agreeable, and I enjoyed a social chat and liked to converse with the old gentleman.

Q. Did you ever go to his place?

A. No, sir.

Q. Socially he is quite interesting?

A. Yes.

Q. You did not know him in Fonda?

A. No, sir, I have only known him in Orange.

DAVID GEORGE, a witness produced on the part of the proponents, on oath says:

EXAMINED BY MR. COLLINS.

Q. Where do you live?
A. Orange, New Jersey.
Q. How long have you lived there?
A. About eighteen years, I guess.
Q. How old a man are you?
A. I shall be 54 this month.
Q. What is your occupation?
A. I am an artist decorator by profession, and in business there for myself.
Q. Are you acquainted with Henry C. Adams, now present in court?
A. I think I am pretty well acquainted with him.
Q. Explain what you mean?
A. Well, I have spent many pleasant hours in his company night after night; in fact I used to make it a point to go out after supper to meet him to a place where two or three of us used to congregate years ago, and it was always a delight to meet him.
Q. Where was it?
A. At the drug store under the music hall, in an inner room.
Q. How long have you known him?
A. I think about twelve years.
Q. Do you know his reputation for truth and veracity in the community in which he dwells?
A. I never heard it questioned and I never heard it debated.

CROSS-EXAMINATION BY MR. MILLER.

Q. How long have you known him?
A. Twelve years, I should think.
Q. That carries us back to 1879?
A. About twelve years, I think so, or pretty nearly that.

CHARLES A. LINDSLEY, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS.

Q. You live in Orange?

A. Yes.

Q. What is your business?

A. Coal business there.

Q. You are a man of about 35?

A. Not quite that.

Q. Do you know Henry C. Adams now present in court?

A. Yes.

Q. My impression is that he is a tenant of yours?

A. Yes, sir.

Q. And you own the building in which he hires a room?

A. The building belongs to the estate of my father.

Q. How long has he occupied it?

A. About 12 years.

Q. And lived there all the time?

A. Yes.

Q. How frequently have you seen him?

A. Quite frequently.

Q. You know him well?

A. Yes.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I never heard any one criticise or question it.

Q. What is his reputation, good or bad?

A. Very good.

CROSS-EXAMINATION BY MR. MILLER:

Q. You say his reputation is good because you never heard it questioned?

A. No one ever thought of questioning it in the community at all.

Q. Your only relation is that of landlord?

A. Yes, and in some other respects in business; we are in the coal business.

Q. He is an interesting, pleasant gentleman socially?

A. Yes.

Q. How long have you known him?

A. 10 or 12 years about.

JOSEPH DAVIS, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS:

Q. Do you live in Orange?

A. Yes.

Q. I think you keep a restaurant or dining house there?

A. Yes.

Q. Do you carry on an extensive business?

A. I think so, yes.

Q. How long have you been in business there?

A. Since 1880.

Q. How long have you known Henry C. Adams now in court, if you do know him?

A. I guess all that time.

Q. Is he accustomed or not to take his meals at your place?

A. Not regularly, but during the summer months almost every day he has been our customer, ever since we started business.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. It has always been good; I never heard anything against him.

CROSS-EXAMINATION BY MR. MILLER.

Q You have known him as a customer, is that all?

A. He has visited my house and we are quite intimate.

Q. Growing out of visits to your restaurant?

A. Yes.

Q. And he talks with you there at your house as he talks with you at the restaurant?

A. Yes, we were very friendly together and we invited him over to the house.

Q. Are you musical?

A. No, sir.

Q. Not one of the musical coterie?

A. No, sir.

Q. And it is social matters your friendship with him, and you find him pleasant and interesting?

A. Yes.

Q. He does no business in Orange?

A. No, sir.

Q. You say, you have known him since 1880?

A. Yes, sir, about that.

GEORGE P. KINGSLEY, a witness produced in behalf of the proponents, on oath says;

EXAMINED BY MR. COLLINS.

Q. You are a member of the Bar?

A. Yes.

Q. How many years' standing?

A. Twenty-five.

Q. You reside and practice in Orange?

A. Yes.

Q. Do you know Henry C. Adams, now present in court?

A. Yes.

Q. How long have you known him?

A. About twelve years.

Q. How well have you known him?

A. Quite well.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. Yes.

Q. What is it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER:

Q. How came you to know him?

A. It is hard to tell how I came to know him;

perhaps in a professional way. He has been in my office quite a number of times looking at my books, and I have taken affidavits for him and I have been at his room, and he has been at my office a good many times.

Q. Are you a musician?

A. I have met him a good many times at the Music Hall at entertainments.

Q. Mr. Adams has never practiced law in New Jersey that you know of?

A. Not that I know of.

Q. Your acquaintance extends how far?

A. About twelve years.

WILBERFORCE FREEMAN, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS:

Q. You are also a member of the Bar?

A. Yes, but not in active practice.

Q. How many years' standing?

A. I was admitted some twenty-three years ago.

Q. How long have you lived in Orange—you have retired from practice, you say?

A. Yes.

Q. You have lived in Orange how many years?

A. Nearly all my life: about forty-five years.

Q. How long have you known Henry C. Adams, now present in court?

A. About ten years.

Q. How well have you known him?

A. I think I have known him quite well.

Q. Seen a good deal of him?

A. That is a relative question; yes, I have seen a good deal of him.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I never heard anything said against him at all, and I have had occasion to hear people remark about him and I should say it was good.

CROSS-EXAMINATION BY MR. MILLER:

Q. You have seen him about, observed him walking or met him?

A. I think my first acquaintance with Henry C. Adams was when he first came to my office; he was then preparing some legal work, and he came to my office to consult my books, and that is the way I first made his acquaintance.

Q. It has been a social acquaintance since then?

A. For the last year or two I suppose I have met him on an average twice a week every morning; my calls in business require me to go to certain offices in the morning, and if I happen to be there at the right hour Mr. Adams happens in and sits there, not that he comes there to meet me, but I happen to see him there, and he would then keep up a conversation.

Q. You have a pleasant intercourse?

A. Yes.

Q. What office is that?

A. The office of Mr. Williams.

Q. Mr. Adams is not engaged in any business?

A. Not in active business in Orange; he is a bachelor and I presume always was and is upwards of seventy years old, yet I cannot certainly say that he is as active as a younger man might be with a family.

Q. Have you seen him much about?

A. Often on the street.

Q. How often?

A. I perhaps meet him two or three mornings each week at this office I speak of and then occasionally on the street.

Q. Except that you meet him you do not know of his going about among men to any great extent?

A. No, sir; I don't know so much about him socially as some other gentlemen who have testified.

Q. Did you ask him whether he was in the habit of going about socially as other men do?

A. No, sir; I have not had any conversation with him at all on the subject.

Q. How long have you known him?

A. About ten years.

JAMES W. FIELD, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS:

Q. You are a member of the Bar?

A. Yes.

Q. For how many years?

A. I was admitted in 1855.

Q. Have you practiced in Orange?

A. Yes, ever since.

Q. Are you acquainted with Henry C. Adams, now present in court?

A. Yes.

Q. Do you live in Orange?

A. Yes.

Q. How long have you known him?

A. Since 1874 or 1875.

Q. How well have you known him?

A. I met him at a brother-in-law's of mine, Mr. Babcock, whom he was living quite near; I met him quite often when I spent the evenings there, and I have also met him in the Park House Hotel, also met him at the restaurant in Orange and seen him quite often, sometimes every day, sometimes once a week and two or three times a week; I cannot tell how many times I have seen him, but I have seen him also in my office.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I do.

Q. What is it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER.

Q. How did you first become acquainted with him?

A. At Mr. Babcock's house, who was a neighbor of his.

Q. And your knowledge of him since was by meeting him socially?

A. Yes.

Q. He is not engaged in any business?

A. Well, he is preparing some book.

Q. He is not in the practice of the law?

A. No, sir, he comes into my office and sees my books for the purposes of his work.

EDWARD A. EVERITT, a witness produced in behalf of the proponents, on oath says:

EXAMINED BY MR. COLLINS.

Q. You reside and are in business for a number of years in Orange?

A. Yes.

Q. And lived at Orange all your life?

A. Yes.

Q. You are a man of about thirty-five years old?

A. Yes.

Q. Do you know Henry C. Adams now present in court?

A. Yes.

Q. How long have you known him?

A. About twelve years.

Q. Has he traded with you?

A. Yes.

Q. I think your business is that of a grocer?

A. Yes.

Q. How long do you say you have known Mr. Adams?

A. About twelve years.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. Yes.

Q. What is it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER.

Q. Have you met him socially?

A. No, sir—well I have met him as he might come into my office and sitting there in an evening, smoke a cigar or something of that sort.

Q. Not at other places?

A. No, sir.

Q. You have seen him about town, haven't you?

A. Yes.

Q. Do you know his business—what business has he if any?

A. Nothing any further than preparing some law books or something of that kind.

Q. He has an opportunity of going around more than men engaged in business usually have?

A. I suppose so unless he wishes to put his time on his work.

Q. And going about socially he is always affable and interesting?

A. Yes, always so with me.

MR. COLLINS.

Q. And truthful?

A. Yes, so far as I know.

AGNES C. DOANE, a witness produced in behalf of the proponents, being duly sworn according to law, on her oath says:

EXAMINED BY MR. COLLINS.

Q. You, I believe, are the widow of A. Sidney Doane, who has been referred to in the testimony?

A. Yes.

Q. You have been present in court most of the time?

A. Yes.

Q. Where do you live?

A. 81 Garfield Place, Brooklyn.

Q. And your age, please?

A. Forty-nine years.

Q. What was your maiden name?

A. Beard.

Q. When did you marry Mr. Doane?

A. November 6th, 1865.

Q. What relation did he bear to George P. Gordon who carried on the Press Works and who is now dead?

A. Nephew.

Q. Did you know Mr. Gordon in his lifetime?

A. I did.

Q. When did you become acquainted with him?

A. The first time I saw him was in the year 1855; I did not visit the house until some years later; my family had known the Gordon family for three generations—that is, my mother's family had known the Gordon family for three generations before I met him.

Q. What is your mother's relation to him?

A. She was of the Crombie family, of Boston.

Q. And they knew the family of Mr. Gordon before you became acquainted with him?

A. Yes.

Q. And you began to go to his house some time in the year 1855?

A. Yes.

Q. Where were you then living?

A. In 1855 I do not know, but the first time I began to visit our residence was in Adams street, Brooklyn.

Q. Had he then married Lenore May?

A. Yes.

Q. His second wife?

A. Yes, he was married in 1850 to this May.

Q. When was it you began to visit him?

A. I think it was when I was about fifteen or sixteen years old.

Q. When did the gentleman you married—his nephew—go into business with Mr. Gordon?

A. In 1856, the Fall.

Q. So he was in business with him when you married Mr. Doane?

A. Yes, sir.

Q. In what capacity?

A. As general manager, I think, and bookkeeper.

Q. Down to the date of Mr. Gordon's death?

A. Yes, and confidential clerk.

Q. When did Mr. Gordon go to live in Woodbridge Township, near Rahway?

A. Well, I think in was early in the Summer of 1866.

Q. What name did he give his place there?

A. Neathoak.

Q. Did you visit the family there?

A. Yes, very frequently.

Q. Do you know when Mr. Gordon bought the property upon which he built his factory?

A. No, sir; he bought the factory about 1872—January, 1872—and I think he put up additional buildings, but there was something there, I think, when he bought.

Q. He bought the property in 1872; do you know what year it was he put up the buildings?

A. I think he put up buildings.

Q. Do you know when—in 1872?

A. I think about January, 1872, he purchased the shop at Rahway.

Q. Do you know the Bramhall property in or near Rahway?

A. Yes.

Q. When was that purchased by Mr. Gordon?

A. In 1869.

Q. Do you know when the opera house was built in Rahway by Mr. Gordon?

A. In December, 1874; it was opened then.

Q. And finished in 1874?

A. I think it was opened in 1874, about the middle of December.

Q. Do you know the date in 1869 when he purchased the Bramhall property?

A. I can tell you by reference to my note book.

Q. Have you got it with you?

A. Yes (witness refers to a memorandum book and says), February 16th, 1869.

MR. MILLER:

Q. What do you mean by "Bramhall"?

A. A certain portion of land they called the Bramhall Place, and I heard my husband say they paid $35,000 for it; I have never been down there, but I can specify it.

MR. COLLINS:

Q. It has always been known as the Bramhall property?

A. Yes.

Q. Do you know when the opera house in Norfolk, Virginia, was built?

A. I think it was opened in 1860.

Q. Did you visit Norfolk in 1868?

A. Yes.

Q. Did you know their neighbors or did you know the Adams family?

A. I knew of them because they frequently passed by, and Mrs. Gordon would bow and say "that is the Adams family."

Q. Did you see the old gentleman?

A. They were generally in a carriage; I did not know them personally.

Q. Did you see Henry C. Adams, who has testified?

A. Not that I am aware of; I was simply told that they were the Adams family, their next neighbors or near neighbors.

MR. COLLINS: I ask the privilege of suspending the examination of this witness for a few moments to examine Mr. Haring.

Motion granted.

ALBERT Z. HARING, a witness produced in behalf of the proponents, being examined, on oath says:

EXAMINED BY MR. COLLINS.

Q. You are the paying teller of the Hudson County National Bank in Jersey City?

A. Yes.

Q. How long have you been such paying teller?

A. About eight years.

Q. Before that what was your capacity?

A. Receiving teller.

Q. And before that?

A. Assistant teller.

Q. That was the beginning of your position?

A. Yes.

Q. How long have you been connected with a bank?

A. About twenty-one years.

Q. In all your connections with a bank has it been your duty to pass upon the signatures to checks?

A. Yes.

Q. As paying teller particularly so, I take it?

A. Yes.

Q. Are you accustomed to judge of the validity of signatures to checks presented for payment?

A. Yes.

Q. You are the man in that particular bank whose duty that most generally is?

A. Yes.

Q. Have you examined the signature of Geo. P. Gordon to the will Exhibit P 1 to this case, that is the original?

A. Yes.

Q. And the letters called the Deggoner letter and the Barber letters, marked Exhibit P 48 to P 57, and also Exhibits P 119 to P 125 inclusive?

A. Yes, sir.

Q. You noted their numbers at the time?

A. Yes.

Q. And also the checks D 56 to D 60 inclusive?

A. Yes.

Q. And also the autotypes Exhibit P 97 to P 113 inclusive?

A. Yes.

Q. Have you formed an opinion based upon a comparison with those exhibits shown to you as genuine specimens of the handwriting of Mr. Gordon, or in the case of the autotypes or photographs as to the genuineness or non-genuineness of the signature to Exhibit P 1?

A. Yes.

Q. What was that opinion?

Objection by Mr. Miller, on the ground that the witness is not a general expert in handwriting under any proof made here today.

Objection overruled.

MR. COLLINS.

Q. To what conclusion did you come as to whether or not the same person wrote the signature to Exhibit P 1 who wrote the signatures to the Exhibits which you have examined?

A. To the best of my knowledge and belief the gentleman who ever wrote the signatures to these letters I believe wrote the signature to that will Exhibit P 1.

Q. What are your reasons?

A. Because of the similarity of writing and in the lettering.

Q. Did you examine them carefully and compare them?

A. I have looked over them and I must say it is my opinion, my belief, the similarities of the letters and the will indicate to me that they are written by the same party.

CROSS-EXAMINATION BY MR. MILLER.

Q. When a check is presented to you, how long does it take you to form an impression as to its genuineness?

A. According to the length of time the account has been opened in the bank; if it is a new account I have to examine into it with more care.

Q. What is the longest time you take?

A. Probably a minute or two.

Q. You have looked at these checks of George P. Gordon's?

A. Yes.

Q. And have you noticed the marked characteristics in the will signature?

A. Yes.

Q. Have you not noticed that it is a free, round hand?

A. Yes.

Q. And in your mind, in your bank, with the signatures to checks as standards such as these, you would immediately pay the check with a signature on it same as the signature is in that Exhibit P 1?

A. Provided I did not have the other, then I would not; if I had the other signatures then that would make a difference.

Q. By the other signatures you mean the signatures to the letters?

A. Yes.

Q. Suppose you had them in your signature book?

A. That would make a difference; if I had both forms then I would certainly pay that check.

Q. Suppose you only had one, what would you have done?

A. I would have paid that check.

Q. With one of these letters—take the top one—what is that number?

A. That is one numbered Exhibit P 49.

Q. With that as a standard you would pay the check bearing the signature of the will, Exhibit P 1?

A. Yes, a man doing business with me and had a signature of that kind then I would pay that check.

Q. The writing of the small letters in the will is in your judgment as regular and has the same characteristics as the writing of the small letters in these

various letters you have had placed before you, Exhibits P 49 to P 57, and P 120 to P 125 inclusive?

A. With the exception of one letter.

Q. What letter is that?

A. The letter "e" in "Geo."

Q. You noticed a variety of form in the letters of Geo. P. Gordon signatures—did you not notice a variety of forms in the letters?

A. As between the checks and letters?

Q. Do you see a variety of characteristics of the writing of the small letters?

A. Somewhat.

Q. You do?

A. Yes.

Q. A variety?

A. Yes.

Q. Mr. Gordon did not write a characteristic hand, did he?

A. Not according to the signatures I have before me.

Q. What is your bank?

A. The Hudson County National Bank.

Q. That is where Mr. Collins keeps his account?

A. I believe he does.

Q. And he is counsel of the bank and a Director?

A. He is a director there, yes, sir.

RE-DIRECT BY MR. COLLINS.

Q. And you will pay my checks, won't you?

A. Yes, I will.

AGNES C. DOANE, being recalled in behalf of the proponents, says:

EXAMINATION RESUMED BY Mr. COLLINS.

Q. You only visited there and made short visits at intervals?

A. Yes, at times I would stay three or four days or a week.

Q. Between what years?

A. Between 1866 and 1873 I was there more frequently than afterwards.

Q. Do you remember a conversation on the occasion of a carriage ride taken by yourself with Mr. Gordon and his wife in which the subject of Mr. Gordon's will was mentioned by him?

A. Yes, I do.

Q. When was it?

A. It was in 1876, at one time, but we have had more or less conversations about his making his will.

Q. I will come to that general subject later; I want you to specify the occasion the first time, what time in 1876 was it?

A. The summer of 1876.

Q. What was the occasion, where were you and who were in the company?

A. I was about to go to New York and Mr. Gordon was also going to the office, and we drove down to the station together. Mrs. Gordon was driving and—had my nurse and baby also with me.

Q. Who sat on the front seat?

A. Mrs. Gordon was driving and Mr. Gordon sat next to her, and the nurse and the baby were next to me in the back seat.

Q. You say the occasion was going to the train to go to New York.

A. Yes.

Q. Had you time before the train arrived?

A. Oh, yes; we were driving about Rahway and Mrs Gordon was showing me the different churches and different places of interest in Rahway, before going to the train.

Q. Pointing out these objects of interest?

A. Yes, sir.

Q. Now give the conversation which led up to this matter of the will?

A. We were driving about as I say, and discussing various subjects and Mr. Gordon turned around to Mrs. Gordon, I think, and said, "Is not that Mr. Thorne who is crossing the street"——(interrupted.)

Q. Referring to some gentleman crossing the street?

A. Crossing right in front of the carriage, and Mr. Gordon said "Is not that Mr. Thorne, Lenore?" And she said "Yes, it is," and then Mr. Gordon said Mr. Thorne had drawn up a will for him some little time before—(interrupted).

Q. To whom did he say it?

A. To me. He said that Mr. Thorne had drawn up a will for him some little time before, but that it was not satisfactory, that he was not satisfied with it, and that he should have that will cancelled, or draw up a codicil, or make an entirely new will.

Q. When he said to you that Mr. Thorne had drawn his will what did you say?

A. I said well, I hope he is a good lawyer, because it is so essential with as much money as you have, and Mr. Gordon said—I said it is so essential to have a good lawyer that he should be a good lawyer.

Q. What did he say?

A. And he said, Oh, anybody could draw up a will; I could do it myself if I was not so lazy, and I said, In that respect, then, you differ from a friend of ours whom I had been talking about a will to, and he said that a man could not be too particular, and that he had got the best will lawyer in New York to draw up his will, and Mr. Gordon asked me what lawyer my friend had and I told him.

Q. Who was it?

A. Mr. James Hugins, of New York.

Q. You told him that?

A. Yes.

Q. Go on.

A. And I said Mr. Hugins was considered about one of the best will lawyers in New York and that one family for whom he had transacted business and settled up their estate were so pleased with what he had done that they sent him an extra check for $20,000 aside from his usual fees—that is, whatever he charged for his services this $20,000 was an extra fee

for the manner in which he had settled up their estate for them, and Mr. Gordon seemed very much interested and asked me some particulars about the will, which I told him.

Q. Go on with the conversation?

A. Shall I say what Mrs. Gordon said; she was interested about the matter——(interrupted).

MR. MILLER:

Q. What did she say?

A. She said, "You know that Mr. Gordon has had a will drawn up by Mr. Adams, don't you"? And I said, No, I did not know that Mr. Adams was a lawyer, and Mr. Gordon said: "Yes, but I was not satisfied with that will either, and I wanted to make some alterations," and then he went off and spoke about the executors, and he said that he had been considering about his executors, and that "Sid is an executor, you know," meaning my husband, and he also said that my brother Carl was to be another, and I listened to what he had to say about it, and then he spoke of Mr. Collinwood, and he said he did not know about him—that it was really a case of considerable importance in making another will whether he should have him as an executor or not, that he was in failing health and he said it really was a question in making another will whether he should have him as an executor or not.

Q. Did he say whether or not he had had him named as an executor in any previous wills, and, if so, which?

A. He spoke of Collinwood Gordon being an executor with my husband under the will made by Mr. Adams—in the will of 1873—and it seemed to be a question with him whether he should have Collinwood as an executor on account of his failing health; he said Collinwood might die before him.

Q. Did he say whether he had put him in or not?

A. He did not say, as I said; it seemed to be a question between him and Collinwood whether he should put him in as an executor——(interrupted).

Q. Try and reproduce the conversation?

A. Mr. Gordon spoke as if he wanted to have him made an executor, but that he was afraid to do so on account of his health—that is, executor in the new will he was about to draw.

Q. Well, try and reproduce the conversation, the words?

A. He said no matter who was the executor, of course Sid would be always an executor, because he knew more of his business than any one else did.

Q. Did he speak of any wills; if so, please reproduce the conversation as near as you possibly can?

A. Mr. Gordon seemed to think that Collinwood would feel hurt if he was not made executor, and the question was left——(interrupted).

Q. I ask you for the conversation; now confine yourself to the reproduction all his words, all he said as to past wills that he had drawn up; by that I mean wills drawn before?

A. In the will made by Mr. Adams that my husband and Collinwood were both executors of, and then he said my husband was executor in the will of 1873 and I said I know, but who else, but I do not think he mentioned who else.

Q. You mean by that the will drawn by Mr. Thorne?

A. Yes.

Q. You do not know who he mentioned besides as executor in that will?

A. No, sir.

Q. And then he went on to say who should be executor in the will he was about to draw?

A. Yes.

Q. What did you say then?

A. I don't know that I said anything in particular; the question was being generally discussed amongst the three others.

Q. What did you say, if anything, in regard to any future will he might draw as to pre-existing ones?

A. I said I hope you will destroy any will that

you may have, but he said it was of no consequence; he did not need to do it, because it is the last one that will be for probate, and it is of no consequence, he said, whether the others are destroyed or not.

Q. When he did die which did you suppose was the last will he had drawn?

Objection by Mr. Miller as immaterial.
Objection sustained.

Q. When you speak of this will of 1873, did Mr. Gordon use that expression with reference to it or are you calling it by that date from your subsequent knowledge of it?

A. Mr. Gordon said Mr. Thorn had drawn up a will for him in 1873.

Q. He did say that?

A. Yes, and that he was not satisfied with that one.

Q. You say you had other conversations with Mr. Gordon in which the matter of the will was referred to; state these other conversations, when and where they occurred?

A. There were a number—one occurred in the library at Neathoak.

Q. About when?

A. I think it was perhaps in 1875; it might have been after that, and he spoke at that time about—— (interrupted).

Q. What did he say in that conversation?

A. It was merely a general one and it had particular reference to my children. I was speaking about the education of children and at that time he told me that I need not trouble myself about them, they would be provided for.

Q. Any other conversation?

A. Well, I think once at Columbia Heights, in the dining-room, we had a discussion and it turned on the same subject, the education of the children and the money which it took to educate the children.

Q. Do you recall any earlier conversation? When

was the one in the dining-room at Columbia Heights?

A. That was later.

Q. Later than 1875?

A. Yes, later than 1875.

Q. Do you recall any earlier one?

A. No; we had them at various times, and they might have extended over a period from 1886 on. I heard Mrs. Gordon urge him a number of times to hasten in making a will, and that is the reason I remember it.

Q. What do you know about the residence or home of George P. Gordon down to his death; what do you know about it?

A. I do not know; I was down there in 1886, when they first bought the place at Rahway. I went down with Mrs. Gordon and we consulted together about the furniture and carpets going into the house.

Q. You know they were there then?

A. Yes.

Q. Now, what do you know of the continuance or change, if there was any change, about his residence after he did take up his residence at Neathoak?

A. It was always their home in my opinion.

Q. Down to what time?

A. Down to the time of his death.

Q. Why do you say it was always their home down to his death? What did you observe?

A. Because they lived there; he only seemed to go to Norfolk, Virginia, and stay there a short time and then he would stay a day or two, perhaps, at Columbia Heights when he bought that place, but the house at Columbia Heights was not bought until 1874, and when he stayed there, that is 155 Columbia Height, it would be only for a few days at a time, never long.

Q. What was their manner of life at Neathoak in 1874?

A. They had their carriage and horses and everything there; they lived there just the same as before.

Q. Was the furniture retained there?

A. Yes.

Q. Have you visited there in 1874?

A. Yes.

Q. Who did you find there?

A. Old Mr. and Mrs. May and I think a grandson, and Mr. and Mrs. Gordon were there also.

Q. After 1874?

A. Yes.

Q. Who lived in the house on Columbia Heights?

A. Mary Agnes Gordon was there.

Q. Do you know whether or not Mrs. Gordon refused to go there to live?

A. I don't know that she refused to go, but she did not seem to care to go at all. She went very seldom and said she preferred Rahway because she could drive there; she always liked to drive and had her own horse and phaeton and things of that kind.

Q. There were two different establishments kept up, one at Neathoak and one in Brooklyn?

A. Yes, Mary Agnes had her own servants.

Q. Where?

A. At 155 Columbia Heights.

Q. Do you know whether or not Mrs. Gordon would go there when Mary Agnes was there; what did you observe?

A. I never was in the house when Mary and Mrs. Gordon were there together at all. I have been there with Mr. and Mrs. Gordon alone and when Mary Agnes was there alone.

Q. You have been there when Mary Agnes was there alone?

A. Yes.

Q. And you have been there when Mr. and Mrs. Gordon were there and Mary Agnes was away?

A. Yes.

Q. Where was she?

A. She was at Cape May, I think, at that time.

Q. Did you ever hear anything said about that subject of the two women not desiring to be together?

A. I have heard Mr. Gordon speak very strongly on the subject.

Q. What did he say?

A. Well, he said they could not live in the same house together, that it made it so very uncomfortable; and that his life—he spoke very strongly about it and very sadly indeed——(interrupted).

Q. What did he say?

A. He spoke very strongly about it.

Q. Was it after the house was bought in Columbia Heights?

A. Yes.

Q. What did he say, as near as you can recollect?

A. Well, he said between Mrs. Gordon and Mary Agnes he had a hell of a life, and he thought it was better for them to be separated.

Q. What else did he say?

A. Well, I don't know; only detached conversation, which we had at times, that gave me that impression——(interrupted).

Q. What was the occasion of his saying he thought they ought to be separated?

A. Usually on account of money affairs.

Q. How did he come to speak of their being separated?

A. That they could not agree—not congenial.

Q. In what way how separated?

THE ORDINARY:

Q. What did he say on that subject?

A. He said Mary and her mother could not agree at all and it was better for them to be in separate places?

MR. COLLINS:

Q. What did he say about other places?

A. As long as they were separated it did not seem to make any difference to him whether they were—

well, he seemed to wish them to be separated, he and Mrs. Gordon to be in one place and Mary in another.

Q. Did he say anything about any such arrangement having been made?

A. No, sir; I think not.

Q. You cannot say that?

A. No, sir.

Q. Did he ever say anything to you about the Brooklyn house at all or the purchase of it?

A. No, sir; I knew it was purchased and I was there very soon after it was purchased; also with Mrs. Gordon about the furniture, bric-a-bric, &c., because I was shown the house and told some of the furniture had been bought with it.

Q. Down to what time, with reference to his death, did you visit him and Mrs. Gordon at Neathoak, near Rahway?

A. The last long visit I made was in 1876, the time that I have described.

Q. The time when you went home and rode in the carriage with Mr. Gordon?

A. Yes, sir.

Q. The summer of 1876?

A. Yes.

Q. How long was that visit?

A. I think it must have been four or five days and perhaps a week.

Q. During that time state what you observed as to the matter of domestic economy there, how they lived, who formed the household and such like?

A. I think Mr. and Mrs. May were there at that time?

Q. Who else?

A. I believe a grandson, a young grandson; I was not acquainted with him, but I saw a young boy around.

Q. How about Mr. and Mrs. Gordon?

A. Of course they were there; I was visiting them.

Q. By their invitation?

A. Yes, sir.

Q. They were there during that visit?

A. Yes.

Q. Did Mr. Gordon come there every day?

A. Went up and down to his office every day.

Q. To New York?

A. Yes.

Q. And came back at night?

A. Yes.

Q. Did they have horses and carriages there?

A. Yes.

Q. And servants?

A. Yes.

Q. How many servants?

A. Two and a number of men on the place.

Q. Two women servants and a number of men on the place?

A. Yes; there was the coachman, the gardener and farmers and such like.

Q. Did they cultivate the place?

A. Yes.

Q. Did they have a kitchen garden?

A. Yes, and a very beautiful kitchen garden and a beautiful shrubbery.

Q. Was the household the same as had been there before 1874?

A. Yes.

Q. Was anything said to you about the place by Mr. Gordon as to the fruit or the trees and such like in 1876?

A. No, sir; he told me that he had built a new road through the place, a private road, and he seemed to take a great deal of pleasure in it, and I think it was in that year; and he spoke of his Southern place also.

