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Court of Errors & Appeals

Supreme Court

of the

State of New Jersey

Petition

(Filed, September 21, 1916)

IN CHANCERY OF NEW JERSEY

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

In petition of Helen Knittel of the City of Atlantic City, County of Atlantic, and State of New Jersey, respectfully shows unto your Honor:

1. That on or about the twelfth day of December, Nineteen Hundred and Eleven, petitioner was lawfully joined in wedlock to Charles A. Knittel, the defendant, at the City of Atlantic City, County of Atlantic, and State of New Jersey, by Father McCloskey, a catholic priest.

2. Petitioner shows that on or about the tenth day of June, Nineteen Hundred Sixteen, and on divers other days during said month of June, before and after said tenth day of June, the defendant wickedly disregarding his marriage vows, committed adultery with a woman unknown to

petitioner, about thirty-two years of age, about five feet four inches tall, and would weigh about One Hundred and forty-five pounds, hair light brown in color; that on or about first day of July, and divers other days and times during said month of July, the defendant, wickedly disregarding his marriage vows, committed adultery with the last aforesaid woman, unknown to this petitioner.

3. Petitioner further shows that on or about the second day of August, Nineteen Hundred Sixteen, and divers other times in said month, defendant wickedly disregarding his marriage vows, committed adultery at Atlantic City, with a woman unknown to this petitioner, about five feet two inches in height, and would weigh about one hundred and sixty pounds, wore a pink silk sweater, dark hair, dark complexion; that on or about August twenty-fifth at the City of Philadelphia, the defendant, wickedly disregarding his marriage vows, committed adultery with the last aforesaid woman.

4. That on or about August Twenty-seventh, Nineteen hundred and sixteen, at Atlantic City wickedly disregarding his marriage vows, the defendant committed adultery with a woman unknown to this petitioner, about five feet five inches in height, weight about one hundred and fifteen pounds, dark complexion, age about twenty-three, wore a yellow silk sweater, red stockings, and a blue bathing cap; that the defendant and said woman were under the boardwalk for a long space of time, to wit, thirty minutes, out of sight.

5. Petitioner further shows that on or about the nineteenth day of September, Nineteen Hundred and sixteen, the defendant wickedly disregarding his marriage vows, committed adultery at Atlantic City, with a woman by the name of Kitty Murray.

6. Petitioner further shows that both she and the defendant have been residents of the State of New Jersey since the date of their marriage, and are still residents of said State of New Jersey, in Atlantic City, aforesaid.

7. Petitioner further shows that two children, Elizabeth and Helen age four years and two years, were born to them during their wedlock; that she has always cared for said children out of her own means; that she prays that she may have the custody of said children, and that she may be divorced from the defendant for the cause aforesaid, and have such further relief as may be agreeable to equity and good conscience.

And your petitioner will ever pray, &c.

GARRISON & VOORHEES,
Solicitors for and of counsel with petitioner.

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

Helen Knittel, of full age, being duly sworn, on her oath deposes and says that she is the petitioner named in the foregoing petition; and that her said petition is not made by any col'usion between her and the defendant, but in truth

and in good faith for the causes set forth in the petition.

HELEN KNITTEL.

Sworn and subscribed to before me this 20th day of September, Nineteen hundred and Sixteen.

Oliver Rogers,
M. C. C. of N. J.

Amendment to Petition

(*Filed Dec. 5, 1916.*)

IN CHANCERY OF NEW JERSEY

Between HELEN KNTTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce. Order.

Application being made to the Court by petitioner for leave to amend the petition for divorce filed in the above stated cause to include the following allegation, to wit:

> "That the said defendant, Charles A. Knittel, disregarding his marriage vows, did, during the month of July and August, in the year 1914, the exact dates of which are unknown to your petitioner, commit

adultery with three several women at a room in a house numbered 15 South Carolina Avenue, which said house was conducted by a Mrs. Harrison, to wit: (a) with a tall blond woman who came from Philadelphia to visit Mrs. Harrison two or three times: (b) with a short, dark girl of the Jewish type; (3) with a tall, slim, dark girl, the names of the said several women, being unknown to your petitioner."

and the Court being of the opinion that such amendment should be allowed, and the defendant pleading surprise;

It is on this fifth day of December, 1916, Ordered that petitioner have leave to forthwith amend her petition as aforesaid.

E. R. WALKER,
C.

Respectfully advised,
Joseph Thompson,
Advisory Master.

Answer

(*Filed*)

IN CHANCERY OF NEW JERSEY

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce. Answer.

The answer of Charles A. Knittel, defendant, to the petition of Helen Knittel, petitioner.

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

2. This defendant denies each and every of the allegations of adultery set forth in paragraphs 2, 3, 4 and 5 of the petitioner's petition.

3. Defendant admits the allegations in the 6th paragraph of the petition.

4. Defendant admits the allegations in the 7th paragraph of the petition but denies the right of the petitioner to the custody of the children.

DEFENSES

FIRST DEFENSE: This defendant says that the petitioner condoned said acts of adultery in that with the knowledge of the supposed acts of adultery, she did continue matrimonial co-habitation

with defendant up to and including the 5th day of September 1916.

SECOND DEFENSE: As to each and every of the occasions of the supposed adultery alleged in the petitioner's petition, defendant avers that petitioner connived and deliberately sought to entrap the defendant to commit adultery by procuring the parties named in the petition to invite the defendant to commit adultery.

This defendant prays to be hence dismissed.

CHARLES A. KNITTEL,
Defendant.
Martin E. Keffer,
Solicitor of Defendant.

Replication

(Filed Oct. , 1916.)

In Chancery of New Jersey
~~CITY COURT OF THE CITY OF NEW YORK~~

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce. Replication.

The petitioner joins issue on the answer of the defendant.

GARRISON & VOORHEES,
Solicitors for Petitioner.

Order of Reference

(*Filed Oct. 14, 1916.*)

IN CHANCERY OF NEW JERSEY

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce. Order of Reference.

This matter being opened to the Court by Garrison & Vorhees, solicitors for and of counsel with the petitioner, and Martin E. Keffer, solicitor for and of counsel with the defendant; and upon reading the consent hereto underwritten:

It is thereupon, on this 13th day of October, 1916, ordered that the above stated cause be referred to Hon. Joseph Thompson one of the Advisory Masters of this Court, to hear the same for the Chancellor and to report thereon to him and advise what order or decree sould be made therein.

E. R. WALKER,
C.

A true copy.
Robert H. McAdams,
Clerk.

We consent to the making of the above order.
GARRISON & VORHEES,
Solicitors for petitioner.
MARTIN E. KEFFER,
Solicitor for defendant.

Testimony

IN CHANCERY OF NEW JERSEY

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce.

Atlantic City, N. J., November 2, 1916.

Before HON. JOSEPH THOMPSON,
Advisory Master.

Appearances:
For the petitioner: Garrison & Voorhees, Esqs., and Bourgeois & Coulomb, Esqs.
For the defendant: Martin E. Keffer, Esq, C. L. Cole, Esq.

Mr. Garrison: If the Court please, in the case of Knittel against Knittel I have to beg for a continuance. We thought we could be ready for today, and when Mr. Keffer came to us we felt sure that we could be, and we were anxious to have this matter disposed of just as soon as we could. The day came too quick for us. Now we have two witnesses, one of which is in Chicago, and is on his way here, no chance of subpoenaing him to get him here, and we have sent for another witness which is in Maryland.

The Advisory Master: Is where?

Mr. Garrison: In Maryland, and can't possibly get here. We have sent an officer for her. It is impossible to get her here before Saturday night. Now we are ready any day next week except Wednesday when I have another hearing before another Master. Now these are matters which were beyond our control and I don't want to have this case heard unless my witnesses are present, all of them. Now, that is the situation we are in and we will ask your Honor to fix a later day next week and we will be ready any day next week except Wednesday. I believe we could get ready for Monday, but I would prefer you make it Tuesday. We are sorry that there are witnesses, but these witnesses need not to have been here. I told Mr. Keffer some two or three days ago that would be the situation. At the same time if there are any costs attached to the thing, of course we will pay the costs.

Mr. Cole: Now, may it please your Honor, we are entitled to have it displayed before your Honor what these witnesses, who he says are not here, will testify to.

Mr. Garrison: I will state that to the Court

Mr. Cole: We are entitled to have an affidavit as to what effort has been made to have the witnesses here and what they would testify to if they were here. This case has been set down for over two weeks and according to my understanding, it has been only within a day or two that Mr. Garrison suggested that he make an application for a postponement. Now, we have witnesses here from Philadelphia we have witnesses here who are here unwillingly and we have no assurance that we can get them again. This is a very serious

charge against this man, and it just so happens that we are now in a position to protect him against these charges. A day or week's adjournment may—we don't know I don't say that it will, but it may prevent his defense from being interposed. Now, it is rather significant. I look around the room and I don't think I see the petitioner here. I don't think I see the two witnesses who secured or thought they secured some very valuable evidence, and it looks as though counsel had presumed upon this case being postponed. In other words, I don't think he is ready to go on with any of his case, and I, therefore, first of all before I make my next motion, insist that there be a statement on the record as to what effort was made to get these people that he now speaks of, and what they would testify to if they were here so that we can see whether there is an excuse or reason for this application. After that, I will then have another motion to make but I would like to have that matter disposed of first.

The Advisory Master: It seems to me, Mr. Garrison, in view of the fact that there was ample notice, by reason of the time of hearing being fixed so far ahead and the defendant has brought from a distance a number of witnesses, that you ought to show that there are good grounds for your application and I think that it is only fair that you should state something of the nature of the testimony that you expect to get from the witnesses that are out of the jurisdiction of the Court at this time and it may be that the testimony is such a character that it may be admitted. I don't know until we hear what it is. I think you should make a statement, Mr. Garrison.

Mr. Garrison: I shall have to get a stenographer and have it sworn to if they ask for a sworn statement.

Mr. Cole: I don't ask for that. I will take the statement on record now what effort was made to get these witnesses that are not here and what you propose to show by them.

The Advisory Master: I don't think you should be required to put it in writing at this time but I think the statement should be made by you.

Mr. Cole: And then I would also like counsel to state to which of these charges this testimony is to be addressed. There appears to be four of them.

Mr. Garrison: Now, this witness particularly is a witness by the name of Sanwick who, I think is the president of the Merchant's Detective Bureau in New York City. That may not be just the name but it is right close to it. He was employed to watch this defendant. He and his assistant—now his assistant's name I do not know—this information comes through Mr. Sanwick himself having told me this, and also through our local detective, Mr. Herbert. Now, Mr. Sanwick will state, so I have been credibly informed, that on the twenty-fifth day of August in the City of Philadelphia, that he trailed the defendant to various places in Philadelphia with a woman described in paragraph three; that he trailed them to a private room; just the character I am not able to say of that room, and that he was with her for an hour, with defendant, and that the woman was not his wife.

We are also prepared to show by this same witness that he was present and saw the defendant

take this same woman in to bathe on the day following or two days following, saw him playing with the private parts of this same woman that he had in Philadelphia and saw them go under the Boardwalk and retire out of sight and remain there for a long space of time out of sight of anybody.

That is one witness. Now, witness number two is the girl, colored girl that the defendant offered her money to have intercourse with her. It is not set out in the petition. It is not necessary that it should be. That is testimony going to the inclination of the defendant to commit adultery. We also have a witness—

Mr. Cole: What is her name and where is she?

Mr. Garrison: I have forgot her name. Maybe I can give it to you. She will be here. They have gone after her. She lives on Kent Island in the Chesapeake Bay and they have gone after her now and she will be here all right.

Now, we have two other witnesses in Philadelphia, and unfortunately, I do not know their names, but I would know it if I heard it, but it may be a lifeguard by the name of Corrigan—no it is McCollum that is right: Corrigan is another lifeguard that is not the one—we can show by McCollum, and if that is his name and I have every reason to believe that it is, this defendant was in the habit of meeting during the last summer some of the most notorious women in the city, and that he had immoral relations with them. That he fondled with them—

Mr. Cole: Are they set out?

Mr. Garrison: That is not set out, but when I come to him, I am going to show by this lifeguard

and his son the kind and class of women he met and what he did with these various women. We will show you that on or about the same time, during the month of August, as set out in paragraph four and also during the month of June, set out in paragraph two, he saw this defendant either on one or two occasions and possibly three occasions, take the woman specified, name unknown to petitioner, but described fully in the petition, saw him take this woman at various times under the Boardwalk and remain for a long space of time.

Now, your Honor can see the importance of those witnesses. We have sent for those witnesses, no way to subpoena them, and we will have them here. That is all there is of it, because we have got their consent. Now you can see how important that testimony is.

Mr. Cole: Mr. Garrison, where in Philadelphia, do you say this alleged adultery referred to in paragraph three took place?

Mr. Garrison: Well, I can't tell you that but it was some private—I didn't say it was a house of ill fame, for I don't know, but it was some private drinking place, private drinking room.

Mr. Cole: Do you know who ran it, that is what I mean?

Mr. Garrison: I don't know who ran the place. These things are all in the minds of our detectives. I can't keep trace of all those things, but I know the importance of that testimony.

Mr. Cole: Mr. Garrison, what effort have you made to get these people?

Mr. Garrison: I have depended entirely on Mr. Herbert and I supposed that we could get Mr. Sanwick and his assistant on a moment's notice

because their headquarters are in New York. Well, I saw him the night before I communicated with Mr. Keffer and he told me that Sanwick at that time was in Chicago but he would get into communication with him and get him to be here. Now, I had not the slightest idea in the world but what he would be here when we wanted him, same way with McCollum. I relied entirely on him to get these witnesses and I assure you they will be here at the next sitting of this Court. Now, if there is anything more, Mr. Cole, that you would like to know—

Mr. Cole: I would like to know, Mr. Garrison, why you are not prepared to go on with this case of September nineteenth here in Atlantic City because it was after this case that this petition was filed?

Mr. Garrison: Because I am not going to try this case without any witnesses present. I am not going to try part at a time. I am not required.

Mr. Cole: Your witnesses, Mr. Garrison, have nothing to do with this incident of September 19th in Atlantic City.

Mr. Garrison: Now, I couldn't try that, because Mr. Herbert is now or ought to be at this time on the Chesapeake Bay going after that girl so I couldn't do that.

Mr. Cole: Which shows that you presumed on this case being postponed.

Mr. Garrison: Indeed, I did. I am frank with the Court. I did not expect the Court and I did not suppose counsel would insist on it.

The Advisory Master: What have you got to say, Mr. Cole?

Mr. Cole: I don't think, may it please your

Honor, that this case ought to be postponed. There has not yet been any indication what effort has been made to get these witnesses. We have not yet seen any assurance that these witnesses are going to be here. There is no suggestion that their deposition should be taken, no request to postpone this case on the ground that they were foreign until their depositions were taken, and here within forty-eight hours of the time when this case is down they come in and presume upon the whole case going off where they have here four different specific charges and in each case, and certainly in the last case, testimony is entirely different and different witnesses than in the other cases. Now, we have some witnesses here from Philadelphia that are to meet this alleged charge in Philadelphia and I don't know whether we can get them here again, and we have a number of witnesses subpoenaed, and we haven't any assurance that we will be able to hold them, and we don't feel that this case ought to be postponed. Now, your Honor heard what Mr. Harrison said, if your Honor feels that it is a case where it ought to be adjourned then I have another motion that I want to make.

The Advisory Master: Well, in view of all the circumstances it seems to me that while Mr. Garrison may in a measure have presumed on what the Court might do in the matter of an adjournment, yet he is not in a position to go on today, his witnesses are not here, that have got to be finally heard, and it seems to me there is nothing left for me but to adjourn it. Now, if you have any other motion to make?

Mr. Cole: Now, we have a number of witnesses

here, may it please your Honor, to meet this charge of alleged adultery on the nineteenth day of September 1916, in Atlantic City, and what I now propose is that we be allowed to put our proof in touching what occurred in anticipation of their proof so that, if for any mischance we should not get that testimony again we will have the benefit of it on the record. Mr. Garrison is here and can cross-examine the witnesses.

The Advisory Master: What have you got to say about that, Mr Garrison?

Mr. Garrison: I haven't my client here or any of the witnesses here that were present at that time.

The advisory Master: Your client was within your control and probably she is at this time. It seems to me that if the defendant has witnesses that are beyond the control of this Court and they have them here today, and if they state that they have no assurance that they can get them here again, it seems to me that they are entitled to consideration in the matter of putting in the testimony of those witnesses at this time. I don't see how you could be injured at all.

Mr. Garrison: Well, can't hear my own.

The Advisory Master: And you ask a postponement because your witnesses are beyond the jurisdiction of the Court and Mr. Cole has his here and he might come in later and ask for a postponement on the ground he can't get his witnesses.

Mr. Garrison: All right, but I don't get any postponement now.

The Advisory Master: Well, you do as far as your case is concerned

Mr. Cole: In order that this may appear logical I want to call Mr. Knittel first.

CHARLES A. KNITTEL, the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Knittel, it is a fact, I believe, that you were caught in a room with a woman somewhere in Atlantic City on or about the nineteenth day of September last, were you not? A. Yes, I was.

Q. Where was it? A. The apartment at 512 Oriental Avenue, basement apartment.

Q. Did you go to that house—what time was it, night or day? A. It was eight-thirty in the evening.

Q. Did you go to that house by appointment? A. I did, yes sir.

Q. And at that time did you know the name of the woman? A. Her name was given to me as Kitty Murray.

Q. Have you since learned the name—

The Advisory Master: Where was that apartment and what was the name of it?

Mr. Cole: 512 Oriental Avenue.

Q. Have you since learned the name, that is the real name of that girl? A. I have, yes, sir.

Q. What is her name? A. Katie Abrams.

Q. Now state what occurred that night. A. I went there and it was just eight-thirty when I arrived there, and she took me through the apartment, showed it to me, and then she took me in the bedroom, and there was nothing said about what we were going to do or anything, and she started

to disrobe and told me to get undressed, and she kept urging me to get undressed, and as soon as I had taken my clothes off, she says I will—

Mr. Garrison: I object. We are not bound by what Kitty Murray said.

The Advisory Master: Well, I don't understand you are. Still this is open—

Mr. Cole: But we have a right to have what Kitty Murray said.

Mr. Garrison: If your Honor please, any conversation which took place between this defendant and the woman he was with, how can that bind Mrs. Knittel?

Mr. Cole: Maybe it doesn't.

Mr. Garrison: Then it ought not to be on the record if it is not relevant.

Mr. Cole: I submit it is.

The Advisory Master: I shall admit it, Mr. Garrison.

Q. Proceed. A. She kept urging me to get undressed, when I got my clothes off, that is my coat and vest and trousers and underdrawers, she says, "I will go out and put the light out in the living room," and she went out and put the light out in the living room, and had no sooner got back to the apartment when Herbert—she came back into the apartment, she made believe she was going to lock the door, but she didn't lock it, and she no sooner got back into the room than my wife and George Herbert and some woman and another man came into the apartment and they accused me of committing adultery. I told them I had never committed adultery in my life. And they says, "Well, you are here for that purpose." I says, "I know,

but I haven't committed adultery," and then they went out and I got dressed and went right out after them.

Q. Now was that statement of yours that you had not committed adultery made in the presence of this Kitty Murray? A. It was made right in her presence.

Q. Was your wife and these other people in the room? A. They were standing there.

Q. Did you in fact have intercourse with her that night, with Kitty Murray? A. No, I did not.

Q. How long had you been in the room when these four people came in? A. About two minutes, not over that.

Q. Was she in bed at all? A. No, she had never gotten in bed.

Q. Had you been in bed at all? A. Not near the bed.

Q. What was the condition of her attire, her clothes when these people came in? A. She just had her shirtwaist off.

Q. Then they left, did they? A. They left right afterwards.

Q. And you left? A. I left right there.

Q. Now did you see this Kitty Murray the following morning? A. I did.

Q. Where? A. In the entrance to the Bartlett Building.

Q. Was she going in or coming out? A. She was going in.

Q. Did she take the elevator? A. She took the elevator, yes.

Q. Did you see her when she came out? A. I saw her when she came out.

Q. How long had she been in the building? A. She was in the building about twenty minutes.

Q. Did you see her when she came—did she come down the elevator? A. She came down the elevator.

Q. Have any conversation with her? A. When she went in she asked me how I made out.

Q. Asked you how you made out? A. Yes.

Q. What else was said?

Mr. Garrison: We object to any conversation that he may have had with Kitty Murray the next morning after—

The Advisory Master: You propose to produce Kitty Murray?

Mr. Cole: Thereby hangs a tale. I may as well tell your Honor now, of course we are going to show, may it please your Honor, in this case not only a frame-up but we expect to show a conspiracy. I may be wrong about that. I think it is a conspiracy of the vilest kind, two or three people at least are parties to it and maybe more. This Kitty Murray and her mother, who are no more than Kathryn Abrams and her mother, Mae Abrams, both known to Mr. Garrison, who represented them in the suit against Mr. Gaskill at Mays Landing, and he had two suits pending in the Supreme Court in their favor against the Shill Company at the very time this petition was filed. She is put in here as Kitty Murray, her real name is Kathryn Abrams. Mr. Garrison knew it and I expect to show that that morning she went to Mr. Garrison's office right after this happened, and we expect to show that is where she was paid for hav-

ing arranged for this meeting, and we expect to show that she made the appointment for this man, and that these people that he speaks about were in this apartment before he got there by arrangement, she having in the meantime told these people the hour she had arranged for this man to be there. Now then whether we succeed or not, your Honor will have to determine, but that is what we think we are going to show. Now your Honor knows the rule of law when it comes to the question of conspiracy, they are all bound.

Mr. Bourgeois: That is not the rule of law, wouldn't permit that evidence to come in now.

Mr. Cole: I am taking this logically.

Mr. Bourgeois: Unless there is some evidence of conspiracy they could not use hearsay testimony.

Mr. Cole: Your Honor is not hearing this case before a jury, and I have to take it piecemeal and I have to prove it all at once. I have told your Honor what I will show.

The Advisory Master: Were you in here, Mr. Bourgeois, a few minutes ago?

Mr. Bourgeois: No.

The Advisory Master: Of course the hearing of this present witness at this time is irregular in a way. I understand that, but I agreed that the testimony should be taken in view of the fact that I understood that Mr. Cole had some other witnesses that were beyond the jurisdiction of the

court, were here today, that he couldn't get back possibly at another time, and we agreed in view of that that the testimony of those witnesses might be taken at this time. Now I don't know how far, Mr. Cole, the testimony of the defendant is necessary at this time.

Mr. Cole: We will expect, may it please your Honor, I told you that I was going to address this testimony to the incident of September 19th, and it seems to me if I was going to put my testimony in I had to put it in logically, so your Honor can appreciate what I mean to say one thing I begin at the beginning.

The Advisory Master: It is your contention that you have a right to show a conversation that took place between Kitty Murray, or whoever she may be, and this defendant at a time when the wife was not present?

Mr. Cole: In the circumstances of this case. It doesn't bind the wife in the sense that there is anything against her, but it may exculpate us, it may show that this is a frame-up, that it is a case where this man was trapped into doing this thing, and if so, no matter if he did commit adultery, he could not be held.

Mr. Bourgeois: If your Honor please, that is all hearsay. Still anything that is a fact he could show, of course, but what rule is there or what reason is there for not adhering to the well known rule that hearsay evidence cannot be admitted? Nothing

in here that would indicate or lead to the admission of hearsay evidence up to the present time, and I do not think a statement by counsel is sufficient to authorize a violation of that rule.

The Advisory Master: Well, I don't suppose if the testimony was admitted it would prejudice the case in any way, but it seems to me that there must be a limit as to the extent I can permit you to go, Mr. Cole, in showing statements made to this witness by some party who is charged in the petition as the person with whom he even committed adultery.

Mr. Cole: Your Honor exclude that? Of course it was after the occurrence, immediately. I make the offer and your Honor can rule.

The Advisory Master: I think I will have to overrule any more testimony. I did admit some in the beginning.

Q. When was it that the appointment was made to meet this girl at that house? A. That afternoon on the telephone, afternoon of September nineteenth.

Q. Had you seen this girl before? A. Yes, I saw her before.

Q. Where did you first meet her? A. She came to my office and said she was looking for an apartment with her mother.

Q. Did you afterwards meet her on the, in bathing? A. I met her on the beach, yes, sir.

Q. How long was that before the appointment was made? A. Three days before the appointment was made.

Q. On that occasion did she say anything to you about coming to her apartment?

Mr. Garrison: Well, I object.

Q. How did you come to go up to this apartments? A. She called me on the phone and asked me to come up and see her.

Q. Tell you what time you should come? A. Yes.

Q. Did she fix the time? A. She fixed the time between eight and eight-thirty.

Q. Of that night? A. Of that night, yes, sir.

Q. Now are you sure about the hour that you got there? A. Positive.

Q. And did you go to that house in obedience to her invitation? A. I did.

Q. Had you before that time suggested to her anything about having intercourse with her? A. No, I had not.

Q. Where did the suggestion come from, from whom did it come? A. She suggested that I go to see her.

CROSS-EXAMINATION By Mr. Garrison:

Q. Mr. Knittel, you say she came to your office to rent an apartment? A. Yes.

Q. When was the arrangement made between you and this girl to bathe? A. She came in my office on Saturday morning and she said—

Q. I ask you when the arrangement was made, not what she said. A. Saturday morning.

Q. And what time did you bathe, Saturday? A. Twelve o'clock.

Q. How long were you in bathing with her Saturday morning? A. Was in the water about ten or fifteen minutes.

Q. And then what did you do? A. And then I left her and came back to the office.

Q. Did you sit down under the Boardwalk with her? A. Didn't sit under the Boardwalk at all, no.

Q. Did you sit down with her at all? A. Sat down in the sand, yes.

Q. And did you fondle her breasts during that time? A. In the water.

Q. Either in the water or out of the water. A. In the water.

Q. Did you play with her breasts? A. In the water.

Q. In the water you played with her breasts? A. Yes.

Q. Did you feel any other part of her person while you were in the water? A. No.

Q. Did you run your hands up the leg of her bathing suit? A. No.

Q. You say you sat down on the sand with her? A. Yes.

Q. Did you play with her breasts on the sand? A. No, I didn't touch her.

Q. Were there other people in the water while you were playing with her breasts? A. Yes.

Q. How close were they to you? A. I couldn't say.

Q. What portion of the beach were you on? A. Right opposite the Hotel Dunlop.

Q. How far would that be from the Old Pier? A. That would be about three hundred feet from the Pier.

Q. Well, it isn't a square, is it? Aren't you a little long there? A. Well, it was just about front of South Carolina Avenue, I guess.

Q. Was the Dunlop on South Carolina Avenue? A. Well, it is out that way somewhere.

Q. What? A. It is between South Carolina and Ocean.

Q. You said you were in front of the Dunlop Hotel, that is Ocean Avenue, isn't it? A. Ocean Avenue, the Hotel is between Ocean Avenue and South Carolina.

Q. Now how far were you out in the water when you began toying with her? A. Up to our neck.

Q. Up to your neck? A. About up to the neck.

Q. Weren't you in a position where anybody could see you? A. No.

Q. Couldn't see you? A. Not under water.

Q. Well but didn't you fondle with her outside of the water where people could see? A. No.

Q. Sure of that? A. Sure of that.

Q. Now you say that you didn't say anything to her about intercourse while you were playing with her breasts? A. No, I did not.

Q. You think not? A. I know not.

Q. Were you evre with this girl on any other occasion?

Mr. Cole: Objected to.

A. Never.

Q. Except the two that you have related? A. That is all.

Q. You say you went to 512 Oriental Avenue? A. Yes.

Q. Where did you go from that night? A. The last place I was before I was there was the bar of the Rudolf Hotel.

Q. Wasn't you home that night? A. I was home that night to dinner.

Q. Now you got your dinner home that night, you knew when you left home where you were going, didn't you? A. I did.

Q. You knew that you had an appointment to meet a young woman at 512 Oriental Avenue? A. Yes.

Q. And that had been by arrangement between you and this young woman? A. Yes.

Q. After you left home where is the first place you went? A. To the office.

Q. Where is your office? A. 56 South South Carolina Avenue.

Q. What time did you get to the office? A. About seven o'clock.

Q. How long did you remain at the office? A. I didn't remain there any time at all.

Q. Then where did you go? A. I went down to Kuehnle's Hotel.

Q. Hoy long did you stay there? A. I stayed there till about eight o'clock.

Q. Did you get a drink? A. I did.

Q. More than one? A. Yes, sir.

Q. Several? A. Yes, sir.

Q. And then you went from there where? A. Down to the Rudolf Hotel.

Q. How long did you stay there? A. About five minutes or so.

Q. Get a drink? A. I did.

Q. One or several? A. Two, I think.

Q. And then where did you go? A. Then I went down to the apartment.

Q. What apartment? A. 512 Oriental.

Q. When you got there what did you do? What is the first thing you did? A. Rang the bell.

Q. Who met you at the door? A. Katie Abrams.

Q. Now where did you go after she met you at the door? A. We went through the apartment.

Q. You went through the apartment? A. Yes.

Q. Then where did you go? A. Then she took me in the bedroom.

Q. You went in the bedroom with her? A. Yes.

Q. Did you undress? A. I took some of my clothes off.

Q. Well now tell us what you did in the bed room. A. I just took some of my clothes off and I told her I was drinking too much, she said she didn't mind that, she started to take her clothes off and insisted on my getting undressed. She took her shirtwaist off.

Q. Why did you drink so much? You knew you were going there, didn't you? A. I don't know why I drank so much.

Q. What clothes did you take off? A. My coat, vest and trousers and underdrawers.

Q. You took off your coat, vest, trousers and your underdrawers? A. Yes.

Q. How about your top shirt? A. Well, I didn't take that off.

Q. What clothes did you have left on you or what clothes did she have left on her, I mean? A. She only had her shirtwaist off.

Q. Now there was a bed in this room? A. Yes.

Q. Were you in this nude condition when they rushed in on you? A. Yes.

Q. Now didn't you, after you went into the bedroom, go to the toilet for any purposes? A. I did not.

Q. Did you know where the toilet was? A. No, I do not.

Q. You had a conversation with your wife, didn't you? A. When?

Q. When they rushed in on you? A. She said, "Give me the key to the house."

Q. Didn't she say to you at that time, "Why did you do this?" A. No, she did not.

Q. And did you say in reply, "Well, if you were not so cold toward me I would not have to go outside?" A. No, I didn't say that.

Q. Did you say that to her any time? A. I didn't use—

Mr. Cole: I object. Any time you mean on this night?

Mr. Garrison: I mean on this night.

Q. Did you say that to her at any time that night? A. I said she had treated me so rotten.

Q. You said that she used you so rotten that was the reason you went outside? A. No, I says, "Any man would be untrue to you."

Q. Then you said to her at that time "Any man would be untrue to you," did you? A. Yes. Not in the apartment.

Q. Did you have that same notion at the time you were feeling with Miss Abrams' breasts in the water?

Mr. Cole: I object.

A. No.

Q. When did you get that notion that—

Mr. Cole: I object to that.

Q. —anybody would be untrue to her?

Mr. Cole: It is not cross-examination and it is not relevant.

The Advisory Master: In the first place it is unimportant when he got it, I think.

Mr. Cole: It is facts we are after.

Q. Did you mean to imply by that that you had been untrue to her before?

Mr. Cole: I object to that. We are only bound by the allegations in this petition.

Mr. Garrison: He is on cross-examination.

Mr. Cole: I know he is. I object it is not cross-examination and it is not competent and irrelevant.

The Advisory Master: I will admit the question.

(Question repeated.)

A. No, I have never been untrue to her in my life.

Q. You mean to tell the Court this is your first experience? A. My very first.

Mr. Cole: I object to that. We are not here, may it please your Honor, to try anything except what is in this petition.

The Advisory Master: That is true but he is the defendant. He is on cross-examination. I think that a good deal of leeway should be shown.

Mr. Cole: May it please your Honor, his testimony has been directed on my part wholly on what occurred at the house in the case of his being there, directly meeting that question of fact, as to what occurred there. However he has answered that and I suppose they are bound by it.

MRS. DELLA CLARK, sworn:

Direct-examination by Mr. Cole:

Q. Where do you live, Mrs. Clark? A. Number eleven South Mt. Vernon Avenue.

Q. Speak a little louder. A. Number eleven South Mt. Vernon Avenue.

Q. Do you know Miss Kathryn Abrams and her mother Mrs. Mae Abrams? A. I do.

Q. How long have you known them? A. Since the seventh, about the seventh of June.

Q. Of this year? A. Of this year.

Q. Did they rent from you? A. Yes, sir.

Q. What did they rent? A. Why, three rooms in the back of my apartment.

Q. Up until what time did they live there? A. Well, they lived there from the seventh of June until the fifteenth of September.

Q. Do you know where they moved when they left your house? A. Well, I didn't know at the time. I found out afterwards.

Q. Where did you find out they had moved? A. Why on Tuesday, the nineteenth of September.

Q. Where did you find out they had moved? A. Where?

Q. Yes. A. At number five hundred and twelve Oriental Avenue.

Q. Now did you have occasion to go to this place at Oriental Avenue where they lived on that night of the nineteenth of September last? A. Yes.

Q. And did you go up there? A. I did.

Q. Now about what time did you arrive? A. Well, somewheres after seven o'clock, between seven and half past.

Q. Now about where did you stand? Did you go inside the house? A. No.

Q. Where were you with relation to the house? A. I was on the corner of Connecticut and Oriental Avenue.

Q. Did anyone go with you? A. Yes, my two nephews.

Q. And give me their names. A. Claude Clark and Phineas Long.

Q. Now with relation to Mr. Knittel and Miss Murray or Miss Abrams tell us what you know. A. Well, that night I saw two gentlemen go in the house about—well about twenty minutes, fifteen or twenty minutes past seven, one of them a tall, slim gentleman, and a stout gentleman, one of them came out, the stouter gentleman came out in a few minutes, a vrey few minutes after he went in.

Mr. Garrison: Will you talk a little louder?

The Advisory Master: Yes, a little louder.

Q. Now then speak up a little, Mrs. Clark. You needn't be nervous about it, just tell us it in a perfectly natural way. Speak a little louder. A. I saw these gentlemen come in the house, they came from Massachusetts Avenue, down Oriental, and they went in the house. In about two or three minutes, not later that that, one of them came out, the stouter gentleman, and went towards Massachusetts Avenue and turned the corner towards the beach. Immediately my nephew, Mr. Long, rode around on the wheel to see where he was, and stood up against the hotel in about, well, in about fifteen or twenty minutes later he came around the corner.

Q. Who? A. This stout gentleman.

Q. Yes. A. Came around the corner of Massachusetts and Oriental Avenue with two ladies, one

a short lady and a taller lady. They three went in the house. In about—well I guess that might have been about ten minutes after eight, something like that, ten or fifteen minutes past eight. Then about eight-thirty, this gentleman, Mr. Knittel, he turned the corner of Congress Avenue and went in the apartment. In the meantime Katie Abrams, she came to the door several times and looked up and down the street and walked up and down the pavement.

Q. Now was that before Mr. Knittel came? A. That was before Mr. Knittel came,

By the Advisory Master: Q. Did you know Mr. Knittel at that time? A. No, sir.

Mr. Cole: I will show how she came to know him afterwards.

By Mr. Cole: Q. Right now is this the gentleman? A. That is the gentleman.