Q. Did you ever visit Nethermuir, Norfolk, Virginia?

A. No, sir.

Q. He died there?

A. He died in Norfolk, at the Free Masons street house.

Q. Do you know how often he used to go to the Brooklyn house?

A. I don't know exactly how often, but I know he went very seldom; he went oftener in 1874 and 1875 than afterwards.

Q. Oftener then than afterwards?

A. Yes, he went very seldom; he and Mrs. Gordon only went when Mary Agnes was away, and that was usually in the Summer time.

CROSS-EXAMINATION BY MR. MILLER:

Q. Your husband, A. Sidney Doane, was the most intimate friend George P. Gordon had perhaps?

A. Yes.

Q. He was his confidential business man?

A. Yes.

Q. He signed checks during the latter part of his life under the power of attorney?

A. Yes.

Q. And A. Sidney Doane had as much of Mr. Gordon's confidence or more than any one else?

A. More, I think.

Q. And knew more about his affairs?

A. In every way.

Q. This visit of 1876 to Neathoak, how long did it last?

A. Perhaps four or five days or may be as long as a week; I really cannot say that it was as long as a week, because I really stayed as long as a week.

Q. You said in the Summer; now what month in the Summer?

A. I think it was in June.

Q. When next did you go after that?

A. I think I went in the Fall of 1876 to spend a day perhaps.

Q. What month?

A. I cannot tell you; I do not know unless I should refer to some letters.

Q. You were not in the habit of going there in the Winter?

A. Only to spend the day.

Q. You cannot remember any specific occasion?

A. Yes; I was there in November, 1869.

Q. After that do you remember the Winter visits?

A. No, sir, I do not; I remember that one particularly.

Q. You do not remember the others?

A. No, sir; I would go down and spend a day and return; that is all.

Q. How many times were you in the Columbia Heights house?

A. A good many times.

Q. How many?

A. I cannot tell; I suppose I was there perhaps a dozen times in the year.

Q. What would be the occasion of your going there?

A. Mrs. Gordon and I would go shopping sometimes together, and one time Mr. Gordon was sick and I went down and stopped at the door to see how he was.

Q. When he was at the Columbia Heights house?

A. Yes.

Q. Did you start on your shopping expedition from 155 Columbia Heights?

A. Yes; Mrs. Gordon came from Rahway on purpose to go.

Q. And she stayed at 155 Columbia Heights over night?

A. She stayed that night I know.

Q. What other occasions were there for you to go there to the Columbia Heights house?

A. I went once or twice to call on Miss Gordon.

Q. You say a dozen times a year?

A. I had more particular reference to after her father's death.

Q. I mean before her father's death, between 1874 and 1878, when her father died, what was the occasion of your going to 155 Columbia Heights?

A. Simply went to call on her, and sometimes I went to call on her when I knew she was there, but

I have called a number of times when no one was in at all, in fact a great many times when there was no one there at all.

Q. In what season of the year?

A. All seasons—Spring, Summer, Fall and Winter.

Q. How many times do you remember being in 155 Columbia Heights between 1874 and 1878?

A. I cannot tell you how many times.

Q. Do you remember any time, any occasion, when you were there when either Mr. or Mrs. Gordon or Mary Agnes was there?

A. Yes, I was there one time when Mr. and Miss Gordon was taking breakfast, and I think Mrs. Gordon was at the Centennial; in 1876 that was.

Q. Mr. Gordon had breakfast there?

A. Yes.

Q. Had he servants there?

A. Yes.

Q. What other occasion do you remember going there when either of the three members were there?

A. I went there the first year, as I said before, when I consulted about the furniture with Mrs. Gordon.

Q. What year was that?

A. 1874, I think, the house was bought.

Q. Another time you went to go shopping, you say, with Mrs. Gordon?

A. Yes, she was going South and wanted some extra shopping.

Q. And another time when you had breakfast there?

A. Yes.

Q. What other occasion?

A. I don't know anything more than an ordinary morning call.

Q. There was no reason why you should go there except to make a social call?

A. No, sir.

Q. Where was your home at the time?

A. Livingston street, between Nevins and Flatbush avenue, Brooklyn.

Q. You have given us all the occasions you remember when you were at Neathoak or Columbia Heights, all those that you remember now?

A. There were other times, of course; I do remember instances which occurred when I was there. One time Mrs. Gordon and I were driving and we were nearly run over by a train, we were talking so earnestly together.

Q. That was in the summer time?

A. Yes.

Q. Any other occasion you remember?

A. Yes, I was down there with one of the children who was sick. Mr. Gordon invited me particularly to go.

Q. In what year?

A. I was there in 1868 with a sick child, and I think I was there again in 1872 with one of the children who was sick.

Q. Have you given us all the occasions you remember to have been there?

A. No, sir, I have not.

Q. Tell us all you remember to have been at either place?

A. I was there at the time Miss May was in the house and she was there in 1868. I was there several times in 1868, and I was there when the house was being restored by Mr. Gordon.

Q. Do you remember any other occasion, either at Neathoak or Columbia Heights, after 1874 that you have not told us about?

A. Yes, I do; I went down to call, I think, after Mr. Gordon's death, and Mr. Van Wyck was there ——(interrupted).

Q. Before his death and after 1874?

A. No, sir, I cannot fix any; I remember various instances.

Q. No other that you have any specific recollection of?

A. No, sir, I think not.

Q. Did your husband leave a will?

A. No, sir.

Q. You, as widow of A. Sidney Doane, would be entitled, if this will were established, to some portion of the interest in the patents left by this will?

A. I really do not know, Mr. Miller, for I have never put the question, the money part is so much a matter of indifference to me.

Q. You have not released your rights as the widow of A. Sidney Doane?

A. No, sir.

Q. I want to call your attention to a conversation which you had about the differences between Mrs. Gordon and Miss Gordon and what Mr. Gordon said on that subject. Kindly take your time and collectedly repeat that conversation?

A. He spoke to me very frequently how very uncongenial his wife and daughter were.

Q. Give me the conversation as far as you can; you said he said they could not live in the same house?

A. Yes.

Q. I want to hear that conversation, what he said?

A. That they could not live in the same house together, they were not congenial, and he spoke very bitterly.

Q. Give us what he said; tell us calmly those facts, the whole conversation?

A. I do not know how to express it, except his telling me about it and speaking about how very disagreeable it was and how he felt about the matter.

THE ORDINARY:

Q. Say what he said; some people may not think it so disagreeable; we want to get his words, the whole conversation, so that we can judge for ourselves.

A. He spoke as if they disagreed upon the subject of money; when he gave one money the other

one wanted money, and in that way it disturbed him so much.

MR. MILLER:

Q. You have told us about the differences between them and his life being made miserable, or something of that kind; now repeat that conversation.

A. I do not think I could.

Q. Well, give the substance of it?

A. I do remember his speaking of their want of congeniality and how disagreeable it was for him, and complained bitterly about it.

Q. Do you remember the expression he used?

A. Only the one I have told you.

Q. Give us the conversation except that?

A. He spoke of Mary's ill-temper and said he could not understand it, when he had made so many efforts and she had so many chances of enjoyment, and he thought he had indulged her so very much.

Q. Did he say that Mrs. Gordon and he must live in one place and Agnes in another?

A. He said to be happy they must live in different places.

Q. Give us that conversation?

A. I hardly know how to express it.

Q. Recall the scene as far as you can?

A. He was walking about the room; Mary had evidently asked him for money, and he had given Mrs. Gordon some money and she wanted the same amount, and he said those two women lead me such a life, and (referring to Mary) he said that her ill-temper was such that they could not be happy in the same house.

Q. That was the substance of it?

A. Yes.

Q. And you have given the words as far as you recollect them?

A. Yes, and he expressed himself as wishing that Mary was married; he said he wished she would marry so as not to be in the house.

Q. I suppose you believed Mr. Gordon knew best where he lived?

A. Yes, I suppose so.

Q. If he said he lived in Brooklyn that would move your opinion as to where he lived, would it not?

A. I never heard him say so.

Q. If he said so?

A. Yes, if a man said he lived in Brooklyn I should believe him, if I believed he was any man at all.

Q. George P. Gordon was a truthful man?

A. Yes, very.

Q. And hated deception and never told a lie?

A. He hated a lie.

Q. Are you acquainted with his handwriting?

A. I have seen a great many of his letters, all those received by my husband.

Q. Have you ever seen him write?

A. Yes.

Q. These letters in evidence; do you recognize any of these letters (takes Exhibit P 53), do you recognize that to be in Mr. Gordon's handwriting (handing witness a paper)?

A. It is to Mr. Amos Barber, I presume?

Q. You are familiar with that handwriting?

A. Yes.

Q. Look at the letter I now show you and state whether that is, in your opinion, George P. Gordon's handwriting?

A. Yes.

MR. COLLINS—I object to this line of evidence on the ground of not knowing its purpose.

MR. MILLER—It bears on the question of residence.

THE ORDINARY—I will rely on the assurance of counsel that it is for that purpose.

MR. COLLINS—I also object on the ground that it is not cross-examination and that the writing has not been properly proved if offered as a standard.

MR. MILLER—It is not offered as a standard.

MR. COLLINS—If it is offered for its contents it is not proper cross-examination, if you attempt to prove the residence by it it is incompetent. It may be that it is part of the affirmative case; if so, it should not come in now, and it is not competent to prove by this letter the facts stated in it.

Question allowed.

Q. Have you any doubt about it?

A. None whatever.

Q. Will you kindly read the last paragraph of the second page of this letter, commencing with the words "Lenore," then through it, and when you have done so, please state whether you will still state that Mr. Gordon lived in Rahway?

MR. COLLINS—I object to counsel asking the witness to read only a portion of the letter; the witness is entitled to read the whole of it.

MR. MILLER—The witness may read the whole of the letter.

THE ORDINARY—The witness is entitled to read the whole letter.

MR. COLLINS—I still object as not being proper cross-examination, nor is it a proper way to prove the contents of a letter.

Question admitted.

A. Yes, I should still state that he lived at Rahway; I think that letter is written jokingly, and I think that he may have been briefly separated from his wife and that he made that little joke about it, and I still say that he lived at Rahway.

Q. The letter is dated March 22nd, 1875?

A. Yes.

Q. Did you not say that Mr. Gordon was a truthful man?

A. Yes, I did; but I think that he wrote that letter in a spirit of fun, and I know him so well from just the way it is written that I should say that he had written that letter jokingly.

Q. That is your inference from the letter?

A. Yes.

Q. And you will allow other people, I suppose, to draw their own inference from it also?

A. Yes, but I know him so well I know that he has written that in a spirit of fun just as a joke, and he knew her fondness for Rahway; that if on a stormy night he did not go to Rahway, but remained in Brooklyn and would spend the night there, that he wrote the letter just as a joke to her, and I still say they lived at Rahway.

MR. MILLER—I offer the letter.

THE ORDINARY—It may be marked for identification.

Marked D 129 for identification.

RE-DIRECT BY MR. COLLINS:

Q. I show you letters Exhibit P 114, P 115, P 116, P 117 and P 118, and I ask you if those were in the handwriting of and sent by George P. Gordon?

A. Yes, all of them are in Mr. Gordon's handwriting.

Q. Now that they have opened up the subject of handwriting to you, I will ask you if you have seen the original will Exhibit P 1 and the signature of "Geo. P. Gordon" to it; have you seen that before?

A. Yes, I saw it this morning.

Q. Do you believe that signature to be in the handwriting of George P. Gordon?

A. Without doubt; I haven't a doubt.

Q. Did you ever go to Brooklyn to call on Mary Agnes?

A. After her father's death?

Q. No, before?

A. Yes, I did go before; went to see about the servant once.

Q. Did you find her?

A. One time I found her in and another time, several times I did not; I called there but did not find her.

Q. When you went there to call on her, was Mrs. Gordon there?

A. No, sir, she was not.

Q. When you met her at the Brooklyn house, when you had made the arrangement to go shopping and she came from Rahway to do so, did you know that she was to go to meet you, did you meet her by appointment that is?

A. I knew she was to come; I heard from my husband that she would come up and I wanted to meet her at the Brooklyn house.

Q. On this occasion was Mary Agnes away or there?

A. She was not in the house.

Q. When you met her did she live there as far as you know?

A. Yes, I think she was living there.

Q. On this occasion to which you allude, when Mr. Gordon said that the two women wanted money, and one wanted as much as the other, if I understood you, you spoke as if Mary was then in the same house with Mr. and Mrs. Gordon?

A. Well, she had been in the house with Mrs. Gordon at Rahway, and then Mr. Gordon was with her at one time alone, and Mrs. Gordon was away; it was at the Columbia Heights house and Mr. and

Mrs. Gordon had been there, and then Mrs. Gordon left him and was at the Centennial as I said before.

Q. Was it at the Brooklyn house this talk occurred?

A. We had a number of similar talks both at Rahway and at Brooklyn.

Q. When he said the two women made his life a hell, where was that?

A. He made use of that expression constantly in speaking about the way of their living, and I think the last time he spoke of it was at the Columbia Heights house.

Q. Where was Mary at the time?

A. I think she was at the house but not in the room.

Q. Where was Mrs. Gordon?

A. When she was at the Centennial, I think, and I think Mary was in the house at the time.

Q. Where was it that he was angry because Mary had demanded an equal sum of money from him that he had given to his wife?

A. I think that was at Rahway.

Q. Were the two living together then?

A. I don't know whether they were or not; she would come down and stay part of the time at Rahway, but I think she was boarding part of the time in New York.

Q. But she would come down to Rahway occasionally?

A. Yes, sir.

Q. What year was this?

A. I think fn 1874; I think she was part of that year boarding in New York.

FURTHER CROSS-EXAMINATION BY MR. MILLER:

Q. Mr. Gordon was a generous man to both his wife and daughter in money matters, was he not?

A. Yes, he was I think.

FURTHER RE-DIRECT BY MR. COLLINS:

Q. Did you know Charles Beebe named in this will, Exhibit P 1?

A. I have seen him, I do not know the gentleman.

Q. Where have you seen him?

A. I saw him at Rahway.

Q. About when?

A. I think it was in 1868 or it may have been 1869.

Q. Did you know that he was paying attention to Mary Agnes?

A. Yes, I knew her father very much desired that he should marry her, he was very acceptable.

ALFRED J. WAGNER, a witness produced in behalf of proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. BECKETT:

Q. What is your age?

A. I will be sixty-four next birthday.

Q. Where do you live?

A. Fort Plain, Montgomery County, New York.

Q. How long have you lived there?

A. Always lived there.

Q. Have you ever held any office in that county?

A. Yes.

Q. Tell us what?

A. I have been Town Clerk four years, Supervisor seven years and Sheriff.

Q. How long were you Sheriff?

A. Three years.

Q. Can you give us these years about, that you were Sheriff?

A. Yes, 1871, 1872 and 1873.

Q. Did you know Henry Adams and his family?

A. Yes.

Q. How long have you known him?

A. I always knew him.

Q. Did you know Henry C. Adams, who is now present in court.

A. Yes.

Q. How long have you known him?

A. I have always known him as long as I have known any one outside of my own family.

Q. From boyhood?

A. Yes.

Q. And you knew Henry Adams, his father, ever since you knew any one in Fort Plain?

A. Yes.

Q. How intimate were you with Henry Adams and Henry C. Adams while they lived in Fort Plain?

A. Very intimate.

Q. Give the Court some idea how intimate?

A. Well, I was more intimate with them than any other two persons in the town, I guess.

Q. When did Henry C. Adams leave Fort Plain?

A. I think it was 1866, 1867 or 1868, something like that.

Q. From time to time since then he has returned to Fort Plains?

A. Yes.

Q. You have seen him?

A. Yes.

Q. Did you ever see him anywhere else but Fort Plains since he left there?

A. Yes.

Q. Where?

A. I have visited Henry Adams at Rahway twice, and I had business with Henry C. Adams at Orange three or four years ago.

Q. Do you know the handwriting of Henry Adams, senior?

A. Yes.

Q. Have you frequently seen him write?

A. Yes, very often.

Q. Have you seen him write his signature?

A. Yes.

Q. What was the reputation of Henry C. Adams in Fort Plain?

A. Good.

Q. Do you know the reputation of Henry C. Adams in Fort Plain for truth and veracity?

A. Yes, sir.

Q. What is it?

A. Good.

Q. And, as far as you know, has it always been good?

A. Yes.

Q. Do you know a lawyer by the name of Henry V. Cushney in Montgomery county?

A. Yes.

Q. How long have you known him?

A. I have known him forty or forty-five years.

Q. Do you know what his reputation is in Montgomery county?

A. Yes, sir.

Q. For truth and veracity that is?

A. Yes.

Q. What is it?

A. Bad.

Q. This Henry V. Cushney has testified here in this proceeding, as found on the stenographer's minutes at page 967, and in testifying said that he had heard people speak of Henry C. Adams' reputation. The next was James Carey; I think his name was James L. Carey; he was an insurance agent of the village of Fort Plain, a prominent man there, and I heard him swear to it on the trial there. Do you know any such man in Fort Plain as James Carey or James L. Carey?

A. There never has been any man there of that kind.

Q. Has there been any Carey in Fort Plain that you know of?

A. Yes.

Q. What was that Carey's name?

A. Alfred Carey.

Q. What were his relations to Henry C. Adams, if you know?

A. Good.

Q. Do you mean friendly?

A. Yes.

Q. Upon the same page the witness testified as follows: "The next is Lawrence Morris, a Justice of the Peace around there for a great many years. I heard him swear to it on the trial of a cause." Do you know of any such man in Montgomery county?

A. I never heard of such a man.

Q. You never heard of such a name?

A. No, sir.

Q. You would have known if there had been a Justice of the Peace in Montgomery County by that name?

MR. MILLER: I object to the question on the ground that it is only an inference.

Objection sustained.

Q. Did you know Abraham Hoffman?

A. Yes.

Q. Is he dead?

A. Yes.

Q. Did you ever have any conversation with him in regard to Henry C. Adams?

A. Yes, sir.

Q. Did you ever hear Abraham Hoffman speak ill of Henry C. Adams or against his character?

Objection by Mr. Miller on the ground that it is incompetent and improper.

THE ORDINARY: If your purpose is to show that the same man spoke well of him instead of ill, then I will admit it.

MR. BECKETT:

Q. Have you ever heard him speak well of Henry C. Adams' reputation for truth and veracity?

A. Yes.

Q. What position did Abraham Hoffman hold in that county?

A. Supervisor, Sheriff and Member of Assembly.

Q. In the testimony of Frothingham Fish, found on page 978 of the stenographer's minutes, among other things, he says: "Well, around there the discussion somewhat ceased when he left (meaning Henry C. Adams)—that is, his character has not been discussed so much since he left there, and he has come there sometimes since, and you see it is difficult to name the parties that I have heard speak disparagingly of him. But I recollect that Peter G. Webster talked about him a great deal." Do you recollect Peter G. Webster?

A. Yes, very well.

Q. Are you related to him?

A. Yes.

Q. How?

A. He was my uncle.

Q. Is he dead?

A. Yes.

Q. Do you know what his relations were with Henry C. Adams?

A. Yes.

Q. State what they were?

A. Very intimate and friendly.

Q. Did you ever hear Peter G. Webster speak of Henry C. Adams or of his reputation for truth and veracity?

A. No, sir, never.

Q. Did you ever hear him say anything against his character or reputation for truth and veracity?

A. No, sir.

Q. Can you tell how intimate Henry C. Adams and Peter G. Webster were or how friendly or close friends were they?

A. Well, they visited one another in their offices and I have seen them together frequently and seen them on the street, and seen Mr. Adams in Mr. Webster's office and Mr. Webster in Mr. Adams' office frequently.

Q. Judge Fish, on page 984 of the stenographer's minutes, says: "I cannot say frequently, but I will say that I have known instances of that description. Speaking of that Mr. Cook was another lawyer that I understood had an enmity towards Mr. Adams. and he used to speak very hard things of him; that was a lawyer living at Fort Plain; he is likewise dead; death has made very great havoc within the last few years among my cotemporaries and those of Mr. Adams." Do you recall that lawyer?

A. Yes.

Q. What was his name?

A. Henry Cook.

Q. When did he live at Fort Plain?

A. In 1851.

Q. 1851?

A. Yes, sir.

Q. Where did he go?

A. To California.

Q. Did he ever return to Fort Plain?

A. Not to my knowledge.

Q. When did you say Henry C. Adams left Fort Plain?

A. 1866 or 1868.

Q. So Henry Cook left Fort Plain fifteen years before Mr. Adams did?

A. Well, about that.

Q. You have examined the contested will, haven't you?

A. Yes, sir.

Q. And you have already testified that you have frequently seen Henry Adams, Senior, write his signature?

A. Yes, very often.

Q. I show you the attestation clause and call your attention to the signature of Henry Adams as subscribing witness; is that signature, in your opinion, the signature of Henry Adams, senior, on that Exhibit P 1?

A. Yes.

Q. Either the witness Cushney or the witness Fish,

and I think it was Fish, testified that a gentleman by the name of Hackney spoke against Henry C. Adams' reputation for truth and veracity; do you know whether that man is living or dead or do you know any Hackney in Fort Plain?

A. There is one living there now?

Q. What is his name?

A. David G.

Q. I read you the testimony from page 968 of the stenographer's minutes of the witness Cushney, as follows:

"A. You say you want some one that is living; I say I cannot remember any; well, there was an old gentleman called Hackney; I heard him speak of it and I subpœnaed him to attend that reference.

"Q. Did he come?

"A. I am not certain whether he was there or not?

"Q. Is he living or dead?

"A. Dead."

Is that the father of the David G. Hackney you refer to?

A. Yes.

Q. What were the relations of old gentleman Hackney to the Adams family and Henry C. Adams in particular?

A. They were of the best; both of them were Democrats——(interrupted).

Q. Were they friends?

A. Yes.

CROSS-EXAMINATION BY MR. MILLER.

Q. What is your business?

A. Safes and iron bridges.

Q. Not a lawyer?

A. No, sir.

Q. How often do you see Henry C. Adams now?

A. I do not see him very often; I see him whenever he comes to Fort Plain.

Q. He comes to see you and your wife?

A. Yes.

Q. An intimate friend of your family?

A. Yes.

Q. And has been for a long time?

A. Yes.

Q. Where do you reside?

A. Fort Plain.

Q. How far is that from Fonda?

A. Fifteen miles west.

Q. And Fort Plain is on the river opposite what other place?

A. A small village called Nelliston.

Q. Do you know any people in Utica?

A. Yes, a few.

Q. Do you know a Carey living in Utica?

A. No, sir.

Q. What Careys are there in Montgomery County that you know?

A. Well, I think there are some families living in the town of Glen by that name, who used to be in business there, and there used to be a family of Careys who lived four miles south of Fort Plain and then lived there about twenty years ago.

Q. Do you know any others?

A. No, sir, not that I remember of.

Q. When you say Henry C. Adams' reputation for truth and veracity is good, do you mean at the present time in Fort Plain?

A. Yes.

Q. You never heard anybody speak against him, that is what you mean?

A. I never heard anybody speak against him.

Q. Does he stay at your house when he visits Fort Plain?

A. He has once or twice.

Q. Does he not generally stay there when he comes up?

A. Yes, sir, he always comes there when he comes up.

RE-DIRECT BY MR. BECKETT.

Q. His reputation for truth and veracity was good when he lived there, too?

Question objected to by Mr. Miller as not being re-direct examination.
Question allowed.

A. Yes.

FURTHER CROSS-EXAMINATION BY MR. MILLER.

Q. Is your wife related to Mr. Adams' family in any way?
A. No, sir.
Q. No relations on either side in any way to the Adams family or to Mrs. Adams?
A. No, sir.

ALBERT DUNKELL, a witness produced in behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. BECKETT.

Q. Where do you live?
A. New York city.
Q. Where did you live before you came to New York city to live?
A. In the vicinity of Fort Plain, Montgomery County, New York.
Q. And you came to New York when?
A. In 1871.
Q. From what time until 1871 did you live near Fort Plain?
A. Always.
Q. From your birth?
A. Yes.
Q. And that was when?
A. 1840.
Q. From that time to 1871 you lived at Fort Plain?

A. Yes.

Q. What is your occupation?

A. I am in the commission business in New York city.

Q. Did you know the Adams family in Fort Plain up to the time that they departed from there in the latter part of the sixties?

A. Yes.

Q. You were then between twenty and thirty years of age?

A. Yes.

Q. Did you know Henry C. Adams?

A. I did.

Q. How well did you know him?

A. Well, not intimately, but I knew him as I knew other people in the town.

Q. How near did you live to the village?

A. Two or three miles away.

Q. That was your market town?

A. Yes.

Q. Do you know Henry C. Adams' profession?

A. Lawyer.

Q. Well known?

A. Yes.

Q. Did you then and now do you know his reputation at that time for truth and veracity in Fort Plain, where he lived?

A. Yes.

Q. What was it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER:

Q. How long have you been in the commission business?

A. Since 1871.

Q. Are you a lawyer?

A. No, sir.

Q. Never have been one, never practiced law?

A. No, sir.

Q. When did you move from Fort Plain?

A. In 1871 or 1872; about 1872, I think.

Q. How many times since 1871 or 1872 have you seen Henry C. Adams?

A. Never until to-day.

Q. You have seen him since 1871?

A. No, sir; not to recollect it.

Q. Were you married in 1871?

A. Yes.

Q. And you had a household in Fort Plain?

A. Yes.

Q. Near the Adams house, or Mr. Adams' family house?

A. About a year and a half I lived in Fort Plain, and then moved from there to New York; prior to that I lived in the country about two and a half or three miles out of Fort Plain.

Q. How did you come to know the Adams family, merely as neighbors?

A. Some of them I knew them very well.

Q. How came you to know them?

A. I cannot say that.

Q. Did you go to the same church?

A. No, sir; I used to see them often times up there when they were in town like that and when I went to the town, which was very frequent.

Q. Were you Free Masons or members of any society with Mr. Adams?

A. No, sir.

Q. You merely knew him as a neighbor in Fort Plain?

A. Yes.

Q. His father was there at that time?

A. Yes; I knew him very well.

Q. Who asked you to come here as a witness?

A. Well, I don't know as anybody did; I happened to be in Fort Plain and I came down with them on the train and I offered my services.

Q. You happened to be in Fort Plain with whom?

A. I go there frequently.

Q. Did you go there with Mr. Beckett?

A. No, sir.

Q. Who do you mean?

A. The gentlemen here, the witnesses to-day.

Q. You understood that witnesses were testifying in behalf of Mr. Adams' character and such witness were required?

A. I understood they were coming down here in behalf of Mr. Adams, but I did not know it until this morning.

Q. When you came over?

A. Yes.

Q. You live in New York?

A. Yes.

Q. And you came from New York here?

A. No, sir; I haven't been to New York, but I came from the West Shore Road depot right here.

Q. How much did you see of Henry C. Adams in 1866, 1867 and 1868?

A. I met him on the street?

Q. You hadn't any business with him?

A. No, sir.

Q. When you say his reputation for truth and veracity is good you mean you never heard anybody question it?

A. No, sir, I never heard it questioned; I have always heard him spoken of very highly.

Q. You never heard him impeached as a witness?

A. No, sir.

RE-DIRECT BY MR. COLLINS:

Q. Lawyers' reputations are very apt to be known in a country community?

A. Yes, sir.

Q. And they are very apt to have a reputation one way or the other?

A. Yes.

Q. Who had the best reputation for truth and veracity, Mr. Adams or Mr. Cushney?

A. Mr. Adams.

Q. Do you know Mr. Cushney's reputation?

A. I have heard of him.

Q. Who had the best reputation?

A. Mr. Adams.

FURTHER CROSS-EXAMINATION BY MR. MILLER:

Q. What do you mean by saying that one man had a better reputation than another?

A. Well, I have heard Mr. Cushney spoken of in a way—I don't know just how to word it—not in a favorable way.

Q. And you have heard Mr. Adams spoken of in a favorable way?

A. Yes, always.

Q. Who spoke unfavorably of Mr. Cushney?

A. I don't know that I can recall it to memory.

Q. You cannot recall the names of any one who spoken unfavorably of him?

A. No, sir, not now.

ABRAHAM NELLIS, a witness produced in behalf of proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. COLLINS:

Q. May I ask your age?

A. Yes.

Q. What is it?

A. Seventy.

Q. And you live, I believe, at a place called Nellis-ton?

A. Yes.

Q. Was it named after your family?

A. It was given that name on my account, I believe.

Q. It adjoins Fort Plain?

A. Yes, very near it.

Q. How near?

A. Fifty feet.

Q. How long have you lived at Fort Plain?

A. Since 1885, when it was a village, or in other words no village at all.

Q. What is your present occupation?

A. Farmer.

Q. Living on your own place?

A. Yes.

Q. Did you become acquainted with the family of old Henry Adams, who is now dead?

A. I have been acquainted with them long before that.

Q. Before you went to Nelliston to live?

A. Yes.

Q. Where did you live?

A. Most of the time at St. Johns, a few miles west.

Q. You knew Henry Adams a great many years before that?

A. Yes, I knew the old gentleman a great many years, and Henry C. Adams I have known him all my life, pretty much so, from the time I was ten years old.

Q. Did you know Henry C. Adams after he grew up and he became a lawyer?

A. Yes, sir.

Q. From 1885 you lived right near by?

A. Yes, sir.

Q. How well did you know Henry C. Adams?

A. I might say very well, for I might say I had daily intercourse with him; I would meet him four or five times a week; I would meet him occasionally in the street and socially, and that is the way we always found him, affable and friendly.

Q. Was he your legal adviser?

A. No, sir.

Q. Did you come in contact with him in business when he represented other people?

A. Not particularly; I don't know as I have observed his proceedings with other people, but I know he acted for other people as attorney.