Q. You saw come that you call Mr. Knittel? A. That is the gentleman.

Q. The defendant in this case? A. Yes, sir.

Q. You saw him go in, you say? A. Yes, sir, saw him turn the corner and go in the apartment.

Q. Proceed; just what happened after that? A. Well they had not been in there, I don't think over seven minutes, if it was that long. It seems as though it was like a flash, out comes the stout gentleman, the two ladies and the tall gentleman, in less than five minutes, in about two minutes Mr. Knittel came ont, I think it was less time than that, because they seemed to all come out together. They hadn't any more than gotten to the corner of Connecticut Avenue and Oriental when my nephew crossed the street, and met Mr. Knittel in the middle of Oriental Avenue, in the middle

of the street, and they walked up on the sidewalk together and stood talking.

Q. And after that what did you do? Did you go home? A. I went home, yes, sir. I went down New Jersey Avenue to the Boardwalk, from the Boardwalk to Massachusetts Avenue and home.

Q. And when did you first learn that the name of the defendant here was Knittel? A. When my nephew met him and said "Oh my God that is Charlie Knittel" that night.

Q. And he told you? A. He told me.

Q. Who it was? A. Yes, after he had left and done talking to him.

Q. Now did you after that see either Mrs. Abrams or her daughter again? A. Yes, sir, on Wednesday morning they came to my house.

Q. The night after this occurrence? A. Yes.

Q. How came you to go to this place that night? A. Well, I had notified them that I wished to have my apartment, so I went there on Thursday previous to the time and they were not at home, one of my tenants told me that they had gone to visit a cousin up town, and I said, "Well, I won't bother to come around any more today, I will come around tomorrow, and you tell her I will be here," so the next morning I was around and I told her I wished the apartment, I didn't see any use of my paying rent somewhere else when I could be in my own apartments, so she said, "Well, we were out looking for something."

Mr. Bourgeois: I object.

The Advisory Master: Yes.

Mr. Cole: May it please your Honor, I think we are entitled to have this testimony.

It seems to me your Honor can't very well, in the light of what I have said of this trap and of a conspiracy somewhere between somebody, your Honor can't exclude this testimony. It must come in. Your Honor sits as a judicial officer without a jury and is certainly capable of winnowing out the testimony that is not competent to arrive at the truth of these particular charges. It touches also the question of the veracity of this woman and it also deals with the question of whether or not there was a conspiracy, how this woman comes to be there, and it affects his testimony as well as the veracity.

Mr. Bourgeois: If your Honor please, this examination is testifying to conversation between the Abrams girl and her mother.

Mr. Cole: They were all present at the same time.

Mr. Bourgeois: How could that possibly bind these people assuming there was a conspiracy, so it would not be relevant?

The Advisory Master: Well, perhaps not. There might be some aspect of this case, Judge Cole, that I might be inclined to hear this testimony, but it seems to me at this time I shall have to overrule it. It is going a good ways outside of the rules of evidence to admit it. I say there might conditions arise during the trial when I would be willing to hear this even though it might be doing almost violence to the rules of evidence.

Mr. Cole: Very well, your Honor overrules it.

Q. Now without stating the conversation that you had with these people why were you interested—were you interested in knowing where they had moved? A. Yes.

Q. And did you find out where they had moved? A. Yes.

Q. Had you had any information before you went there that night that this Katie Abrams was to meet a man in her apartment for the purpose of having his wife come there and catch them together? A. Yes.

Q. Who had given you that information? A. Katie and her mother, also Mrs. Abrams.

Q. When was it that Katie and her mother told you that they were to, that they had arranged to have this man come there in order that his wife might catch them together? A. She was to call him up on a Monday, she went in his office on Saturday and told him that she would call him up on a Monday in order to make a date of the time set to make the date, she made the date to go in bathing on Saturday.

Q. Never mind about the bathing. I am speaking now about the occasion of the meeting that night. A. Yes.

Q. Did she tell you? A. She told me.

Mr. Garrison: We object if your Honor please. You ruled that out twice.

Mr. Cole: I am asking the simple question whether these people told this witness of the time and place of this meeting with this man.

Mr. Garrison: Now you see, your Honor

please, these leading questions to get in evidence that you have overruled.

The Advisory Master: Well you have mentioned the name of this girl in your petition as one of the parties with whom he committed adultery.

Mr. Cole: Exactly.

The Advisory Master: Now there must be some latitude given, it seems to me. It is important that the court should have all the light possible in a matter of this kind and if testimony is admitted that might be irrelevant or irregular, I don't think it will influence me in my judgment and it is pretty difficult to know exactly where to draw the line in this matter.

Mr. Bourgeois: I am not particularly concerned about this testimony but the trouble of it, as I see, is this, petition is filed here for divorce and the defense sets up a conspiracy that seems to be born and raised between himself and the corespondent and her mother.

The Advisory Master: I am assuming, of course, in going as far as I have that all of this leads up to something later. Now, if it doesn't why, of course, that has got to be eliminated in the end from the case and perhaps we are safe in time if that testimony that Mr. Cole wants to introduce is introduced, if he can't connect it up properly why of course it can't be considered and will be eliminated in the end.

Mr. Bourgeois: From his characterization of this girl I should imagine he would

be able to connect anything up through her. I don't know. I should think he might if he was going to do it that way.

Q. What time did she say she had the engagement with this defendant? A. She was to call him up on Monday night or Monday, I should say, and make the arrangements. When she made the arrangements she told me she had the appointment betwen eight and eight thirty.

Q. Of what night? A. Of Tuesday night.

Q. And then why did you go up there? A. Well, I went up there for the full purpose of telling the man that there was a trap set for him.

By the Advisory Master: Q. Did you know Mr. Knittel personally? A. I did not, no, sir. I took chances.

Q. Took chances? A. Yes, sir.

Q. Why were you interested enough in going up there to tell him that some trap was being set for him? A. I tell you truthfully I felt sorry for anybody who would have a trap set for them. I didn't think it was the right thing at all.

Q. And you thought it was your duty to go up there and tell him? A. I did. Yes, sir, if he had passed me from the way he was described to me I certainly would have recognized him. I had his full description through these people.

Q. Had you any personal differences with this Abrams girl? A. No, sir, not a particle.

Q. Friend of yours? A. Not a friend, only a tenant.

Q. A tenant? A. Yes.

Q. Was she a tenant at that time? A. Yes. Not at that time they had left my house on Monday.

Q. They had left there? A. Yes, they had left on Monday.

Mr. Cole: We will show, may it please your Honor, that they moved from her place up to this apartment directly.

By Mr. Cole: Q. Mrs. Abrams owed you some rent, did she not? A. Yes.

Q. How much? A. Sixteen dollars and fifty cents.

Q. And did she pay you afterwards? A. Yes, sir on Wednesday.

Q. When did she pay you? A. On Wednesday morning.

Q. On Wednesday morning after this occurrence? A. Yes, sir.

Q. Did this girl or her mother or both tell you that Katie was to be paid for doing this?

Mr. Bourgeois: That is objected to, if your Honor please. That is certainly not relevant.

Mr. Cole: I urge it and say it is competent.

Mr. Bourgeois: I say it is hearsay and irrelevant.

The Advisory Master: I will admit it.

(Question repeated.)

A. Yes, both.

Q. How much did they say she was to get? A. She was to get two hundred dollars if they pulled the trick off.

The Advisory Master: Q. Two hundred dollars if she pulled the trick off? A. Yes.

Q. When she came there on Wednesday what did she say about the money, if anything? A. She said that she had been paid two hundred dollars.

Mr. Bourgeois: Q. Had been paid? A. Yes.

The Advisory Master: Q. She said she had been paid two hundred dollars? A. Yes.

Q. Did she say for what? A. Yes,

Q. What? A. For having this man caught in her apartment.

Q. Did she relate to you what had happened that night? A. She said—

Mr. Bourgeois: That is objected to, if the Court please.

Mr. Cole: I won't insist upon that.

Q. How were you paid your money? A. How was I paid my money?

Q. Yes. A. I don't quite understand.

Q. Was it check or cash? A. Oh, cash.

Q. Who gave it to you? A. Katie handed me the money.

Q. Where did she get it? A. She claimed that she was paid by this man's wife.

Mr. Bourgeois: If the Court please, it doesn't appear that she knows.

Q. No, I don't mean that. I mean where did she take the money from? Was it in her pocket or pocketbook or where? A. It was in her pocketbook, she took it out of her pocketbook.

Q. Now how long were they there on that occasion? A. You mean—

Q. Wednesday? A. Only a few minutes. They came to the door, stepped inside and then went right out again.

Q. Now did you again see them at your house? A. Oh, yes, on several occasions.

Q. When was the last time they were there? A. The last time they were there was last Tuesday, a week.

Q. And what time did they get there? A. They got there around about twenty minutes or ten minutes of two in the morning.

Q. In the morning? A. And asked for a room.

Q. About what time did they leave? A. They left about half-past nine in the morning, between half-past nine and ten.

Q. Now before they left had Mr. Foster, this gentleman here, been there? A. Yes, sir.

Q. Did he tell you his errand? A. Not when he came to the door, no, sir.

Q. Any time did he tell you? A. He just inquired for Mrs. Abrams and I called her.

Q. Then what did he do? Did he stay or leave? A. He went outside. I asked him to stay outside. She refused to see him.

Q. They refused to see him? A. Yes.

Q. Now did you see them leave the house? A. Yes, sir.

Q. Did you see whether or not Mr. Foster met them? A. Yes, sir.

Q. Where did he meet them? A. They started towards Pacific Avenue and he and another gentlemen was on the other side of the street and they walked very fast and they, they got nearly to them and he ran and they confronted them and he took a paper out of his pocket.

Q. Did you see him with a paper? A. Yes, sir, saw him take the paper.

Q. And when he had that paper had they stopped? A. Yes, they stopped.

Q. And was he right near them? A. Yes, sir.

Q. Have you seen them since? A. No, sir.

By the Advisory Master: Q. They stayed at your house that night? A. Yes, sir, all night.

Q. Where are they living now? A. I couldn't tell you now. I don't know anything about them since that morning they left.

Q. How did they happen to come to your house that night? A. That I don't know. I didn't know they were out of Atlantic City. I thought they still lived here.

Q. They came there to rent, to get lodgings for the night? A. Yes, for that night, yes.

By Mr. Cole: Q. Will you describe the fat man that you saw up at Oriental Avenue? A. Well, he was stout, smooth face.

Q. Do you happen to know Detective Herbert? A. No, sir, I don't know him personally. The man supposed to be Detective Herbert had another name given me for him.

Q. And what sort of a description do you give of the taller man? A. Well, he was tall, smooth face, I judge, he had a cap on and I judge that he was a light complexioned man, from what I could see.

Q. Now had this man, short man that you saw at Oriental Avenue, been at your house before that night? A. Yes, sir.

Q. When was he there? A. On Sunday morning.

Q. Who did he come there to see? A. He asked for Mrs. Abrams.

Q. Did he see her? A. He came to the back door, yes, sir.

Q. Was Katie there? A. Yes, sir they were in their bedroom.

Q. That was the Sunday before the Tuesday night this happened? A. Yes, sir.

Q. Was there any conversation that took place between them? A. Well, I went in and called and she says, "Tell them to step in the bed-room," so I went, had my kimono on, and I went back to my window—

Mr. Bourgeois: I can't hear a word of that.

Q. Speak louder. A. I called them, they were in their bed-room and I says, "There is a gentleman at the back door wishes to see you," and she says, "Oh, yes, that is my cousin." She says, "Tell him to come in the bed-room," so he went in the bed-room. As I passed back to go through to the bath I heard him say, "I saw you. I saw you when you met him." He says something about being on the pier and that is all I heard, because I wouldn't stop, and then went right through, but those words I heard as I passed.

Q. Now did you learn his name that day? A. No, sir.

Q. Didn't she ever afterward tell you who he was? A. She said his name was Garrison Thompson.

Q. When did she tell you that? A. Well, she told me that on Saturday—Sunday night. I had been to the moving pictures and I came in, she called me to the room, and she told me that that was her cousin, that was there in the morning, he was going fishing and he stopped, and Katie, she started to say something about what Lawyer Garrison said, and she says—she punched her—she says again—

Q. Wait a minute. Who punched? A. The mother.

Q. Punched Katie? A. She says, "She always gets the two names mixed up." She says, "His name is Garrison Thompson, our cousin."

Q. And are you sure this man you saw at the house and she said his name was Garrison Thompson her cousin, is the same man you saw up at

512 Oriental Avenue that night? A. Yes, sir, positively.

Q. Did you notice when she paid you this money, rent, whether she had any other money left or not? A. Yes, sir.

Q. Little or much? A. Oh, she had lots of money.

Q. Did you go out with her that day? A. Yes, sir.

Q. Did she spend any money? A. Yes, sir.

Q. How much? A. Well, she went to a pawnbroker's, Smeidler's, on this side of the street, and she got a watch and ring and three stone diamond ring out of pawn, and then she came back to the shoe store, and they each bought a pair of shoes, and from there they went into a gent's furnishing store on the corner of Indiana Avenue, I think—I wouldn't be sure about the avenue—but I know it is on that side of the street down there somewhere, about and she spent nine dollars and over for a silk shirt, silk stockings, and neckties, couple of neckties, and two sets of underwear for a gentleman.

Q. How much? A. Something over nine dollars.

Q. How much altogether did she spend on that trip approximately to your best judgment? A. Well her shoes, I think were two dollars and something, two dollars and a half, something of that, and the girl, hers was five dollars. You mean including what she paid me?

Q. Yes, and the pawnbroker. A. The pawnbroker's, I don't know. I couldn't say that because I didn't go over there with her. I waited on the opposite side of the street with Katie.

Q. What kind of notes had she, dollars, fives,

tens or what? A. Well, tens, and I saw some yellow backs, I judge they were ten or twenties.

Q. Now by what name did you first know this girl? A. I knew her by the name of Kitty Murray.

Q. How came you to know that her name was Abrams? A. Well, they had an accident with the Shill's Rolling Chair and one evening a nurse came to my house and inquired for the name of Abrams and I said there weren't anybody by that name, "I guess you can inquire upstairs. I only have the downstairs apartment." So she went upstairs and I sat there on the porch. Pretty soon she came out of my hallway with Kitty and her mother, and I looked, I says, "Oh, is it you she is looking for?" And she said, "Oh, yes," she says, "but I couldn't get the name right," the nurse said, so they went on to the doctor's. They came back and then I went back, she says, "Come back I want to speak to you." She says, "Well, I will tell you," she says, "you know our name is Abrams," she says, but she says, "we went by the name of Murray on account of Kitty's stage name, she dances."

Q. That was the first you knew? A. That was the first I knew her name was Abrams.

Q. Did she tell you at any time who it was that was setting this trap or going to pull this trap off? A. She said that her cousin had put her next to this affair, that if she pulled off the trick on this man—he was a real estate man—if she pulled off this trick she was to get two hundred dollars, his wife was to pay two hundred dollars, that she had spent thousands of dollars and had been two years trying to trap him, and hadn't done it, and

was about to give up the chase, when her cousin informed her and she took the case up.

Q. Now do you know whether she was referring to this Garrison Thompson of which she spoke? A. Garrison Thompson.

Q. Was the cousin? A. Yes.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. So, Mrs. Clark, Kitty dances, does she? A. That is what they say. I never saw her dance.

Q. You know her pretty well? A. Only by her living in my house.

Q. And does she do anything else besides dance? A. That I couldn't say.

Q. Can't say about that? A. No.

Q. How long have you lived in Atlantic City? A. I have lived here two years.

Q. Two years? A. Yes.

Q. Where do you come from? A. I came from Philadelphia, West Philadelphia.

Q. Where? A. West Philadelphia.

Q. Where do you live in Atlantic City? A. I live number eleven South Mt. Vernon Avenue.

Q. And have lived there all the time? A. No, sir, when I first came here I boarded in the Alcazar.

Q. How long have you lived at number eleven South Mt. Vernon Avenue? A. I have only been there since the twenty-seventh of last December.

Q. And where did you live in Philadelphia before you came to Atlantic City? A. Forty-sixth and Market.

Q. How long have you known Katie Abrams and her mother? A. Only since the seventh of this last June.

Q. While they were your tenants you became pretty well acquainted with them? A. Well, like tenants, I just simply went—

Q. Live in the same house with them? A. Well, part of the time I did.

Q. How much of the time? A. Well, I think I left my apartment, let's see, around the fifth or sixth, about the sixth of July.

Q. And from that time until the time they moved did you live in the apartment with them again or not? A. Oh, I was in and out every day.

Q. But were not living there? A. I was not living in the apartment. I was in and out every day.

Q. And saw them, I suppose, every day? A. Yes, saw them every day.

Q. You knew what kind of people they were? A. Well, I didn't inquire into their, I just simply spoke to them and talked to them, same as I would anybody else had apartments in my house, didn't know anything about them.

Q. Did they have anybody coming to see them in your apartment? A. Yes, they had compan.y.

Q. Gentlemen company? A. Yes.

Q. You ever make any inquiry to find out what sort of people they were? A. No, she claimed that they were brothers, her sons visited there.

Q. And you just assumed they were and thought they were all right for you to associate with? A. Certainly. I didn't have any doubt that they were not.

Q. Did you ever visit their apartment? A. Yes, I have been in there on different occasions?

Q. On a few occasions? A. Oh, yes, quite a few.

Q. Very few. And what would be the object of your going in there, just social visit? A. Well, I

went in there to collect my rent at times, and oft times she would call me in, if she heard me in the hall, come out in the hall and talk to me.

Q. And it came to the time when they owed you some rent and they left your apartment? A. Yes.

Q. And then after they moved out, as I understand it, they came back and saw you? A. Yes.

Q. And told you they could not pay you then the sixteen dollars and a half rent? A. No, they didn't tell me after they moved out. They told me that before they moved out.

Q. Told you before they moved out they could not pay you the sixteen dollars and a half rent? After they moved out then they came back and told you they were going to trap somebody? A. No.

Q. What was it? A. No, before they moved out it was while they were there they told me this, while they were living in my house.

Q. While they were still there? A. Yes.

Q. They told you they were going to set a trap for somebody? A. Yes. I went back to my apartment on Friday.

Q. They were going to get two hundred dollars? A. Yes.

Q. And after they got it they would pay you sixteen dollars and half rent? A. Yes.

Q. And they told you the day it was going to happen or night it was going to happen, did they? A. Yes.

Q. Or the place? A. Yes.

Q. And asked you to come up and see it done? A. No.

Q. Didn't ask you to come? A. No, because they didn't want me to know where they lived.

Q. And you anxious to see them get the money so you got your sixteen dollars and a half? A. Not at all.

Q. Why did you go up there? A. I went up there for the full purpose of putting this man wise for I thought it was a shame to break up a home.

Q. And you saw him when he went in? A. I did.

Q. And didn't say anything to him? A. I wasn't close enough.

Q. If you went there for that purpose why didn't you see you got close enough? A. I stood to the corner, I am not familiar with Atlantic City and I didn't know how close I could be, I didn't want her to see me.

Q. I know, but you wanted to put this man wise? A. Yes.

Q. Now why didn't you get close enough so you could tell him? A. Well, I didn't know the man's name, and I only knew him by the description, seems though I thought he would come around that corner.

Q. Didn't she tell you it was a real estate man? A. Yes.

Q. And didn't she tell you his name beforehand? A. No.

Q. Did she tell you where his office was? A. No.

Q. Just told you it was a real estate man? A. Yes.

Q. And you went up there for the avowed purpose of putting him wise and took two friends with you, a nephew and another man? A. I took my two nephews.

Q. Now what became of the two nephews? A. They were right with me.

Q. Right there with you? A. Right with me.

Q. And you saw the man coming down? A. Yes.

Q. Towards the house? A. Yes.

Q. You saw him go up, you saw him ring the bell, didn't you? A. I saw him ring the bell.

Q. Saw all that, you and the two nephews there, for that very purpose and you didn't notify him? A. I wasn't close enough. If I had been—

Q. I know, but couldn't those two nephews of yours run? A. He turned the corner so quick, a very short distance between there and the corner.

Q. Now when you saw this man going towards the house, couldn't you have said to one of the nephews that may be the very fellow? A. He did try to get him.

Q. Then why didn't he tell him? A. He got in the house before he could tell him. Just as soon as he saw him turn the corner he quick went towards him.

Q. And your good intentions were frustrated because he got in there too quick; that is right, isn't it, is that right? A. He got in there too quick and we didn't inform him.

Q. And there all your good intentions were lost, frustrated because he got in there too quick; is that right? A. I suppose, to put it that way.

Q. And except the sixteen and a half, you got the sixteen and a half? A. That didn't make a particle of difference.

Q. I say you got the sixteen and a half? A. Yes.

Q. You got the sixteen and a half out of the two hundred dollars you thought had been paid to her for criminal purposes, for trapping him, didn't you? A. I didn't question her how she got the money to pay me. She owed me the money.

Q. I say you thought that was the two hundred dollars she had gotten for getting this evidence against Knittel, that is what she told you what for? A. I can't just say what I thought at that time.

Q. Why can't you tell us? Where did you think she got the money if she didn't get it that way? A. She said she would pay me Wednesday.

Q. Where did you intend the Court to believe she got the money if you didn't intend the Court to believe she had gotten it from having put this trap up on Knittel? A. She told me that was the way she was going to get it.

Q. She told you and you believed she did get it? A. Undoubtedly.

Q. And you believed this money you saw her have was the money she had been paid for this job? A. Certainly.

Q. And you believed that at the time she gave you the sixteen dollars and a half? A. I suppose that is where she got it, of course.

Q. And you think it is all right— A. I think it is all right for anybody to pay their debts.

Q. I know, but you thought it was all right for you to take the money for that rent that had been gotten in that way when you knew all about it before it happened, didn't you? A. I thought it was all right to take money owing to me.

Q. Without regard to where it came from or how it came? Is that right?

Mr. Cole: We are not trying her morals.

Mr. Bourgeois: I know. I am glad you are not, Judge.

Q. Now after you had gotten your sixteen dollars and a half and you had seen that she spent

that sixteen and a half correctly, you were not quite yet satisfied, were you, but you went on around with her when she spent all the rest of it? A. I went by her invitation.

Q. Her invitation? A. Yes.

Q. Did it ever occur to you, Mrs. Clark, that maybe she was not just the kind of a girl that you ought to associate with?

Mr. Cole: I object to that as being incompetent.

Mr. Bourgeois: I have a perfect right to cross-examine to find out what her motive is.

Mr. Cole: I have a right to object and I object to that cross-examination, incompetent and improper.

Mr. Bourgeois: I have a perfect right to test this woman's morality by finding out what she thought about it, it bears a whole lot on her veracity.

The Advisory Master: If you ask that with a purpose of enlightening the Court as to her veracity—

Mr. Bourgeois: I want the Court to know what kind of a woman she is so you can determine what kind of force to give her evidence.

The Advisory Master: Her morality might not determine her veracity.

(Question repeated.)

A. No, didn't occur to me.

Q. Didn't occur to you at all? A. Not at the time, no, sir.

Q. You saw no reason then why, after she had collected this money from doing this job, as you believed she had done—

Mr. Cole: Pardon me. She didn't say that.

Mr. Bourgeois: Oh, yes, she did.

(Question repeated.)

A. No, I didn't say—

Q. Wait a minute until I finish the question—

(Question repeated.)

Q.—there was no reason why you should not go around with her and see where she spent the money? A. Probably, I had an object in view.

Q. You had an object in view? A. Probably.

Q. I see. What was the object? Must have been an object in view unless you wouldn't have gone. Now what was the object?

Mr. Cole: The Court says you may answer it. I am not going to object to it. Tell us what the object was.

A. Well, she told so many lies in the first place and I just wanted to see how far she would get.

Q. In other words she lied to you so much that you sort of didn't believe her? A. Yes.

Q. And you didn't know whether the two hundred dollars she got come from putting up this job or whether it came from Mr. Knittel for the pleasures and so forth she had furnished to him? A. Only what she told me.

Q. Now at the time she told you about all this money that she was going to get from Mr. Knittel—

Mr. Cole: She didn't say that.

A. Didn't say Mr. Knittel.

Mr. Bourgeois: Yes, strike that out.

A. She said from the man's wife, real estate man's wife.

Q. Yes. When she told you in your apartment

that she was going to meet this man and he was going to meet her at the apartments on that night, that was on Saturday, I think you told me that she had this conversation with you? A. I didn't tell you on Saturday.

Q. What day was it? A. She told me she had the conversation on Saturday about it that she was going to meet this man to go bathing, and then she had made the appointment on the Monday over the 'phone to meet him on Tuesday at her apartment.

Q. When did she tell you that? Did she tell you that? A. Yes, she told me that.

Q. When did she tell you that? A. This conversation was after 11 o'clock on Sunday night.

Q. Eleven o'clock Sunday night? Eleven o'clock Monday night? A. No, not 11 o'clock Monday night, 11 o'clock Sunday night.

Q. How did she come to telephone to you 11 o'clock Sunday night? A. She didn't telephone to me 11 o'clock Sunday night. She still lived in my apartment.

Q. She still lived in your apartment, Sunday? A. Yes.

Q. When did they move to 512 Oriental? A. On Monday.

Q. Then she told you before she left on Sunday night that she was going to meet this man in the new apartment? A. She told me she was to call him up on Monday and find out, and she was to make a date with him, she was to call him up and tell him when she was to see him.

Q. Now, at the time she told you that did she tell you anything about her experience when she was in bathing with him? A. She said she met

him, I mean in bathing, she wasn't gone so very long, I don't think she was gone over, well, she didn't seem to be gone over three-quarters of an hour when she was back home.

Q. And did she tell you that he had taken liberties with her in the water? A. No, she didn't tell me that.

Q. But she did tell you that she thought she would be able to make an appointment with him to meet him at that house at that time? A. Yes, at that time.

Q. Now, Mrs. Clark, I have wondered, in view of the fact that you had all this advance information that you desired to protect Mr. Knittel, why didn't you ask her his name and try to find out something about him so you could protect him? A. I did ask his name, and she wouldn't say his name.

Q. Wouldn't tell you his name? A. Wouldn't tell me his name, she said she would tell me afterwards, and she did, she told me on Wednesday, she told me his name.

Q. Then if you were anxious to protect Mr. Knittel, or whoever it might have been, why did you care whether she should see you or not? Why didn't you go right there and stand at her step so that you could certainly tell the man as he came along? You weren't anxious for the friendship of a woman of that kind, were you? A. No, I don't know as I was.

Q. Then why didn't you go there and post yourself right at the entrance door so you would be certain to be able to tell him, accomplish your purpose? A. I didn't think anything about that. I thought that I was near enough to tell him.

Q. Then why didn't you tell him? A. When I

was on the front of Connecticut Avenue I thought I was near enough because I thought possibly he would come around that way.

Q. Then why didn't you tell him, why didn't you go and make sure to accomplish your errand? You could certainly have gotten to him if you had tried? A. Well, I suppose I could. I had time enough, I suppose, but where I stood I thought sure he would pass or I possibly would have gone further.

Q. Then why didn't you tell him? A. I would have told him if I could have got the chance.

Q. Now, tell us the real purpose of your going up there. A. The real purpose to tell him that there was a trap set for him.

Q. That seems strange if you went there to tell him and you fell down so completely. A. I am sorry I did.

Q. Because might feel there was some other purpose? A. No other purpose.

Q. Not even the purpose to find out whether Kitty was going to get the money to pay the rent? A. No, that didn't bother me.

Q. Then after you found out all this about them you still went around with them, didn't you? A. I was on the street with them, yes.

Q. And when they came down here a week and a half ago you took them in? A. Yes, they had a little baby with them.

Q. You took them in notwithstanding the fact that you knew, at least you believed that she had put up this job on Mr. Knittel? A. Yes.

Q. Or didn't you believe it? A. Certainly I believed it.

Q. You believed it, and believing that and be-

lieving she had gotten that money that way, and believing you had that party, you again took her in? A. She came to my house on several occasions and I took her in.

Q. You always took her in? A. Certainly.

Q. In other words this little escapade made no difference to the relationship between you and her, did it? A. Oh, yes.

Q. How was that difference evidenced? What difference did it make outwardly? What did you cease to do that you previously had done? A. She would walk in my house, my door is unlocked and she would walk all the way in through the hall to the kitchen. I never went to the door and let her in, and she never rang the bell after she left at that time, walked through into my house.

Q. I want to know— A. I used her cool, I didn't use her as I would have used her if she had not done such a thing as that.

Q. I want to know what in your conduct or relation with her since this occurrence differs from what it was before it? A. I treated her very cool, if she had noticed the coolness I treated her she would never have come there.

Q. When did you begin to treat her cool? A. I treated her all the time afterwards.

Q. At the time you went around by their invitation to see how the money was spent, treat her cool then, did you? A. Yes, I didn't treat her like I had before.

Q. Things you had before? A. No, I didn't think she had done the right thing.

Q. Just what had been the difference between you? Was there a difference in words? A. I should think she would have seen by my actions I

didn't approve of what she did because I told her so.

Q. Who was it invited you to go, she or her mother? A. I don't know exactly which one invited me. They said, "We are going down the avenue, you are going down, go down with us?" I said, "I am going down that way, yes, I will go down with you."

Q. And how long were you with them? A. Not so long only went as far as the store Michigan Avenue and right back again, wasn't very long.

Q. Tell me why you were interested in learning just what they spent the money for, all these little items? A. I don't know why I was interested. I knew they had the money and I thought at the time people getting money that way was very common in them to go around and spend it on their back, and knowing they were breaking up a home.

Q. I see. A. I just couldn't help but think.

Q. And you thought that was kind of what you call dirty money? A. Yes, it was dirty money.

Q. But when it came to you to pay rent it was clean? A. Well, I wouldn't question anybody how they got their money to pay me, anybody owed me, of course I wouldn't question anybody. I guess none of us would.

Q. It wouldn't make any difference to you if it was stolen? A. I guess none of us would, I guess they all take the dirty money.

Q. I say it wouldn't matter to you if they had stolen the money? A. How?

Q. I say it wouldn't matter to you if they had stolen the money and you knew they had stolen it to pay that rent with, would it? A. Well, I don't think I will answer those questions.

Mr. Cole: Well, Mrs. Clark, it isn't hurting you. Mr. Bourgeois is having a good time and it isn't hurting you.

Mr. Bourgeois: And the judge is satisfied, we all ought to be happy.

A. I guess he knows how he gets his all right.

Q. Mrs. Clark, did you get any money excepting the sixteen dollars and a half from Mrs. Abrams or Kitty Abrams? A. I only got what she owed me.

Q. How much did she owe you? A. She owed me sixteen dollars and a half for rent.

Q. And that is all the money you got from her? A. That is all the money I got from her.

Q. When did you last see the mother, Mrs. Abrams? A. On Tuesday, last Tuesday a week.

Q. At the same time you saw Kitty? A. At the same time, yes.

Q. Where did they say they were living? They stayed over night with you, of course you asked them where they were living? Where did they say they were living? A. I didn't ask them.

Q. Didn't ask them? A. It was late at night and I went to my room, next morning I was still asleep.

Q. Never even thought to ask them where they were living? A. No, they just said they had come from Philadelphia.

Q. And you didn't ask them where they were going or where they were living or anything? A. No.

Q. Did they pay you for the night's lodging? A. Yes.

Q. How much? A. One dollar.

Q. Each? A. No.

Q. The two women and child? A. I couldn't be positive of Kitty staying in my house that night, the mother came first and said she would be back shortly with Kitty and I went to bed and left the door open.

Q. And you left the house open to them? A. They knew where the room was, I couldn't stay up all night for them. I couldn't tell what time they were coming back.

By Mr. Cole: Q. Did you tell your nephews before you went to 512 Oriental Avenue that night about this story that Miss Abrams had told you about trapping this man? A. Yes, sir.

Q. So they knew it when they went up, did they? A. Yes, sir.

Q. Did Miss Abrams tell you whether or not she had had intercourse with Mr. Knittel that night?

Mr. Bourgeois: That is objected to because that certainly can't be relevant, purely hearsay evidence, not a part of the conspiracy at all.

Mr. Cole: Now, he has cross-examined this lady and I have not objected on the ground that he is trying to make it appear that this woman can't be right or she would not have taken this money gotten in this way and the plain inference now is that this woman knew that there had been improper relations. Now, I say we have a right to know that by showing what this woman told her, which is she did not have intercourse, and did not intend to have intercourse, purely an attempt to catch them in the room together.

The Advisory Master: I shall admit the question.

(Question repeated.)

A. She did not. She told me she had no intercourse and had no intentions.

Q. How came she to tell you that? A. She said that his wife had spent thousands of dollars to catch him and all she had to do was to get him in a room behind closed doors for ten minutes with her waist off and that would be evidence enough, and she had no intentions of committing adultery. She didn't only tell me once but she told me again later on.

By Mr. Bourgeois: Q. In your direct-examination you said that Mr. Knittel, that this gentleman that you afterwards learned was Mr. Knittel was in there about seven minutes. Did you time him? A. Well, seemed about that time, yes.

Q. Did you have a watch to look and see? A. Well, I judge it was that time.

Q. I didn't ask you that. Won't you answer the question? A. My nephew had a watch.

Q. I beg your pardon? A. My nephew had a watch.

Q. Your nephew had a watch and he held it on him, that is looked to see how long he was in there, is that right? A. I don't know whether he held it on him or not, but he looked at the time when he went in and went out.

Q. And he looked at it again five minutes afterwards to see what time when Mr. Knittel came out? A. Between five and seven minutes, couldn't have been any longer than that possibly.

Q. Well, did he look at his watch to come out? A. He timed him, yes.

Q. Both times? A. Yes.

Q. And which nephew was that? A. Claude, Claude Clark.

By Mr. Cole: Q. Give us the name of both of them at this time. A. Phineas Long and Claude Clark.

By Mr. Bourgeois: Q. Claude Clark and the other was what, did you say? A. Phineas, Phineas Long.

By Mr. Cole: Q. Did Miss Abrams tell you, describe what did take place that night?

Mr. Bourgeois: I object.

Q. You can answer yes or no to that, did she? A. Yes.

Q. Now, will you tell us what she said took place and how it took place?

Mr. Bourgeois: I object because that is irrelevant.

The Advisory Master: Now, eventually this question would be admissible perhaps not strictly at this stage of the case, but on the theory that the statement of the petitioner's witnesses might be different from the statement of the defendant, it seems to me that her testimony might be admitted very properly to show the statement that was made by this girl for whatever—

Mr. Bourgeois: If your Honor please, the trouble with that, you see Kitty Abrams is the corespondent in this suit. Now, assuming that the petitioner will prove acts which would raise a presumption of law of guilt, Kitty Abrams would be a witness in behalf of the defendant and her testimony would be received, but if she were here and gave the testimony herself

we would have the right to cross-examine. Now, they are endeavoring to get along without bringing Kitty here.

Mr. Cole: You mean you are trying to get along without bringing her.

Mr. Bourgeois: No, we don't know where she is, but even so they are trying to put in Katie Abrams' testimony and depriving us the right and opportunity to cross-examine that witness and it is not relevant. That clearly is hearsay evidence.

The Advisory Master: Well, there may be a stage in this case I will admit this testimony, Mr. Cole. At this time perhaps it should be overruled.

Mr. Cole: Well, I think it is competent if on no other theory than on the cross-examination of Mr. Bourgeois. He tries to discredit this woman on the theory that she knew that this girl had been doing something that was immoral, and therefore should not have associated with her, and therefore I propose to show that there was nothing immoral but a mere trap laid.

Mr. Bourgeois: Now the crime, if there was a crime, was the agreement to go into this illegal thing, and it does not help this woman any if Katie came down and says, "I took the money, entered in the conspiracy and took the money, but I didn't perform."

Mr. Cole: I won't urge it.

HARRY A. FOSTER, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Foster, how long have you lived in Atlantic City? A. Thirteen years.