Q. Henry C. Adams did?

A. That is the gentleman I mean.

Q. Do you know his reputation for truth and veracity where he lived, and at the time he lived at Fort Plain?

A. I would like to answer that question this way. Having known him well and having heard him

spoken of very frequently, I never heard anything to the contrary by anybody.

Q. Have you ever been called to any public trust by your fellow citizens?

A. I never asked for any office, but I have been a Notary Public thirty years, and President of the village of Nelliston four or five times.

Q. Do you know Henry Cushney's reputation for truth and veracity?

A. I do.

Q. Do you know his reputation for truth and veracity in the neighborhood in which he resided?

A. As for probity, I know it.

Q. Well, for truth and veracity?

A. I don't know as I have heard him spoken of as a witness that he would not be believed.

Q. Do you know his reputation for truth and veracity?

A. I do not know that I ever heard that questioned particularly.

Q. Were you requested to testify against Henry C. Adams in this case?

A. There was a party on the other side, I presume he was, and they came to see me what I had to say against his character, and I said, you must not speak to me about it.

Mr. Miller:

Q. Who was it?

A. Mr. Van Steinburgh and another gentleman.

Mr. Collins:

Q. You told them they did not want you?

A. I told them they did not want to subpœna me.

Cross-Examination by Mr. Miller:

Q. You are a farmer and not a lawyer?

A. I am not a lawyer.

Q. You have had suits?

A. Yes.

Q. Are you the Nellis in Nellis vs. Nellis reported in one of the New York Reports?

A. No, sir.

Q. Has Henry Adams been counsel for you in any case?

A. No, sir, but he has been opposed to me, and I must say he abused me terribly.

Q. He is a very positive character, is he not?

A. Yes.

Q. A very stern man?

A. Yes, very.

Q. Other than that law suit, where have you met him?

A. I have met him several times since that time; I have met him almost weekly.

Q. I mean Henry Adams, Senior?

A. Well, I would see him about as often as I would see Henry C. Adams, but the old gentleman and I did not hitch very well.

Q. The young and the old gentleman did not hitch very well either?

A. I never heard anything to the contrary.

Q. You say your relations with Henry C. Adams were simply social?

A. That is all; I never had any business relations with him.

Q. You found him affable and pleasant?

A. Yes.

Q. Who requested you to come here?

A. I was interrogated one day as to what I knew of Mr. Adams.

Q. Who asked you?

A. Mr. Wagner asked me these questions and he said——(interrupted).

Q. Mr. Wagner—the witness here to-day named Wagner?

A. Yes.

Q. Did he ask you to come to New York?

A. He asked me if I would come.

Q. Was anything said about expenses, any arrangement made as to them?

A. No, sir, no arrangement made, but he will pay it.

Q. Mr. Wagner will pay it?

A. Or somebody for him; if he or they do not pay I will sue him.

Q. I thought you was a well-to-do farmer?

A. Yes, and I get up every morning and work from four o'clock in the morning all day.

Q. And you don't mean to throw away your means?

A. No, sir; I mean to have my expenses, although I like to come to New York sometimes.

RE-DIRECT BY MR. COLLINS:

Q. I understand that you do not know the handwriting of Henry Adams, the old gentleman?

A. If I had a document that he had signed in my presence I would testify to it; I would not like to testify to it without.

HENRY CASLER, a witness produced in behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS.

Q. What is your age?

A. I am 62 years old.

Q. Where do you live?

A. Fort Plain.

Q. How long have you lived there?

A. I was born there.

Q. What is your business?

A. Lumberman and liveryman.

Q. How long have you known Henry C. Adams, now present in court?

A. Well, I have lived with him, two stones' throw of him, and I can recollect him when I was about seven years old, and from that time I have always known him.

Q. And known him always living there until he left away in the sixties?

A. Yes.
Q. Did you know him as a lawyer in town?
A. Yes.
Q. Do you know his reputation for truth and veracity in the community in which he dwelt?
A. Yes.
Q. What is it, good or bad?
A. Good.

CROSS-EXAMINATION BY MR. MILLER.

Q. How far was your house from Mr. Adams' place?
A. I think I could throw a stone there in two throws to his place.
Q. Were your relations with him social?
A. Yes, my family and I; I was there very frequently when a boy.
Q. He left when?
A. It was about twenty years ago; that is my impression that it was twenty years.
Q. You mean to say that his reputation was good at that time because you never heard anybody speak against it?
A. I never heard anybody speak disparagingly of him, and I always heard that his reputation was good.
Q. You never heard of him being impeached as a witness?
A. No, sir.

GEORGE C. WOOD, a witness produced in behalf of proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS.

Q. What is your age?
A. I am 51 years.
Q. Where do you live?
A. Fort Plain.
Q. How long have you lived there?
A. Since 1861.

Q. You lived there several years near by the residence of Henry C. Adams?

A. Yes.

Q. He left there in 1868, I think, did he?

A. Yes.

Q. Did you know Henry C. Adams during the period you and he lived there?

A. Yes.

Q. What was your business from 1861 on?

A. I was office manager of the Western Union Telegraph Company and operator.

Q. And now?

A. The same.

Q. You have been all these years office manager of the Western Union Telegraph Company and operator?

A. Yes.

Q. Then you have been in the telegraph business ever since it was a business?

A. Yes, ever since they have been in the State.

Q. Did you occupy rooms in the building owned by Henry Adams, the old gentleman?

A. Yes.

Q. A telegraph office?

A. Yes, and store also.

Q. Did you have business relations with him?

A. Yes.

Q. And with Henry C. Adams?

A. Not with Henry C. Adams.

Q. With Henry Adams, senior?

A. Yes.

Q. What were they?

A. I rented a store of him.

Q. How well did you know Henry C. Adams during that time?

A. Socially; I saw him every day almost that he was there and he visited at our house.

Q. Did you collect rents for the old gentleman?

A. Yes.

Q. Besides being a tenant you collected rents for him of other tenants?

A. Yes.
Q. And remitted it to Rahway?
A. I deposited it to his account in the bank.
Q. You say you saw Henry C. Adams during the time he lived there almost every day?
A. Yes, sir.
Q. And knew him very well?
A. Yes.
Q. How near was your office to his?
A. In the same building.
Q. Did you know his reputation at that time, and do you now, what it then was for truth and veracity at Fort Plain?
A. I know it, and at that time it was good.
Q. Is it still good there?
A. Yes, certainly.

THE ORDINARY:

Q. What is the population of Fort Plain?
A. About 3,500; it is rated by the Board, but that includes Nelliston.
Q. What is the population of Nelliston?
A. About 1,000.

MR. COLLINS:

Q. What was it in 1866 at Fort Plain?
A. I don't know that I can answer that exactly.
Q. Has it grown?
A. Yes.
Q. A good deal?
A. Yes.
Q. What is the cause of the growth?
A. Manufactories.
Q. Manufactories have come since that time?
A. Yes.
Q. Do you know anything about the destruction by fire of the Adams building?
A. Yes.
Q. When was it?
A. I think it was on the 16th of January, 1869; I was burnt out there myself.

Q. Do you know whether Henry C. Adams' books were burned up?

A. Yes, part of them certainly.

Q. You say you have done business with Henry Adams, senior, collected rents for him and I suppose had correspondence with him?

A. Yes.

Q. Are you familiar with his handwriting?

A. Yes.

Q. Have you seen him write?

A. I have.

Q. I show you a paper purporting to be signed by him as a witness, Exhibit P 1, and ask you if, in your opinion, the signature of Henry Adams, signed to it as subscribing witness, is in the proper handwriting of old Henry Adams, formerly of Fort Plain, the lawyer?

A. I should think it was; it looks to me as that is his handwriting.

CROSS-EXAMINATION BY MR. MILLER:

Q. Did you see that signature before it was shown to you this moment?

A. Yes.

Q. When?

A. I saw it in the other room.

Q. When?

A. An hour ago.

Q. You had no business relations with Henry C. Adams?

A. No, sir; no business relations.

Q. You saw him socially, and at such times he was affable and pleasant?

A. Yes.

Q. There is another Mr. Wood connected with the bank, is there not?

A. Yes, sir.

Q. What is his name?

A. E. W. Wood.

Q. Rather an elderly gentleman?

A. Yes.

Q. An important gentleman, is he not?
A. Yes.
Q. When you say his reputation for truth and veracity was good, do you mean you never heard anyone speak against him?
A. I never heard anyone speak against him.
Q. You never heard his character discussed?
A. No, sir.
Q. You have come down here with the other witnesses on character by request?
A. Yes.

MR. COLLINS:

Q. Is the other Mr. Wood related to you?
A. No, sir.

MR. MILLER.

Q. How old is the Mr. Wood, the president of the bank?
A. I should think about seventy years old.
Q. He was well acquainted with Henry Adams, senior, in his lifetime?
A. Yes, sir.
Q. If you were informed that he had said that that signature was not good, would that alter your opinion?

Objection by Mr. Collins on the ground that it is incompetent.
Question overruled.

MR. COLLINS: I offer Exhibits marked P 114 to P 118 inclusive in evidence.

MR. COLLINS: We have an exemplified copy of the petition of Mary Agnes Gordon, dated and verified on the 11th of March, 1878, the petition praying that letters of administration upon the goods in Kings County, New York, of George P. Gordon might be issued, and stating his residence as Woodbridge, in

the County of Middlesex and State of New Jersey.

Marked Exhibit P 210.

I now offer in evidence certified copies from the office of the Secretary of War of the weather reports for the secular week beginning Monday, July 19th, and ending July 26th, 1868, at Fort Columbus, New York Harbor.

MR. MILLER: I object to them as immaterrial and incompetent.

THE ORDINARY: I will have them marked for identification and reserve my decision as to their admissibility.

Marked Exhibit P 211 for identification.

MR. COLLINS: I now offer in evidence Section 2,476 of the New York Code of Civil Procedure on the subject of jurisdiction of the Surrogate's Court, which permits a grant of administration in cases where the decedent not being a resident of the State, died, leaving personal or real property in the County.

THE ORDINARY: You may copy the Section of the Statute in the notes.

"Section 2,476. — Exclusive Jurisdiction.— The Surrogate's Court of each county has jurisdiction, exclusive of every other Surrogate's Court, to take the proof of a will, and to grant letters testamentary thereupon, or to grant letters of administration, as the case requires, in either of the following cases:

1.—Where the decedent was, at the time of his death, a resident of that county, whether his death happened there or elsewhere.

2.—Where the decedent, not being a resident of the State, died within that county, leaving personal property within the State, or leaving personal property which has, since his death, come into the State, and remains unadministered.

3.—Where the decedent, not being a resident of the State, died without the State, leaving personal property within that county, and no other; or leaving personal property which has, since his death, come into that county, and no other, and remains unadministered.

4.—Where the decedent was not, at the time of his death, a resident of the State, and a petition for probate of his will, or for a grant of letters of administration, under subdivision second or third of this Section, has not been filed in any Surrogate's Court; but real property of the decedent, to which the will relates, or which is subject to disposition, under Title Fifth of this Chapter, is situated within that county, and no other."

Marked Exhibit P 212.

MR. COLLINS: I offer in evidence the deed from George P. Gordon and Lenore M., his wife, to Emma Hall, wife of William H. Hall, of the Dime Savings Bank property in Rahway, dated April 2nd, 1877, acknowledged before William G. Elliott, Commissioner for the State of New Jersey in the State of Virginia, at the city of Norfolk, conveying this property. The purpose of this offer is that it recites the residence of the grantors as of the Township of Woodbridge, Middlesex County, New Jersey.

Offered and marked Exhibit P 213.

I offer now a certified copy of the record of the assignment of mortgage from James H. Durand, Receiver of the Dime Savings Bank of Rahway, to George P. Gordon of a mortgage held by this Receiver. It is dated November 23d, 1877, acknowledged November 23d, 1877, before Thomas H. Shaefer, Master in Chancery, and recorded November 28th, 1877, in Book 13 of Assignments, page 181. It recites the residence of George P. Gordon as of the Township of Woodbridge, Middlesex County, New Jersey.

Marked Exhibit P 214.

I offer certified copy of record of deed from Joseph T. Crowell and wife to George P. Gordon, dated January 27th, 1874, acknowledged same day, recorded February 21st, 1874, in Liber 87, page 458, describing GeorgeP. Gordon as residing in the Township of Woodbridge, Middlesex County, New Jersey.

Marked Exhibit P 215.

I offer certified copy of the record of deed dated February 10th, 1874, from Seth L. Sprague and wife to George P. Gordon, acknowledged February 13, 1874, recorded in Kings County, New York, March 2, 1874, in Liber 1,147, page 441, being a deed for the Brooklyn Heights property, 155 Columbia Heights, and that describes him as being a resident of Woodbridge, Middlesex County, New Jersey.

Marked Exhibit P 216.

I now offer certified copy of the record of the deed for the Laing property, mentioned in the will. This is put in, not for the purpose of proving residence, but to show the date

that Mr. Gordon purchased the property, which was in the will executed, as we say, before he bought the Brooklyn house. It is by Eden Laing and wife to George P. Gordon, and is redated September 7th, 1869, acknowledged before James H. Durand, a Commissioner of Deeds, September 7th, 1869, and recorded September 10th, 1869, Book 119, page 257.

Marked Exhibit P 217.

MR. COLLINS: We gave notice to the other side to produce a letter written by A. Sidney Doane to Messrs. Nichols & Langworthy, July 25th, 1868, the date that the will was executed. I now ask counsel to produce that letter.

MR. MILLER: We will go over our letters and try to find it, and if we find it we will put it in later; we have not succeeded in finding it up to this time.

Adjourned to July 10th, 1891, at 10 A. M.

Pursuant to adjournment, the parties and counsel met at the Chancery Chambers, July 10th, 1891, at 10 A. M., and the following evidence was produced:

GILES P. MANDERVILLE, a witness in behalf of proponents, being duly sworn, on oath saith:

EXAMINED BY MR. COLLINS:

Q. Where do you live?
A. At Orange, New Jersey.
Q. What is your business?
A. Well, I am not in business at present; I am retired.
Q. You are a man of about 55?

A. Yes, or a little over.

Q. You are a Justice of the Peace?

A. Yes.

Q. How long have you lived in Orange?

A. For 55 years.

Q. Always lived there?

A. Born there.

Q. Do you know Henry C. Adams, now present in court?

A. Yes, sir.

Q. How long have you known him?

A. About ten years.

Q. How much have you seen of him and in what relation?

A. Well, I have met him in the newspaper office and I have met him at his residence and met him socially, and seen him probably in the village streets two or three times a week.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I do.

Q. What is it, good or bad?

A. Good.

CROSS-EXAMINATION BY MR. MILLER:

Q. Your relations with him have been wholly social?

A. Yes, sir.

DAVID G. HACKNEY, a witness produced in behalf of proponents, being duly sworn, on oath saith:

EXAMINED BY MR. BECKETT:

Q Where do you live?

A. At Fort Plain.

Q. Montgomery County, New York?

A. Yes.

Q. Have you held any official position in that town? If so, what?

A. Several.

Q. Say what they are?
A. Postmaster there.
Q. When?
A. Under Grover Cleveland.
Q. Do you hold any office now?
A. Yes.
Q. What is it?
A. President of that village.
Q. Did you know the family of Henry Adams, senior, when they lived in Fort Plain, Montgomery County?
A. Yes.
Q. State how intimate your acquaintance was with him?
A. Well I have known the Adams family ever since I have known anybody.
Q. How old are you?
A. I am fifty.
Q. Do you know Henry C. Adams?
A. Yes.
Q. How intimate was your acquaintance with him?
A. That is young Henry?
Q. Yes, Henry C. Adams, now in court here.
A. Yes.
Q. How intimate was your acquaintance with him?
A. I used to be with him quite often in his office and around the streets.
Q. Do you recollect when Henry C. Adams left Fort Plain?
A. No, sir, I do not really recollect anything about that.
Q. About how many years ago was it?
A. I cannot really tell you, twenty odd years or something like that.
Q. Do you know what his reputation was for truth and veracity in Montgomery County when he lived there, and state what it was?
A. I have known nothing against his character for truth and veracity.

Q. Nothing against his character?

A. Nothing that I ever heard.

Q. Do you recollect a man residing in Fort Plain by the name of Cook, a lawyer?

A. Yes, sir.

Q. Do you recollect when he left Fort Plain?

A. Well, I was about twelve or thirteen years old when he left.

Q. He never came back there to your knowledge?

A. No, sir, I never saw him.

Q. He was a lawyer, was he not?

A. Yes.

Q. Did your father live in Fort Plain?

A. Yes.

Q. Do you know a lawyer by the name of Henry V. Cushney, who resides in Fonda, New York?

A. Yes, sir.

Q. I read from the testimony of Mr. Cushney, as recorded in page 968 of the stenographer's minutes, as follows:

"Q. Name them, I want to hear their names?

"A. You say you want some one that is "living; I say I cannot remember any. Well, "there was an old gentleman called Hackney; "I heard him speak of it, and I subpœnaed "him to attend that reference (he there refers "to the reputation of Henry C. Adams).

"Q. Did he come?

"A. I am not certain whether he was there "or not.

"Q. Is he living or dead?

"A. Dead."

Q. Did your father reside in Fort Plain?

A. Yes, sir.

Q. Have there been any other persons in Fort Plain by the name of Hackney except yourself and father?

A. There is my own son, but we are the only family of that name.

Q. What was your father's relations with Henry Adams and Henry C. Adams?

A. I never knew anything but that they were very friendly; I never heard him say anything but what was in a friendly way.

Q. Were they intimate and friendly as a matter of fact?

A. They were together a good deal, but I do not know about their intimacy.

Q. Did you ever hear your father say anything against the character of Henry Adams or Henry C. Adams?

A. No, sir.

CROSS-EXAMINATION BY MR. MILLER:

Q. Henry Adams, senior; was a man of sterling character?

A. He was considered so there.

Q. A well known practicing lawyer?

A. Yes.

Q. One of the leaders of the Bar?

A. Yes—do you mean the young man?

Q. No, the old gentleman, Henry Adams, senior?

A. Yes.

Q. What is your business?

A. I am in the hop business, mostly connected with the brewery.

Q. You are not a lawyer?

A. No, sir.

Q. When Henry C. Adams left Fort Plains in 1868, twenty-three years ago, you were then 27 years old?

A. Yes, about that.

Q. What doing at that time?

A. I guess I was in about the same business, or perhaps I had a store at that time; I forget.

Q. At what age did you commence business life?

A. About 16 years of age.

Q. About twenty-seven years old and you were running a store at Fonda?

A. No, Fort Plain.

Q. How far was Mr. Adams' house from your house?

A. Several blocks then.

Q. In the same town?

A. Yes.

Q. Was Henry Adams your family lawyer?

A. Not that I know of.

Q. He was not?

A. Not that I know of; I never had any lawyer there.

Q. You said you knew Henry C. Adams at that time; how much did you see of him in 1868?

A. Every day nearly.

Q. You saw him around the village?

A. Yes, and at his office.

Q. He had an office with his father then?

A. I think so.

Q. Had you any business relations with him at that time?

A. No, sir.

Q. You never had any business relations with him?

A. Not that I recollect of, except socially.

Q. When you say his reputation was good at that place you mean that you never heard anything said against him?

A. I never heard anything said against him.

Q. That is what you mean?

A. They stood very high at that time.

Q. Keep them out of consideration; we are now talking about Henry C. Adams, not the family?

A. I knew nothing against him.

Q. When you say you heard nothing against Henry C. Adams' reputation for truth and veracity, all you mean is that no one ever told you anything against him.

A. No.

Q. And that his family stood high?

A. Yes.

CROSS-EXAMINATION BY MR. COLLINS:

Q. Did Henry C. Adams stand high?

A. Yes.

Q. Counsel asks you whether Henry Adams was not a man of sterling character and integrity?

A. Yes.

Q. Was not Henry C. Adams also a man of sterling character?

Objected to by Mr. Miller as immaterial.

Objection sustained.

CHARLES M. FINK, a witness produced in behalf of proponents, being duly sworn according to law, on oath saith:

EXAMINED BY MR. COLLINS:

Q. You live where?

A. Woodbridge, New Jersey.

Q. What is your official position at present?

A. Township clerk.

Q. Have you produced from the town record the original tax duplicate provided by law to be kept for that township for the years 1877, 1878 and 1879?

A. Yes, sir.

MR. COLLINS: I offer the three books produced by this witness in evidence, and ask that the entry referred to be copied in the minutes with the name of the book.

The entries referred to are as follows:

1877.

DUPLICATE OF WOODBRIDGE TOWNSHIP.

1877.

Road Dist.	School Dist.	Names.	Land.	Description.
14	W.	Gordon, George P.	3 Ho	use & 80 Acres.

Value.	Personal.	Total.	Poll.	Deduction. Mortgages, Debts.	Net.
20,000	1,500	21,500	1		21,500

State.	County.	Township.	School.	Poor.	Road.
36.55	124.70	40.85	43.00		27.95

School House.	Total.	Dog.	
8.60	282.65		

Marked Exhibit P 218.

MR. COLLINS: George P. Gordon died in 1878, then it is entered as against the estate of George P. Gordon and the Poll tax of 1878 is omitted.

1878.

DUPLICATE OF WOODBRIDGE TOWNSHIP.

1878.

Road Dist.	School Dist.	Names.	Land.	Description.
14	W.	Gordon, Geo P.	80 Acres & 3 Houses.	

Value.	Personal.	Total.	Poll.	Dog.	Deduction. Mortgages, Debts.
18,000	1,000	19,000			

Net.	State.	County.	Township.	School.	Poor.	Road.
19,000	19	110.20	32.30	41.80		24.70

School House.	Total.	
9.50	237.50	

Marked Exhibit P 219.

1879.

DUPLICATE, WOODBRIDGE TOWNSHIP.

1879.

Road Dist.	School Dist.	Names,	Land.	Description.
14.	W.	Gordon, Geo. P.	80 Acres	& 3 Houses

Value.	Personal.	Total.	Poll.	Dog.	Deduction, Mortgages, Debts.
16,000	800	16,800			

Net.	State.	County.	Township.	School.	Poor.	Road.
16,800	840	92.40	20.16	33.60	20,16	20.16

School House.	Total.	
10.08	204.96	

Marked Exhibit P 220.

CROSS-EXAMINATION BY MR. MILLER:

Q How long have you held your present position?

A. I was elected last March, but I have served four years before that.

Q. You are acquainted with the practice of the office you now hold, as to the receipts and collection of personal tax

A. I have nothing to do with that; these are the Assessor's books made by the Assessor and called Assessor's duplicate.

Q. How long have you lived in Woodbridge?

A. All my life; forty-five years.

Q. Are you not acquainted with the Assessor's assessment of personal property?

A. Yes, I do know it.

Q. Any households found there they impose a tax of what—what do they usually put the fair value of the personal property in the tax?

A. Yes, sir.

Q. If he has a household property and money in the bank, is it taken as personal property?

A. Yes, sir.

Q. Have you the books of 1876?

A. Not here.

Q. Have you them?

A. They ought to be in the office.

Q. Have you looked at them?

A. No, sir.

Q. Do you know whether George P. Gordon paid a full tax in 1876?

A. I cannot tell you; I have not looked at the books.

Q. I will have to ask you to bring the books of 1874, 1875 and 1876; will you do so?

THE ORDINARY:

Q. All the books are kept in your office?

A. Yes.

Q. That is all the township books?

A. Yes.

Q. And the Collector's books too?

A. Yes.

Q. This word "paid" in the margin on the book 1877; what does that indicate?

A. That is where the Collector marks it; he takes a duplicate with him when he goes out to collect and when he comes back he marks it off as paid here; unless it is paid there is no mark, and he keeps one set of books for his own private account.

MR. MILLER:

Q. Has he this book you have in your hand, Exhibit P 217 at the time?

A. He has either one or the other; there is two books, duplicates; one the Assessor has with him, called the field book, and then he makes these books out for his field book.

THE ORDINARY:

Q. These are the books the public pay by?

A. Yes, the field books are never turned into the township; that is a private affair.

Q. And the only knowledge you have of the payment is the word "paid" at the commencement of the entry?

A. Yes.

Q. You do not know how much was paid or anything further than that?

A. No, sir, I do not; that is all we have to go by

MR. COLLINS—I now ask the other side to give us the check by which the taxes were paid; we gave notice to produce, and I now ask for them to produce.

MR. MILLER—I have a large number of checks and will have to go through them to find this check, and I will have one of my assistants do it, and when found will produce it.

MR. COLLINS—I now read and ask that they go in the minutes the following revised Statutes of the United States:

Revised Statutes of the United States.—Section 221.—The Secretary of War shall provide, for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving

notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

Section 222.—The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal Office of the Army, for such stations, reports and signals as may be found necessary for the benefit or agriculture and commercial interests.

Section 1195.—There shall be one Chief Signal Officer, with the rank of Colonel of Cavalry, who shall have charge, under the direction of the Secretary of War, of all signal duty, and of all books, papers, and apparatus connected therewith.

Section 882.—Copies of any books, papers, or documents in any of the Executive Departments, authenticated under the seals of such departments, respectively, shall be admitted in evidence equally with the originals thereof.

MR. COLLINS—We shall contend that that undoubtedly makes a copy of the record kept evidence.

THE ORDINARY—That is, it proves that such a record was kept, but the accuracy with which it was kept is another thing. That it was kept by officials, under requirements of law, may give rise to presumption in favor of its accuracy.

CHARLES SCOTT, a witness produced in behalf of proponents, being duly sworn according to law, on oath saith:

EXAMINED BY MR. COLLINS:

Q. You live in Newark, I think?
A. Yes.

Q. And a son-in-law of Alfred G. Wagner, who testified here?
A. Yes.
Q. You married his daughter?
A. Yes.
Q. Did you ever live in Fort Plain?
A. Yes.
Q. And now live in Newark?
A. Yes.
Q. Of course, I judge from your appearance that you are not old enough to know much of Henry C. Adams at the time he lived at Fort Plain?
A. Yes, I used to know him at that time by reason of his flute playing. I am an admirer of music and I knew him from that, and we used to often visit and he used to visit us.
Q. How old are you?
A. Thirty.
Q. You were a mere boy when he left?
A. Yes.
Q. Have you kept up your acquaintance?
A. Yes.
Q. And when did you move away from there?
A. Three years ago.
Q. Until three years ago you lived there?
A. Yes.
Q. Do you know, during the time you have been old enough to know about such matters, what has been his reputation for truth and veracity in the community in which he dwelt of Henry C. Adams, who is now present in court?
A. I never heard it questioned.

CROSS-EXAMINATION BY MR. MILLER:

Q. Henry C. Adams is a friend of Mr. Wagner's and visits that house when he goes to Fort Plain?

A. Yes.
Q. You were seven years old about in 1868?
A. About that, yes, sir.

THOMAS H. SHAFER, a witness produced in behalf of the proponents, being duly sworn according to law, on oath saith:

EXAMINED BY MR. COLLINS:

Q. You are a practicing lawyer?
A. Yes, sir.
Q. Where do you live and practice your profession?
A. Rahway, New Jersey.
Q. You are a man of about what age?
A. Seventy years old.
Q. How long have you lived in Rahway?
A. Since 1844.
Q. Did you become acquainted with Henry Adams, a retired lawyer, who came from New York State and settled in or near Rahway in 1866?
A. Yes.
Q. You became well acquainted with him?
A. Yes.
Q. Did you know him up to the time of his death?
A. Yes.
Q. Did you have business relations with him?
A. Yes.
Q. You have seen him write?
A. I have.
Q. And taken acknowledgments of papers executed before you, legal papers?
A. Yes.
Q. Have you seen him write frequently?
A. Quite frequently.
Q. I show you a signature, purporting to be the name of Henry Adams, to Exhibit P 1, in this case, and ask you whether or not, in your opinion, that is in the proper handwriting of this Henry Adams, of whom you speak?

A. Yes, sir.

Q. Did you also know George P. Gordon, who carried on the manufacture of printing presses in Rahway?

A. From the time he came to reside near Rahway.

Q. At a place called Neathoak?

A. Yes.

Q. Until his death?

A. Yes.

Q. Did you have any business relations with him?

A. Yes, I transacted business for him; he executed papers before me and his business was of such a character that it would naturally transpire in a law office.

Q. You have seen him write?

A. Yes.

Q. And became familiar with his handwriting?

A. Yes.

Q. I show you his signature or a signature purporting to be his, and ask you whether or not, in your opinion, that is in the proper handwriting of George P. Gordon, of whom you speak?

A. I should say so; I have no question of it in my mind.

Q. Do you recall the fact of George P. Gordon purchasing a mortgage of one Walsh and wife to James H. Durand, as Receiver, from the Receiver?

A. I have a recollection of that fact that he did do that; Mr. Durand was with me in my office.

Q. Your partner?

A. Yes.

Q. And the certified copy of the record of the assignment of this mortgage by Mr. Durand, as Receiver, to George P. Gordon, acknowledged before you, has been produced; do you remember the fact of the delivery of that assignment to George P. Gordon?

A. Well, sir, I cannot say that I recollect distinctly of the delivery at that time or the execution of a paper, but there is no question about that at all

that the assignment was made, and there was no question at all but that the deed was delivered.

Q. Was it yourself that called Mr. Booraem's attention to the fact that there had been such an assignment, which led Mr. Booraem to look on the records for the assignment?

A. I think it was.

Q. That document and divers other documents offered here and executed since 1874, at which time it is also proved that this gentleman bought the house in Brooklyn, describes him as a resident of Woodbridge Township, Middlesex County, New Jersey; what do you know of his residence in Woodbridge?

A. I know that soon after the purchase of the property by him at Neathoak he came there to reside; I know that he resided there constantly; I saw him almost daily—that is, not to speak to him always, but I saw him; he was frequently in my office at that time, and I never heard until these proceedings were commenced that he ever resided elsewhere than at Rahway.

Q. Was there any change of the actual occupancy of the homestead at Neathoak after the time he first assumed it that you observed?

A. No, sir.

Q. You were shown the original document produced from Brooklyn here and examined it in court, of which document the artotype, Exhibit D 55, showed the concluding part, were you not, and examined it?

A. Yes, sir.

Q. You examined the document?

A. Yes.

Q. With a view to ascertain who had draughted it?

A. Yes.

Q. Were you familiar with the handwriting of the draughtsman of that instrument?

A. Yes, sir.

Q. And recognized it when you saw it?

A. I did.

Q. Have you documents with you in the same handwriting, which counsel can inspect if they wish?

A. Yes, sir.

Q. And the Court also?

A. Yes, sir.

Q. In whose handwriting was the body of the instrument, and all except the signature of George P. Gordon and the signature of S. R. Farrington?

MR. MILLER: Has the witness said that he saw the gentleman write?

THE ORDINARY: The witness may answer this question and then you can cross-examine as to that.

MR. COLLINS:

Q. Whose handwriting was it?

A. George W. Thorne.

Q. Who was he?

A. A lawyer of Rahway; he had an office with Senator Vail.

Q. Have you seen him write?

A. Yes.

Q. And got familiar with his writing, as one lawyer gets to be with another?

A. Yes, sir.

Q. Will you produce those documents?

(Witness produces several papers and hands them to counsel.)

Q. Did you know the Henry C. Adams who is now in court during the time he sojourned, as he calls it, in his father's home in Rahway?

A. Yes.

Q. How well did you become acquainted with him?

A. I became acquainted with him in business well,

pretty well; I never became intimately acquainted that I know of.

Q. During the period of how long?

A. I cannot give you the exact time, but the greater part of the time of his father's becoming a resident of Woodbridge Township, off and on until his father died.

Q. Do you know what his reputation was for truth and veracity at that period in the community,

A. Good, sir; I never heard it called into question at all.

Q. I show you Exhibit P 217, being a certified copy of a deed from Eden Laing to George P. Gordon, describing the property by a description with which people not familiar with the location could not identify the property, and the will in question speaks in Article 1, Section 1 of the testator's seeking and expecting to purchase a piece of land now owned by Mr. E. Laing, lying between his land and the road leading from the six roads to Plainfield and directly opposite the Bramhall Place, so called. Are you familiar with the location out there?

A. Yes.

Q. Can you tell us whether the property described in this Exhibit P 217 answers to the description of this Laing property in Article I?

A. Yes, I know where that property was.

Q. That is the property?

A. Yes, sir.

Q. Do you know where the Bramhall Place, so called, was and is?

A. Yes, I know it very well.

Q. Was it opposite to this Laing property?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER:

Q. You are a practicing lawyer?

A. Yes.

Q. Not an expert in handwriting?

A. Not at all.

CHARLES M. CRESSON, a witness produced in behalf of the proponents, being duly sworn according to law, on oath saith:

EXAMINED BY MR. COLLINS:

Q. Give your name, age, residence and occupation and qualification as an expert in handwriting and paper manufacture?

A. Dr. Charles M. Cresson. Sixty-fourth year of my age. My residence is Philadelphia, Pennsylvania. I have been practicing as an expert in handwriting for over twenty years, frequently in open court, but more frequently before an examining commission to take testimony.

I have been engaged in several suits involving a knowledge of the manufacture of paper, covering several years of time, and my familiarity with the manufacture of most kinds of paper.

Q. Your profession proper is what?

A. Chemist and expert in physical sciences?

Q. State a few of the leading litigations in which you have testified as an expert on the subject of handwriting?

A. What is known as the Mitchell Will case, in Camden, New Jersey; the Whittaker Will case, in Philadelphia; Morris vs. Irwin, Philadelphia; Oliver vs. Cameron, Washington. That is a sufficient number, is it not?

Q. And many others?

A. Yes, many others.

Q. Look at the test exhibits or standards of Henry Adams' signature, namely, Exhibits P 151 to P 172, P 173 to P 176, P 177, P 179, P 180 to P 203 and D 127 and D 128, and describe them generally?

A. Will you give me my photographic enlargement, please?

Q. You have photographs of some of these standards, have you, doctor?

A. Yes.

Q. And enlarged them?

A. Some enlarged.

Q. Is the paper that you now produce a photographic enlargement of the signature of Henry Adams to Exhibit P 1, and of five of the standard or test signatures which have been offered in evidence?

A. Five standards that I have seen.

Q. Which have been offered in evidence?

A. Yes, sir.

Q. All these that you had were offered in evidence the other day. Exhibit P 173 is the lower one on your photograph?

A. Yes.

Q. P 174 is the one below Exhibit P 1 in the photograph?

A. Yes.

Q. Your photographs show three others that you have called C 2, C 3 and C 4 that you do not find at this moment among the exhibits?

A. Yes.

Q. We will look for those, and when we find them will give them a number.

A. Yes, all right.

Q. You also have a photograph containing "John Q. Adams and Henry Adams" as surety, which you have marked C 15, and which is Exhibit P have you?

A. Yes.

Q. Were those photographs made under your supervision?

A. Yes.

Q. Compare the signature of Henry Adams as a witness in the attestation clause of Exhibit P 1 with those test signatures of Henry Adams which have been offered in evidence.

A. I have made notes of my observations at the time of my observations in this matter, and if there is no objection I would like to use them to save time.

Q. You may use them.

A. All of the exhibits are irregular in the construction of the individual letters, the writing is at various slope and with considerable modification of the forms of the letters. Out of the six test signatures

but two are written "Henry." I refer to Exhibit P 174 and P 173. One of these has the "Henry" written connectedly but the other has the capital "H" written separately from the rest of the word. In all of the signatures, excepting what I have called C 2, the capital "A" of Adams is separately formed, although in C 1 and C 15 the final line of the capital "A" touches the "d."

Q. The C 1 and C 15 referred to are your numbers, as shown on those photographs?

A. Yes, sir.

In C 3, C 4 and C 5 there is no junction of the two letters.

The "d" is likewise written separately, although in C 1 and C 2 the hair line from the "d" touches the small "a."

The "ams" is written together, although in C 4 the ink has failed to run between one member of the "m" and other member and between the "m" and "s."

The "H" in C 1 and C 5, marked Exhibit P 173 and P 174 is made by two nearly parallel strokes at a slope of about fifty degrees, and the loop which starts at the base of the second member and which is intended to represent the crossing of the "H," does not touch the first member, but in C 2, C 3, C 4 and C 15 it does touch the first member.

The "H" in the signature of the witnesses to the will in "Henry Adams" much resembles that of Exhibit P 174 (C 1), and is practically identical with that of C 5 or Exhibit P 173, the slope of this being about fifty degrees.

In the test signatures, the "n" in each of the signatures is of less height than the "e" which precedes it. The same condition exists in the signature as witness of the will of Henry Adams as the witness to the will.

The capital "A" is formed by two strokes, commencing at the top of the letter, except in C 2 and C 3, where the pen has touched the paper whilst on its

way to the top of the letter and has formed the return loop.

The crossing of the "A" in the signature of "Henry Adams" in Exhibit C 1 and C 5, Exhibit P 173 and P 174 fails to touch the first stroke of the A.

The construction of the "A" in the signature of "Henry Adams," as a witness to the will, bears a strong resemblance to those of C 2, C 3, C 4 and C 15, except that the initial curve is replaced by a dot in C 2, C 3 and C 4.

In C 1 and C 5 are initial curves (P 173 and P 174), the difference between these exhibits and the signature of the witness to the will being that the crossing of the "A" does not touch the first member.

The "d" in "Adams" is made with an open loop, excepting in C 1, Exhibit P, 174 and C 4. The staff in C 1, C 2 and C 5 being a solid line made by the pen returning on the track of the hair line, whilst in C 3, C 4 and C 15 it is in the form of a long loop, one side formed by the hair line and the other by the descending staff.

The letter "d" in the signature of the will as witness "Henry Adams," to Exhibit P 1, is formed with an open loop and a solid staff similar to that of Exhibits C 1, C 2 and C 5.

The "m's" of this exhibit are all made with the usual turn at the top; and in that respect they are strongly characteristic of the rest of the writing.

The "m" in the signature of "Henry Adams," in Exhibit P 1, has the same characteristics of wrist writing.

The "s" in the test signature is made in two ways —one the usual form of "s," which terminates in a dot placed on the hair line of the "s," as in C 1 and C 4. In the other the second member of the "s" is unfinished; the line descends from the top of the letter and ceases in space, without any attempt at the formation of the finish of any sort. This is shown in C 2, C 3, C 5 and C 15. The "s" in the signature of "Henry Adams" to Exhibit P 1 is of the same character with that of C 2 and C 5.

In order to show the correspondence and differences more readily, I have prepared a photograph upon translucent paper made from the same negative which was used in making the name of "Henry Adams" to Exhibit P 1 on my large photograph. By placing this transparent tracing over the exhibits in succession, the difference in slope that occur and the difference in form become quite apparent. It is a handy way to make close comparison by bringing the objects close together.

THE ORDINARY:

Q. Is the focus the same in each of them (referring to the transparency and the photograph)?

A. The difference in the dimensions is owing to two things, one the stretching of the tracing or translucent paper and the other in the mounting of the photographs.

Q. Is this precisely the same photograph?

A. It is precisely the same photograph, taken from the same negative.

Q. How would you use it?

A. Take the word Adams alone first, you will make the best comparison in that way.

Q. Are these below Exhibit P 1 the same relative size as the others?

A. This is made at one time; this is a copy of the photograph furnished me by Mr. Carvalho.

Q. The checks below P 1 on this card you photographed yourself?

A. Yes, sir.

Q. So that you cannot say that they are the same photographic focus?

A. Well, if Mr. Carvalho's photographs are correct, it must be correct, because it was made in one frame; I put them all under the same place and all at once.

MR. COLLINS:

Q. Say whether they are all or not the same relative size; take the "Henry Adams" which you re-

produced from Mr Carvalho's artotype, was that of the exact size of the original?

A. Yes, if that was larger than that was.

Q. You say that in mounting a photograph there is some little stretching?

A. Yes.

Q. And that in your tracing that would not exist?

A. Yes.

Q. So that the comparison should be with a word at a time to get the least error?

A. Yes, or part of a word; I suppose in the width of the photograph sheet there is a difference of quarter of an inch that is caused by the rolling machine which it has to go through.

MR. COLLINS—I will offer in evidence the large photographs and the gelatine slip for the purposes of illustration.

Marked respectively, Exhibits P 221 and P 222.

Q. Your C 2, C 3 and C 4 are respectively P 136, P 135 and P 134?

A. Yes.

Q. And C 15 is P 193?

A. Yes.

Q. Can you test the signatures of "A. C. P Adams," or "Alonzo C. P. Adams," which I now hand you, and describe them generally; you have Exhibits P 178, P 179, P 177 and P 180, have you?

A. Yes.

Q. And have you arranged them on an enlarged photograph in that order, preceded by the signature of Alonzo C. P. Adams as attesting witness to Exhibit P 1?

A. Yes, sir, in a simiiar manner.

Q. You produce that photograph?

A, Yes, sir.

Q. Made under your supervision?

A. Yes, sir.

MR. COLLINS—I offer that photograph in evidence for the same purpose.

Marked Exhibit P 223.

Q. You also have another one upon another card of the name of "John Q. Adams," which you will refer to hereafter as Exhibit P 174?

A. Yes, sir.

Q. Examine the test signature of "A. C. P. Adams," as a witness to the will, Exhibit P 1, with the test signatures you have examined and photographed, and describe them?

A. The test signature of "A. C. P. Adams" and "Alonzo C. P. Adams" have generally the characteristics of wrist writing, although this is departed from somewhat in some parts of the signatures.

The capital "A's" are of the same general character as those described in the signature of "Henry Adams," except that in Exhibit P 178 the initial lines terminate in a small flourish, the rudiments of which also appear in Exhibit P 174.

The terminal "o" of "Alonzo" is not connected by a hair line with the "z," but seems to be made independently of the rest of the word.

The two sorts of capital "C's" are used, apparently indiscriminately. A peculiar polygonal form is given to the upper portion of the "P" in Exhibit P 177 and P 174.

The "A" and "d" of Exhibit P 178, P 179, P 180 and P 174 are connected by a hair line, but in the signature, which is made in full, Exhibit P 177, the "A" and "d" are made separately.

The "d's" of Exhibit P 178 and P 180 have an open top to the loop, whilst the stems of Exhibits P 178 and P 177 are made solid by the retracing of the hair line in forming the stem, whilst those of Exhibits P 179, P 180 and P 174 have the stem of the "d" open.

In all of the exhibits the "ams" are united as in a logotype.

In all the Exhibits excepting P 171, the "s" ter-

minates in a flourish with a free curve which returns beneath the word "Adams."

Where initials have been used in the signatures a period follows; all of the signatures are carelessly written and have very few characteristics, common characteristics of configuration.

Q. Compare the signature of Alonzo C. P. Adams, as a witness to the will, Exhibit P 1, with the test signatures which you have just examined?

A. The signature of "Alonzo C. P. Adams" as a witness to Exhibit P 1, has in it two capital "A's," made upon the same general principles as those shown in the test signatures, having a small terminal flourish at the lower end of the first member of the letter "A," as in the test signature, Exhibit P 178, excepting that in the test signature it is smaller and does not cross the hair line.

The "C" is of the same character as that found in Exhibit P 179 and P 180 and is followed by a period.

The "P" has the same general construction as the "P's" of the other signatures and has the polygonal characteristic on the upper part, as is shown in test Exhibit P 177 and P 174 and is likewise followed by a period.

The "A" is made separately from the small "d," as shown in the test Exhibit P 177, and it has the open loop at the top, as shown in Exhibit P 178 and P 180. The "d" is made separately from the rest of the word, as shown in test Exhibit P 177.

The "ams" are connected as in a logotype, as is the case in all of the test Exhibits, and the "s" terminates in a free flourish, which returns underneath the "Adams," as is the case in all the Exhibits, although in the signatures a rubric is added, which does not appear in the test signature.

The vertical height of the "d" in "Adams" is somewhat greater than in Exhibit P 178, but it is considerably less than in P 179.

The total length of the word "Adams," in Exhibits P 179 and P 177 is very nearly that of the signature to the will.

Q. You produced a tracing made on translucent paper same as before?

A. Yes, a print.

Q. Well, the same remarks apply to this as to the other, to-wit: that the signature to the will is reproduced from Mr. Carvalho's artotype?

A. Yes.

Q. Your method of using this translucent paper is to apply the test on particular letters?

A. Or words—on account of the stretching of the photograph in mounting; as I said before, there is some slight difference occurs, but the stretching on the area of a single letter is so very small and I do not find it to be of any moment, the size is so close as not to make any material difference.

Q. If you found a signature exactly like another you would suspect forgery?

A. Yes; I can give you an instance. I examined over 1000 signatures of Henry J. Morris and my recollection is that less than three per cent. of them were of the same length; I should say they were check signatures.

Q. Have you examined the test signatures of "John Q. Adams?"

A. I have made photographs.

Q. Have you made a photograph in the same way for John Q. Adams?

A. In a corresponding manner as I did for the others.

Q. They will be found as the same C 15 or Exhibit P 193, the "Henry Adams" photograph, and Exhibit P 186 upon a photograph upon which you have reproduced the signature of the will of "John Q. Adams," which also has Exhibit P 174, "A. C. P. Adams," to which you have just testified, and a separate card for Exhibit P 194, P 190, P 189, P 195, P 192, P 191 and P 193, in that order am I correct?

A. Yes, I have produced the card.

Q. That photograph was made under your supervision?

A. Yes.

Q. Are those two photographs now here?
A. Yes.

MR. COLLINS.—I offer those in evidence, being the translucent slip of "Alonzo C. P. Adams."

Marked Exhibit P 224.

I offer also in evidence a similar one, of the signature of "John Q. Adams," from the will.

Marked Exhibit P 225.

I offer also the larger photograph, with all the names of "J. Q. Adams" on it.

Marked Exhibit P 226.

Describe those test signatures which you have examined and photographed?

A. "John Q. Adams." The ten test signatures show a writing of great irregularity as to construction and form. Chiefly written in a wrist hand, but occasionally free and flowing. There is no established and uniform signature, all vary in emphasis and slope, but with a general family likeness.

The "J" is, in two of the test exhibits, separated from the "o" and in two others connected by a hair line.

In Exhibit P 194 and P 186 it is separated, and in P 190 and P 185 it is connected.

The "o" is varied in form in each signature, and in none is it clearly an open "o."

The "h" is made in four signatures with a stem curved on the left side and in two curved on the right. In Exhibit P 194 and P 190, they are curved to the left and Exhibits P 195 and P 186 they are curved to the right slightly, the last one.

The "n" is made by a wrist movement in three signatures, and with a free movement in two. Exhibit P 190 and P 185 are of the wrist movement, whilst in Exhibits P 194 and P 186 it is free.

The "A" of Adams is an enlarged small "a," except in one signature, in which it is the usual capital "A"; that one is Exhibit P 193.

The capital "A" and small "d" in "Adams" in all but one of the test signatures are made as separate and disconnected letters, and the "ams" are united as in a logotype.

In six of the test signatures the "Adams" terminates with a well-formed "s," ending in a flourish beneath the word "Adams." In three test signatures this terminal flourish is not found.

The "J" is made in a peculiar fashion, but close examination of the "J's," especially in Exhibit P 193, P 191, P 192, P 195 and P 189, show the same general construction, although they vary in proportion and position of the several parts, and are somewhat altered.

Q. Compare the signature of "John Q. Adams" as a witness to the will of Exhibit P 1 with those test signatures you have just described?

A. In the signature as a witness to the will, Exhibit P 1, of "John Q. Adams," the parts of the "J" are considerably modified both in dimensions and in positions, but the general construction is the same as is shown in the test signatures, Exhibits P 192, P 195 and P 189. In each of these the upper member is commenced by a nearly horizontal line, which returns upon itself and forms a small loop upon the hair line of the letter.

The stem of the letter is brought down, curving strongly to the left, and with an abrupt change passes back nearly to the point of its commencement, and then with a turn below the letter is completed. In Exhibit P 195, for instance, we find the rudiments of each of these lines—the horizontal, the turn, the turn to the hair line, the top of the letter, the stem of the letter progresses downward strongly to the left, returns and by a return curl or curve is complete.

It is true that the curve of the upper member does not cross the stem of the letter, and it is likewise true that the abrupt point at the top of the "J" and the abrupt break in this conclusive curve do not appear in the test signatures.

THE ORDINARY:

Q. These are both angles?

A. Yes, and this can be accounted for when we come to the consideration of the state and condition of the paper. But I have set out and stated the same rudimentary lines are to be found.

In Exhibit P 189 the original commencement of the "J" does not cross the stem; it merely touches it and in others it crosses it.

Q. Is it or not the fact that Exhibits P 190 and P 191 have sharp tops?

A. Exhibit P 190, P 191 and P 193 have sharp tops, and with the exception of P 195 and P 192 they are what would be called points or point terminals, not sharp points to a short curve.

Q. Does your large photograph which you have not yet proved of Exhibit P 196 show a sharp point?

A. Yes.

Q. That is a large photograph also made by you?

A. Yes, under my direction.

Q. To which you have not referred in any detail yet?

A. Yes, sir; and these photographs exhibit a peculiar form of the "J," and it is the essence of all the lines.

Q. The photograph, Exhibit P 196, you say was made by you or under your supervision?

A. Yes, under my supervision.

MR. COLLINS: I offer that photograph in evidence.

Marked Exhibit P 227.

Q. Now continue on the name of "John Q. Adams"?

A. The "J" is disconnected from the "o" as in the test, Exhibits P 186 and P 194.

The "h" is curved to the left, as in Exhibit P 190.

The "n" is made with a wrist movement and much resembles that of Exhibit P 190.

The "A" of "Adams" is of the same character as is the "A" of Exhibit P 194, and is separated from the rest of the word.

The top of the oval of the "d" is closed, as is the case in Exhibits P 193, P 191 and P 192.

The "ams" are written unitedly, as a logotype, as are all the same letters in all the Exhibits.

The "m" is more freely written than the "ohn" of "John."

The "s" is complete and terminates in a free flourish passing beneath the name "Adams."

This terminal flourish much resembles that of Exhibit P 186, P 192 and P 194, except that it appears that the pen has caught in the paper before the reverse curve has commenced, and the line evidently turned from its natural course.

The letter "Q" is differently formed from the "Q" of any of the test signatures; the oval is of about the same dimensions of that in the "Q" of Exhibit P 191, and the irregularity or curvature which appears near the top of the oval of the "Q" in the signature finds a counterpart in the irregularity found in a similar part of the oval of the test signatures, Exhibits P 192, P 195 and P194.

Some idea of the likeness of the original writing and the apparent weight added by the running of the ink in the signature of the will can be had by observing the final hair line of the capital "A" in the signature of "John Q. Adams" and the hair lines from the oval of the "d," and the connecting hair line of the other letters of the word "Adams," which is particularly evident in the hair line following the "A."

Q. Have you made a photograph on translucent paper from the same negative as the signature of Exhibit P 1?

A. Yes.

Q. And will the same remarks apply to that as to proportion as you made with reference to the other signatures?

A. Yes.

Q. All your signatures on translucent paper were photographs, were they not?

A. Yes, photographed from the same negative, and printed from the gelatine plate as it was made.

MR. COLLINS—I offer that tracing in evidence.

Marked Exhibit P 228.

Q. Is that printed in lithographic ink?

A. Yes.

Q. Can you give any explanation which will account for the peculiar appearance of the ink of the signature of Exhibit P 1?

A. I carefully examined the paper of the will with a magnifying glass when I first saw it at Trenton, and am satisfied that it had been damp in some way before the writing of the signatures was made. I have since obtained paper that is apparently of the same make and the same characteristic appearance, and on putting it under the glass I have examined it and made some experiments with it.

MR. MILLER—I object to this evidence unless the witness produces the paper.

(Witness produces two sheets of paper and says:)

I ascertained that the sizing on the paper, which appears to have been precisely the same character as the paper upon which the will is written, is a gelatine sizing, and I find that the same appearance in writing, made with a moderately thick ink of Arnold's, if submitted to the action of perspiration or sweat, may be observed in a similar manner as in Exhibit P 1.

MR. COLLINS—I offer these two sheets of paper in evidence and ask that they be marked for identification only.

Marked Exhibits P 229 for identification.

WITNESS: What I mean is that subjecting these papers after having been written upon with a moderately thick ink of Arnold's produces effects like those shown upon the signature of the will, Exhibi, P 1.

This paper had been written upon before at some previous period upon one side and I did my writing upon the other; the dried writing that was previously upon the paper did not seem to be affectedt but the writing which had been made within two or three hours ran very much in the same way as did the ink to the signatures of the will.

MR. MILLER:

Q. Where is it?

A. I had intended to have had a nice exhibit but I met with an accident in this one; I made quite a number upon other papers (witness produces).

The piece of that same paper, which I now produce, and which is written with Arnold's ink, with ink taken from an ink-stand which had been left opened for some time and was moderately thick.

Q. By yourself?

A. Yes.

Q. And written upon paper affected by perspiration.

A. That effect is produced by perspiration, by sweating.

Q. You refer to the names of Henry Adams and two names of Geo. P. Gordon?

A. The Geo. P. Gordon has run the most and the other writing has not run as you observed.

Q. The other writing was on the paper?

A. Yes.

Q. The other piece of paper you produce is the other part of the same sheet that has not been subjected to any experiment?

A. Yes.

Q. Then the smaller portion is the paper as it stood before the experiment, and the lower or large portion after the experiment?

A. Yes. I think the larger one is the one that was too long subjected to the action of sweat.

Q. You subjected this to the action of perspiration by wearing it in your pocket close to your body?

A. In my pocket, and I subjected it to the action of sweat of my body.

MR. COLLINS—I offer these two pieces of paper in evidence.

Marked for identification P 230 and P 231.

MR. MILLER:

Q. Where did you get this paper?

A. It was furnished to me by Mr. Beckett.

Q. Obtained from Henry Adams?

A. I only asked for it and that paper was furnished to me.

Q. How do you know it is the same paper?

A. I was told so, and I subjected the paper to a severe test to verify the theory I had.

Q. You do not know that it is the same paper?

A. No, I do not know it, but I think so.

MR. COLLINS—We will prove that hereafter.

WITNESS—I would like to add that in making the experiments in the paper I tried to use water and also the use of some acid solution, but they did not produce the same effect that the perspiration did. The perspiration is somewhat ammoniacal as exhaled from the body, and had a solvent effect upon the gelatine sizing.

MR. COLLINS:

Q. Do you consider that the three "Adams" signatures have any common features or what is called family resemblances?

A. Yes, strong family resemblances; as much so

New Jersey State Library

as if one of them had taught the others to write, but independent of that there are individual characteristics. The comparison with the test signatures satisfies me, in my own mind, that each man wrote the signature that is assigned to him by test signatures. That is, that Henry Adams, who wrote the test signature of "Henry Adams," wrote the signature as attesting witness to the will, and that the Alonzo C. P. Adams who wrote the test signatures of "Alonzo C. P. Adams" wrote the signature appearing as an attesting witness to the will. And likewise the hand that wrote "John Q. Adams" as attesting witness to the will wrote also the test signatures; that is my firm belief.

Q. Have you examined the Exhibits D 55, D 56, D 57, D 58, D 59 and D 60 of Geo. P. Gordon's signature, which have been offered by the other side?

A. I have, and I have prepared or examined the signature of "Geo. P. Gordon" to the will, Exhibit P 1, with special reference to these particular exhibits.

I took the photographs furnished me of these signxatures, Ehibits D 56 to D 60 inclusive, being Exhibit D 63.

Q. A duplicate of that was furnished to you?

A. Yes, of which I have an enlarged copy, and have made at the one operation, of course, and the enlargement is like each of the signatures as they appear upon the Exhibit D 63, all enlarged in proportion, in the same proportion.

Q. And you have that particular paper here from which you worked?

A. I have.

Q. With measurements and dimensions and distances calculated upon it?

A. Yes, that is in my notebook.

Q. Now before you?

A. Yes.

Q. This is the paper from which you worked?

A. Yes, I made all my observations from that.

Q. And this photograph you caused to be made?
A. Yes, made under my direction.

MR. COLLINS—I offer that photograph in evidence.

Marked Exhbit P 231.

Q. Have you made measurement of the original exhibits, which make up Exhibit D 63, in order to ascertain whether they are correctly reproduced, and, and if so, wish what result, and the original of the will also to Geo. P. Gordon's signature?

A. I have made measurements to within one one-hundredths of an inch of these checks and the corresponding photographs, and I find that the check signatures are longer than the corresponding photographi on Exhibit D 63. And I find that the check signatures are longer than the photographs and that the will signature is shorter than the photograph.

Q. And the aggregate being of the two in averaging the check signatures, the average of the two being how much?

A. That I do not know; I have not added it up, but it is an amount that is quite measureable.

Q. Then in this photograph, Exhibit D 63, as I understand it, the check signatures are shortened and the will signature lengthened?

A. The checks are longer than the signature to the will.

Q. The photograph, Exhibit D 63, as I understand it, the check signatures are shorter and the will signature longer.

A. Yes, the will signature is longer.

Q. In Exhibit D 63?

A. Yes, in Exhibit D 63, the two signatures are in opposite directions, the checks are modified in one way and the signature of the will is modified in another way, but whatever it is it was modified in proportion.

Q. And yours is about three times magnified?

A. Yes.

Q. All that you had to work by in your study at home was the photograph, Exhibit D 63, I take it?

A. Yes, I saw the will at Trenton a little while, not over an hour certainly, and I saw it after I had done this work, within these last two or three weeks.

Q. But you did not discover, or did not have any opportunity to make a comparison or measurement and discover this error until after you had done your work?

A. No, sir.

Q. Describe to us the checks, Exhibit D 56 to D 60, inclusive?

A. The handwriting of these checks is a peculiar one; it strikes the eye forcibly as being something that is different from the ordinary writing. To get at this I made quite a number of measurements, and I found one characteristic effect; the ovals of the "G's" are very narrow, that is to say, the length is very great in proportion to the width of the oval of the "G"—that is, the top member of the "G" in ordinary writing of the Spencerian system, for instance, I believe the "G" is generally made twice as long as it is wide, or at most two and a half times as long. Now, the ovals of the "G's——(interrupted).

Q. When you say Spencerian system do you mean the whole "G" or the ovals?

A. I mean the ovals of the "G," speaking of the ovals entirely.

I find greatly varying proportions from that, as large a proportion as six and eight-tenths times as long as it is wide. Perhaps I had better read off some of those dimensions. I will begin at Exhibit D 56 (reading). The oval of the first "G" is six times as long as wide. Of the second "G," six and eight-tenth times.

In Exhibit D 57 the first "G" is five and four-tenths times as long as wide, and the second is four and nine-tenths timesas long as wide.

In Exhibit D 58 the first "G" is four and nine-

tenths times as long as wide, and the second four and eight-tenth times as wide.

In Exhibit D 59 the first "G" is five and three-tenth times long as wide, and the second four and three-tenths times.

In Exhibit D 60 the first "G" is five and three-tenth times as long as wide, and the last "G" is five and four-tenths times as long as wide.

Now, another matter: The standard upon which the letters are formed—that is to say, the unit of measure in each of these signatures—varies considerably.

Taking the "o" as the unit of measure and spacing off the signature in lines of the height of the whole, we find that the "G"—the first "G"—occupies nearly five of those lines; the ordinary "G" occupies, I think, three of these lines.

THE ORDINARY:

Q. What lines do you refer to? Do you mean the red lines on the photograph?

A. The standard lines—the lines formed upon the "o" and which form the standard of measurement.

Then again the slopes vary materially; the angle, which is made by the long axis of the ovals of the "C," vary very much; the first is at an angle of 42 degrees and the second 38 degrees.

The angles of the letters themselves change—that is, the slope in the same signature changes considerably.

Now, in Exhibit D 58 the slope of the axis of the oval of the "G" is 44 degrees; that of the "P" is 50 degrees. That of the first "o" in "Gordon" is 37 degrees. That of the "d" is 44 degrees, that of the second "o" in "Gordon" is 35 degrees and that of the terminal flourish at the end is 45 degrees.

I may go on and say that they are very irregularly written; the letters themselves are differently formed; some of them, the "r's" and "d's" form a strong contrast, one with another.