Q. What is your business? A. Investigator, state officer.

Q. Do you know Kathryn Abrams and Mae Abrams, her daughter, I mean and Mae Abrams her mother? A. I do.

Q. When did you first know them? A. About a year ago I had occasion to be in their house.

Q. Where? A. 22 South Kentucky Avenue.

Q. Atlantic City? A. Atlantic City.

Q. Were you present in a case in Mays Landing wherein Mae Abrams, I mean Kathryn Abrams was plaintiff and one Gaskill was defendant? A. I was.

Q. Is this Kathryn Abrams and Mae Abrams whom you know the same people who were in that suit? A. Positively.

Q. And Mr. Garrison who is solicitor here represented her, didn't he? A. He did.

Q. Now, I show you a subpoena in chancery in the case of Helen Knittel, petitioner, and Charles A. Knittel, defendant and ask you whether you had that subpoena to serve on Kathryn and Mae Abrams? A. I did.

Q. Now, did you see them? A. Yes, sir.

Q. When and where? A. I saw them leaving the house 11 South Mt. Vernon Avenue on tenth month twenty-fourth, 1916, a little after 9 o'clock in the morning.

Q. Is that the house that Mrs. Clark has been telling about? A. It is.

Q. Did you serve that subpoena or attempt to serve it? A. I served it.

Q. Tell us just what happened now. A. I first goes to 11 South Mt. Vernon around 9 o'clock from information—

Q. In the morning? A. In the morning of October twenty-fourth. I got information that Mrs. Abrams was there and also the daughter but the daughter had gone out. The mother seen me through a glass of the front door, as I stepped on the porch, a woman I didn't know positive at that time it was her, and later found out that it was disappeared back, and another lady opened the door. The door was on the jar, by the way, front door, I made inquiries and they said she was in.

Q. Now, did you see Mrs. Clark, the previous witness on that occasion? A. I seen Mrs. Clark.

Q. Talk with her? A. Talked with Mrs. Clark and also daughter or niece or some other young lady in the house.

Q. Yes. A. I waited for some little while. Finally Mrs. Clark came to me and I says, "Will you kindly knock on this door, wherever this woman is, and ask her to step here for just a moment." She knocked on the door two or three times and no answer. She says, "I guess she has went out." I says, "Then I will go out too." At the same time I had the front and back of the house covered. I knew she didn't go out.

Q. Who was with you? A. One of my men.

Q. Is he here? A. Not at the present time.

Q. What is his name? A. Taylor.

Mr. Bourgeois: Q. What is his first name? A. George.

Q. Proceed. A. I go out and I meets Mr. Knittel.

Mr. Bourgeois: Mr. Knittel?

A. Mr. Knittels.

Q. What happened with respect to the service of the paper? A. I waited on the corner until Mrs. Abrams did come out and her daughter went in previous, they both came out together with a little youngster, I judge about two years old and started down to Pacific Avenue, but previous to them coming out there was a young man left there who looked up and down the street, couldn't see me, and made a bolt for Pacific Avenue. I suspected what was going on so I covered close, and when she did appear I chased down after them. They tried to get away by taking a jitney on Pacific Avenue gotten by the young man, who had finally made arrangements, I said, I get them before she reaches there, stopped both of them, the girl nodded to Mr. Knittels and she says, "You can't serve any subpoena on the street," I said, "I would go in church after you if such a thing will happen and get service," and I handed the subpoena, read this paper to her, handed the subpoena and she stepped back and dropped it. I said, "Well, Mrs. Abrams, here is one for you," and she refused it, and when I read Judge Thompson's name she says, "Who is Judge Thompson? I don't know any Judge Thompson."

Q. Don't care about that conversation. Did you hand them a copy of the subpoena? A. I offered them a copy of the subpoena and they refused to accept it.

Q. And give them the fifty cents? A. And gave them the fifty cents. She said, "We will have nothing to do with either you or your money."

Q. Did the man you speak of see you do this? A. Saw me, and Mr. Knittels also saw me there standing on Pacific Avenue, the two ladies standing number eleven saw me also.

Original subpoena offered and admitted in evidence and marked Exhibit D-1.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mr. Foster, when was that subpoena handed to you? A. I think the day previous.

Q. On the twenty-third? A. Twenty-third or twenty-second, but I think the twenty-third.

Q. By whom was it handed to you? A. All given to me, several given to me by Mr. Keffer.

Q. And where did he tell you you would find this Knittel woman, girl? A. Knittel girl?

Q. Not the Knittel girl, but the Abrams girl? A. He didn't tell me.

Q. How did you know where to go to get service? A. I didn't know until the next morning.

Q. Who told you then? A. Mr. Knittels.

Q. And where was Mr. Knittels when he told you? A. At my office.

Q. He came to your office to tell you? A. In my office, yes, sir.

Q. And had it been arranged when she came into town he was to tell you? A. No, sir.

Q. Did you know that she was out of town prior to the day that Mr. Knittel came and told you? A. I didn't know anything about it.

Q. You didn't know? A. No, sir.

Q. Mr. Knittel came and told you to go down there and serve them at 11 South Mt. Vernon Avenue? A. Yes, sir.

Q. What did he tell you? A. Just told me that

they had stopped last night No. 11 South Mt. Vernon Avenue and I was over early that morning and I took a chance.

Q. That was on the twenty-fourth he told you? A. On the morning of the twenty-fourth.

Q. Did you notice at that time the subpoena was dated on the twenty-first? A. Didn't make any difference to me.

Q. I didn't ask you. A. I didn't notice it, no, sir.

Q. Didn't you notice at all the date of the subpoena? A. Coudn't tell you the date of any of them.

Q. Don't know whether it was dated the day previous? A. Many a time I get them dated two or three days ahead, or two or three days back.

Q. And this subpoena you got for the Abrams girl a day or two— A. No, I won't say that, I may have gotten it two days before.

Q. And you didn't try to serve it until Mr. Knittel told you? A. No, that is not the fact.

Q. What is the fact? A. I would serve her whenever I could find her. I had three men out that saw the woman in company with Mr. Herbert and the lady he travels with a few days previous, and I intended to pick up one or the other and trail them to see where they were and see if we could locate Mrs: Abrams.

Q. Who was this woman you saw with her? A. I should judge her name was McGowan.

Q. What? A. I believe her name is McGowan, by the way, I don't know, from what I heard the description I judge that is who the woman was.

Q. And the Abrams girl were all together, you say? A. That is what we find, yes, that informa-

tion I got, that was what I was working on. You asked me what I intended to do. I am telling you my thoughts.

Q. You didn't see them? A. I didn't see them, the information was brought to me.

Q. Who told you? A. One of my operators.

Q. What was his name or what is her name? A. That is not necessary, is it?

Q. Oh, yes, we want to find out. Who was it?

Mr. Cole: Does it matter who the witness was? He says he got the information from somebody.

A. And from information I received I judged this myself that we attempt to pick the same parties up again.

Mr. Cole: Besides what difference does it make? The question is whether he attempted to make the service or not. That is all I assumed to prove by him.

Mr. Bourgeois: If the Court please, we have a right to test his veracity.

The Advisory Master: I think he ought to answer. Who was the witness?

A. MacClain, Walter MacClain.

Q. Now, what did Mr. Knittel do at the time you were making service on Miss Abrams? A. He stood there and looked at me.

Q. How close was he to you? A. I didn't step it off, Mr. Bourgeois, approximately I should judge fifteen, ten or fifteen yards.

Q. Did he come up and have any conversation with her? A. With who?

Q. Mr. Knittel have any conversation with Miss Abrams? A. No, sir.

Q. After you made the service then where did

you go? A. I stood there watching them for they got in a jitney.

Q. And where did you go after that? A. Came back to my office.

Q. Did Mr. Knittel go with you? A. No, sir.

Q. Did you talk to Mr. Knittel anywheres? A. I did speak to him.

Q. Where? A. On Mt. Vernon Avenue.

Q. And which way did he go when you went towards your office? A. I don't know. I paid no attention whatever. My service was done.

Q. Did he make any explanation of why he didn't speak to this Abrams girl? A. The Abrams girl nodded her head to him and he spoke to her, nodded his head.

Q. That was all? A. That was all was done.

CHARLES A. KNITTEL, re-called:

Direct-examination by Mr. Cole:

Q. Mr. Knittel, Mr. Foster has said that you notified him where he could find Mrs. Abrams and daughter to serve the subpoena on. Where did you get the information you gave to Mr. Foster? A. From Mr. Claude Clark.

Mr. Bourgeois: Q. Mr. Clark? A. Yes.

Q. And is he one of the nephews of Mrs. Clark? A. Yes, he is a nephew.

Q. When did he give you that information? A. He gave me the information on the morning of the twenty-fourth.

Q. In person or by 'phone? A. He called me up and told me to come up and see him at the

Eastern Motor Company Garage, and I went up there and he told me that these people had arrived in town and if I wanted to serve them with a subpoena that I had better get busy.

Q. And you communicated that to Mr. Foster? A. Mr. Foster had the subpoenas and I went right up to him and got him to serve a subpoena.

Q. Up to that time when Mr. Clark told you did you know where these two people were? A. Hadn't the least idea.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Did you know that they were expected in town? A. No, I did not.

Q. Had you had a conversation with Claude Clark before that time about it? A. No, never had any conversation about these people with him, not about coming to town.

Q. What conversation had you had with him? A. Why, they knew that I was trying to serve a subpoena on them.

Q. I ask you what conversation you had had with him? A. About what?

Q. About anything at all pertaining to this case. A. Why, the only conversation I had with him was when he stopped me when I came out of that apartment that night.

Q. You never had any conversation after that time? A. I had gone to see him about the case because he promised to be a witness of mine.

Q. I see. Now, when had you gone to see him? A. Well, I couldn't say exactly. I saw Mr. Phineas Long afterwards, after the case, and I forget when he saw Mr. Clark, I can't exactly remember the day.

Q. Did you have a conversation with any of them about the girl coming back again or getting service on her? A. No, I didn't have any conversation about her coming back. They knew that I was going to get service on her.

Q. And did you ask them to let you know when she came? A. Yes, if she came back to let me know.

Q. Then they knew or were looking out for this girl to get her back here, were they? A. I couldn't say.

Q. Do you know if they wrote to her to ask her to come down? A. I couldn't say.

Q. Don't know that? A. No.

Q. Did they promise that they would? A. No, they didn't promise that, didn't know where she was.

Q. Didn't they say they would try to get her back for you? A. They said they didn't know where she was.

Q. Did you ask them to try to get her back for you? A. No, I didn't ask them to try to get her back for me because they didn't know where she was. How could they try to get her back?

Q. Did you ask them to try to get them so you could get a subpoena served on them? A. I asked them if they found out where she was to let me know.

Q. When was it you said that to them? A. That was after this divorce case was started.

Q. How long after this incident happened up at 512 Oriental Avenue was it before you knew about what the Clarks have told here, Mrs. Clark has told here today? A. The next day I had Mr. Phineas Long up at Mr. Keffer's office.

Q. Had who? A. Mr. Phineas Long up in Mr. Keffer's office.

Q. That is one of the nephews? A. Yes.

Q. How soon after that was it you heard Mrs. Clark's story? A. Mrs. Clark's story?

Q. Yes. A. I didn't go to see Mrs Clark until after I had had the petition served on me.

Q. And how long was it after you talked with Phineas that you saw Clark? A. I went down to see him one day in the garage.

Q. And how long after that was it? When was it? A. Couldn't say.

Q. How soon after this incident up at Oriental Avenue was it that you went to see Claude? A. How long after that?

Q. Yes, was it the next day? A. Why, it was some time in September, twenty—somewhere around the twenty-seventh, or eighth of September, somewhere around there.

Q. Now, after that time how many times did you see Miss Abrams? A. The only time I saw her after that was when I saw her come out of the building here, and the last time I seen her was when the subpoena was served.

Q. Now, when you saw her come out of the building here, how long was that after the incident at Oriental Avenue?

Mr. Cole: Q. You mean this building or the Guarantee Trust Building? A. Guarantee Trust Building.

Q. How long was that after the incident at Oriental Avenue? A. That was the next morning.

Q. Was that before or after you had talked with Phineas? A. That was before.

Q. Before you had talked with Phineas? A. Yes.

Q. And where had she been in the Guarantee Trust Company Building? A. I couldn't say. She went up in the elevator.

Q. Now, how long did she stay in Atlantic City to your knowledge after the incident at the apartment, how many days or weeks? A. Why, she only stayed in that apartment about a month.

Q. About a month? A. Yes.

Mr. Cole: He said after the incident.

A. After the incident.

Q. How long after the incident? A. She went in the same day.

Q. Did you rent the apartment to her? A. No, I didn't rent the apartment to her.

The Advisory Master: Q. How long did she remain in the apartment after the nineteenth? A. She only remained in a month.

Q. Now, after you had a talk with Phineas about twenty-eight days before the expiration of the month, did you, about the second day she was there you had the talk with this Phineas Long? A. I don't understand what you mean.

Q. Well, the time you visited the apartment was the first day she was there? A. Yes, the nineteenth of September.

Q. And the next day after that you saw her coming out of the Guarantee Trust Company Building and you also saw Phineas? A. I went up to his house to see him.

Mr. Cole: He said he saw him after this divorce proceeding was instituted.

Mr. Keffer: Mr. Bourgeois, were you here when it was testified that Mr. Knittel came out and when he came out he met these two nephews of Mrs. Clark up on Oriental Avenue?

Q. I understood you to say, Mr. Knittel, that the next day you either sent for or met Phineas? A. I went up to his house to see him.

Q. And had a talk with him? A. Yes.

Q. After you were served with the petition then you had a talk with Claude? A. Yes, I went to see him.

Q. Now what I am trying to get at is this, Phineas told you in substance the same story that Mrs. Clark has told here, I assume? A. Yes, some of it, yes.

Q. That this was simply a trap set upon you by this Abrams girl? A. Yes.

Q. And after that time she remained here in town for practically twenty-eight days? A. Yes.

Q. Now during those twenty-eight days did you take any steps to have her apprehended for conspiracy or for having set up this job on you? A. No because I didn't have absolute proof at that time.

HARRY A. FOSTER, re-called:

Direct-examination by Mr. Cole:

Q. Mr. Foster, did you see Mr. Long or Mr. Clark or either of the nephews of Mrs. Clark and ask them to let you know whenever they knew Mrs. Abrams and daughter came to town? A. I did.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mr. Foster, who suggested that you should see these Clark boys or the Long and Clark boy, or the Long boy? A. I had a subpoena for the Long boy.

Q. Well how did you come to ask them about things against the Abrams? A. After talking to Mrs. Clark and the two young ladies in the house where Mrs. Clark, the apartment that she was, I understood that is where they formerly lived, she knew all about them, and also I heard what they attempted to do to prevent this affair, going down there the night of the nineteenth and was unable to do so on acount of this man—

Q. What? A. I will answer the question. On account of this man coming up Congress Avenue instead of coming up Connecticut Avenue. If he had come up Connecticut Avenue the affair would not have been pulled off, unfortunately he came up Congress Avenue and he got in the house, as the house is situated on the corner of Congress and Pacific or Oriental.

Q. In other words it seemed as if he was bound to get in it, didn't it? A. No, it seemed as though they were bound to pull it off.

Q. Now who suggested to you, which one, who suggested to you that these Long boys knew about it? Did Mr. Knittel tell you? A. What is that?

Q. I don't mean the Long boys, but the Long boy, who told you? A. Oh, I don't know who this Long boy is you are talking about.

Q. Phineas Long. A. I don't know anything about Phineas Long, never heard of Phineas Long.

Q. Which one did you see? A. Mr. Clark.

Q. Who told you that Mr. Clark knew about it? A. Knew about what?

Q. Knew about this incident? A. Mr. Clark knew about it?

Q. Yes, that Mr. Clark knew anything about this incident? A. Nobody.

Q. Who told you? A. No one told me about anybody, Mr. Clark knew about it, there was two nephews mentioned, I didn't know who they meant by two nephews at that time. This was the first information I got that Mr. Clark was a nephew of this lady.

Q. How did you know? Who told you that there were two nephews knew about it? A. Mrs. Clark said the two nephews was with her.

Q. How did you get in touch with Mrs. Clark? A. By going down to 11 South Mt. Vernon Avenue where she resided.

Q. When? A. On the one date previous to the twenty-fourth.

Q. How many days previous? A. Maybe one and maybe two.

Q. Who sent you there? A. I went there of my own accord.

Q. To subpoena her or some other purpose? A. To subpoena her.

Q. For what purpose? A. To subpoena her.

Q. That is all? A. That is all I done.

Q. Have any conversation with her? A. I certainly did.

Q. Ask her? A. That is a habit I have.

Q. Did you ask her if she knew where this other woman was? A. I asked her everything I could think of pertaining to this case.

Q. And you had had it related to you beforehand? A. What?

Q. All the case—hadn't Mr. Keffer or someone told you the substance of the case before he gave you the subpoenas? A. Yes, I knew it two

or three days after it was pulled off, before Judge Keffer or Judge Cole.

Q. How did you know that? A. By a very intimate friend of the parties who pulled it off came into my office and held it over my head and gave me the laugh, and I will tell you why it was given to me.

Q. Are you through? A. I will answer the question. If you don't want me to talk don't ask me the questions.

Q. Mr. Foster, you can tell anything you want so far as I am concerned and I thought you were through three different times. A. No, I hadn't started.

Q. Now were you engaged by Mr. Knittel or by the defendant, any of them, their attorneys or anybody to work on this case before the subpoenas were handed to you? A. Positively no, sir.

Q. Have you had any part in the case except serving the subpoenas? A. Previous or after?

Q. Previous? A. Not previous. After, yes.

Q. For a consideration? A. What is that?

Q. For a consideration you were employed to do it? A. That is my business same as yours.

Q. I didn't ask you that. A. Positively.

By Mr. Cole: Q. You were employed; you can say yes. A. Why certainly I was.

CLAUDE L. CLARK, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Clark, where do you live? A. 11 South Mt. Vernon Avenue.