I wish to add to what I have said that in Exhibit

D 57 the flourish at the end of the name "Geo. P. Gordon" is appended: it is written after the word has been added; it is an independent movement entirely.

Q. Is that all that you care to give?

A. Just now.

Q. You have carefully studied the signature of "Geo. P. Gordon" to Exhibit P 1?

A. Yes, chiefly by photographs, as I said before; I saw the original will at Trenton and I saw it here, but my chief study has been the photographs furnished me, Exhibit D 63, and my enlargements.

Q. Now, compare the signature of "Geo. P. Gordon" to Exhibit P 1 with the test signatures produced by the other side, Exhibit D 56 to D 60 inclusive, and give your opinion as to the genuineness of the signature of "Geo. P. Gordon" to Exhibit P 1?

A. I find in the signature of "Geo. P. Gordon" to Exhibit P 1 the same peculiarities in the proportioning of the oval of the two axis of the ovals of the "G" that I find in the test signatures to the checks, Exhibits D 56 to D 60 inclusive.

THE ORDINARY:

Q. Now, give the dimensions of the ovals?

A. The proportions of the ovals of the first "G" are that it is four times as long as it is wide, and in the second one four and seven-tenth times.

I find that the slope of the long axis of the oval to Exhibit P 1 to be 37 degrees. I find that in Exhibit D 56 the second oval has an angle of 38 degrees. I find that the inclination of the lower member of the "e" of "Geo." is 42 degrees. I find that the inclination of the smaller part of the letter "e" in Exhibit D 60 is 40 degrees.

I find that the axis of the "o" in the name of "Geo." is 53 degrees in Exhibit P 1 and 50 degrees in Exhibit D 60.

I find that the inclination of the letter "P" in Exhibit P 1 is 46 degrees. I find that the inclination of

Exhibit D 60 is likewise 46 degrees and of Exhibit D 58, 50 degrees.

I find that the inclination of the oval of the second "G" of "Gordon" in Exhibit P 1 is 38 degrees, and of the second "G" in Exhibit D 56 is 38 degrees.

I find that the axis of the "o" in the word "Gordon" the inclination is 32 degrees, and of the "o" of Exhibit D 58 it is 35 degrees, and of the last "o" in D 56 it is 36 degrees.

I find that the inclination of the "r" in the name of "Gordon" is 47 degrees in Exhibit P 1, and in D 59 it is 43 degrees, and in D 56 it is 37 degrees.

I find that the inclination of the curve which follows the "n" in Exhibit P 1 is 52 degrees, in Exhibit D 60 it is 50 degrees, in Exhibit D 58 it is 45 degrees.

I find also that the height, the total vertical height of the letter "P" of the signature to Exhibit P 1, is one one-hundredth of an inch less than that of Exhibit D 60; it is two one-hundredths longer than Exhibit D 59, and it is three one-hundreths of an inch less than Exhibit D 58, and two one- hundredths of an inch more than Exhibit D 57. It is two one-hundredths of an inch more than Exhibit D 56, a difference which is scarcely perceptible by the eye in the exhibit handed to me, Exhibit D 63.

I find likewise that the total vertical height of the letter "d" in Exhibit P 1 is nineteen one-hundredths of an inch, and in Exhibit D 60 it is twenty-one one-hundredths of an inch taller than the one below it.

In Exhibit D 59 it is twenty-three one-hundredths of an inch high, and in Exhibit D 58 it is eighteen one hundredths inches; in Exhibit D 57 it is nineteen one-hundredths, precisely the same height as in Exhibit P 1.

In Exhibit D 56 it is fifteen one-hundredths inches high. that is four one-hundredths inches less than that of the signature of Exhibit P 1.

Q. Are those measurements you have given all upon the scale of your large photograph?

A. No, sir, this small one. They are the actual measurements as near as I can get at them.

Q. Not upon the magnified paper but upon this Exhibit D 63?

A. Yes, sir.

Q. Not upon the original checks, but upon this Exhibit D 63?

A. Yes, sir.

Q. Go on?

A. The singular thing that the letter "P" is, that this should be of less height than the signature above it.

Q. The fact is, it is of less height, that is carrying it to the top of the stroke in Exhibit D 60?

A. Yes; I account for that from the fact that these "P's" are all made from the wrist hand, and not from the other, and that that has been within the easy reach of the writer, all within two or three one-hundredths of an inch in height.

Q. He went up as far as his fingers would carry him?

A. He went up as far as they would easily carry him, and wherever the shoulder movements appear they are taller.

Q. That is in the "G's"?

A. No, sir, in the "P."

Q. Wherever the shoulder movement appears in the "P" the staff is taller?

A. Yes. sir.

Q. And wherever they appear in others they are taller?

A. They ought to be, but I have not measured them.

Q. Have you now produced a photograph on translucent paper as in the others of the signature on your enlarged photograph, Exhibit P 231 of Exhibit P 1?

A. I now produce that tracing.

MR. COLLINS—I offer that tracing in evidence.

Marked Exhibit P 232.

Q. Will you now describe exactly how these photographs on translucent paper are made?

A. The same negative is taken from which this print is made—this print is made from it; it is transferred to glass, a gelatine plate, and from that by the same method as this artotype is made, it is made. In other words, it is photographed on gelatine upon the glass plate from the same negative.

In many of the "G's" made by Mr. Gordon a peculiar curve occurs at the bottom of the oval part of the letter and the body of the letter, and by adapting the tracing to that, it will be found that that curve is repeated with a little different axial arrangement in the signature of "Geo. P. Gordon" on Exhibit P 1.

There is a great similarity in the construction of the lettter "r." For instance, in "Gordon" between the "r" of Exhibit P 1 and that on Exhibit D 59. It is true there is a difference in the slope, that of Exhibit D 59 being 43 degrees and that of Exhibit P 1 being 47 degrees; but still the relative relation of the parts is about the same.

The same remarks will apply as to the heaviness or lightness of the lines, and the inability to judge of them, is applicable to this signatnre as it is to the others; it being very difficult if not impossible in parts to separate the supplemental blot from the original line. I believe that the person who wrote the test signatures, Exhibits D 56 to D 60 inclusive, wrote the signature of "Geo. P. Gordon" to Exhibit P 1. The only difference being, perhaps, in the initial and terminal lines of the two "G's," which will be found elsewhere.

Q. Have you examined any of the signatures to the letters signed by Geo. P. Gordon, which has been offered as standards in this case, which will aid you in making comparisons, and if you supervised the making of any photographs of such signatures, please produce them and continue the explanation?

A. Yes, I have the originals from which this is made.

Q. You produce two photographs?

A. Yes, there are two in a series; that is what you mean.

Q. You produced a series of two photographs upon which there is the following order: the large photographs which were made under your supervision of these Exhibits?

A. Yes.

Q. Exhibits P 62, P 63, P 66, P 60, P 61, P 67, P 65, P 64, P 68, P 69, P 205 and concluding with P 1 in that order?

A. Yes, sir.

RECESS.

Q. Go on, Doctor, with any further comparisons you wish to make by means of any of these letters—anything that you desire to make?

A. Referring to Exhibit P 205 and adjusting the tracing of the name of Mr. Gordon, Exhibit P 1, upon it, there is a singular correspondence of curvature in the lower part of the "G."

Q. Which "G," with which "G"?

A. The second "G" of the tracing with the first "G" of Exhibit P 205.

Q. Go on?

A. Upon Exhibit P 61, the second "G," place the tracing on the first "G" of the name "Geo. P. Gordon" on Exhibit P 1. The initial stroke of the second "G's" of Exhibit P 69 and Exhibit P 205 are of the same character to those of the signature to Exhibit P 1, and the terminal stroke of the second "G" of Exhibit P 205 is of the same general character of the two "G's" on Exhibit P 1, excepting that it does not return so far upon the stem of the "G."

Now, I have measured the actual letters of the signatures upon these letters, upon each of these exhibits now under discussion, which are photographs. I find the longest signature to be three and seventy

three one-hundredths inches. I find the shortest to be one and sixty-eight one-hundredths inches in length.

I find that the signature to the photograph of the will is two and seventy-two one-hundredths inches, which is the mean between these two extremities; but this is not exactly a correct statement, because of the actual measurements of the signatures, which is two and fifty-seven one-hundredths, modified to a considerable extent. But it is very evident that the will signature comes fairly within the limits of the signatures upon the letters.

Q. Is there one of the signatures on Exhibit D 63 original signatures attempted to be produced on Exhibit D 63 that is longer than the will signature?

A. Yes, Exhibit D 59 appears to be ten one-hundredths inches; that is nearly one-tenth of an inch longer than the will.

Q. Go on?

A. Well, I can only conclude that I cannot see any reason for rejecting that as a signature of "Geo. P. Gordon."

MR. COLLINS: I offer in evidence these two photographs in the order to which they have been referred to.

Marked Exhibit P 233 and P 234 respectively.

CROSS-EXAMINATION BY MR. MILLER:

Q. To which do you give the most attention, chemistry or handwriting?

A. They are about equally divided.

Q. You appear as expert in cases involving chemistry?

A. Yes, in chemistry involving the use and manufacture of paper and paper making.

Q. You say you are also an expert in physical sciences; do you appear as expert in questions involving expertness of that character?

A. Yes, in cases that involve mechanical matters.

Q. Enumerate the important cases where you have been a witness involving handwriting within the last five or six years.

A. I keep no regular memorandum of that sort of thing; I have to trust to my memory, as I said before; I appeared as expert in the Michell Will Case in Camden, Morris vs. Irvin, which was a forgery case there, and in the Oliver vs. Cameron case.

Q. Where was the case of Morris vs. Irvin?

A. In Philadelphia.

Q. Who were the experts in that case?

A. I never knew; I never consulted any.

Q. Did you testity?

A. Yes, I was the principal witness.

MR. COLLINS:

Q. Oliver vs. Cameron, was that the matter in which old Senator Cameron was involved?

A. Yes.

MR. MILLER:

Q. Who were the experts in that case?

A. I cannot recollect; Mr. Rauch, I think was one, although I am not sure. Then there was the Whittaker Will Case, then the Albert Case, which was a matter of supposed forgery against Judge Albert.

Q. Who were the experts?

A. I believe I was accepted on one side; I do not know the others, and the other case was in Albany.

Q. Who were the experts there?

A. I do not know, sir.

Q. Were you in any case where either Mr. Hagan, Mr. Ames, Mr. Carvalho or Mr. Tolman was an expert?

A. Not that I know of. There was the Beck case, which was a case in Philadelphia, and the late Baker suits in the United States Courts, forgery cases before Judge Bradley. Then there was Borden & Rouget, that is another case in the United States Courts, and there was another case of the Second

National Bank of Altoona, before Judge Goodall, in the Common Pleas.

Q. You do not remember the other experts?

A. No, sir, for the reason that I never consulted them.

Q. You always testify in the same method as you have to-day—from photographs?

A. Either from photographs or from actual images of the original writing thrown on a screen.

Q. By a megroscope?

A. Yes, I believe I have the only megroscope that will do that properly.

Q. What leads you to the determination of which course to adopt?

A. I would have brought my megroscope here only it is a very heavy and costly instrument.

Q. What leads you to the determination of which course to adopt?

A. That which appears to me most adapted to circumstances. I prefer in all cases to use the megroscope, if I can, but I am unwilling to take it even out of my office, it is a very large and costly instrument, but I would have brought it if I had been desired.

Q. The ordinary photographs you produce are not so correct as the photographs produced by the gelatine method you have described?

A. I cannot agree with you. The photographs agree very well until they are mounted and then the ordinary process adopted of stretching them on the card board and the rubbing of them down on the card when they are being mounted, but they are practically correct.

Q. But I say they are not as correct as the photographs produced by the gelatine method?

A. Not so correct as this is done.

Q. By the gelatine process, or as it is called, the artotype process?

A. No, sir.

Q. You have given considerable time to this case have you not?

A. Yes; I cannot tell you how much it is, but I have examined and studied on the work for quite a period.

Q. You were first consulted by the other side?

A. I don't know; I was consulted first by Mr. Beckett on the 8th of April, and on the 10th of April I went to the State House at Trenton and examined the will that Mr. Booraem had then. I met them in the course of a day or two in Philadelphia, and I was over to New York once or twice to get specimens.

Q. You say you were furnished with a piece of paper, Exhibit P 229 and P 230, for identification, by Mr. Beckett?

A. Yes, sir.

Q. These two pieces of paper was part of one sheet when furnished to you?

A. Yes, sir.

Q. And you tore off Exhibit P 223 for the purpose of writing upon it and submitting it to the sweating process?

A. Yes, I will say that this is not the only specimen of that character or experiments that I have made.

Q. I am speaking now of those marked in the case?

A. Yes, sir.

Q. Exhibit P 230 was carried inside your vest pocket?

A. Yes, sir.

Q. With an envelope around it?

A. No, sir.

Q. Without an envelope?

A. Yes, and as an evidence that a good deal of sweat gets through my underclothing my pocket-book is mouldy from that source.

Q. You sweat or perspire easily and copiously, do you not?

A. Yes, sir.

Q. And frequently wet your shirts through?

A. Yes, sir.

Q. Exhibit P 229 was not submitted to any such process?

A. No, sir.

Q. Do you recognize the handwriting on the two pieces of paper, Exhibits P 229 and P 230?

A. No, sir.

Q. Are they not the handwriting the same as in the will?

A. I did not look at it; I have not examined it.

Q. Don't you know the handwriting of Henry C. Adams well enough to know that?

A. No, sir, I do not, and I have not examined his handwriting or the handwriting of the will—that is, I have not made a critical examination of it.

Q. You could not by an inspection say in whose handwriting these two writings are?

A. No, sir, except the writing of the name of Henry Adams, and I believe that is in the handwriting of Mr. Gordon.

Q, You wrote the four names appearing on Exhibit P 230 for identification, Henry Adams and George P. Gordon and the others, before you carried it in your pocket and submitted it to this sweating process?

A. No, sir; after it was in my pocket, and when it was in fit condition to write on, I then wrote on it and put it back.

Q. When did you write on it?

A. I do not know when I wrote on this identical one; there was half a dozen made—half a dozen experiments made next before the last spell of warm weather.

Q. Was it in very warm weather?

A. No, not very.

Q. How long a time passed between the time you put it in your pocket and put the names on it?

A. I cannot give you the time exactly.

Q. Well, I want to know approximately.

A. Well, perhaps, two hours.

Q. Surely more than one hour?

A. Yes, more than one hour, I may suppose.

Q. You attach great value to the measurements of letters in making comparisons?

A. Not in signatures at all uniform, but where signatures appear to have characteristics that are uniform, then I will, because a man has to take every precaution and every means at hand to ascertain exactly about them. Men who write uniform signatures generally write them of a uniform length, but not exactly so; there is always more or less variety in the length. As I said before, I have examined one thousand signatures of Henry J. Morris, and in all of them there was not over four per cent. of difference.

Q. I am talking about the percentage of the standards as compared with the disputed signatures, the measurements of particular letters?

A. Yes, I would rather measure particular letters, because by measuring particular letters you are more likely to discover the characteristics or habits of certain individuals. Where he writes from the wrist, he makes them all of one sort, and where he writes both elbow and wrist, then he does as Mr. Gordon has done.

Q. You carefully measured the slant of the signatures of "Geo. P. Gordon" shown in your photographs and the photographs of the standard signatures shown in your photographs; that is, you have taken the slant of the signatures of Exhibits D 56, D 57, D 58, D 59 and D 60 and compared them with the slant of the letters in Exhibit P 1?

A. Prominent parts.

Q. And there is a marked coincidence, is there not, in the slant generally between the disputed and genuine signatures?

A. If you mean there are many of those that in any of the signatures there is a uniform slant that is uniformly coincident with the others, then that is not so, but if you mean that I can pick out of the several letters "G's," "o's," "r's" and "d's" letters of the same slant, as in the signature of "Geo. P. Gordon," that is the prevailing case.

Q. There is a prevailing slant of about 45 degrees in the signature I refer to?

A. I cannot approximate an average slant?

Q. I didn't say "average;" I said prevailing slant?

A. Well, prevailing, it means the same thing to my mind that each letter seems to have its own particular slant; there is no uniformity in the slant of letters in Exhibits D 56 to D 60 inclusive.

Q. Do they not appear to the eye to be about of the same slant?

A. I never trust the eye to anything of that sort any more than I would to the measurement of the "P." No one would suppose that that "P" was lower than that one, or that one (indicating).

Q. What "P" do you refer to?

A. Exhibit P 71 and Exhibit D 60.

Q. What was your testimony on the question of the slant respecting the signature on that diagram when we made the comparison of the signature of "Geo. P. Gordon" on Exhibit P 1 and the other signatures submitted on Exhibit D 63?

A. Simply in the erratic use of the slant I found in Exhibits D 56 to D 60 inclusive; I found certain letters that corresponded with the slants of Exhibit P 1.

Q. What are they?

A. I set them out in my direct examination. The second "G" of Exhibit D 56 is very nearly within one degree of the slant of the first "G" of Exhibit P 1.

Q. Now, are not all the "G's" very nearly of the same slant?

A. Well, the least slant are Exhibit P 1. The second "G" is 38 degrees, and in D 56 the second "G" is 38 degrees. The slant of the "P" of Exhibit P 1 is 46 degrees, that of Exhibit D 60 is 46 degrees and that of Exhibit D 59 is 46 degrees.

Q. You have given those figures; I want you to draw your conclusion after looking through the letters which has the most slant?

A. I should——(interrupted).

Q. You confess that there is a uniformity of slant on the signatures of the photographs?

A. There is a uniformity.

Q. Is there a uniformity of slant?

A. There is a uniform want of concordance of slant in the various signatures.

Q. Then there is not a uniformity of slant in the whole signature, Exhibit P 1, and the standards on Exhibit D 63?

A. Yes. there is on certain letters.

Q. Of the whole name, throughout the name, take the average slant of all the letters on the contested signature and the average slant of the standards, Exhibit D 56 to D 60 inclusive, and state whether they are uniform or not?

A. I cannot take an average; there is no such thing as an average slant; each individual letter stands upon its own basis and slant, and the only comparison that can be made is by the comparison of the determination of the slant of each letter.

Q. Then if you see one of the contested signatures written in a perpendicular manner and another of the standard signatures on a slant of 45 degrees, you would attach no importance to the difference?

A. You mean——(interrupted.)

Q. I mean just what I say?

A. Please let me answer the question in my own way.

Q. Do you not understand my question?

A. I understand your question.

Q. Then please answer it?

WITNESS (addressing the Court): I suppose I can answer it my own way, your Honor?

ORDINARY: Yes.

A. If you mean in the standard signatures is the slant of every letter alike, perpendicular in one and in another standard, or the disputed signature has a slant of the letters of 45 degrees, then I do not think

you could make any judgment as to the genuineness of the signature.

Q. You say you understood my question?

A. That is the way I understood it.

Q. And that is the only answer you wish to make to my question?

A. Yes.

Q. If a person is attempting to forge a signature is it not the most natural thing for him to do to copy form as far as he can—is not that the first thing he looks to?

A. A forger should keep copy as closely as possible.

Q. That is the first thing that occurs to a forger?

A. Yes, and in the form I include all of the elements that contribute to form the actual formation of each letter, the slope of each letter and the movement of each letter.

Q. And is it not the most difficult thing for a forger to eliminate the habit he has of using his pen?

A. If by method of using his pen you mean the manipulation by which he forms his letters, and which perhaps includes certain inherent habits, I think it is so—yes, sir.

Q. Each person accustomed to write, each experienced writer generally holds his pen the same way and uses the same sort of motion, such as he may have become habituated to?

A. Except as modified by local circumstances.

Q. I say each person accustomed to write, each experienced writer generally holds his pen in the same way and uses the same sort of motion, such as he may have become habituated to, either from the arm or the wrist?

A. No, sir; I think you are mistaken there when you say either from the arm or the wrist. I believe most persons exchange the sources of writing because the capital "A" is made from the elbow, and the small letters they write from the wrist, and then when they come to a capital letter then they begin again and use the arm movement; the small letters are

usually written with a wrist movement and the capitals by the elbow movement, so that you have both styles usually in one man's writing.

Q. The tendency is, if he uses the forearm, to make a capital—I mean the tendency is to use the forearm in making capitals?

A. Yes, sir.

Q. And if it is the habit of the writer to make small letters from the wrist he would naturally make the letters using that motion under ordinary circumstances?

A. From the wrist he usually makes small letters.

Q. And that habit, whatever it may be, is the hardest thing for a forger to overcome?

A. For a writer to overcome, and I presume it is the same for a forger.

Q. In any writing that is a forgery, a simulated writing, you find generally the form of the simulating writing correspond with the form of the genuine that you expect to see in a forgery?

A. That you expect to see; yes, sir.

Q. Is not a forgery most easily detected by the few places in which the forger may incorporate his individual habit of handwriting?

A. If you mean his individual habit of writing, his method of using his pen, whether from the shoulder, elbow or wrist, it is so.

Q. I want you to come now to the signature of "Alonzo C. P. Adams" and look at the will, and I want the standards outside the photographs?

A. I am afraid I cannot see them.

Q. Is your eyesight defective?

A. It is to-day and has been for a few days, I have been using the microscope so much.

Q. We will test and see whether it is or not. There are only three of these in which the name "Alonzo C. P. Adams" are written in full, viz., Exhibits P 177, P 182 and P 183?

A. I have not seen that one (referring to Exhibit P 182); is that on my card?

Q. You have examined those?

A. I do not think I have seen that one either (referring to Exhibit P 183). I have seen but one of these, I believe.

Q. Now, look at this signature and compare them with the "Alonzo C. P. Adams" in the will; did you state to the Court that in your opinion these signatures have the same general appearance and character?

A. The signature to Exhibit P 177 contains that characteristic of making the "P."

Q. I am talking about the signature as a whole: has it the characteristics of the signature as a whole?

A. I haven't seen one of them that conforms either with the other or with the will.

Q. I am talking about the appearance of the signature as a whole; do you mean to state to the Court that they look like the contested signature as a whole?

A. No, sir, I do not, for the simple reason that they are all irregularly written, and they each have their own individuality—individual parts which can not be compared with the signature.

Q. And the contested signature of the will have their own chracteristics, which do not compare with the signature of either of the others I have shown you (referring to Exhibits P 177, P. 182 and P 183)?

A. It certainly appears that in none of these signatures is there a correspondence with the will signature of "Alonzo C. P. Adams" on the will, nor is there uniform correspondence of that signature with any of those, and I cannot answer any further than that.

Q. You cannot answer further than that?

A. Not to that, no, sir; for instance, the "C's" have the character of an enlarged small "c"; the "C" of "Alonzo C. P. Adams" in the will is the "c" of a capital "C."

Q. And entirely different in all characteristics, is it not?

A. If you mean that the "C" is different in all characteristics, then I must answer yes.

Q. Look at the slant of the letters of "Alonzo C. P. Adams" in the disputed signature and the slant of the letters in "Alonzo C. P. Adams" in the standards and state whether they agree?

A. You mean those three standards you have given me?

Q. Yes, take the others afterwards; those are the only three with "Alonzo" written out?

A. There is a difference in the slant.

Q. The standards are more perpendicular?

A. There is a difference in the slant between the three signatures; there is likewise a difference in the slant between any of these and the slant of that signature; they are apparent to the naked eye.

Q. The three standards, Exhibits P 177, P 182 and P 183, are more perpendicularly written than the disputed signatures?

A. Yes, somewhat.

Q. Kindly look at Exhibit P 1, at the name of "Alonzo C. P. Adams," and state whether or not in your opinion that capital "A" was not made by commencing at the bottom and going to the apex of the "A" (indicating)?

A. I think it commences at the top and went the other way.

Q. You think that the hair line was commenced at the top and ran down there?

A. Yes.

Q. How, pray, could that heavy upstroke be made in the way you described?

A. Very readily by pressure; I have done the same thing; I have copied that "A" in that same way downwards.

Q. If you think it was written in that way, then how did you get that heavy point at the ending of the letter?

A. Simply because it touches the paper—that is, the pause where the pen rests before being taken away.

Q. You have thought of that subject before?

A. Yes, and made it in that way.

Q. And you think that was not made by commencing at the bottom?

A. I think it was made by commencing at the top.

Q. And do you think it natural that that hair line would be made by commencing at the top?

A. They frequently are.

Q. Is it natural?

A. Well, the habit of the man makes it natural with him; I have seen signatures, and there is one certainly commenced at the top (indicating).

Q. I am talking about the will, not those in the standards, and I ask you that, after serious consider tion, it is your opinion as an expert that the first "A" in "Alonzo" was made by commencing at the top of the "A"?

A. Yes.

Q. Will you make an "A" in that way with a pen and paper as near as you can, to see whether you can make one that way or not?

A. I am not an expert penman.

Q. To copy that as well as you can and get the emphasis where it appears in this cartoon; is it not impossible to make that letter commencing at the top?

A. I do not think it is; I have made them in that way.

Q. It is this loop with the heavy pressure at that point at the beginning of the letter, and that loop with the heavy pressure there (indicating), and the hair lines coming down, and you find you are able to imitate it for the first time commencing at the bot tom, and you say you have tried several times to do it, commencing at the top, and cannot do it?

A. Well, I have done it, but I cannot do it now.

By consent, the cross-examination of this witness is suspended at this point to permit of the examination of the following witnesses:

WILLIAM SHERER, a witness produced in behalf of the proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. COLLINS:

Q. Your residence and age, please?

A. I am 54 years of age and reside in the city of Brooklyn.

Q. What is your vocation?

A. I am asistant manager of the New York Clearing House.

Q. An association through which banks make their exchanges?

A. Yes, sir.

Q. How long have you held that position?

A. Three years last December.

Q. Before assuming the duties of that office what was your business?

A. Cashier of the New York Sub-Treasury, under the United States Government.

Q. How long were you there?

A. Twenty-five years and eight months.

Q. During your services in the Sub-Treasury did the matter of the examination of handwriting, particularly upon checks, come within the scope of your duties?

A. Yes.

Q. If I am correctly informed, a great many checks go through the sub-treasury?

A. They do.

Q. More than in most banks?

A. Yes, sir.

Q. Did you become familiar with the comparison of handwritings, contested and genuine signatures, and testing the genuineness of signatures to checks?

A. Yes. sir.

Q. Have you seen and examined the signature of "Geo. P. Gordon" to Exhibit P 1 in this case?

A. Yes, sir.

Q. And have you examined certain other exhibits

which you were informed were standards exhibits in this case, proved as genuine handwritings of "Geo. P. Gordon" with a memorandum of the exhibit numbers of which you took?

A. I did.

Q. Tell us the numbers of those you examined?

A. Exhibits D 16 to D 54, thirty-nine checks; and D 55 to D 60, five checks. Exhibits P 12 to P 29 were letters. Exhibits P 35 to P 39, and P 45, P 48 to P 57 were also letters; forty-eight being in an envelope. Exhibit P 60 to P 69 were letters; Exhibits P 70 to P 77, P 78 to P 96, also letters. Exhibits P 173, P 174, P 175 and P 176, P 177 P178, P 179, P 180, 181, P 182 P 183, P 18s, P 185 and P 186; those are what I examined-

Q. Did you compare the signature to Exhibit P 1, which lies before you, with those various exhibits, the numbers of which you have given with a view to forming an opinion as to whether the same hand wrote that signature before you to Exhibit P 1 that wrote the other signatures?

A. I did.

Q. To what conclusion did you arrive?

A. To the conclusion that the signatures were the same, at least the writing seems to be the same, the signatures were written by the same party; that is my conclusion.

Q. Give the reasons for that opinion?

A. Well, a general impression is the best word that I can find, characteristics of the hand; it struck me as being the same and I do not know that I can tell you any plainer than that. It is my impression after a careful examination that the signature on the will, so called, was the same as the signatures on the letters and checks.

Q. Did you use the same mental process that you do in passing on checks that come before you?

A. Yes, sir.

Q. Is that a quick process generally with bank men?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER:

Q. Look at the cartoon Exhibit D 71, behind you, and look at the first signature on Exhibit D 59, then look at Exhibit D 60, and then look at Exhibit D 58, assuming that such signatures as these were presented to you, and assuming that a check was presented with the signature appearing on Exhibit P 1 on that cartoon, the second one; would you have paid that check?

MR. COLLINS—I object to that question on the ground that no witness can be examined as to cartoons, that it is only the original signatures that he can be examined by, and it is proved and in evidence that these photographs are not correct, the check signatures being shorter and the will signature longer, and that difference may be exaggerated, and I do not think it is right to examine the witness on the cartoons.

THE ORDINARY — I think the question should be based upon the originals and have reference to them.

Q. Look at the originals represented by that photograph or that cartoon Exhibit D 56 to D 60, which I now hand you, assuming these are the signatures of Geo. P. Gordon, and a check was presented to you with a signature of Geo. P. Gordon as it appears in Exhibit P 1, would you have paid it?

A. Yes, sir.

Q. You come here to testify, and you expect compensation for your services?

A. No, sir.

Q. Who requested you to come?

A. Mr. King.

Q. A personal friend of yours?

A. No, sir.

Q. How did he become known to you?

A. I was introduced to him by Mr. Cannon, of the Fourth National Bank.

Q. What did Mr. Cannon ask you to do?

A. He asked me to look at the exhibits or whatever they are called and say as to what I thought of them, that I thought, or to give an opinion as to their genuineness, I presume something of that sort.

Q. And he asked you to testify, if you could, in Mr. King's behalf?

A. No, sir.

Q. Did he say Mr. King was a friend of his?

A. Yes, I think he did.

Q. Do you accommodate every one that comes and asks you to testify?

A. It has never been my experience before to eb asked to testify except in some remote cases years ago, and unless they ask me to do more in that line than I have the time to do I would not object.

Q. You have not done it lately?

A. No, sir.

Q. In your present position you pass upon checks, do you?

A. I do not in my present position.

Q. How long since is it that you were in the habit of passing upon checks?

A. Three years the 17th of last December.

Q. In your former position were your duties supervisory or were you called on to pass upon checks in the first instance?

A. Supervisory.

Q. Did you ever hold the position of paying teller at the paying teller's desk?

A. Yes, sir.

Q. When and where?

A. At the United States Sub-Treasury; I have been at each of the paying desks.

Q. All signed by the Government?

A. No, sir.

Q. Who by?

A. All signed by Government officers, but it is the

endorsements which are as important as the Government checks.

Q. You pass on the endorsements?

A. I did at that time.

Q. You took them from some responsible bank, didn't you?

A. Not always.

Q. Generally?

A. Yes.

Q. All the parties are identified before they are paid?

A. No, not always.

Q. You knew the parties where they were not identified?

A. Where we knew the parties we did not require them to be identified; generally the first endorsement it is that one which might be the forgery, and we examine that very closely,

Q. They did come to you from some banks, however?

A. Yes.

Q. And you always had the responsibility of the bank behind it?

A. Yes.

Q. You did not, then, in that position pass upon checks as a bank teller ordinarily passes upon them?

A. Yes, sir, I did.

Q. You have explained fully your duties.

A. Not in full detail.

Q. Generally in that respect?

A. Yes, sir.

DONALD A. HEALD, a witness produced in behalf of the proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. COLLINS:

Q. You live in Orange, I think?

A. West Orange.

Q. You have lived there a good many years?

A. About thirty.

Q. You are a man of about how old?

A. Seventy-three.

Q. And are president of some insurance company?

A. Yes, the Home Insurance Company.

Q. Are you acquainted with Henry C. Adams, now present in Court?

A. Yes, sir.

Q. How long have you known him?

A. About thirteen years I should say, somewhere between twelve and fourteen.

Q. How well have you known him?

A. I have known him quite well, and he has been in the habit of visiting my family and my family have been acquainted with him more or less.

Q. Do you know his reputation for truth and veracity in the community in which he dwells?

A. I think I do.

Q. Good or bad?

A. It is good.

CROSS-EXAMINATION BY MR. MILLER:

Q. You live on the Orange Mountains?

A. I live at Llewellyn Park, in West Orange.

Q. You know Henry C. Adams socially?

A. Yes.

Q. You have had no business with him?

A. I have had a few transactions of business; I cannot say that I know him in a business way as I would with our customers in New York.

Q. You do not know him as you did Mr. James Calwall, the gentleman who lived up in the Park with you there?

A. Not in the way of business.

CHARLES M. CRESSON, being recalled for further cross-examination, says:

CROSS-EXAMINED BY MR. MILLER:

Q. You have been off the stand about fifteen minutes?

A. Yes, sir.

Q. And been trying to make this capital "A" when off the stand?

A. I have been trying to find the difficulty in the manner, and I find that the paper is dry ; that is the difficulty, and I have no means of wetting it now. If I had a piece of wet paper I think I could do it (witness then moistens the piece of paper with his tongue).

Q. You say these you produce now nre reproductions of the form of the "A" in the first "Alonzo"?

A. The shading of the first line.

Q. I want you to produce this initial loop by commencing with the hair line stem without commencing at the bottom?

A. I have been doing it.

Q. You can do it by commencing at the bottom, can you not?

A. Yes, but at the same time I have made it the other way, and the condition is that the paper must have lost its size and be moist; as I say, if I had a moist piece of paper I could do it; I cannot do it on a piece of dry paper.

Q. After making the experiments you have and after making it from the commencement at the top and not at the bottom, is that your judgment now?

A. Yes.

Q. Is there any evidence of the pen being taken off at the top of the capital "A" in "Alonzo"?

A. No, and it is a very easy matter——(interrupted).

Q. There is no evidence of that?

A. No, sir, I do not think there it.

Q. Look at the will, Exhibit P 1?

A. The will is too small. Well, what strikes me now is what struck me before that there is an elevation at the top of the "A" which gives me the idea that the pen was started in there to commence the next stroke.

Q. Is it you opinion that the second "A" of "Alonzo

C.P.Adams" was commenced at the top and not at the bottom?

A. For the same reason there is a projection at the top of the "A" such as comes by starting in again.

Q. Tell me how you account for the pressure or shading of the initial part of the first and second "A's" if commenced at the top?

A. Because the paper has lost its sizing—that is to say, you get an impression of very much more force than if the paper had been dry.

Q. Suppose the paper had been dry and the pen had come down and finished the hair line and commenced to make the heavy stroke in the lower portion of the "A," would it not have stuck in the paper?

A. Not necessarily.

Q. Well, probably?

A. It might, but I do not say that it necessarily would.

Q. Well, probably?

A. Not if the paper is wet, I do not think so.

Q. After considerable thought and trying you are now willing to admit, are you not, that that letter was commenced at the bottom?

A. I am merely speaking now from the impression I received when examining these things carefully when more enlarged than they are here.

Q. After consideration are you not now willing to admit that that letter was commenced at the bottom?

A. That it can be made that way.

Q. That it probably was?

A. That really is not my opinion. I tell you candidly, not for opposition sake, but I think I see enough there to satisfy me that it was made from the top.

Q. If the first stem of the "A" had been made with a downward stroke would it not have been shaded instead of an hair line?

A. No, sir; these are evidently made from the

top and are hair lines and not shaded lines—that is, made from the top, I believe.

Q. Is not the first "A" in "Alonzo" of Exhibit P 177 made from the top and has not that a shaded stem and not an hair line?

A. Apparently partly shaded, and there is another one as fair an hair line as you ever saw, and that is Exhibit P 183. Here is another one commenced at the top with an hair line and continued down as an hair line.

Q. Exhibit P 182 was commenced as a down stroke?

A. Yes.

Q. And not shaded?

A. No, sir.

Q. In all of the standards of "Alonzo C. P. Adams" you say the first "A" was commenced as a down stroke, was it not?

A. That I cannot recollect.

Q. Look at it?

A. Let me have my card, they are all together there.

Q. All commences at the top of the standards; the "A's" were commenced at the top?

A. There is one here, Exhibit P 180, which might have been commenced at the bottom; no one can tell.

Q. What is your opinion as to whether this was commenced at the top or not, Exhibit P 180?

A. I cannot tell; I have no clue.

Q. How was the "A" of "Henry Adams" made, in your opinion—where was the pen put on to make the "A," at the bottom, and the hair line continued up, or was it commenced at the top?

A. My recollection of "Henry Adams" is that they all commenced at the top; do you mean on the will?

Q. Yes?

A. That is commenced at the top without any doubt.

Q. And this heavy mark at the beginning of the "A" was made as an upstroke?

A. Yes.

Q. And you are positive in your opinion?

A. Yes.

Q. Will you look at the "l" in "Alonzo," in Exhibits P 177, P 182 and P 183; is not the "l" in the standards of an open, easy loop almost vertical in the slant?

A. Exhibit P 183 the "l" in "Alonzo" is very much more sloped than the other letters; it is an unfinished "l."

Q. It does not come down to the line?

A. It goes below the line.

Q. With a full round curve?

A. There is no turn at the end of it.

Q. No turn at the end of the "l"?

A. No, sir, not to connect it with the "o"; it just makes the left hand curve without any turn.

This one, Exhibit P 182, the "l" passes below the line, and is somewhat more sloped than the "A," and returns until it touches the bottom of the "o"; that would be called connected with the "o."

Q. You see the style of these three "l's"?

A. The "l" in this one, Exhibit P 177, is as upright as the "A," pretty heavily shaded, and has a round turn at the bottom just on the line, a fraction below the "A," and turns up on the second member.

Q. Seriously, do you claim that either one of these three "l's" ars alike in character with the "l" in "Alonzo" in the contested signature?

A. No, sir, I do not claim that either of these "l's" are like that, because the "l" in the contested signature is about the same slope as the "A," but has a sharper turn at the bottom.

Q. But is it not an open letter?

A. This is not in the will; Exhibit P 1 is not of an easy round turn.

Q. But the other three are?

A. But in the other the hand is changed to an arm movement, which has made it rounder.

Q. And it is unlike the disputed signature?

A. Yes, sir.

Q. Look at "z" in the three standards, Exhibits P 177, P 182 and P 183?

A. I have observed the "z."

Q. Are they anything like in character or style of the "z" in the disputed signature?

A. The upper part of the "z" of Exhibit P 182 is formed less angularly than that of the signature of "Alonzo C. P. Adams" in Exhibit P 1. The one in Exhibit F 177 more resembles it, although not as angular.

Q. Take it as a whole?

A. You cannot take it as a whole; I am talking about the type first.

Q. Do you decline to take it as a whole or not?

A. I do not see how I can take dissimilar things as a whole.

Q. Cannot you tell whether one letter resembles another as a whole?

A. It is a letter "z"; it resembles it in that respect but it has different characteristics.

Q. In the slant in the "l," "z" and "C" the standards are totally different from the disputed signatures, are they not?

A. Yes, sir.

Q. And in the slant?

A. The disputed signature has more slant than the signatures to the standards.

Q. In these four respects it is simply summing up what you said, that it differs in some particulars.

A. Yes, sir.

Q. You want to look at the "d" in the disputed signature; is it not of the general characteristics of the "d," that the top of it is made in the standards in an open or blind loop and with the curve at the end of the letter, where it connects with the next letter?

A. In Exhibit P 177 "d"——(interrupted).

Q. Look through them all; I want to get the characteristic of all of them?

A. The "d's" are different to the "d" in Exhibit P 177——(interrupted).

Q. Look through them all and say whether the "d" in "Alonzo C. P. Adams" is not a blind or open loop, is not that the general characteristic?

A. Either blind or open—if you mean by blind loop one that is simply solid, filled up,

Q' Either way—blurred or how constructed; look at the standards; is not the general characteristic in the "d" of "Alonzo C. P. Adams" that the top of it is either an open or blind loop, and that the "d" terminates with a round curve at the bottom?

A. So far as the loop is concerned, one of these is not a blind loop——(interrupted.)

Q. Where are the checks?

A. You are speaking of these——(interrupted).

Q. I mean all the standards of "Alonzo C. P. Adams"?

A. That is a blind loop (indicating Exhibit D 5), and if written with ink that would be solid (referring to Exhibit D 2), but it is written in pencil. That is a blind loop (indicating Exhibit D 4).

Q. Look them all through and give us the result of your examination in that respect?

A. I do not think that they are all made as you say, either a blind loop or with an open loop, for the reason——(interrupted).

Q. I did not ask you that; is not that the general characteristic?

A. The general characteristic is departed from in one or two.

Q. That is, the general characteristic is departed from them?

A. If you mean by blind loop one that has no evidence of a loop at all, that is if the pen comes down on the hair lines again and does not form any kind of a loop, then it has not that characteristic.

Q. Are you willing to say there is a general characteristic in that the loops are not blind loops, that

they do not come down on the hair lines and that there is no evidence of a loop in that signature in the "d's"?

A. With the exceptions I have mentioned.

Q. That is absent in the contested signature?

A. That I do not know.

Q. Well, look at it and say?

A. I think there is as much evidence of a blind loop as there is in some of the others.

Q. What do you mean by the rythm of a signature?

A. That uniform characteristic that comes from the motion of the pen. You cannot have rythm if there is any change of position in writing. If it is all shoulder or all wrist, that is rythm; but if you change from the elbow to the wrist then you change your movement and cannot have rythm.

Q. Do you think there is rythm in the writing of the signature of "Alonzo C. P. Adams"?

A. Not in the definition I have given you, because there was undoubtedly a change in that signature from elbow to wrist movement and back again.

Q. Do you not recognize an effect in the signature of a man that writes a fairly good hand—that is, that there is a general uniform appearance of individuality which is the product of the use of either shoulder or wrist or a combination of them in all his signatures?

A. Yes, sir; that very matter which I spoke of in the "G" is evidence of it.

Q. Do you see in these standards as a whole in the signature of "Alonzo C. P. Adams" the same peculiarity that you see in the "Alonzo C. P. Adams" in the disputed signature?

A. You mean by peculiarity, the whole of the signature of "Alonzo C. P. Adams" in the standards should compare with the signature of "Alonzo C. P. Adams" in the will?

Q. Yes.

A. There is not that, because in order to get at

the erraticisms of writing that he makes I have to take half a dozen standards to point it out.

Q. There is not the same individuality in the standards that you see in "P" in the signature "Alonzo C. P. Adams" in the will?

A. No, sir.

Q. Take the name "John Q. Adams"—do you see the same individuality in the writing of the signature in Exhibit P 1 as you see in the standards as a whole?

A. There is the "J" in Exhibit P 187 that is similar to the standards, that has the characteristic of the signature in Exhibit P 1.

Q. That is not responsive to my question (question repeated)?

A. Yes, with the exception of the substitution of the "Q" of another sort and the spreading out of the "J."

Q. The "Q" and "J" in "John" are not like the standards?

A, The "Q" is not.

Q. And the "J"?

A. The "John" is like it except that its method in the spreading—it is the same "J" and has the individuality, the habit of the man that wrote the standards, Exhibit P 192—for instance, it has the same initial start and Exhibit P 195 has the characteristic of this "J."

Q. You mean its "J" is made with a loop and comes up to the top, turns and then comes down to the bottom?

A. I mean that its peculiarities, motion and everything that is there is represented in the standards.

Q. Have you looked at the "J's" and "I" in the will?

A. No, sir, I have not read the will.

Q. Look at that for a moment; look at the first letter in the will, "J."

A. That has not the same characteristic.

Q. The first "J" in the will has not the same char-

acteristic as the "J" has in "John Q. Adams" in the contested signature?

A. No, sir.

Q. Look at the "I" in Article I; is or is not that like in character to the "J" in the disputed signature "John Q. Adams"?

A. No, sir.

Q. Is it more like the standards of "John Q. Adams"?

A. No, sir, the standards of "John Q. Adams" are more like the signature in Exhibit P 1.

Q. Look at the "T" of "Township" where it occurs after the names of the subscribing witnesses to Exhibit P 1, and say whether you see in the top loop of that "T" the same characteristic that you see in the "J" of the "John Q. Adams"?

A. Nothing except that it is made w th a sharp top.

Q. The character is not like it?

A. No, sir; it is not, it is very different in my opinion.

Q. Is it not a general characteristic of the standards that the small letters "ohn,' and the "dams" of "Adams" are written in a free and generally unshaded hand?

A. Not altogether.

Q. Generally?

A. I do not think that even the average is so in my recollection—that is, narrower, round near a point (C 11); now the signature Exhibit P 193 "Adams" in Exhibit P 191, P 189 and P 190 and the one which is in that photograph I have marked C 11 are written sharp, with a close wrist hand, whilst the one I have marked C 12 and Exhibit P 196 is not so.

Q. I do not care for particulars, I only ask you if you reach a conclusion after looking at them all?

A. The conclusion that I have formed is that he changes somewhat, sometimes wrist hand and at at other times he either writes from the elbow or shoulder.

Q. Is it not a prevailing characteristic of the handwriting of the standards of "John Q. Adams" that they are light and unshaded?

A. No, sir; Exhibit P 19 are——(interrupted.)

Q. I don't want the numbers you said "no"—well you think the "John Q. Adams" of the will looks like the "John Q. Adams" of the standards?

A. Yes, for this reason: That the three signatures we have been examining are all smothered as it were in running ink; I have pointed out before the hair line of the "Adams" passing off in the "A" gives some idea of the thickness of the natural line; that line plunges itself into a mass of material you see.

Q. Look at the will itself; will you tell me whether the first "A" in "Alonso" is not a hair line starting out?

A. Yes, it is, which has dried very rapidly.

Q. Like in the word "Gordon"?

A. One moment; see the hair lines as I pointed out before following the last "Adams" in Exhibit P 1; is likewise a thin hair line which plunged into a mass of material, which shows how much it has spread.

Q. Now look at the word "Gcrdon;" is not the upstroke of the first stroke of the "G" in "Gordon" a hair line?

A. Yes, and the ink has spread wherever there has been a pause—some pause at the start of it, and there the ink has made a dot, and wherever a change of motion is—there is a change considerably—the winding up of the "O" and the top of the "p" and each of the following letters; the down stroke which carried more ink shows it more—the hair lines dried quicker.

Q. Are there not more hair lines in the name of "Gordon" than any other.

A. Yes, sir.

Q. We have not had so much spreading of the lines where the hair lines are?

A. The terminal of "p," which is a hair line in

Exhibit P 1, passes down itself, spreading considerably where the blot comes, and you can see there where the spreading is; when this is put in a proper light and highly magnified you can see that spreading easily. I have found out from the experiments I have made that —— (interrupted.)

Q. Did or not the first hair line of the "G" in the name of "George P. Gordon" spread?

A. No, sir.

Q. And the hair line of "Alonzo C. P. Adams" did not spread?

A. No, sir.

Q. There are hair lines in these signatures?

A. Yes, sir.

Q. You made some sort of measurement by which you determined that the top loop of the "G" of the standards was a certain proportion of the length of the whole letter?

A. Yes, sir.

Q. Did you apply any such process of measurement to the Greek "g" of the "George P. Gordon" standards?

A. Not in the measurement of the height, except the lining; the lining I have put on this represents the height of the "O," which equals the height of the "a," just the standard of the writing.

Now the "E" of Exhibit P 1 is rather more than the one measured in height of Exhibit D 60, which is one and a half of the "O," which I have taken as the standard, but in Exhibit D 58 it is nearly twice; in Exhibit D 56 it is quite two; but it seems to me that there is another matter——(interrupted.)

Q. I asked you if you did measure them?

A. I did in that way.

Q. Do you not notice the characteristic of the signature of "George P. Gordon" that the lower member of the "E" was very much larger than the upper, and that the lower member in the check signatures was very much longer than it was in the disputed signature?

A. I have made no measurement.

Q. You know that is characteristic?

A. Yes, I know it is characteristic of many, but not in all cases—there is great difference, the "e" in this signature of "Geo. P. Gordon" in Exhibit P. 1 is larger in proportion to the "G" than the others.

Q. Then to conclude this matter, you say as an expert the disputed signature of "Geo. P. Gordon" in Exhibit P 1 appears to have the same life and characteristic as the standards you have been shown; is that so?

A. Yes, taking the way I spoke of—that is, by measuring by the angle and by the general appearance of the signature, of course including in that general appearance the appearance given here by the selected letters.

Q. In considering this case and giving your testimony have you not felt that there was a great deal to account for to make these signatures compare with each other

A. I must really say I had not; when first I saw the signature I was first shown letter signatures, and I made up my mind at once.

Q. I mean all four signatures, the signature of "Geo. P. Gordon" and the witnesses?

A. No, sir, I felt very strongly they were all genuine.

Q. Yon did not feel that there was a great deal to excuse or explain?

A. No, sir, the matter of paper and condition of it explained to my mind a great deal of the difficulty, and in writing on paper such as this paper has been the result was so concurrent that it showed why there should be results outside.

Q. Outside of the paper did you not feel that there was a great deal to explain to make all the signatures tally with the standards?

A. I did not.

Q. It has been an easy case and not a troublesome one to explain?

A. I do not think I spent over four or five days altogether on the examination of these standards—I

spent a good deal of time in enlarging these things; I had them enlarged and with the chance of examining them in a good light.

Q. You think the four signatures compare well in each case with the standards?

A. That is my opinion.

RE-DIRECT BY MR. COLLINS:

Q. Do the "z's" in "Alonzo" in Exhibit P 177, P 182 and P 183 differ very much from each other?

A. Yes, materially; they differ in the types and in the method of formation and looping.

Q. Do the "l's" in "Alonzo" in the last named three exhibits differ from each other?

A. Yes; the letters have different characteristics; this one, for instance, Exhibit P 177, finishes with a round turn, and this, Exhibit P 182, has rather a sharp turn below the line, and Exhibit P 183, this is an unfinished "l," it has no lower turn.

Q. Attention has been called to the Greek "e" in the disputed signature; do these large photographs you have made, the enlargement of Exhibit P 205, illustrate very well samples of his Greek "e's" in the body writing?

A. Exhibit P 205 contains a number of Greek "E's."

Q. How near do they conform to the type of Greek "e" in Exhibit P 1?

A. Some of them are almost identical; in fact, some of them, the upper members, are nearly as large as the lower.

Q. Why did you enlarge this Exhibit P 205?

A. For the purpose of getting at Geo. P. Gordon's habit of writing, current writing, so that I could see it on a larger scale, his ordinary writing, to be able to examine it in comparison with the other signatures.

Q. You thought an example enlarged would be useful?

A. Yes, for several letters, particularly the "e."

MR. COLLINS—I offer this photograph in evidence of Exhibit P 205.

Marked Exhibit P 235.

Q. Have the matters to which Mr. Miller called you attention in cross-examination changed your opinion at all as to either of these four signatures?

A. It has not.

Q. You still believe it to be the genuine writing of the person it purports to be?

A. I believe it to be the case.

FURTHER CROSS-EXAMINATION BY MR. MILLER:

Q. Look at the letters "A" in the word "Article" in the will and state whether they were commenced at the bottom or top—that is, the initial hair lines?

A. The "A" in "Article I" commences at the bottom.

The "A" in Article II commences at the bottom.

The "A" in "Article III" has been commenced at the bottom, it is turned at the top.

Q. Article IV where commenced?

A. Commenced at the bottom.

Q. Article V where commenced?

A. Article V commenced at the bottom.

Artiele VI commenced at the bottom.

Article VII commenced at the bottom.

Article VIII commenced at the bottom.

Article IX commenced at the bottom.

Article X commenced at the bottom, each commencing with a dot.

Q. The "A" of "Henry Adams," where does that commence?

A. I said that commenced at the bottom.

RE-DIRECT BY MR. COLLINS:

Q. Ought or not the artotype process produce a perfect fac-simile of the original?

A. As far as the process is concerned it should; as far as the setting of the thing from the ground

glass—well, that depends on the skill of the photographer and his skill as an operator.

FURTHER CROSS BY MR. MILLER:

Q. If you got one as near as six one-hundredths of an inch you would consider that pretty good?

A. That is one-sixteenth of an inch.

Q. Could you do better?

A. Yes, because I set it with a strong magnifying glass, and I get the benefit of the larger measurement and magnification.

Q. Does it depend how far you put the camera from the object?

A. Yes, sir.

Q. That is all of it?

A. That and focussing that is the chief point—all enlarged pictures, you have to get your picture so that—(interrupting)—This is not examination and going down is it?

Q. Yes, it is.

A. Well, the nearer the lense is to the picture and the further the ground glass off it, the two things are necessary, the larger the picture.

Q. You get first the focus?

A. Yes, sir.

Q. Then the picture next depends on the distance of the object from the camera?

A. Yes, but that does not depend on the focusing of the object itself.

Q. It has to be focussed?

A. Yes.

Q. Well, leave that out of the question; when you focus the size of the picture depends on the distance of the object from the camera?

A. Yes, and the lense from the object—the two things.

RE-DIRECT BY MR. COLLINS.

Q. Is not the focussing part of the necessary thing to be done to get the size down, the two have relation to each other?

A. Yes; you set up the picture, set down your camera and by a trial, unless you do not know the focus of your lense, you work it out by pushing your lense nearer the ground glass of the camera until you get a good, clean, sharp focus.

Q. What do you think of a discrepancy of one-fifth of an inch in diameter to get the fac-simile of a picture?

A. It is more than there ought to be. 10

FURTHER CROSS BY MR. MILLER.

Q. Focussing means getting the sharp outline of the object?

A. Yes, sir.

Q. These are sharp outlines in Mr. Carvalho's pictures?

A. Yes, very nicely focussed, so far as the outlines go. 20

WILLIAM W. M. CORNISH, a witness produced in behalf of the proponents, being duly sworn according to law, on oath says:

EXAMINED BY MR. COLLINS.

Q. Where do you live?

A. Bloomfield, New Jersey.

Q. What is your business?

A. In the employ of the Western Union Telegraph Company on 'Change. 30

Q. The New York Produce Exchange?

A. Yes.

Q. In what capacity?

A. Furnishing reports of commercial matters in that department.

Q. Your age please?

A. Fifty-seven.

Q. What relation, if any, were you to George P. Gordon's first wife?

A. Her brother. 40

Q. I refer to George P. Gordon who owned the Gordon Press Works?

A. Yes, sir.

Q. Have you any interest in this will?

A. No, sir.

Q. How long did you know George P. Gordon.

A. From the time I was about a dozen years old until he died—I should say about thirty odd years.

Q. Before he moved to Rahway in earlier years did you live in his family when living in Brooklyn?

A. Yes.

Q. How long?

A. A year or two.

Q. After moving to Neathoak did you visit him.

A. Yes, sir.

Q. How frequently?

A. Two or three times a year, and sometimes oftener.

Q. Do you know anything about George P. Gordon's residence from 1866 to the time of his death, if so, what?

MR. MILLER—The witness may state facts.

A. I cannot tell you anything about years or dates.

Q. From the time he moved to Neathoak just outside of Rahway?

A. I never heard it called anything but Rahway.

Q. The name he gave it was Neathoak?

A. I did not know.

Q. Near Rahway—you know when he moved there?

A. Yes, sir.

Q. What do you know about his residence from that time until his death?

A. He lived there at Rahway and Norfolk, Virginia——(interrupted).

THE ORDINARY:

Q. State what you know about it.

A. All I know about it is he lived at Rahway.

Q. What do you mean by "lived"?
A. He had a place of residence there.
Q. What do you mean by residing?
A. Where he resided, he had his home there.

MR. COLLINS:

Q. What did you see there?
A. He owned the farm and had a house and everything connected with the household, his wife and daughter most of the time, and he had the servants and everything of that sort.
Q. Was there a change as to Mary Agnes, and if so when?
A. I cannot tell you when she first moved to New York City and she then went to Brooklyn.
Q. Went first to New York?
A. Yes, sir.
Q. Where did she live?
A. She boarded in Fourteenth street opposite the Academy of Music and then she moved to Brooklyn.
Q. About when was that?
A. I cannot tell you the year.
Q. Where did she go?
A. To Columbia Heights.
Q. Do you know the number?
A. I think it was 155.
Q. And made her home there?
A. Yes, sir.
Q. Who composed that household there at 155 Columbia Heights?
A. She and the servants; her father and mother spent part of one winter there I think—that is, her stepmother, rather.
Q. But excepting that part of one winter did she live there alone?
A. Yes, she lived there alone.
Q. Do you know what winter it was?
A. I cannot tell you anything about the years.

Q. Do you know anything about why there was this division of the household?

Objection by Mr. Miller as immaterial.
Objection sustained.

Q. What do you know—what occasioned it?

A. A disagreement between her and her stepmother.

Q. How do you know?

A. Both the stepmother and Mr. Gordon told me about it.

Q. What did you hear from Geo. P. Gordon on that subject?

A. He told me that they could not agree and he thought it best that Mary should come to New York.

Q. Who told you that?

A. George P. Gordon, Miss Gordon and Mrs. Gordon, all of them told me that.

Q. Did you visit Geo. P. Gordon at Rahway after he had bought this Brooklyn house on Columbia Heights?

A. Yes, sir.

Q. After that how many times?

A. I cannot say how many times; quite a number of times.

Q. And how late—down to what time?

A. Down to the time he went South, nearly, for for the last time.

Q. At different times in the year did you go?

A. Yes, sir.

Q. Describe the manner of living of the family of Geo. P. Gordon out there at that place near Rahway after he had purchased the Brooklyn house and Mary had gone there to live?

MR. MILLER—I object as calling for the conclusion of the witness.

Objection overruled.

A. I do not know that his manner of living differed from what it was before.

Q. Was the house furnished, and how?

A. Yes, just the same and the same furniture.

Q. Horses and carriages?

A. Yes, sir.

Q. Was the farm cultivated?

A. Yes, sir.

Q. Servants there?

A. Yes, sir.

Q. How about his going and coming from his business in New York to this place?

A. What do you mean by his going and coming?

Q. Going to New York in the morning and back at night?

A. Yes, I frequently walked with him from his office to the ferry—I presume he went to Rahway; I did not go with him there.

Q. You walked with him from the office to the ferry?

A. Yes, sir.

Q. Which ferry?

A. Cortlandt Street Ferry.

Q. That was after he bought this house in Brooklyn?

A. Yes, sir.

Q. Was this habit you speak of in going to the Jersey City ferry of his subsequent to this winter that he and his wife spent at Brooklyn?

A. Yes, sir, and before also.

Q. How near to Mr. Gordon's leaving for the South for the last time—before his death—can you fix this coming and going to and from Rahway?

A. I cannot fix any particular date.

Q. How close to his going south?

A. I should say—well I don't know—a few weeks, perhaps before and may be longer.

Q. And how long before Mr. Gordon's going to the south for the last time that he died there; was it he spent this winter in Brooklyn?

A. That, I do not know; I think it was some years before.

Q. Some years?

A. I think so.

Q. Were you acquainted with Geo. P. Gordon's handwriting?

A. Yes, sir.

Q. Had you seen him write?

A. Yes, sir.

Q. How often?

A. Scores of times.

Q. What relations did you sustain that caused you to see his handwriting?

A. I was employed in his office for one thing.

Q. How long?

A. A couple of years.

Q. When was it?

A. And I was frequently in his office all through the time.

Q. Did you correspond with him?

A. Yes, sir.

Q. Have letters from him and write letters to him?

A. Yes, sir.

Q. Down to how late a date?

A. The last letter I received he wrote about the first of January, before he died in Norfolk.

Q. Have you examined this signature of "Geo. P. Gordon" to Exhibit P 1, now lying before you?

A. Yes, sir.

Q. In your opinion, is it or not the proper handwriting of Geo. P. Gordon, whom you have been telling us about?

A. I think it is the handwriting of Geo. P. Gordon —I have no doubt about it.

Q. What was the habit of Geo. P. Gordon as to a pen?

MR. MILLER—What does the witness know about it?

Question withdrawn.