Q. Married or single? A. Married.

Q. You live—Mrs. Clark related to you in some way, witness just on the stand? A. Aunt.

Q. What relation? A. Aunt.

Q. How long have you lived in Atlantic City? A. Well practically all my life.

Q. What is your business? A. Automobile.

Q. Were you in the neighborhood of 512 Oriental Avenue, Atlantic City on the night of September nineteenth last? A. Yes, sir.

Q. How came you to go there? A. Well I knew that this thing was being pulled off.

Q. Who told you? A. My aunt.

Q. And as a result of what she told you you went, did you? A. Yes, sir.

Q. Anyone go with you? A. Yes, sir.

Q. Who? A. My aunt and cousin.

Q. Did you know when you went up there who the woman was that was to pull it off? A. How is that?

Q. Did you know, when you started up that night, who the woman was that was to pull this trick off? A. Yes, sir.

Q. Who? A. Kitty Abrams.

Q. Had you met her at your aunt's apartment? A. Yes.

Q. And had you met her mother? A. Yes, sir.

Q. At that time did you know who the man was? A. No, sir.

Q. Why did you go up there? A. I wanted to put him wise.

Q. Now about what time did you get there? A. A little after seven.

Q. And were you in the house at all? A. No, sir.

Q. Where did you stand? A. Why I was not standing any place particularly, I was riding around.

Q. On your bicycle? A. Yes, sir.

Q. Now tell us what you saw with relation to this house while you were there. A. Well, we saw the two men come and go in, stout man came out, went up Massachusetts Avenue and he stood around back of the Phillips House there, I think it is, stopped in the dark, and I rides around on my wheel just to keep watch on him, and after a while there was two ladies came along and him and the two ladies comes down and goes in.

Q. In this five twelve? A. In five twelve apartment.

Q. What in the meanwhile had become of the tall man? A. The two gentlemen went in in the first place, the tall man stayed in and the stout man came out again.

Q. Stout man and the two women went in the house? A. Yes, sir.

Q. How long had you been there before that occurred? A. Well probably twenty minutes when the two gentlemen came along.

Q. Where was your aunt standing when this took place? A. Corner Connecticut and Oriental.

Q. Could she have seen it? A. Yes, sir.

Q. And where was your—what is he, a brother? A. Cousin.

Q. Or cousin, where was he? A. Was standing with my aunt.

Q. And could he see? A. Yes, sir.

Q. Now did you see Mr. Knittel go in that house that night? A. I did.

Q. At the time he went in did you know who he was? A. No, sir.

Q. Did you find out afterward? A. Yes, sir.

Q. When? A. Right after he came out.

Q. Did you know him? A. I did.

Q. How long was it after these four people were in the house before Mr. Knittel came? A. Well I should judge about twenty minutes, something like that.

Q. And how long do you think Mr. Knittel was in that house that night? A. Seven minutes.

Q. Which way did he come? A. Came out Congress Avenue.

Q. Did he have to pass you to go to the house? A. No, sir.

Q. Why didn't you notify him? A. Couldn't get there in time.

Q. Did you go to the door? A. No, sir, he had gone in then and I thought it was too late.

Q. You saw him go in, did you? A. I did.

Q. And he didn't pass you on the way to get into the house? A. No, sir.

Q. Is that the reason you didn't notify him? A. That is the reason.

Q. Now you seen these people come out? A. Yes, sir.

Q. Who came out first? A. The two gentlemen and two ladies.

Q. Do you know Detective Herbert? A. No, sir.

Q. Did you know any one of these four people? A. I knew Mrs. Knittel.

Q. What? A. I knew Mrs. Knittel.

Q. Is Mrs. Knittel in the court room now? A. No, sir.

Q. You say that you had known Mr. Knittel before this night? A. By sight is all, just to know who he was.

Q. How long was it after the four came out before Mr. Knittel came out? A. About two minutes.

Q. Did you actually come in contact with him, close to him? A. Yes, sir.

Q. Is this the gentleman? A. That is the gentleman.

Q. Did you see Miss Abrams that night? A. No, sir saw the daughter.

Q. What? A. I saw Miss Abrams.

Q. I say Miss Abrams, where did you see her? A. Walking up and down out front.

Q. Did she appear to be watching for somebody? A. Yes, sir.

Q. How long had she gone in before these people came, these four people? A. They was in the house when she was walking up and down outside.

Q. They went in while she was walking up and down? A. No, she came out after they were in.

Q. Now did any of these four people come out of the house until they came out finally? A. Not after the three went in together.

Q. Now after Mr. Knittel came out did you have some talk with him? A. Yes, sir.

Q. Then where did you go? A. Home.

Q. And where did he go, so far as you know? A. He started out toward Atlantic Avenue. I couldn't tell you where he went.

Q. Did you see Mrs. Abrams or the daughter

after that time ever after? A. Yes, sir, I saw her the night she just came there after the room.

Q. Just recently? A. Her and the mother.

Q. You were still at the house, were you? A. Yes, sir.

Q. Still living there with your aunt? A. Yes, sir.

Q. Had you seen them any time after that night before this night they came finally? A. No, sir.

Q. Had you known whether or not they had left Atlantic City? A. No, sir.

Q. Did you ever have any conversation with Mrs. Abrams or the daughter about this matter at all? A. No, sir. I have only lived with my aunt for about two weeks, boarding with her.

Mr. Bourgeois: How long? A. About two weeks now.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mr. Clark, are you quite sure that he was in the house only seven minutes? A. Yes, sir.

Q. You timed him, did you? A. I did.

Q. There is no doubt about that? A. No, sir.

Q. How long were the two ladies in the house? A. About twenty minutes, I suppose.

Q. About twelve minutes? A. Twenty minutes.

Q. Who came out first, Mr. Knittel or the two ladies? A. Two ladies and the two gentlemen, whoever they were, I didn't know them, came out first.

Q. Had the two ladies and the two men or the two ladies gone into the house before Mr. Knittel went in? A. Yes, sir.

Q. They were in there first, were they? A. Yes, sir.

Q. And then Mr. Knittel came in afterwards? A. Yes, sir.

Q. And he was there just seven minutes? A. Yes, sir.

Q. Now did you go in the house? A. No, sir.

Q. Seven minutes wouldn't be a very long time for a man to go in the house and go through the apartment and disrobe and have some conversation with his wife and get robed again and come down on the sidewalk, would it? A. Well, I can dress in a good deal quicker time than that.

Q. Could you? A. I could, yes.

Mr. Cole: A good deal depends on what you have in mind. A. That is it, exactly.

Q. You are satisfied, you are sure that it was only seven minutes? A. Yes, sir.

Q. Now how close were you to Mr. Knittel that evening on your bicycle? A. Why he was just stepping in the door as I went by, she was just closing the door on him.

Q. And why didn't you holloa to him? A. He was inside then.

Q. If she was just closing the door he would have heard you, wouldn't he? A. I know that, but I didn't want—

Q. If you were there at that time why didn't you go up on the front steps and knock at the door and tell him? A. At that time I didn't know who to ask for. He came out Congress Avenue, I couldn't tell you who he was then.

Q. Would it make any difference if you were there for the purpose of protecting someone whether you knew his name, couldn't you ask for the gentleman who had just gone in? A. I could, yes.

Q. Why didn't you do that? A. I wasn't disposed to do that. I didn't want them to know I was in the affair at all, the Abrams.

Q. How did you expect to tell him without him knowing you were in the affair? A. Not him, the Abrams.

Q. What did you care about the Abrams? A. They always had been friends with my aunt in an offhand way, they lived there, they owed her money and I didn't want her to lose her money.

PHINEAS LONG, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Long, where do you live? A. Camden.

Q. How long have you been living in Camden? A. I just moved up there shortly.

Q. Where did you live before you moved to Camden? A. 325 Franklin Street, Atlantic City.

Q. How long had you lived here? A. Three weeks before Christmas.

Q. Now Mrs. Clark is your aunt? A. Yes, sir.

Q. Are you married or single? A. Married.

Q. Were you in the neighborhood of 512 Oriental Avenue on the night of the nineteenth of September last? A. Yes, sir.

Q. How came you to go there? A. I went up with my aunt and cousin.

Q. I know, but why did you go? A. Why did I go?

Q. Yes. A. To inform Mr. Knittel there was a plot for him.

Q. I know, but what was the object in going? A. Why to warn the man.

Q. Well, when you started up there did you know who it was you were going to warn? A. No, sir.

Q. When did you find that out who it was? A. After it was, after my cousin saw him.

Q. What time did you get there? A. After seven o'clock.

Q. And who went with you? A. My aunt and cousin.

Q. Now tell us what happened with relation to that house after you got there, what you saw. A. Why I seen a stout man and slim man come up and go on in, and one in a few minutes after came to come out again, stout man, and he went around Massachusetts Avenue and went down the lower lane, or place next to the Phillips House, and I came back, I had went around there on my cousin's wheel and was standing there with my aunt, and shortly afterwards why this stout man came in with two ladies had come around and went on in.

Q. Went in this house? A. Yes, sir.

Q. Now did you know Miss Mae Abrams at that time? A. Yes, sir.

Q. Did you see her that night? A. Yes, sir, out on the pavement.

Q. Was she out there at the time these people that you have just told about went into the house? A. No, sir, came out afterwards.

Q. Afterwards, they were in the house when she came out? A. Yes, sir.

Q. Did she appear to be looking for anybody? A. Yes, sir.

Q. Now after that did you see anybody go in the house? A. I did.

Q. How long was that do you think afterward? A. Why a few minutes afterwards, I suppose.

Q. Now what next occurred with respect to that house? A. Why I seen a man come out of Congress Avenue with a light suit on, turned right around and went right in the house.

Q. Was that the one you mean that went in, was it Mr. Knittel you are talking about? A. Mr. Knittel.

Q. You mean before he went in the house that you saw him come around Congress Avenue? A. Came around Congress Avenue.

Q. Did he have to pass you to get in the house? A. No, sir.

Q. Now you say that thereafter these four people came out? A. Yes, sir.

Q. How long was that to the best of your knowledge after Mr. Knittel went in? A. About seven minutes.

Q. And who came out first, the four people or Mr. Knittel? A. Four people.

Q. How long was it after they came out before Mr. Knittel came out? A. Right behind them.

Q. Now did you come in contact with Mr. Knittel that night? A. I did. I walked over to him.

Q. You saw him, did you, this gentleman here? A. Yes, sir.

Q. And did you then know him to be Mr. Knittel? A. I did not.

Q. How did you know it was Mr. Knittel? A. By my cousin speaking.

Q. By who? A. By my cousin speaking.

Q. The witness just on the stand? A. Yes, sir.

Q. What did he say? A. Why he says, "Mr. Knittel."

Q. Had you ever met Mr. Knittel before? A. I had not.

Q. Now had anybody asked you to notify Mr. Knittel or Officer Foster whether if these people, Abrams, came back to the house or not, or was that Mr. Clerk? A. I don't know nothing about that.

Q. Where were you living at that time? A. What is that?

Q. On the nineteenth of September where were you living? A. Nineteenth of September?

Q. Last month, nineteenth of September, yes, the night this occurred where were you living at that time? A. On Franklin Avenue.

Q. And where did you go after this occurrence that night? A. Went home.

Q. Well how did you happen to be in the—where were you when you first heard about this meeting up there? How did you come to meet Mr. Clark and Mrs. Clark? A. Why my aunt told me to follow them to the real estate office, she says that she didn't know where at, but follow them, they got in a jitney, I don't know where they went to.

Q. Are you the one that followed them after they left the house to see where they went? A. I followed the wagon.

Q. That is you mean the time they moved? A. Yes, sir.

Q. From your aunt's house? A. Yes, sir I followed the wagon to Congress Avenue.

Q. And you saw where it went? A. Yes, sir.

Q. Did you report to your aunt where they had moved? A. I did.

Q. And was it in this house 512 Oriental Avenue? A. Yes, sir.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mr. Long, did your aunt notify you or relate to you the story that she says Katie told her previous to your going up there? A. Not until then.

Q. Not until then? A. Not until afterwards.

Q. What? A. Not until afterwards, after it was all over.

Q. What did you think you were going up for? A. Why my aunt told me to come along and we would go and warn the man.

Q. What did you think you were going to warn him against? A. Why she told me that day just before I went up about it.

Q. And then you knew what you were going for? A. Yes.

Q. How near to the house or Knittel, I mean the 512 Oriental Avenue were you when Mr. Knittel turned the corner of Congress Avenue? A. How near were we?

Q. Yes. A. Why Congress Avenue comes in the middle of the square, we was on Connecticut and Oriental.

Q. And this apartment house is how near to the corner? A. On the other side of Congress Avenue second house.

Q. Then you were as near to the house as Mr. Knittel was when he turned the corner? A. Was not.

Q. Was not? A. No.

Q. You went there for the purpose of warning? A. Yes.

Q. What distance do you think you were away from the 512 Apartment House when you were standing there, how many feet, three hundred? A. No, sir. Over half a square.

Q. If you went there for the purpose of warning him why did you stand three hundred feet away? A. Why, I expected to see Mr. Knittel come around the other way.

Q. You knew Congress Avenue was there and you knew the Boardwalk was there, didn't you? A. Yes.

Q. And you knew he might come from the other way, didn't you? A. Yes.

Q. Then why didn't you get nearer to the house so you would be able to warn him if that is what you went for? A. Well, we had, in fact I thought the brother-in-law or cousin being on the wheel would have, be able to overtake him if he came up the other way, and I stayed on that corner.

Q. Why should you take any chance about it if you go there for that purpose, why didn't you go down there where you would be sure to be able to accomplish it without taking chances? A. Well, the place is far enough away from the corner, thought maybe we would catch him, in fact didn't know the man's name, didn't know how to trace the man only had his description.

Q. Didn't make any difference about his name or anything you were going up there for the purpose of preventing this trap? A. Yes.

Q. Didn't make any difference about the man's name, did it? A. No.

Q. Why didn't you get up there and notify him? A. Why didn't I notify him?

Q. Why didn't you get up there and notify him when he went in? A. Man came right around the corner and went in the house?

Q. I know, but why didn't you get up there close enough? A. I didn't care for them to see us.

Q. Why didn't you go to Kitty Abrams and tell her you were going to prevent this thing from happening, going to warn the man? A. Didn't know the girl well enough for that.

Q. Did you know that Kitty owed your aunt sixteen dollars and a half? A. I did.

Q. Didn't you realize at the time that you and your cousin and your aunt were going up there to collect that month's rent? A. No.

Q. To see that you got it, in other words sort of lay the springs for it? A. No.

Q. Didn't know that? A. No.

Q. Did you know that Kitty had promised your aunt the sixteen dollars and a half rent money if she had collected from this job? A. I did not.

Q. Didn't you know that? A. No.

Q. All you knew was that she owed the sixteen and a half and that the man was going there to be mulcted of something and that you were going there to notify him, and you stood about three hundred feet away so as to be sure to be able to get him? A. Yes.

Q. And when he came you didn't get him? A. No.

Q. How many women did you see go in that house or see in that house that evening? A. Seen two women.

Q. Didn't you see any more than two? A. Saw Katie.

Q. Any more than Kitty? A. No.

Q. Did you go in the house? A. No.

Q. Did you see when the door was open, see who was in there? A. No.

Q. See Mrs. Abrams anywhere around? A. Did not.

Q. Did you speak to any of them? A. Did not.

Q. Nobody at all except Mr. Knittel? A. Mr. Knittel.

Q. And you didn't speak to him until he came out? A. That is all.

Q. Why did you speak to him when he came out inasmuch as you had permitted him to go in without notifying him? A. I tell you the man went in so quick we couldn't notify him.

Q. How? A. I tell you the man went in so quick we couldn't notify him.

Q. Well, why did you go up closer then after he went in, after he went up there and stood at the corner and you failed to notify him, why did you remain around there? A. Why, I felt sorry for the man, to let him know that we knew it.

Q. Then if you felt sorry for him why, after he went in, didn't you go up and knock on the door and notify him? A. How did we know him to be the right man? How did we know that was the man they was supposed to trap?

Q. Why didn't you notify the police department?

Mr. Cole: Ask him why he didn't call out the militia.

Mr. Bourgeois: If you don't mind, let me cross-examine him.

Q. If you believed this thing were about to happen, why didn't you notify the police depart-

ment and let them go and see about it? A. Well, detective on the job there.

Q. How is that? A. I say there was a detective on the job there.

Q. Who was the detective? A. Well, afterwards I found out it was Herbert.

Q. Well, he wasn't on the job for Mr. Knittel nor for your aunt, was he? A. No.

Q. But your aunt and you and your cousin were the ones going to prevent this thing. You knew there was something criminal going to happen there? A. Yes.

Q. Now, why didn't you notify the police department? A. I only went up to warn him. I had nothing else to do besides that.

Q. And you didn't do that? A. Didn't do that.

By Mr. Cole: Q. How far did Mr. Knittel have to go before he turned Congress Street until he stepped into this door? A. Why, I judge about fifteen feet.

By Mr. Bourgeois: Q. Why didn't you stand on the corner of Congress Avenue instead of on the corner of Pacific Avenue? A. Because we didn't want them to see us. We thought we had time enough to catch him right there.

By the Advisory Master: Q. Mr. Long, did you know who was going to that house that night to meet this woman? A. I did not.

Q. Didn't know his name? A. Didn't know his name. Only had his description, that was all.

Q. Prior to that you had seen two men go in the house, one man come out, go away and return with two women and go in the house? A. Yes, sir.

Q. Then there were four people in the house? A. Yes, sir.

Q. Now, when this man came around the corner of Congress Avenue did you know whether he was going in that house or some other place? A. Did not.

Q. And you didn't until he stepped up to the door? A. Until he stepped in the door.

Q. And you didn't know whether he belonged there? A. Did not.

Q. Or belonging to the party that was in there ahead of him or whether he is the man that was going there at the invitation of this woman as you had been informed? A. I knew nothing.

The Advisory Master: Any witnesses that are under subpoena here in this case will be here tomorrow morning at ten o'clock.

Adjournment taken until Friday morning, November 3d, 1916, ten o'clock, a. m., at the same place.