Q. You saw the pen he was in the habit of using, if so, what was it?

A. In his office he always used a gold pen.

CROSS-EXAMINATION BY MR. MILLER:

Q. Do you mean to say you were a constant visitor at Geo. P. Gordon's Rahway residence?

A. What do you mean by "constant"?

Q. Take the word as you ordinarily would?

A. I did just as I said—three or four times a year and sometimes oftener.

Q. How many times oftener?

A. I don't know.

Q. Will you swear you were there five times in the three years preceding 1878.

A. Is that the time he died?

Q. Yes.

A. Yes, sir.

Q. Five times?

A. Yes, sir, in three years.

Q. Yes?

A. Yes.

Q. Five times; now will you swear to ten times?

A. No, sir; I do not think I would.

Q. How many times at the Brooklyn house during that period?

A. During the three years before he died?

Q. Yes?

A. I don't know; I frequently went in.

Q. Any time during the three years be ore he died?

A. The winter he was there, I was there twice; when he was there and when he was not there, I was over every few weeks.

Q. When was that?

A. Both before and after he left the house.

Q. How long before he died?

A. Up to the time as long as Mary lived there.

Q. Mary was living there at the time of his death?

A. Yes.

Q. You were there how often during that time?

A. Every few weeks; sometimes twice a week.

Q. The house maintained and furnished with servants there just the same as at Rahway?

A. Yes; just the same.

Q. Did I understand the question Counsel asked you—he asked if you were interested in this contest, and you said no?

A. Certainly; I supposed he meant pecuniarily interested.

Q. You mean personally; you have no pecuniary interest in the contest?

A. None at all.

Q. Are you not one of the contesting parties of Mary Agnes Gordon's will in New York?

A, For my children.

Q. You retained Mr. Beckett as counsel?

A. No, sir, I never saw Mr. Beckett before.

Q. Messrs. Black & King?

A. Yes.

Q. You were the active one in instituting the Mary Agnes Gorden will contest?

A. One of them.

Q. As active as any?

A. I don't know about that.

Q. Who is more active than yourself?

A. I don't know—I saw counsel two or three times and I do not know how often the others saw him.

Q. You supplied them with evidence in that contest?

A. What do you mean?

Q. Evidence by which the will might be set aside if it could be?

A. I do not think I supplied any.

Q. You told them how to get it?

A. Not that I remember.

Q. Gave no suggestions?

A. Not that I remember at all.

Q. If that will was set aside your daughters as

next of kin to Mary Agnes Gordon would acquire considerable property?

A. My three daughters, yes.

Q. If this will be established Mary Agnes Gordon will have very little to give?

A. I haven't the slightest idea.

Q. Don't you understand the effect of this will is to take a large part of Mary Agnes Gordon's property away?

A. I don't know.

Q. Do you mean to tell us that you don't know the contents of this last will?

A. No, sir.

Q. You never spoke to Adeline J. Gordon about it?

A. No, sir, I never spoke to her in my life.

Q. You never discussed it in your life?

A. Never.

Q. Never spoke to Black & King or Mr. Beckett about this matter?

A. Yes, sir.

Q. Have you not aided them in establishing this case?

A. Not in the least.

Q. What was your talk about this will, then?

A. I got a note from them and I went up there to see them, and they showed me some signatures of Geo. P. Gorden and asked me if they were genuine and I told them I thought they were all genuine.

Q. That is all?

A. Yes.

Q. Although your daughters are interested in Mary Agnes' estate if the will be set aside, you did not ask them anything about the effect of this will?

A. I do not think I did.

Q. Will you swear you did not?

A. No, sir, I will not; I do not think I heard anything about it at all.

Q. In case this will is established, have you made any arrangement with Black & King as to any provision for your children out of this estate?

A. That I will swear to—that I do not expect the first dollar, directly or indirectly, it this will is established.

Q. Where do you live?

A. Bloomfield, New Jersey.

Q. You had a place at Belvidere?

A. No, at Bellville.

Q. There was a mortgage on that place held by the estate of Geo. P. Gordon of ten thousand dollars.

A. No, nine thousand three hundred dollars.

Q. And Mr. Cullen, as Public Administrator, tried to collect it and you resisted?

A. No, sir, he did not try to collect it.

Q. Didn't he ask you for any money on it?

A. The last thing he asked me—the facts about the mortgage was just this: In the will (according to Mr. Cullen) my children were left three thousand dollars apiece, that is $9,000, and I went and tendered Mr. Cullen $500, being the interest for the money for one year, and he would not take it, and he asked me how many children I had and I told him three, and he said the amount was about the same and the interest was about the same and that one would offset the other and we will agree, he said, to let one offset the other. Well, a few days after that I got a note from him telling me if I went up to the office he would put that agreement in writing, and I went and he said there is nothing any how, he had no papers necessary, that he knew Mr. Gordon meant simply to pass that mortgage over and that we need not pass any papers, but that when he got ready he would send for me ——(interrupted).

Q. You asked that your individual indebtedness should be paid by offsetting the legacy to your daughters under the will of Geo. P. Gordon of 1873?

A. I didn't say anything about it; he made a proposition to me.

Q. Mr. Cullen proposed to pay the legacies to your daughters by offsetting the indebtedness of yourself to the estate?

A. Yes, sir.

Q. And you assented?

A. Yes, sir.

Q. And that is the way your daughters were to get their money?

A. Yes.

Q. Have you the best of feeling towards Mr. Cullen?

A. No, I certainly have not, after his treatment of me.

Q. Have you taken any interest in this contest that is personal interest?

A. What do you mean?

Q. I mean as a matter of feeling. have you taken any interest in this contest?

A. I have no feeling about it.

Q. Is it not a fact that there was a strong feeling between your family, the Cornish family and the family of Mr. Gordon's second wife?

A. Nothing, except my sister had a strong feeling against her family, but personally, for myself, I like Mrs. Gordon.

Q. How many times have you seen Mr. Black since this proceeding has been going on?

A. I do not think I have seen him three times; I have seen him so seldom I did not know him when I saw him to-day.

Q. Are you positive?

A. Yes.

Q. Are you connected with the New York Herald?

A. Yes, sir.

Q. You used to report the produce markets for the New York Herald?

A. Yes.

Q. And you had access to the editorial column of the New York Herald?

A. No, sir.

Q. What do your reports consist of?

A. They consist of reports of the markets.

Q. And going to the herald with them?

A. Yes, sir.

Q. And you meet the editors and managers of the Herald?

A. Yes.

Q. And became acquainted with them?

A. Yes.

Q. And had a good deal of influence with them?

A. Not a particle.

Q. In no way.

A. Not a particle.

Q. You were able to get articles in the paper that others could not?

A. I never got an article in the paper in my life that others could not have done.

Q. Had you anything to do with the getting into the paper of the articles that appeared in the early part of the case?

A. I never did; I never saw the articles in the paper, and did not know anything about the articles.

Q. Do you read the Herald?

A. No, sir; I don't take the Herald.

RE-DIRECT BY MR. COLLINS.

Q. Let us have the whole history of the mortgage transaction?

A. I gave it to you all.

Q. Let me see if I understood it—Mr. Miller interrupted you—Mr. Gordon held a mortgage on your property at Bellville of how much?

A. Ten thousand dollars in the first place, and I paid him seven hundred dollars.

Q. And, by the paper claimed to be the will of 1873 and offered for probate, in Brooklyn there was a legacy to each of your three children of how much?

A. Three thousand dollars.

Q. That will was denied probate?

A. Yes.

Q. And notwithstanding that you say Mr. Cullen said that he knew it was Mr. Gordon's idea that he would not have you pay that mortgage?

A. Miss Gordon.

Q. And so he made an arrangement by which you should be relieved from that mortgage?

A. Yes.

Q. But he did not let you have the property; he kept the property?

A. I kept the property. I haven't told the story yet.

Q. Well, tell it?

A. After the time he had told me he would make an agreement and draw it up in writing he then said there was no necessity for it——(interrupted.)

Q. First he wrote this letter to you to call and make the agreement?

A. Yes.

MR. COLLINS (reading):

FEBRUARY 16, 1884.

In re-Gordon estate.

DEAR SIR—If you can come in and see me on Monday I will have our agreement reduced to writing.

Yours Resp'y,

H. J. CULLEN.

TO W. M. CORNISH, ESQ:

Q. Then he called and he told you there was no need of any agreement?

A. Yes, and he said that in a few days he would cancel the mortgage, and that was to be the end of the matter, and I did not see him again. I then met him in Wall street three or four weeks after and I spoke to him and asked him if he was getting ready, and he said all right; he would send for me in a few days, but I didn't see or hear from him in some years. The next I heard from him he sent me a letter——(interrupted.)

Q. This letter dated March 8th, 1890?

A. No, that is not it.

Q. Well, go on; it is another letter I have not got?

A. He wrote me a letter stating that the legacies

to my children were six thousand dollars instead of nine thousand dollars, and if I did not pay him the difference between that and the mortgage, thirty-three hundred dollars, he would commence foreclosure proceedings at once; he named some date in August.

I told him he need not commence foreclosure proceedings, if that was all he wanted; he could draw up the papers, a deed from my wife and me, and I would sign it, and he could take the property without the trouble of foreclosure, and he said in his letter to me that my daughters—by the way, he told me they were entitled to nothing, but if they got anything they would take it as a gift from Miss Gordon, and I told him that my children didn't want any gift from Miss Gordon; if they had any inheritance all right, but they didn't want any gift from her. He said he had consulted General Porter and some other lawyer, and they all said my children were entitled to six thousand dollars under the will, but they were not entitled to anything, because the will was set aside, and if it came at all, it would come as a gift from Miss Gordon, and I told him my children didn't want anything from her as a gift; if they had inherited anything they would have that, and if not, they would not want any gift from her, and I told him if he wanted a deed from me and my wife for the property, I would sign one, and I did so.

Q. Did he send you that letter (handing witness a paper)?

A. Yes; that is when he took the deed; it was made out to General Porter and Cullen.

Q. That is the letter?

A. Yes.

MR. COLLINS (reading);

"NEW YORK, March 8th, 1890.

"W. W. M. Cornish, Esq.

"DEAR SIR—Enclosed please find deed of bargain and sale to Josiah Porter and myself,

as trustees of your property upon which I as administrator of the estate of Geo. P. Gordon, deceased, hold a mortgage.

"This proposed conveyance contains no covenants on your part as to warranty, but simply vests the title in us.

Please have the same executed by yourself and wife in proper form and before a proper New Jersey officer and return to me.

"This conveyance will be and is intended to be a release to yourself of all obligation on the bond and mortgage, and when you send me the deed I will deliver to you the bond and mortgage.

"Truly yours,

"H. J. CULLEN, JR."

Q. Did you and your wife execute and send such a deed to Mr. Cullen?

A. Yes.

Q. And did he deliver to you the bond and mortgage?

A. Yes, and I saw him once afterwards.

Q. He says the deed was to be made to General Porter and himself as trustees of the property; do you remember whether it expressed in the deed itself whether it was to them as trustees?

A. I think not; I think it was to them individually.

Q. You saw him once after?

A. Yes; just after Miss Gordon died.

Q. In May, 1890?

A. Yes; I asked him then, that inasmuch as other legatees had sued for their money and every one of them got it, when they commenced suit or threatened to under this will of 1873, if he knew any reason why I should not sue in behalf of my children, and he said I could commence if I wanted to, and he said he had nothing whatever to do with it, that Geo. P. Gordon's estate had been closed up and I

need not come to him for advice or anything about it, and I asked him how long it was closed up, and he said it was none of my business.

FURTHER CROSS BY MR. MILLER:

Q. Why did you say there was nine thousand dollars set aside for your children?

A. Because Mr. Cullen said so.

Q. I will read the tenth clause in the will—"I give to the children of W. W. M. Cornish, two in number, "the sum of three thousand dollars each, living at my decease;" well, there is six thousand dollars only if the will had been established?

A. Well, I don't know how much it was; Mr. Cullen asked me how many children there were and I said three.

Q. And Mr. Cullen was right when he told you there was only six thousand dollars?

A. Yes.

Q. And he wanted you to pay the difference between the six thousand dollars and that mortgage of ninety-three hundred dollars?

A. Yes.

Q. How much was the Belleville place worth?

A. It cost me twenty thousand dollars nearly.

Q. Had it any market value above ten thousand dollars?

A. I don't know; I never put it in the market.

Q. You say you talked to him about suing him?

A. I said about suing the estate.

Q. Don't you know there was a settlement made by him with J. H. Van Cott respecting all the heirs under the Brooklyn will, and that Mr. Cullen told you that he would deal with Mr. Van Cott only, and not with the people individually?

A. I don' know anything about it.

RE-DIRECT BY MR. COLLINS.

Q. You have three children?

A. Yes.

ELIZABETH ATHLEY, a witness produced in behalf of the proponents, being duly sworn, according to law, on her oath says:

EXAMINED BY MR. BOORAEM:

Q. Where do you reside?
A. Near Rahway.
Q. Did you know Geo. P. Gordon in his lifetime?
A. Yes.
Q. Were you living at Rahway about the time of the death of Geo. P. Gordon?
A. I was living in Mr. Gordon's house at the time of his death.
Q. Do you remember the time of his death?
A. Yes.
Q. How long had you been living in his house before the time of his death?
A. Well, about four or five months, I think.

THE ORDINARY:

Q. Where was this house?
A. In Woodbridge township.

MR. BOORAEM:

Q. Near Rahway?
A. Yes.
Q. Did you see Mr. Gordon at that house any time before his death?
A. Yes.
Q. And Mrs. Gordon?
A. Yes.
Q. When did you see them at that house last before the time of his death?
A. I saw them before they went South.
Q. Did they leave that house to go South?
A. Yes; they left that house to go South.
Q. Before he went South on that occasion, where had you been living?
A. In one of Mr. Gordon's houses.
Q. On the Gordon place at Woodbridge?
A. Yes.

Q. How long had you been living in that house?

A. Well, not very long; I don't really know how long; not over three or four months, I don't think.

Q. Where was Mr. Geo. P. Gordon during those three or four months?

A. He was in his house—in the large house.

Q. At Woodbridge?

A. Yes.

Q. You saw him there?

A. Well, I saw him pass by; I did not see him in the house.

Q. You were a married woman at that time?

A. Yes?

Q. What is your husband's name?

A. Thomas Athley.

Q. Is he living?

A. No, dead.

Q. Was he living at that time?

A. Yes.

Q. Was he in the employ of Mr. Gordon?

A. Yes.

Q. What work did he do for Mr. Gordon at that time?

A. Well, he worked round the place; I don't know what he did do; he worked around on the place.

Q. He was receiving wages for his work, was he not?

A. Yes; he used to get wages.

Q. And that was the condition of affairs at the time Mr. Gordon went away South that fall?

A. Yes; I guess that is so.

Q. When Mr. and Mrs. Gordon went South, what did you and your husband do in regard to your residence?

A. Me and my husband attended to the work; my husband done the outdoor work and I did the indoor work.

Q. And you moved into the large house then to take care of it?

A. Yes.

Q. Had you worked in Mr. Gordon's household any time prior to that?

A. Yes.

Q. In what capacity?

A. Cook.

Q. In what house?

A. In the large house,

Q. The same large house?

A. Yes; at Rahway.

Q. How long did you work there for Mr. and Mrs. Gordon?

A. About nine months.

CROSS-EXAMINATION BY MR. MILLER:

Q. How long did you say you had known the Gordon family?

A I had known Mr. Gordon's family since 1874.

Q. Did you know them when they first came down there in 1869?

A. I did not.

Q. Mr. Gordon used to go South to Norfolk after 1874, didn't he?

A. Yes, I think he did, but I am not sure; I don't know.

Q. Mary used to be at the house off and on all the time from 1874 to the time of Mr. Gordon's death, didn't she?

A. When I went there first Mary was living there, and then when I went there the second time she was not there?

Q. When was that?

A. That was in 1876.

Q. You say you went there to keep house while they were away?

A. Yes.

Q. When did you last keep house for Mr. Gordon at Rahway?

A. I was living there when Mr. Gordon died, with my husband.

Q. When before that did you go there to live?

A. In 1874.

Q. You lived in that house continuously from 1874 to 1876? You do not mean that?

A. No, sir.

Q. You mean you lived there when the family was away?

A. Yes.

Q. Mr. Gordon used to be away a good deal?

A. Well, no; sometimes.

Q. He was away at night a good deal?

A. I do not think so.

Q. During what part of the year 1876 were you living in the house? Give the time of the year.

A. Going on to the winter.

Q. About November, 1876?

A. I cannot say what month, I won't be sure.

Q. We call October and November going into winter?

A. Yes.

Q. And after that you did not see Mr. Gordon at the house at all until after you heard of his death?

A. No, sir.

Q. In the year 1875 you went there in the cold weather?

A. No, sir, I went there in 1876.

Q. Were you not there during the winter of 1875-1876?

A. I don't think I was there in 1875; I went in 1874 and stayed nine months and went back in 1876 again.

Q. In 1875—you were not living at the house in 1875, but when you saw Mr. Gordon you saw him only by passing by in the carriage going to the depot?

A. In the house, too.

Q. When you saw him; but a great many times you did not know that he was there?

A. A great many times I did not know.

Q. Do you know when it was they went to the Brooklyn house?

A. No, sir, I don't know; I know he used to go to Brooklyn.

Q. When was that?
A. That was in 1876, I think.
Q. Where Mary was?
A. Yes, I think so.

RE-DIRECT BY MR. COLLINS:

Q. How often did he go there? In 1876 you lived there in the house in 1876?
A. Yes.
Q. How often would Mr. Gordon go to Brooklyn?
A. I don't know as I did live in the house; I slept in one of the houses in 1876, but not in the large house.
Q. You went to the large house just before he went South?
A. Yes, just before he went South; when he went out I went in.
Q. That was in 1877?
A. I cannot say.
Q. The year before he died?
A. Yes; that is 1877.
Q. You said he used to go to Brooklyn sometimes; how often did he go?
A. I cannot tell.
Q. What did he go there for?
A. Well, I don't know.
Q. Did Mary Agnes live in Brooklyn?
A. Yes.
Q. How near did you live to him when you were not in the big house?
A. I lived on the farm, not very far from the large house.
Q. Can you see the large house?
A. Yes.
Q. And see whether or not people were living there?
A. I could see, yes.
Q. You say sometimes Mr. Gordon would go to Brooklyn; did his wife go, or did he go alone?

A. That I cannot say; I think sometimes.

THE ORDINARY:

Q. How do you know he went to Brooklyn?

A. I heard him say so.

MR. COLLINS:

Q. What did you hear him say?

A. I heard my husband say that he had gone to Brooklyn.

Q. How long did he stay when he went?

A. I don't know; I did not live in the house then; I cannot say.

Q. Did he break up and go there or go there and visit there?

A. I never knew what he went for, only I knew that he went there.

THE ORDINARY:

Q. How long did he stay?

A. I don't know that either; I only know my husband said he went there.

MR. COLLINS:

Q. Was the Woodbridge house kept open just the same?

A. Yes.

Q. Mrs. Gordon was there just the same?

A. Yes.

Q. And when he stayed there, would he stay more than a day or two at a time?

A. That I don't know.

Q. Did you ever know of his being away any length of time?

A. Yes; he went away one summer for quite a while, the summer before he went South.

Q. Where did he go?

A. I don't know where he went.

Q. Did he go traveling?

A. I suppose so.

Q. Did you ever know him to go down to Brooklyn for any length of time?

A. No, sir; not often.

Q. When you speak of housekeeping, did you mean keeping house for yourself and husband on the Gordon place?

A. Yes, sir.

Q. Housekeeping for yourself?

A. I was taking care of the house.

Q. After he went South?

A. Yes, sir.

Q. And before that?

A. I was keeping house for myself.

Q. In the little house?

A. Yes, sir.

FURTHER CROSS BY MR. MILLER.

Q. You said you did not know how long Mr. Gordon stayed in Brooklyn, that is a fact?

A. Yes, sir.

Q. Don't you know about the housekeeping arrangements; did not Mr. and Mrs. May take charge of the house so that Mrs. Gordon might be away with Mr. Gordon?

A. Yes, she might.

Q. And the housekeeping went on when Mr. and Mrs. Gordon were absent?

A. Yes, sir.

Q. Did Mrs. Gordon have anything to do with the housekeeping then?

A. I do not think she did; Mrs. May had charge of the house generally.

Q. Mrs. Gordon did not?

A. No, sir.

RE-DIRECT BY MR. COLLINS.

Q. Did the goods of Mr. Gordon's remain in the house after his death, at Woodbridge?

A. Mr. Gordon did not die in the house.

Q. After his death did the same goods and furniture remain in the house?

A. Yes, sir.

Q. Up to the time Mr. Savage bought the property?

A. Yes, sir.

ADELINE J. GORDON, a witness produced in behalf of the proponents, being duly sworn according to law, on her oath says:

EXAMINED BY MR. COLLINS:

Q. Where did you live?

A. At 352 West 38th street, New York City.

Q. Have you lived in New York a long time?

A. Yes, sir.

Q. What relation were you to Geo. P. Gordon, who had the press works at Rahway?

A. I am his sister.

Q. Younger than he?

A. Yes, sir.

Q. How much?

A. Ten and a half years.

Q. That makes you now how old?

A. I believe I am seventy years old.

Q. You are his younger sister?

A. Yes, sir.

Q. What was your father's name?

A. Phineas Gordon.

Q. Where did your family live?

A. Most of the time in New York.

Q. Brought up as young people in New York?

A. Yes.

Q. Is your father dead?

A. Yes.

Q. When did he die?

A. In 1850, April 15th.

Q. What was your mother's name?

A. Mary Gordon.

Q. Mary White, was her maiden name?

A. Yes, sir.

Q. When did she die?

A. In 1852.

Q. Tell the number of children your parents had?

A. They had seven.

Q. Seven children?

A. Yes, sir.

Q. Take up each in order of birth and state the names and when he or she died, if dead, and what children were left, so as to have the family history?

A. Louisa Gordon, died in 1870; she was the eldest.

Q. Married or unmarried?

A. Unmarried.

Q. Next?

A. Mary Ann Doane.

Q. She married who?

A. Dr. A Sidney Doane.

Q. Not the A. Sidney Doane referred to in this case?

A. No, it was his father.

Q. The one that is dead?

A. The father of the one referred to; both are dead, my brother-in-law as well as my nephew.

Q. Not the one that was manager for Geo. P. Gordon?

A. Dr. A. Sidney Doane married my sister Mary Ann; he was the father of the one that became Geo. P. Gordon's clerk.

Q. Mary Ann Doane died when?

A. Four years ago this June.

Q. Her husband is also dead?

A. Yes, long ago in 1852 he died.

Q. What children did that couple have?

A. A. Sidney Doane, who was George's clerk; Eugene Gordon Doane, who is living.

Q. Where is he?

A. In New York City, a clerk in the General Postoffice.

Q. Next one?

A. The next is Blanche Viola, who married Mr. Lord.

Q. Living or dead?

A. She is dead.

Q. Leaving children?

A. No, sir.

Q. The next?

A. Estelle Rosalie Doane; she married George Hanna; she lives at 352 West Twenty-eighth street, New York City.

Q. The next?

A. Dr. Louigi G. Doane, a physician in New York City.

Q. The next?

A. Eva M. Doane, she is now here in Court.

Q. Did A. Sidney Doane the younger leave any children?

A. Yes.

Q. Name them?

A. He left Agnes C. Doane; he left a son Augustus Sidney Doane, now living in Brooklyn, and then Agnes C. and Susie V. Doane, Eugene P. Doane and Percy G. Doane.

Q. Now, the next brother? You had two sisters, Louisa and Mary Ann, now the next?

A. The next was Cuthbert Collinwood Gordon.

Q. A minister?

A. Yes.

Q. What denomination?

A. Universalist.

Q. Did he die?

A. He died in 1883, I think.

Q. Leaving children?

A. Yes, left two children,

Q. Name them?

A. Cuthbert O. Gordon.

Q. Commonly called "Cuddy"?

A. Yes.

Q. Is he living or dead?

A. Dead.

Q. When?

A. I think it was in 1886 Cuddy died.
Q. Was he married?
A. No, sir.
Q. Unmarried?
A. Yes, sir.
Q. The next one?
A. Henry Gordon.
Q. Now here in Court?
A. Yes, sir.
Q. Now the fourth of the seven?
A. George P. Gordon, my brother.
Q. And he was twice married, and both of those wives are dead, and he left the daughter Mary Agnes, who is also dead?
A. Yes, sir.
Q. That is correct?
A. Yes, sir.
Q. And she died in May, 1890?
A. Yes, sir.
Q. The next one sister, No. 5?
A. Wealthy Jane Gordon, who married Adolphus Bogert, and she is now living.
Q. And the sixth child?
A. My unfortunate self.
Q. You, I judge from your name, are not married?
A. No, sir.
Q. That is six, you said there was seven; one did not live to grow up—what was the name?
A. Edward Orlando.
Q. He died ten years ago?
A. Yes, sir.
Q. That gives the family history of the Gordons.
A. Yes, sir.
Q. Where were you born, all you children?
A. Well, Louisa, Mary Ann, Collinwood and George were born in Salem, New Hampshire; Wealthy Jane, Adeline and Orlando were born in Boston, Massachusetts.
Q. So that you were a New England family?

A. I was born in Boston and came here when I was a little child.

Q. You were a New England family?

A. Yes, sir.

Q. What was your brother's career; what were his pursuits?

A. George P. Gordon?

Q. Yes.

A. When quite youthful he went as an apprentice.

Q. Before that, was he on the stage?

A. Yes; as an actor, for a very short time.

Q. Through whose influence was it?

A. Through his being acquainted with John Gilbert and some few others who had in Boston in their youth a little theatre in Boston.

Q. He did not stay at that long?

A. No, sir.

Q. He became a compositor and printer after that?

A. Yes, sir.

Q. He never gave up the printing business until he became a manufacturer of printing presses?

A. Yes, he invested in printing until he made his inventions.

Q. These presses were his inventions?

A. Of course; he was an inventor for several years.

Q. Did he marry?

A. He first married in 1846, the 26th of September; he married Sarah Cornish.

Q. And his daughter Mary was born of that marriage?

A. In 1847 she was born.

Q. After his first marriage, where did they go to live?

A. Brooklyn, Columbia street and in Gold street, aud two or three other places in Brooklyn, in Adams street, sometime before my brother George purchased the place at Woodbridge.

Q. And when did he marry the second time?

A. In 1856 I think it was.

Q. And still lived in Brooklyn?

A. Yes, sir; for a while in Adams street, and then went down to live at Woodbridge.

Q. When?

A. I cannot tell you exactly the date, but I should think it was somewhere in 1866, or somewhere along there that he went down there.

Q. In Woodbridge, you say, near the city of Rahway?

A. Yes, sir.

Q. What name did they give the place?

A. Neathoak.

Q. Did you visit there?

A. I did.

Q. How often?

A. I might have been in the house perhaps half a dozen times; I don't think more than that.

Q. Did you have any conversation with your brother George in which reference was made to a will, and, if so, give the time, place and circumstances and then the conversation?

A. Yes, I did have some conversation with him, or rather listened to him—we were in the car coming up from Rahway to New York. It was in 1870, the fall or winter of 1870, he told me he had made his will, that he had provided amply for his daughter, his wife and daughter, outside of his business, but I did not ask him anything about the will, any further than that.

Q. Did he say anything about providing for anyone else?

A. Afterwards I had a little talk with him up at 155 Columbia Heights, just after the house was purchased there, and he told me—looking around the place—that he had purchased that house for a home for his daughter and asked me what I thought of it, if it would be a nice home for her, and I said yes, it will be a very comfortable home, and he said: "I think so too; it will do for Mary;" and he then spoke of having made his will, and he said: "I have provided for a few outside of my wife and daughter,

who will need something after I am gone," and from his smile and his manner and way of looking at me, I knew that it included me as well as the members of his family.

MR. MILLER moves to strike out the latter part of the answer.

Q. Describe what you mean by manner and smile?

A. It was a pleasant manner; he had his handkerchief in his hand and he bowed and smiled to me in a pleasant way and spoke of it in that way.

Q. He smiled and bowed to you when he said, "I have provided for some others?"

THE ORDINARY — I will let that answer stand.

Q. How do you fix that time in 1870, were you on the cars coming from Rahway to New York?

A. Yes, sir.

Q. Coming from Rahway?

A. Yes, sir.

Q. You had been there visiting?

A. Yes, sir.

Q. And you were coming to New York with him?

A. Yes, sir.

Q. How did you fix the time?

A. My sister Louisa died in 1870 on the 25th of July, and I had never been to George's house in Rahway until after Louisa died. I went there perhaps a month after her death with my sister, Mrs. Doane; after that I went down again, and on our way home, it was in the fall or winter of 1870, he then talked about this will.

Q. Did he ever mention to you the Adams family, his neighbors at or near Woodbridge?

A. Yes; he spoke of them as friends, and so did Lenore; she spoke of the Adams family opposite, and always in a pleasant way.

Q. Your brother spoke of the Adams?

A. Yes. sir.

Q. When?

A. When I was there, merely speaking of the house and grounds about and that the Adams lived there; I had not seen any of the family then.

Q. By "Lenore," you meant your sister-in-law, Mrs. Gordon?

A. Yes, sir.

Q. Do you know whether there was any friction between the daughter and step-mother, Mary Agnes and Lenore, and what relations Mr. Gordon sustained to them?

A. Well, I know that they disliked each other extremely, and for months at a time they did not speak to each other.

Q. Did Mr. Gordon say anything to you, or on that subject, and if so, when and what?

A. Yes, I had a conversation with him in his office one day, and he said that he was between two fires, his wife and his daughter.

Q. When was that?

A. That was while he was living at Woodbridge; I don't remember exactly the date, and I remarked that one fire might go out, as his daughter would probably marry, and he said, "No, she never would," and he said, "I am convinced that they cannot abide under the same roof."

Q. Was this before or after he bought the Brooklyn house?

A. Yes, about the time, I think.

Q. About the time?

A. Yes, sir.

Q. Do you know whether or not Mary went to live at the Brooklyn house?

A. I don't know exactly the time she went there.

Q. Do you know whether or not she went to live at the Brooklyn house?

A. I know she did go there to live.

Q. Do you know whether that was before or after

this conversation, when he said the two women could not live under the same roof?

A. No, sir, I don't remember about that, but I know I went down to ask him to let me go with him to Virginia the next time he went, for my health was not good, and I thought a change of air might benefit me, and he said, "Yes, Addie, it will do you good; it is the best thing you could do," and he kissed me affectionately, and he said, "I will let you know," and he went home and consulted Lenore, and after he had consulted Lenore I could not go.