Friday, November 3, 1916.

Hearing resumed at ten o'clock, a. m.

HUGH THOMPSON, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. You live in Atlantic City? A. Yes, sir.

Q. How long have you lived here? A. About eighteen years.

Q. Do you own the premises where Mrs. Abrams and her daughter were living on the nineteenth of September last? A. Yes.

Q. Were you living in those premises yourself? A. The upper apartment.

Q. When did Mrs. Abrams and her daughter move in?

The Advisory Master: Is this on Oriental Avenue, is he the owner?

Mr. Cole: Yes.

A. Eighteenth of September, I believe, on Monday.

Q. And when did they move out? A. Seventeenth of October.

Q. Did you rent the apartment to them or did your wife do it? A. Well, she seen my wife first about it, but my wife let her make the deal with me finally.

Q. Was the arrangement between you and them in writing or merely by word of mouth? A. Well, I gave them a little writing to the effect about paying the rent.

Q. For how long a time did they rent the property? A. I think eight months.

Q. And how much rent were they to pay? A. Thirteen dollars a month.

Q. Did they pay the first month's rent in advance? A. Yes, sir.

Q. Was it paid in cash or by check? A. Check.

Q. Whose check? A. Why, Garrison's.

Q. William I. Garrison's? A. I believe that is the name.

Q. To whose order was the check drawn? A. Mae Abrams.

Q. And endorsed to you? A. She endorsed it on the back, yes.

Q. What was the amount of the check? A. Thirteen dollars.

Q. One month's rent? A. One month's rent. She was to pay one month's rent at the advance of each and every month.

Q. And had you seen both Mrs. Abrams and her daughter, Kathryn, in the house, in the apartment yourself? Had you seen them there during this time? A. Yes, sir.

Q. And you knew them by the name of Abrams, did you? A. Yes, sir.

Q. Did they bring any furniture there or was the apartment furnished? A. The apartment was furnished.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. See anybody else go to their apartment during the month they were there? Did you see Mr. Knittel ever go there, ever see Mr. Knittel go there? A. No.

Q. Ever see Mrs. Clark go there? A. No, sir.

Q. Are you home during the daytime or away? A. Well, I am in business. I am in and out. I am not there much of the daytime, no.

By Mr. Cole: Q. Did you see Mr. Knittel on this night in question, nineteenth, when the trouble occurred? A. No, sir.

By Mr. Bourgeois: Q. Garrison's check was good, I suppose, wasn't it? A. I beg pardon?

Q. I suppose Garrison's check was good? A. She asked me if I was afraid to take it. I said, "No, I will accept that."

MRS. JOHANNA THOMPSON, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. Thompson, you are the wife of Mr. Thompson who was just on the stand? A. Yes, sir.

Q. And you and he were living together in this apartment in question on the nineteenth of September last? A. Yes, sir.

Q. Was Mrs. Abrams and her daughter living there? A. Yes.

Q. When, according to your recollection, did they move in? A. They moved in the eighteenth of September.

Q. And when did they move out? A. Seventeenth of October.

Q. Was anything said by them just before moving? A. No, I didn't know they were going.

Q. You didn't know they were going? A. No.

Q. And for what period was the apartment rented to them? A. From the eighteenth of September until the eighteenth of May.

Q. And they paid one month's rent first, I understand? A. One month's rent.

Q. And moved out without telling you anything about it? A. Yes, and they still have the key.

Q. They still have the key? A. Yes.

Q. And do you agree it was Mr. Garrison's check that paid the first month's rent? A. Yes.

Q. At any time while they were there did you see this defendant, Mr. Knittel, there? A. No, I never saw him before till yesterday.

Q. And you saw Mrs. Clark? A. No.

Q. Did you ever see her there? A. No.

Q. This lady who was on the stand yesterday? A. No.

Q. Never saw her there? A. No.

Q. Which apartments did they have? A. The lower apartment.

Q. The lower? A. Yes.

Q. By that do you mean on the first floor? A. Yes, sir, the first floor.

Q. How many rooms? A. Four rooms and a bath.

Q. How may those apartments be entered? A. From the front.

Q. From the front? A. From the front or back either.

Q. And they front on what street? A. On Oriental Avenue.

Q. And how would you, where would you go from to enter them from the back, what street? A. Why, you would have to go in the side alley from the front of the house.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. On which side of the house is that alley nearest to or farthest from Oriental Avenue? A. Well, there is an alley on both sides.

Q. An alley on both sides? With the way those apartments lay on the inside, you say four rooms and bath, where is the bath room in relation to the bedrooms? A. Why, it is the other end of the house, back of the kitchen, the bedroom is front.

Q. Bedroom is front and the bathrooms are back? A. Back.

Q. Now are there closets in the apartment? A. No.

Q. No closets? A. No, except in the kitchen, of course that is a very low closet.

Q. How large rooms are they, large or comparatively small? A. Well, the kitchen is very big and the other rooms are just moderate size, I guess.

Q. What does it have, kitchen, living room, bath, and two bedrooms, or one bedroom? A. No, one bedroom, kitchen, living room, dining room and kitchen. I had it furnished that way myself, that is why I call it that way.

Q. Is the bathroom in the extreme rear end? A. Yes.

Q. Then comes the kitchen? A. Then comes the kitchen.

Q. Dining room? A. Dining room.

Q. Living room? A. Living room, and off from that is the bedroom.

Q. Is there a hall running along the entire—how do you come in when you come in the front? A. Right into the living room.

Q. Living room is front? A. And so is the bedroom front.

Q. Two rooms then on the front? A. Yes.

Q. Then where do you come in from the rear in the back stairway into the kitchen? A. It comes down between the kitchen and heater room.

Q. Between the kitchen and which? A. And the heater room.

Q. And the heater room, heater room on the same floor? A. Yes.

By Mr. Cole: Q. Do you know anything about four people coming in the house on the nineteenth? A. Never, never knew anything about it until I was called in this case.

Q. Could four people have been in the heater room and then come from there into the bedroom without any difficulty? A. I don't think so. That is our apartment, you know, the heater room.

Q. Your apartment is on which floor? A. We have the two upper floors, but the heater room belongs to us, it has nothing to do with the apartment.

Q. Irrespective of who it belongs to, where is it located? A. Alongside of the dining room.

Q. Alongside of the dining room on the first floor? A. Yes.

Q. Alongside of the dining room that the Abrams had? A. Yes.

Q. So that persons could have been in the heater room? A. Oh, sure.

Q. And come in and found their way into this bedroom? A. Sure, because there is three doors goes into that room.

BENJAMIN NUSBAUM, a witness produced on behalf of defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Nusbaum, are you a constable? A. I am.

Q. Are you personally doing some work for the Prosecutor of the Pleas of this County? A. I am.

Q. Were you last night handed a subpoena in this case to be served on Mrs. Knittel, the petitioner, and on one Gertrude McGowan? A. I was.

Q. Did you go to Mrs. Knittel's home? A. I did.

Q. Where? Where did she live? A. The first house below Pacific Avenue on Stenton Place.

Q. Which side of Stenton Place? A. On the right-hand side going to Atlantic.

Q. Tell us what occurred? A. I rang the bell and a colored girl opened the door and I asked whether Mrs. Knittel was home. Mrs. Knittel was home and she asked the white nurse there or servant, I don't know what she was, whether she was home and she said she was and she asked me what I wanted and I said I wanted to see Mrs. Knittel and she went up and saw Mrs. Knittel and she returned with the message stating that she would see no one.

Q. Anything further happen? A. She wanted to know what my name was and I sent up a name and she said she would not see anyone.

Q. Now, who gave you this subpoena to serve? A. Mr. Keffer.

Q. Have you the subpoena here? A. I have.

Q. Let me see it. (Subpoena produced.)

Q. The original? A. That is the original.

Original subpoena produced and offered in evidence and marked Exhibit D-2.

Q. And did you have copies of that to serve on them? A. I did.

Q. And are those the copies? A. They are.

Two copies of subpoena produced and admitted in evidence and marked Exhibits D-3 and 4 respectively.

Q. Did you also have a copy of subpoena to serve on one Gertrude McGowan? A. I did.

Q. Where did she live? A. Seventeen North North Carolina Avenue.

Q. Did you go there and try to make service? A. I did, twice last evening and once this morning.

Q. What report did you get there? A. When I went to the house last evening the lady said she expected her in in a minute, that was shortly after eight o'clock. I left word that I would be there at nine o'clock last night and I returned shortly after nine and Gertrude had not returned, so she stated. I said, "When do you expect Miss McGowan to come in?" She says, "I couldn't tell. She is out with some girls and I couldn't tell you when she would come in." Well, I said, "Then you leave word for her that I will see her nine o'clock this morning." I went around at quarter of nine this morning and she told me that Gertrude had gone to Philadelphia on the seven o'clock train, on the seven o'clock electric train. I told her there was no seven o'clock electric train out of Atlantic City at this time of the year. Well, then she says possibly she left later.

Q. You didn't find her? A. I did not.

Q. What number was that? A. 17 North North Carolina Avenue.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Had you subpoenas with you when you went to her, a copy? A. Certainly, yes.

Q. A subpoena fee? A. Yes.

Q. Did you leave them? A. No, sir.

Q. In neither case? A. No.

Q. When you went to see these women or either of them did you give your own name or somebody else's name? A. I gave someone else's name.

Q. You gave someone else's name? A. No, not both cases I didn't.

Q. In which case did you give somebody else's name? A. In Mrs. Knittel's.

Q. In Mrs. Knittel's? A. Yes.

Q. And did you tell her you were from the prosecutor's office or did you tell her you were from somebody else's office? A. I told her I was from Mr. Garrison's office.

Q. And she didn't bite? A. No, she didn't.

MRS. RUTH McGOWAN, a witness produced on behalf of the defendant, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. McGowan, where do you live? A. Seventeen North North Carolina.

Mr. Bourgeois: Where is that? A. Seventeen North North Carolina.

Q. What is your husband's name? A. George.

Q. He is in the Atlantic City Fire Department, is he not? A. Yes.

Q. Does his sister, Gertrude McGowan, live in this same property? A. Yes, sir.

Q. And her mother live there? A. Yes, sir.

Q. Do you know Detective Herbert? A. Yes, sir.

Q. Do you know whether he has been in the habit of visiting the home? A. Yes, sir.

Q. Occasionally or frequently? A. Frequently.

Q. Do you know whether or not Miss Gertrude Mc Gowan was assisting him in doing some detective work in this Knittel case? A. No, I don't know that.

Q. You don't know that? A. No.

Q. Now were you subpoenaed to be here yesterday? A. Yes, sir.

Q. You were here, were you? A. No, sir.

Q. Why didn't you come? A. I was informed that it was postponed.

Q. How is that? A. I understood that it was postponed.

Q. Who told you it was postponed? A. Miss Mc Gowan.

Q. Gertrude McGowan? A. Yes, sir.

Q. How did she come to tell you it was postponed? A. I told her about the subpoena and asked her about it, telling her that I knew nothing at all about it.

Q. How is that? A. Telling her that I knew nothing at all about it and she said that it was postponed and that I wouldn't have to go.

The Advisory Master: Who subpoenaed this witness?

Mr. Cole: We did.

Q. You were subpoenaed by the defendant, weren't you? A. Yes.

Q. What time was it she told you that? A. Why yesterday morning.

Q. Is she now out of town? A. Yes, sir.

Q. When did she leave? A. This morning.

Q. What time? A. I couldn't say. I don't know.

Q. She was home last night, was she? A. Yes.

Q. Were you there when Mr. Nusbaum was trying to serve the subpoena? A. Yes, sir.

Q. Do you know whether Gertrude knew that he was there? A. No, I don't.

Q. Was she there at the time Mr. Nusbaum came? A. No, sir.

Q. What time did she come in? A. I couldn't say. I wasn't up.

The Advisory Master: Speak louder, will you? A. I wasn't up.

The Advisory Master: I understood her to say that she was there when the officer called with the subpoena?

Mr. Cole: I understood her to say she was.

A. I was.

By the Advisory Master: Q. You were there? A. Yes, sir.

Q. Then you saw the officer? A. Yes, sir.

Q. And where was your sister then? A. She was not home.

Mr. Cole: Sister-in-law.

Q. Sister-in-law? A. Yes, sir.

By Mr. Cole: Q. Did you tell Miss McGowan when she came in the officer had been there to serve the subpoena? A. No, sir.

Q. Why didn't you? A. I didn't see her.

Q. You don't know what time she came in, then? A. No, I don't.

Q. And you were not up when she went out this morning? A. No, sir.

Q. Who else was home besides yourself when the officer came? A. My mother-in-law.

Q. Anybody else? A. No, sir.

Q. About when did Mr. Herbert begin to visit this home? A. He always visited the home since I have been there.

Q. How long has that been, I mean? A. I couldn't say.

Q. Does he have a room in that house? A. No, sir.

Mr. Bourgeois: If the Court please, what is the object of this testimony?

Mr. Cole: You object to it?

Mr. Bourgeois: Certainly I object to it.

Mr. Cole: Object to it, Mr. Bourgeois, anything I ask.

The Advisory Master: Objection is overruled.

Q. Mrs. Mc Gowan, did you see a check of Mrs. Knittel's or any other person in the hands of Miss Mc Gowan? A. No, sir.

Q. You are the daughter of Mrs. Holdzkom, aren't you? A. I am.

Q. Did you tell your mother, Mrs. Holdzkom, that you had seen, either in Miss Mc Gowan's hands or anyone, a check of Mrs. Knittel's or any other person's for fourteen hundred dollars—

Mr. Bourgeois: Don't answer that.

Q. —in connection with this Knittel divorce proceeding? A. No, sir.

Mr. Bourgeois: Wait a minute. All right she said no, sir. I would like to have had an objection but it is all right.

Q. Did Miss McGowan ever tell you that she had a check for fourteen hundred dollars, or any other sum? A. No, sir.

Mr. Bourgeois: That is objected to. We are not bound by that.

Q. —in connection with this Knittel matter?

Mr. Bourgeois: Now I object.

The Advisory Master: You object to it?

Mr. Bourgeois: Yes, because that is the purest kind of hearsay. We are not bound by what Miss McGowan may have said.

Mr. Cole: Gertrude Mc Gowan, we will show, may it please your Honor, was one of the parties who went there that night in connection with this matter.

The Advisory Master: Then I shall admit it. Answer the question.

Q. Now, Mrs. Mc Gowan, you may answer it. A. No, sir.

Q. Do you understand the question? A. Yes, sir.

Q. What was the question? A. If I had seen the check in the hands of Mrs. Mc Gowan for fourteen hundred dollars?

Q. No, you have answered that question.

(Question repeated.) A. No, sir.

Q. Did you ever see a check of Mrs. Knittel's or any other person's for a thousand dollars? A. No, sir.

Q. Nor any other sum? A. No, sir.

Q. Have you talked with Mr. Herbert or with Gertrude McGowan or with your husband or any other person about your testimony in this case? A. No, sir.

Q. When were you served with the subpoena? A. The thirty-first.

Q. Of October? A. Yes, sir.

Q. And you mean to say—did you know what the subpoena was about? A. I did.

Q. What did you understand it was about? A. Well, I knew that it was a subpoena of Mr. and Mrs. Knittel's divorce suit.

Q. And you mean to say now, do you, that at no time since you got that subpoena have you talked with anybody in that house or anywhere else concerning this Knittel divorce case? A. Well, the only thing I said was that I didn't understand why I should be subpoenaed as I knew neither party.

Q. Who did you talk with about that? A. My mother-in-law.

Mr. Bourgeois: If the Court please, this is all objected to.

The Advisory Master: It is admitted.

Mr. Bourgeois: My reason for objecting is that they have produced her as their witness and they can't impeach her.

Mr. Cole: She is a witness for the State. This is a case where the State is a party.

The Advisory Master: I admit the question.

Q. Did you ever hear Miss Gertrude McGowan talking about the gifts, or rather the goods that she had purchased with the money that she had received for her services in this divorce case?

Mr. Bourgeois: That is objected to.

The Advisory Master: Admitted.

A. No, sir.

Q. Do you know that she did in fact, shortly after the nineteenth day of September, buy a lot of things for herself? A. I don't know the exact date, I know she bought some things. That is all I know about it.

Q. Many things or few? A. A few things.

Q. She bought some diamonds? A. No, sir.

Q. Didn't buy a diamond ring? A. No, sir.

Q. Nor no diamonds at all? A. No, sir.

Q. And you never saw them? A. No, sir.

Q. Has she a diamond lavalliere? A. Yes, sir.

Q. How long has she had it? A. I don't know.

Q. How long have you been living there? A. At that house?

Q. Yes. A. A year.

Q. When did you first see the diamond lavalliere? A. I can't recall.

Q. Was it a month or a year? A. It has not been a year.

Q. How long would you say? A. I don't know just how long.

Q. Do you know where she got it? A. No, I do not.

Q. What is her business? A. Operator.

Q. What? A. Operator.

Q. Operator for what? A. For Mr. Herbert.

Q. A detective, isn't she? A. Yes, sir.

Q. Do you know whether she was with Mr. Herbert in this case? A. I don't know.

Q. Never heard of it? A. No, sir.

Q. When did you first hear she was? A. I didn't hear that she was.

Q. Never heard it yet? A. No, sir.

Q. You haven't heard it to this day that Miss Gertrude McGowan was assisting Mr. Herbert in this Knittel case, did you? A. No, sir, I did not.

Q. It is all new to you? A. Yes, sir.

Q. You can't remember now when you first saw the diamond lavalliere? A. No, sir.

Q. When did you first see the diamond ring? A. I don't know that.

Q. When did you first see the coat that she bought? Hasn't she recently bought a handsome coat? A. About three weeks ago.

Q. What kind of a coat is that? A. Plush coat.

Q. Do you know whether or not your mother went out with her to help her buy some of these things? A. I do not.

Q. And you say now, do you, that you never told your mother, Mrs. Rachel Holdzkom, that you saw in the hands of Gertrude McGowan or her mother a check of either Mrs. Knittel or somebody else for a thousand dollars or fourteen hundred in connection with this case?