Q. When was this?

A. That was the last time I went to his office.

Q. You know Mary went to live at Brooklyn; when did she go there?

A. I don't know when; I know sometime before she went to Brooklyn she boarded in 14th street, New York.

Q. Did she go from there to the Brooklyn house on Columbia Heights?

A. Yes, sir.

Q. When the house was in order?

A. Yes, sir.

Q. What did you know about Mr. and Mrs. Gordon going to the house on Columbia Heights, No. 155?

A. Yes, I saw my brother there twice, before he was brought in dead, once living and once dead; that is all I ever saw of George in the house at Brooklyn heights.

Q. Where did he make his home?

A. Rahway.

Q. After he bought the Brooklyn house?

A. Yes; and the last time I ever saw him in life he was standing in his store in Rahway asking me to come and see him again.

Q. When?

A. That was the last time he went South?

Q. In 1877?

A. Yes, sir.

Q. Was the house then of the same appearance as heretofore, with the furniture and all?

A. Yes, sir.

Q. As before he bought the Brooklyn house?

A. Yes, sir.

Q. Was anything taken from Rahway to Brooklyn?

A. No, sir.

Q. Any change after he purchased the Brooklyn house?

A. No; everything went on just the same as ever, and that was his home.

Q. How often did you go there after he purchased the Brooklyn house?

A. Very seldom; I heard he was going South, and I started to go to Brooklyn as he started out to Rahway and I got there two minutes too late—— (interrupted).

Q. How often did you go there after he purchased the Brooklyn house?

A. I was there very few times, not more than two or three times, I do not think.

Q. On those times was he there?

A. No, sir, he was not there; once I went there and Mr. and Mrs. May were there and said that he had just gone from there.

Q. Where to, Norfolk?

A. Yes; he had gone to Norfolk.

Q. Did you visit Mary Agnes at Brooklyn?

A. I don't think I ever went to see her at all after her father died, and certainly not more than two or three times before after she left him; I never called there after George's death.

Q. I think you have testified that your brother had bought 155 Columbia Heights for Mary?

A. Yes; he said distinctly and decidedly that he had bought that house for Mary's home.

Q. Do you know whether or not the Brooklyn air agreed with your brother?

A. No, sir; I do not think it did.

Q. Do you know whether or not the Brooklyn air agreed with your brother?

A. I don't know whether the Brooklyn air agreed with him; but I know that ascending the elevations of the streets did not agree with him, because he had to stop and ask me to stop once because he could not breathe.

Q. That is the steep hill at Montague Street Ferry leading to his house?

A. Yes, sir; so that he did not like the place because the streets affected his breathing.

Q. You know that from him?

A. Yes, sir.

Q. He complained of that to you?

A. Yes, sir.

Q. Do you know how frequently he went there?

A. I do not know, but ——(interrupted.)

MR. MILLER—I object, if she does not know that is sufficient.

MR. COLLINS:

Q. How do you know?

A. I know this much, that when he went up from his place it was perhaps for a night or two, and then he would go back to his home again.

THE ORDINARY.

Q. How do you know that?

A. Because when I heard through Sidney, my nephew, he would say, "Well, George is up to-night" and the next day "He has gone back again."

MR. MILLER—I asked that it be stricken out.

THE ORDINARY—It may be stricken out.

THE WITNESS—I do not think I saw George but twice in the Columbia Heights house before he was brought in dead; but I know that he felt in walking quickly or where he ascended a hill at all he could not breathe.

MR. COLLINS:

Q. What do you know of the relations between Lenore Gordon and Henry D. Van Wyck, both before and after your brother's death?

MR. MILLER—We want your personal knowledge.

THE ORDINARY—Yes; only your personal knowledge.

A. When I was in Virginia after George's death?
Q. Before his death first?
A. He was there as George's friend and Lenore's friend; it was so represented always to me——(interrupted.)
Q. Where?
A. At Rahway.

THE ORDINARY.

Q. By whom so represented to you?
A. By the surroundings; or if he was greeted by George or by George's wife, I supposed he was a friend of both; but I know that—now this is hearsay—
Q. Don't tell it, unless Mr. Gordon told you?
A. My sister Mrs. Doane told me.
Q. She is dead.
A. Yes.
Q. You cannot tell that—what do you know about their corresponding, what did she tell you?
A. She told me that she wrote to Mr. Van Wyck every day, that is what I know.
Q. This was in her husband's lifetime?
A Yes, sir.
Q. What do you know about what happened after his death?

MR. MILLER—I object, on the ground that it is immaterial to any issue in this case.

THE ORDINARY—I will over-rule all proof of relations between these people after the death of Mr. Gordon.

MR. COLLINS:

Q Did you ever see your brother write?

A. I have.

Q. Many times?

A. No, sir; not a great many.

Q. Have you had letters from him?

A. I had a few; yes, sir, in my lifetime.

Q. When and on what occasions have you seen him write?

A. When, perhaps, he was writing to a friend or something of that kind; I have seen him at his desk in his office writing.

Q. Have you seen him write his name?

A. Yes, sir.

Q. Are you familiar with the signature so that you would know it?

A. Yes, I think I ought to be.

Q. (Witness is shown the will, Exhibit P 1) Your attention being directed to the signature of Geo. P. Gordon n Exhibit P 1, is that, in your opinion, your brother's writing?

A. Yes, certainly.

Q. You have seen this will before?

A. Yes, sir.

Q. And examined it?

A. Yes, sir.

Q. And are familiar with it?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER.

Q. Before 1878 how many times were you at your brother's place at Rahway, between 1874 and 1878?

A. Well, I cannot tell you; perhaps two or three times.

Q. In four years you were there two or three times?

A. I do not think I was there more.

Q. Do you think you were there that much?

A. Perhaps so.

Q. Are you positive?

A. I went very, very rarely to Rahway and very rarely to Columbia Heights.

Q. Did you go more than twice to Rahway between 1874 and 1878?

A. That I cannot tell.

Q. More than once?

A. I don't remember; I should have to sit down and think how few times I did go.

Q. How many times between 1874 and 1878 did you go to the Brooklyn house?

A. I am not sure; I did not go there more than once or twice.

Q More than once did you go?

A. Perhaps I did and perhaps I didn't; I went there once to go to the theatre, and I was invited there by Mary to go and dine there, but I did not accept the invitation.

Q. You were not there more than once that you will swear to between 1874 and 1878?

A. No, sir.

Q. When was this difficulty your brother complained of in going up Montague street hill?

A. That was in the summer time once that I was there.

Q. There was another way to get to that house other than by the Montague street hill?

A. I guess he rode sometimes, but this time I was coming from the house with him, and he said "Stop, stop," and I did, and I said "What is the matter?" and he said "I cannot breathe."

Q. He was going down hill then?

A. Yes, and he couldn't breathe.

Q. Is there any point on Columbia Heights higher than No. 155?

A. I don't know; it was perhaps down those steps, and he called out to me that he could not go as fast as I could—you must remember I was young

New Jersey State Library

er than he and he could not keep up with me, that is all.

Q. How long have you resided in Twenty-eighth street, New York?

A. From 1852 until about four years ago; now I have returned to No. 352 West Twenty-eighth street; I boarded in Fulton place for about four years since my sister's death and I now have returned to No. 352.

Q. You resided with your sister's family?

A. Yes, sir.

Q. Did George P. Gordon visit there?

A. Yes, occasionally.

Q. How often?

A. Not often.

Q. More than once do you remember?

A. Yes, sir.

Q. How many times between 1874 and 1878?

A. I cannot tell you.

Q. It was not his habit to come there?

A. He did not visit anywhere very often.

Q. Is it not a fact that it is a family trait that you did not visit each other very much?

A. No, I do not think they did; they might have felt kindly towards each other, but did not visit very much.

Q. It was not their habit to visit each other?

A. No, sir, I think it was not; that is, speaking of family visiting; there was one family that did visit pretty often, and she was a greater visitor than the rest.

Q. Who was she?

A. Mrs. Bogert.

Q. She is dead?

A. No, she is living.

Q. She would visit and the others not?

A. Yes, sir.

Q. Are you positive about the date of the death of Louisa?

A. Yes, sir.

Q. When was it?

A. July 25th, 1870.
Q. Where did she die?
A. She died at Roxbury, Massachusetts.
Q. Did your brother go to the funeral?
A. George? Yes, sir.
Q. Were you there?
A. No, sir; I was not.
Q. What prevented you going.
A. I don't know; I knew that her body was coming on, but I did not know she was to be buried so early in the morning; we did not get the message, it was not given by George or Sidney to Mrs. Doane until too late, and Mrs. Doane and I could not go to our sister's funeral.
Q. You fix the conversation in the Brooklyn house about the subject of the will in which he smiled on you and you drew certain inferences?
A. Yes, sir.
Q. That was when?
A. Just after he purchased it; it was just furnished and I walked around looking at it, and he then told me that he had bought it for his daughter.
Q. You went over to see the new house?
A. Yes, sir.
Q. Why did you usually go to his office when you wanted to see him?
A. If I was down town I would like to go in and see George, and I had occasion to go in and thank him for kindnesses to me occassionally; if he would send me one hundred dollars I would like to step in and thank him for it.
Q. You thought well of each other, but did not visit much?
A. Yes; he was one of the best and noblest of men, and one of the most truthful that ever lived; I cannot say too much in his praise.
Q. Was he tall?
A. Yes, sir.
Q. And slight?
A. No, not so slight; he was 175 pounds in weight.
Q. What height?

A. Taller than you.

Q. Over six feet?

A. Yes.

Q. Rather pale or not?

A. He was pale for the last few years of his life, which I presume was from the disease of the heart.

Q. You know that he did remember you in the 1873 will?

A. He did.

Q. After that will was set aside, you had counsel?

A. Yes, sir.

Q. Mr. Van Cott?

A. Yes, sir.

Q. And was not nine thousand dollars paid to him from the estate of George P. Gordon for you?

MR. COLLINS—I object on the ground that it may be a subject of future contest, and I think it is not proper to bring it in here now, and it is not cross-examination, and also on the ground that it is irrelevant.

THE ORDINARY—I will allow the question to be answered and reserve my decision on the question of admissibility.

A. I suppose it was. but I did not receive nine thousand dollars.

Q. No, you paid the counsel fees?

A. Well, he took out what he supposed was his place or right to take, and yet I understand he says that he has a claim upon me now, but he has not; he is paid, and fully paid, for all I owed him.

Q. You spoke of a conversation in 1870 with your brother in the cars?

A. Yes, sir.

Q. How do you fix that date.

A. I explained that to Mr. Collins, that it was in reference to the death of my sister Louisa, which happened in July, and this was the following fall or winter, because I did not go to Rahway before 1870.

Q. And from 1870 to when did you next go?

A. It was in the fall or latter part of the summer.

Q. After that visit, when did you go again?

A. I went, perhaps, in August or September, and then I went again before cold weather.

Q. And after 1870 when next did you visit your brother at Rahway?

A. That was the one.

Q. After 1870 when next did you visit your brother at Rahway?

A. I cannot tell you; then it was a long time elapsed before I went again.

Q. Did you go again before 1874?

A. I might have done so.

Q. You don't remember any?

A. No, sir, I did not; I remember a remark that George made: "Why don't you come to see me?"

Q. I am asking about the visits you made to Rahway after 1870; was there any visit you made after 1870 to 1874?

A. No, sir, I don't remember—I remember the remark he made, "Why don't you come to see me;" and he said, "It is so little I have seen of you since mother's death," and so I did not go very often.

Q. Were your relations with Mary Agnes pleasant or unpleasant?

A. Well, I never went to see her after her father's death.

Q. During your brother's lifetime?

A. Previous to that we used to meet pleasantly; that is, we would shake hands and pass the time of day, as you say, but she didn't like Aunt Addie, and I didn't like her very much.

Q. During Mr. Gordon's lijetime?

A. Yes.

Q. Didn't you go to Virginia at the invitation of Mr. and Mrs. Gordon, both?

A. No, sir.

Q. Didn't Mrs. Lenore Gordon invite you to go?

A. After her husband's death.

Q. Before her husband's death?

A. Being as I wished to go and asked to go, but she didn't invite me. He said this, that he would consult with his wife, and then he told me that I could not go, as she said Mr. Van Wyck and his sister or somebody was going and there would not be time, and when I went into the room again she said, "You can stay another week, but Mr. Van-Wyck's niece is coming," but I told her I would not stay, and I didn't. I was down in Virginia with her, and I spent four weeks in Virginia in my brother's house as unpleasantly as I ever spent four weeks in my life——(interrupted).

MR. COLLINS:

Q. That was after your brother's death?

A. Yes, sir.

MR. MILLER:

Q. But did I ask you anything about going there after your brother's death?

A. I did not go before.

Q. I asked you about the invitation that your brother gave you to go to the South?

A. No, sir; he did not invite me.

Q, Didn't you say so?

A. Except in his own office. but he did not send any invitation from the house.

Q. At the office he asked you to go, but he said he would see his wife?

A. Yes, sir.

Q. And afterwards told you that there would not be time to get ready, or something of that kind?

A. Yes. sir.

Q. And his speaking about his wife in the way he did, don't you think it was a polite way of telling you he didn't want you?

A. No, sir, he did not—you——(interrupted).

Q. You inferred Mrs. Gordon did not want you to go?

A. She did not—she did not—

Q. She did not say so to you?

A. No, sir; you can take actions better than words sometimes.

Q. You did not see her at all about this visit to Virginia?

A. No, sir; I did not.

Q. Did you not thank Mrs. Gordon for some money that had been sent by Mr. Gordon at any time?

A. I do not think I did thank her: I do not think I did.

Q. Answer the question directly, please?

A. No, sir; I did not.

Q. Never thought she was instrumental in getting you any money?

A. No, sir; I guess she had been instrumental in keeping it from me.

Q. You felt that?

A. Yes, sir.

Q. You had a pretty strong feeling against Mrs. Gordon?

A. Yes, very.

Q. And still have it?

A. Yes, sir.

Q. And you have been present during all this trial?

A. I think I have almost every day.

Q. You have taken a great interest in the trial?

A. Yes, I have.

Q. You know the feeling of the families on the subject?

A. Yes, sir.

Q. The feeling runs high about sustaining this will?

A. No, sir, not very.

Q. There is great expectancy?

A. No, not on my part.

Q. You don't expect to have it sustained?

A. They expect it, of course; justice shall prevail and right; of course they expect that; everybody does.

RE-DIRECT BY MR. COLLINS:

Q. You say there is no expectancy on your part?

A. No, sir, because the little left to me would be hardly worth talking about, but I take the place and interest for my nieces and nephews.

Q. Counsel brought out that you feel very strongly and do still against Mrs. Gordon; why?

MR. MILLER—I object to the reasons. Objection overruled.

A. Well, I do not think she was a good wife; I do not think she was a true, thoughtful wife, and of course if I have any feeling for my brother, I felt that she ought to have done in many respects different from what she did; I think George loved her, but I do not think she loved him, but I think she ought to have done for his kindness and goodness to her.

RE-CROSS BY MR. MILLER:

Q. These are very serious imputations, are they not?

A. I cannot help it.

Q. You meant to make these imputations?

A I say only what I feel and know.

Q. You meant to make these imputations against her if you could?

A. I do not understand your question.

Q. Don't you understand what I say?

A. No, sir, I do not understand why you should ask me such a question.

Q. Your feeling against Mrs. Gordon was so strong, you wanted to state the reasons?

A. Yes, I did.

Q. Have you heard or seen the letters your brother wrote to her of affection and regard, have you?

A. I have seen the letters.

Q. Have you heard them read in Court?

A. No, sir, I have not, and if I did——(interrupted).

Q. Never mind—you spoke of seeing justice done your nieces and nephews; to whom do you refer, the Cornishes?

A. They are not my nieces.

Q. Which family?

A. The Gordon family.

Q. And with whom you live?

A. Yes, sir.

FURTHER RE-DIRECT BY MR. COLLINS:

Q. You do not live with all of them?

A. I live with the Doane family; Henry Gordon is my nephew.

Q. You only live with the Doanes?

A. Yes, sir.

Q. Would letters, if you heard them, with professions of affection by your brother towards his wife Lenore, be inconsistent with your opinion?

Objection by Mr. Miller.
Question withdrawn.

GEORGE H. WATSON, a witness produced in behalf of the proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS:

Q. Where do you live?

A. Brick Church, New Jersey.

Q. In the Orange District?

A. Yes, sir.

Q. Your business is what?

A. I am at present paying teller of the Bank of America in New York city.

Q. One of the oldest banks there?

A. One of the oldest State banks.

Q. And you have been paying teller how long?

A. About ten years.

Q. Before that you were what?

A. Receiving teller.

Q. And your connection with the bank dates back to when?

A. October, 1853.

Q. Now, as paying teller in that bank, are your duties in part to pass upon the genuineness of checks?

A. Yes, sir.

Q. And checks ard paid upon your judgment of the signature?

A. Yes, sir.

Q. How many checks on an average pass through your hands in a day?

A. Well, it varies very much; I have paid—I did not count them—from two hundred to three hundred, perhaps three hundred; I am not counting the certified checks.

Q. You don't count those?

A. Yes.

Q. You get so that you can form a judgment rapidly on a signature?

A. Yes, sir.

Q. When in doubt you form a judgment rapidly?

A. Yes, sir.

Q. Have you examined the signature of Geo. P. Gordon to Exhibit P 1 in this case?

A. Yes.

Q. And have you had submitted to you certain standards exhibits proved to be the genuine handwriting of Geo. P. Gordon?

A. I have.

Q. Have you a list of the numbers?

A. Yes, sir.

Q. Inform the Court which you have examined?

A. Exhibits P 197 to P 207, Exhibit P 1, also from Exhibits P 14 to P 29 inclusive; checks, I have seen Exhibits D 56 to D 60 inclusive, and I have seen some checks Exhibits P 60 to P 69.

Q. And have you compared the signature to Exhibit P 1 with those exhibits?

A. Yes, I have.

Q. To what conclusion have you arrived?

A. I should say that George P. Gordon wrote this (Exhibit P 1) if it is admitted that he wrote these others.

Q. In other words, the same man wrote this (Exhibit P 1) that wrote the other signatures before you?

A. Yes, sir.

Q. What makes you think so?

A. The similarity of the letters "ordon;" that more than anything else.

Q. That more than anything else?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER:

Q. When did you first see these papers?

A. Day before yesterday, I think.

Q. Have you seen those checks there Exhibits D 56 to D 60 inclusive?

A. Yes.

Q. How would you describe the signatures you saw on those?

A. I notice that this gentleman——(interrupted.)

Q. Are they a running free hand?

A. Fairly so.

Q. Rather ornate?

A. Yes, sir.

Q. A good mercantile hand.

A. Yes, fairly so.

Q. And strongly characteristic?

A. Yes.

Q. Are you one of those who judges a check on the first glance at it?

A. I am very apt to do so.

Q. That is your habit?

A. Yes, sir.

Q. You have a sort of what is called "Tellers' inspiration" about it?

A. Yes, you may call it that.

Q. You are particularly of that idea, that a check should be judged at once by the first glance?

A. Yes; we get our impression at once.

Q. Look at Exhibits D 56 to D 60, assuming that was a signature of a customer and you as paying teller; if a check bearing the signature of George P. Gordon as on Exhibit P 1 were presented as it appears there, would you pay the money on that check?

A. No, sir.

Q. By whom were you invited to come here?

A. Mr. Black.

Q. You know Mr. Black personally?

A. Yes, sir.

Q. Is he a customer of your bank?

A. Yes; I might say that is all I know of him.

RE-DIRECT BY Mr. COLLINS.

Q. Why would you not pay it?

A. Because my first impression of the signature would be that it was not correct; I should make some inquiry about it and compare it with others.

Q. Take Exhibit D 17, where he began it one way and changed his mind and began a different kind of "G" and then changed it, would you hesitate on that?

A. Not so much as on the other; no, sir.

Q. You seem to have one in your mind?

A. I have one in my mind, dated October 22nd, 186—with no cipher, it was drawn in Rahway, New Jersey.

Q. October 22nd, what year?

A. 186——

Q. What is the number of the exhibit, do you know?

A. I haven't the number.

Q. I show you Exhibit D 46, would you pay that without hesitation?

A. I would hesitate to pay that in comparison with the others.

Q. And it seems to you a good deal like Exhibit P 1?

A. Yes, sir.

Q. You say that you would hesitate to pay a check drawn like the Exhibit P 1. Having only Exhibits D 56 to D 60 to guide you, you would desire to see other signatures?

A. Yes, sir.

Q. Having seen other signatures, such as these others, you have examined and given the numbers of, and being convinced that they were genuine, would you then hesitate?

A. I think not.

Q. Is it your idea that customers in banks are—— (interrupted.)

MR. MILLER—I object as immaterial.

Withdrawn.

Q. Have you any experience as to the habit of people to have bank signatures, different from other signatures, ordinary signatures?

A. We occasionally have dealers who are very uniform in the writing of their signatures to checks—— (interrupted.)

THE ORDINARY.

Q. No; cousel wants to know whether you know if dealers have different check signatures that is different from their general signatures?

A. No, sir.

MR. COLLINS:

Q. Have you not rejected checks differing from the nominal type, and then when you have compared it, you would pay it?

A. Yes, sir, I have.

FURTHER CROSS BY MR. MILLER:

Q. Have you been paid for your services to-day?

A. No, sir.

Q. Don't you expect to be?

A. No, sir.

Q. You are very cautious in paying checks?

A. I am as cautious as anyone will be who pays three or four checks a minute.

Q. You are cautious about it?

A. Yes, sir.

ALEXANDER SEMILIS, a witness produced in behalf of the proponents, being duly sworn according to law, on his oath says:

EXAMINED BY MR. COLLINS.

Q. You live where?

A. Brooklyn.

Q. And are paying teller of a bank?

A. Of the Chatham National Bank, New York City.

Q. How long have you been such?

A. Between five and six years.

Q. Before that what?

A. Receiving teller of the same bank.

Q. How long have you been in that bank?

A. Since 1870.

Q. As paying teller, and, I presume, also as receiving teller, has it been part of your duties to pass upon the genuineness of signatures?

A. Yes, sir.

Q. To checks particularly, I presume?

A. Yes, sir, principally.

Q. How many checks go through your hands in a day on the average?

A. Well, it is different; on Saturdays I suppose three hundred or four hundred.

Q. A great many checks pass through your hands?

A. Yes; it might be a little more.

Q. Are you accustomed to judge of the genuineness of the signatures?

A. I have to do so.

Q. Have to guard against forgeries?

A. Yes, sir.

Q. Sometimes you question signatures?

A. Sometimes I do.

Q. Then how do you decide?

A. I compare them with other checks and see whether there is any likeness between them in some respect or other and I compare it with the signature book, and if I am in doubt, of course, I send to the man and let him decide it.

Q. You have found forgeries sometimes?

A. Yes, sir.

Q You have had before you to-day and on a previous occasion, I understand, the signature of Geo. P. Gordon in Exhibit P I for examination?

A. Yes, sir?

Q. Have you compared it with certain Exhibits proved in this case to be genuine?

A. Yes, sir.

Q. Give the numbers of those you have compared it with?

A. I have looked at the checks Exhibits D 56 to D 60 inclusive, and D 16 to D 54 inclusive.

Q. And some letters also, have you not?

A. Yes, sir, I have.

Q. What were they?

A. Marked Exhibits P 60 to P 69 inclusive, P 49 to P 57 inclusive, P 70 to P 77 inclusive, P 12 to P 29, P 78, P 96, P 205 and P 206.

Q. These numbers that you have given are those you have selected yourself from a large number, as I understrnd it?

A. Yes; I looked at others and took no memorandum of those.

Q. Now, what conclusion did you reach from this examination and comparison as to whether or not the same hand that wrote the signatures to the various Exhibits, the numbers you have given, also wrote the signature of Geo. P. Gordon to Exhibit P 1?

A. Well, I think there is a great similarity in a great many letters and that the party might have written that.

Q. That wrote the Exhibit might have written the will?

A. Yes, sir.

CROSS-EXAMINATION BY MR. MILLER:

Q. By whom were you requested to come here?

A. Mr. Booraem.

Q. Have you known him any length of time?

A. Mr. Booraem keeps an account in our bank.

Q. In the Chatham National Bank?

A. Yes, sir.

Q. How long an examination did you make of this will and checks?

A. Well, I have looked at them may be altogether for—well, two or three hours altogether.

Q. To-day or before to-day?

A. Before to-day.

Q. Assuming the signatures to checks Exhibits D 56 to D 60 inclusive are genuine, and a dealer at your bank was to present a check with that signature of Geo. P. Gordon on it, as it appears in Exhibit P 1, would you pay that check with that signature on it?

A. Well, I would not refuse to pay it; I would first have to find out whether the party wrote that signature or not.

Q. You would have sent for the party.

A. Well, there are a great many similarities—— (interrupted).

Q. Tell me how you would have acted; I did not ask you for the reasons of it, would you have paid it?

A. Without any hesitation.

Q. Would you have paid it when presented to you?

A. Well, of course the signature on the check is very like the signature by itself, which, of course, does not in every degree correspond with the signature on the will.

Q. What do you mean by "signature by itself"?

A. People have signatures with the bank with which they sign checks and other signatures they have that they put to letters, that are not their regular signatures.

Q. A check with the signature such as you see on Exhibit P 1, if such a check had been presented for payment you would have hesitated?

A. Yes, I would.

Q. And suppose you had gone to the bank signature book and saw a signature like that on Exhibit D 59, after comparing them would you have paid it after that?

A. I would have sent around and found out. Now, there is a check more like it (handing counsel D 46).

Q. If a signature as in Exhibit D 46 had been in the bank on the bank signature book then you would have paid it if presented with the signature on it as in Exhibit P 1?

A. I suppose I would have inquired into it further; I would not have refused it.

Q. You would have inquired of the maker?

A. Yes, sir.

Q. You are in the habit of judging on a check when first presented?

A. When first presented, that is a check.

RE-DIRECT BY MR. COLLINS.

Q. If when you went to look at signatures to verify your doubts you found there signatures that you have seen besides the checks and letters, would you then have paid the check?

MR. MILLER—I object—you cannot have more than one signature in the bank.

Objection over-ruled.

A. I thfnk I would have paid it.

Q. Did you hear Mr. George H. Watson's testimony?

A. No, sir.

New Jersey State Library

Q. Did you know that he himself had selected this same one Exhibit D 46 as being more like the will?

A. No, sir.

Adjourned to September 10th, 1891, at 10 A. M.

INDEX TO VOLUME III.

Witnesses for Proponents.

	Page.
Adams, Edward L.—	
Direct (Mr. Collins),	838
Cross (Mr. Miller),	838
Hicks, William V. H.—	
Direct,	840
Cross,	842
Ewell, Marshall Davis—	
Direct,	843
Cross,	896
Re-direct,	951
Rauch, Edward H.—	
Direct,	953
Cross,	970
Re-direct,	1011
Re-cross,	1018
Williams, Edgar—	
Direct,	1019
Cross,	1019
Re-direct,	1021
Re-cross,	1021
Baldwin, Frank W.—	
Direct,	1021
Cross,	1022
Lindsley, John L.—	
Direct,	1023
Cross.	1024
Gill, John—	
Direct,	1025
Cross,	1026
George, David—	
Direct,	1027
Cross,	1027

PAGE.

Lindsley, Charles A.—
Direct, - - - - - - 1028
Cross, - - - - - - 1028
Davis, Joseph—
Direct, - - - - - - 1029
Cross, - - - - - - 1029
Kingsley, George P.—
Direct, - - - - - - 1030
Cross, - - - - - - 1030
Freeman, Wilberforce—
Direct, - - - - - - 1031
Cross, - - - - - - 1032
Field, James W.—
Direct, - - - - - - 1033
Cross, - - - - - - 1033
Everitt, Edward A.—
Direct, - - - - - - 1034
Cross, - - - - - - 1035
Doane, Agnes C.—
Direct, - - - - 1035–1042
Cross, - - - - - - 1053
Re-direct, - - - 1061–1064
Re-cross, - - - - - - 1063
Haring, Albert R.—
Direct, - - - - - - 1039
Cross, - - - - - - 1040
Re-direct, - - - - 1042
Wagner, Alfred J.—
Direct, - - - - - - 1064
Cross, - - - - - - 1070
Re-direct, - - - - - - 1072
Re-cross, - - - - 1072
Dunkell, Albert—
Direct, - - - - - - 1072
Cross, - - - - - - 1073
Re-direct, - - - - - 1075
Re-cross, - - - - 1076
Nellis, Abraham—
Direct, - - - - - - 1076
Cross, - - - - - - 1078
Re-direct, - - - - - 1080

	Page.
Casler, Henry—	
Direct,	1080
Cross,	1081
Wood, George C.—	
Direct,	1081
Cross,	1084
Manderville, Giles P.—	
Direct,	1089
Cross,	1090
Hackney, David G.—	
Direct,	1090
Cross,	1093
Fink, Charles M.—	
Direct,	1095
Cross,	1098
Scott, Charles—	
Direct,	1102
Cross,	1102
Shafer, Thomas H.—	
Direct,	1103
Cross,	1107
Cresson, Charles M.—	
Direct,	1108
Cross,	1133–1151
Re-direct,	1164–1165–1166
Re-cross,	1165–1166–1167
Sherer, William.	
Direct,	1146
Cross,	1148
Heald, Donald A.	
Direct,	1150
Cross,	1151
Cornish, William W. M.	
Direct,	1167
Cross,	1173
Re-direct,	1178–1182
Re-cross,	1182

PAGE.

Athley, Elizabeth.—
Direct, - - - - - - 1183
Cross, - - - - - - 1185
Re-direct, - - . 1187–1189
Re-cross, - - - - 1189
Gordon, Adeline J.—
Direct, - - - - - - 1190
Cross, - - - - - - 1202
Re-direct, - - - 1210–1211
Re-cross, - - - - 1210
Watson, George H.—
Direct, - - - - - - 1211
Cross, - - - - - - 1213
Re-direct, - - - - - 1214
Re-cross, - - - - 1215
Semilis, Alexander—
Direct, - - - - - - 1216
Cross, - - - - - - 1218
Re-direct, - - - - - 1219