Mr. Bourgeois: I again object to it, if your Honor please.

A. Yes, sir.

Q. Didn't tell her that? A. No, sir.

Q. You know about the purchases she made recently, don't you? A. Yes, sir.

Q. How many different articles has she purchased within the last month? A. Two dresses and a coat and hat.

Q. What else? A. That is all.

Q. That is all you know about, you mean? A. Yes, sir.

Q. Do you know where she went when she left town this morning? A. I do not.

By the Advisory Master: Q. Who keeps the house where you live? A. My mother-in-law.

Q. Do you board with her? A. Yes, sir.

Q. And your sister boards there? A. Yes, sir.

Q. She was home last night? A. Yes, sir, I believe she was. I didn't see her.

Q. Went away this morning? A. Yes, sir.

Q. You don't know when? A. I don't know.

Q. Didn't inquire for her this morning? A. No, I didn't.

Q. Her mother didn't say anything about her? A. No.

Q. Then how do you know she went away this morning? A. My mother-in-law said she went away?

Q. How did your mother-in-law happen to say that to you? A. She told me as soon as I got up that Gertie had gone away.

Q. What is that? A. She told me as soon as I got up that Gertie had gone away.

By Mr. Cole: Q. What did you do with the subpoena that was served on you? A. I have it home.

Q. Did you notice Mr. Martin E. Keffer's name on it? A. Yes, sir.

Q. Did you notice that you were subpoenaed on behalf of the defendant? A. Yes, sir.

Q. Why didn't you go to him and ask him whether this case was being postponed or not? A. I didn't know what to do about it.

Q. Why did you take Miss Gertrude McGowan's word for it? A. Because I thought she would tell me the truth about it.

Q. How did you happen to know she knew anything about it? A. Because I knew that she was—

Q. She what? Now talk fast. Don't take too long to think about it. A. I knew it was in reference to the Knittel case.

Q. How did you know that? A. Because I knew Mr. Herbert was working on it.

Q. How did you know that? A. Because he said it one time or Miss McGowan had said it one time.

Q. Didn't you say a moment ago you never heard this case discussed? A. That is all I ever heard.

Q. Tell us what you did hear about that. A. I only heard Mrs. Knittel was applying for a divorce and I never heard anything else about it.

Q. If that is all you know how did you know Gertrude McGowan knew anything about this case? A. I didn't know she knew anything about it further than that.

Q. If you didn't know she knew anything about it why did you take from her the statement that this case had been postponed? A. Because I didn't know who else to ask about it.

Q. Well, why didn't you ask her? Why didn't you ask your husband? Why didn't you ask your mother-in-law? Now you had some reason for asking Gertrude McGowan. Tell this Court what it was. A. Well, when the subpoena was served on me I called her and asked her what it was about because I knew nothing at all about it.

Q. Why did you think she knew anything about it? A. Because I knew Mr. Herbert was working on the case and I thought maybe she knew something about it.

Q. How did you know Mr. Herbert was working on the case? A. Because I had for he said Mrs. Knittel was applying for a divorce.

Q. Who did you hear say it? A. Mr. Herbert.

Q. And where did you hear him say it? A. At 17 North North Carolina.

Q. And who was present when you heard him say it? A. Miss McGowan.

Q. Is that all? A. Yes sir.

Q. Were you there? A. Yes, sir.

Q. Was Gertrude there? A. Yes, sir.

Q. What did he say about working on the Knittel case? A. He just said she was applying for a divorce.

Q. If that is all he said how did you know Gertrude knew anything about it? A. Because she was there.

Q. Was where? A. In the room.

Q. Well, but did Mr. Herbert say she knew anything about it? A. No, sir.

Q. Did she say she knew anything about it? A. A. No.

Q. But still you thought she did, didn't you? A. Sure.

Q. Now tell the Court why you thought she knew something about that case. A. Because she was in the room when Mr. Herbert said that Mrs. Knittel was applying for a divorce.

The Advisory Master: When was it Mr. Herbert said that? A. I can't just recall. It has been so long ago.

The Advisory Master: It has been so long ago that you can't remember? A. Yes, just the exact date.

Q. It hasn't been a year ago, has it? A. I don't know, quite a while ago. I don't think it has been a year ago.

Q. How long ago do you think it has been? A. About eight or nine months.

Q. Eight or nine months ago? A. Yes.

Q. Have you heard it discussed since then? A. No, sir.

Q. You don't know this occurrence we are talking about around here about September nineteenth, do you? A. No, sir.

By the Advisory Master: Q. When you asked your sister about this subpoena what did you say to her? A. I told her about being served with a subpoena and that I knew nothing at all about it, and knew neither party, and I didn't see why I should be subpoenaed about it and she said that it was postponed and that I wouldn't have to go, that is all.

Q. When was it she told you that? A. Yesterday morning.

Q. Yesterday morning? A. Yes.

Q. What time? A. Well it was in the morning, sometime; I don't know just what time.

Q. Now why was it you asked your sister in relation to this case? A. Well, I knew that she knew something about it.

Q. Didn't you know that your sister had been working on this case? A. No, I didn't.

Q. Sure? A. Yes, sir.

Q. You didn't know that she had been out on the night of September nineteenth A. No, sir, I didn't.

Q. But you felt confident that she knew enough about this case to advise you whether you should answer the subpoena or not? A. Yes, sir.

By Mr. Cole: Q. Now did she tell you where she got the information that this case was going to be postponed? A. No, sir.

Q. Did you ask her where she got? A. No, sir.

Q. When was Mr. Herbert last at that house? A. The thirty-first, I think.

Q. Of October? A. Yes, sir.

Q. Day time or night? A. At night.

Q. What time of night? A. About ten o'clock.

Q. How long did he stay? A. I couldn't say. I don't know.

Q. You saw him? A. Because I left.

Q You saw him? A. Yes, sir.

Q. Gertrude was there? A. Yes, sir.

Q. Anything talked about that night between Herbert and Gertrude? A. No, sir, not that I heard.

By The Advisory Master: Q. You talked to your husband about coming here to testify, didn't you? A. Yes, sir.

Q. What say? A. I told him this morning when Mr. Keffer called him up last night and told him that I would have to be here.

Q. And you never talked to your husband until this morning? A. No, sir.

Q. When was the subpoena served on you? A. The thirty-first.

Q. You mean to say that you never talked to your husband about it? A. Only that I have been served with it, but I never talked with him about it.

Q. Well, when you told him that didn't you talk about this case? A. No, sir. I know nothing about it. I couldn't.

Q. Tell me just what you said to your husband after you had been served? A. I told him that I had been served with a subpoena in Mr. and Mrs. Knittel's divorce case and I knew nothing at all about it and I didn't know why they should want me.

Q. That is all you said? A. Yes, sir.

CLAUDE CLARK, re-called:

Direct-examination by Mr. Cole:

Q. You testified yesterday on cross-examination that you held a watch on Mr. Knittel and that it was seven minutes. Can you tell the Court why you held the watch on Mr. Knittel? A. Because the understanding was that they was to hold him in the room for ten minutes and we wanted to see if he was in there ten minutes.

Q. Where did you get that information from that there was that understanding? A. Why the girl told my aunt.

Q. What did she tell her? A. That she was hired to trap—

Mr. Bourgeois: Hadn't we better have the aunt to find out about that?

Q. Did you hear that yourself? A. I didn't hear her tell the aunt, no.

Q. The aunt told you? A. The aunt told me.

The Advisory Master: The aunt testified in her direct testimony I think that he was to be there for ten minutes.

Mr. Cole: All right. I had forgotten that.

Mr. Cole: I think, may it please your Honor, we had hoped to have Mrs. Knittel here this morning. I wanted to examine her as our witness.

Mr. Garrison: You haven't asked us.

Mr. Cole: Pardon me, Mr. Garrison I am not criticising you.

The Advisory Master: Any subpoenas that have been issued in this case, and the parties are in Court, they will be here on next Tuesday morning at ten o'clock.

Further testimony adjourned until Tuesday morning, November 7th, 1916, at ten o'clock a. m. at the same place.

November 7th, 1916.

Testimony resumed at 10 o'clock a. m. pursuant to adjournment.

Appearances: Same as before.

HELEN KNITTEL, the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Knittel, you are the wife of Charles Knittel? A. Yes, sir.

Q. And you are the petitioner in this suit? A. Yes, sir.

Q. How old are you? A. Twenty-six.

Q. When were you married? A. December twelfth, 1911.

The Court: Speak a little louder, please. A. December twelfth, 1911.

Q. And where were you married? A. In Atlantic City, New Jersey.

Q. By whom? A. Father McCloskey, Reverend McCloskey.

Q. After your marriage did you go to housekeeping or not? A. Yes, sir.

Q. Where? A. 5501 Ventnor Avenue.

Q. How long did you live at 5501 Ventnor Avenue—that is in Ventnor City? A. Yes, sir.

Q. How long did you live there? A. Until last April.

Q. And then where—what did you do? A. I moved to 12 South Brighton Avenue.

Q. You say I moved, do you mean— A. Well, we moved.

Q. You moved, the two of you, you and your husband? A. Yes.

Q. Do you have any family? A. Yes.

Q. How many children? A. Two children.

Q. And what is the age and name of the oldest one? A. Elizabeth, four years old.

Q. Elizabeth, four years old? A. Yes, sir.

Q. And what is the name and age of the youngest one, younger one? A. Helen, two.

Q. What is your husband's business? A. Real estate business.

The Court: Speak a little louder. A. Real estate business.

Q. And where does he carry on that business? A. 56 South South Carolina Avenue.

Q. Does he have a business any other place except in Atlantic City? A. In Philadelphia.

Q. And where in Philadelphia? A. 133 South Twelfth Street.

Q. What portion of the time does he spend in Philadelphia looking after his Philadelphia business? A. Monday, Wednesday and Fridays in Philadelphia.

Q. And what portion of his time does he spend in Atlantic City? A. Tuesdays, Thursdays and Saturdays.

Q. Mrs. Knittel, did you hear of something that made you question your husband's actions? A. Yes, sir, I did.

Q. When? A. On the fourteenth day of May, last May.

Q. Now prior to that time, that is from the time you were married until the fourteenth day of May of this present year— A. Yes, sir.

Q.—had you ever suspected your husband's fidelity? A. No, sir, I never did.

Q. And during those years from the time of your marriage until May of 1916 did you and he live happily together? A. Yes, sir.

Q. What was it that caused you to be fearful of his fidelity in May of 1914? A. Well I say—

Mr. Cole: I object to that. She said that she heard of something that caused her to suspect him and I think that is all the testimony that is competent except what she may know of her own knowedge.

The Advisory Master: I will admit it.

Q. What was it? A. I was told by a friend of mine that he was up in a private room in the Extra Dry Cafe with his arms around a woman.

Q. Who was that friend that told you? A. Mrs. Canning.

Q. And will she be a witness for you? A. Yes, sir.

Q. What Mrs. Canning is it, Mrs. Knittel? A. The wife of Dr. C. H. Canning, Atlantic City.

Q. Now after that time or at least when you heard that what did you think? A. Well, I scarcely believed it.

Q. You scarce believed that he had his arms around her? A. Yes, I couldn't quite believe it.

Q. Now what did you do after that time? A. Well I thought over it, I thought of it.

Q. I didn't get that. A. I thought of it for a number of days afterwards.

Q. Then what did you determine to do? A. I didn't determine to do anything for about a week later, and then I didn't know what to do, so I thought I would go and consult.

Q. And whom did you consult? A. I consulted Mr. Garrison.

Q. And along what line did you consult him? What was it you were going to find out? What was it you were going to do? A. Well, if such things had occurred or if such things were occurring I wanted to know what I should do.

Q. And what did you do, Mrs. Knittel, to ascertain or learn if those things were—

The Advisory Master: What did she say, she wanted to consult Mr. Garrison?

Mr. Bourgeois: Yes, to find out.

Q. What did you learn if they were occurring? A. There wasn't nothing done for sometime after that. I spoke to Mr. Garrison of a legal separation, that is what I spoke of and talked of, and I said however I wouldn't do that unless I was positive that I had grounds for such an action, and so Mr. Garrison said "well we won't do anything now about it, just think it over," and we did think it over, and I consulted Mr. Garrison frequently after that, and then he determined an investigation probably would put my mind at ease, as to whether these things were true or not.

Q. And then did you start an investigation? A. Yes, sir, about the latter part of May.

Q. And who was engaged to do the investigating? A. Mr. Herbert.

Q. Did you of your own—no, did you do some investigating yourself along with Mr. Herbert? A. No, sir, I did not.

Q. Did you later—I mean did you watch? A. Later on in the summertime, yes.

Q. Later on in the summertime. Now do you know if Mr. Herbert did all the investigating himself or did he have somebody else to investigate with him? A. No, he had operators, I understood.

Q. And you met one of them at least? A. I only met one, yes.

Q. You only met one? Now did Mr. Herbert later report to you? A. Yes, sir, Mr. Herbert reported to me.

Q. And then when it came along in the summertime what did you and Mr. Herbert and this operator that you met do? What did you do? A. Well later on in the summer we then went to the Pier.

Q. Did what? A. To the Piers.

Q. Now on what days would you go to the Piers? A. On Tuesdays, Thursdays and Saturdays.

Q. That was on each of the days that Mr. Knittel was down here? A. Yes, sir.

Q. Did you know that you were going to see him or would you go and just take a chance whether you would see him or whether you would not see him? A. No, we didn't know whether we would see him or not.

Q. Didn't know? Now when you went on the Piers what did you see? A. Well sometimes we would see him in bathing with women.

Q. How many different women did you see him in bathing with, do you think? Do you know? A. Three different women that I have saw him.

Q. That you saw yourself? Can you describe them? A. Yes, I think I can.

Q. What? A. Yes, sir.

Q. Describe the first one, if you can, the one along I guess in July A. Well, she was short and stout.

Mr. Cole: Mrs. Knittel, I will have to ask you to speak a little louder. I can scarcely hear you. A. She was short and stout.

Q. What colored hair? A. Dark hair.

Q. Dark hair, yes; and what did you see Mr. Knittel do with this woman? A. Well, hold her very close to him in the water and fondle her breasts, and taking liberties, taking liberties with her.

Q. How frequently did you see this? A. I saw that on two occasions.

Q. And where would Mr. Knittel and the woman go after they came out of the water? Where

did they go? A. Well underneath the Boardwalk by the chairs.

Q. And could you see them then? A. No, I couldn't then.

Q. You say you were on the Piers. What pier were you on? A. On the Alamac Pier and on the Steeplechase Pier.

Q. Now when you saw Mr. Knittel's actions with that woman were you then convinced that he was untrue to you? A. No, I was not.

Q. What did you think? A. I thought it was merely indiscretions, I didn't look upon it as infidelities.

Q. And what did you do then, continue to watch? A. Yes, sir.

Q. What did you next see? A. Well, I saw that again.

Q. Yes, but after this woman, you saw that on two or three occasions with this particular woman? A. Twice.

Q. Now did you see him with some other woman? A. Yes, sir.

Q. Yes? A. Yes, sir.

Q. Can you describe that woman? A. Well, a medium height, slender, and dark bathing suit on. That is as near as I can describe.

Mr. Garrison: A little louder, Mrs. Knittel. A. Medium height, slender woman, with dark bathing suit on.

Q. Did that woman, as you recall, wear a sweater? A. I don't recall that.

Q. You don't recall that? A. No.

Q. Now what were his actions with that woman? A. Very familiar.

Q. In what did they consist? A. Well, holding

her very close to him in the water, and fondling her breasts.

Q. And how many times did you see him in the water with that woman? A. Once.

Q. Once? A. Yes, sir.

Q. Did you know the name of the woman that you saw him with? A. No, I did not.

Q. Do you know it now? A. No, I do not.

Q. Did you know the name of the woman you secondly saw him with? A. No, I didn't know it then.

Q. You did not? A. No.

Q. Do you know it now? A. I afterwards learned the name, yes.

Q. Do you know whether it is it or not, or just hear it? A. Well, I heard it afterwards, at least I supposed that was the name when I heard it.

Q. From whom did you hear the name? A. I heard the name from Mr. Garrison.

Q. Mr. Garrison? A. Yes, sir.

Q. And what name? A. Kitty Murray.

Q. But that was later, I think? A. That was later.

Mr. Cole: Now, Mr. Bourgeois, pardon me. Let her make the corrections.

Mr. Bourgeois: If you have any objections make them to the Court.

Mr. Cole: I do object. I object to you putting that in her mouth.

Q. Now from the time you saw this first woman and time you saw Kitty Murray did you see another woman with him? A. One other woman, yes, sir.

Q. What kind of woman was she? A. Short medium sized, slender woman.

Q. And when was it that you saw her? A. Well, it was sometime in September.

Q. Can you tell me where you saw her? A. On the beach.

Q. And where were you? A. I was on the Steeplechase Pier.

Q. And what did you see him do with that woman? A. Simply walking along and then they disappeared under the Walk, but that is the last I saw of them.

Q. And how was that woman dressed? A. She had red stockings on and a yellow sweater.

Q. Now did you see him take any liberties with her? A. No, sir.

Q. Now going back to the case you spoke about Kitty Abrams, one you afterwards heard was Kitty Abrams, what did you see him do with Kitty Abrams? A. I saw him take her into the water.

Q. Yes, did you see him put his hands on her? A. Yes, sir.

Q. Where? A. On her breasts.

Q. Any place else? A. No, sir.

Q. Did he hold her—what other actions did he have besides putting his hands on her breasts? A. Holding her very close to him, his arms around her.

Q. Did you see him do anything with his mouth? A. No, sir.

Q. Did not? A. That was another girl.

Q. Oh, that was another one? A. Yes, sir.

Q. Now tell us about the other one. A. That was a short girl, short stout girl, he bit her on the back.

Q. Where were they when he bit her on the back? A. In the water.

Q. And when was that with relation to the time that you saw him with Kitty Murray? A. That was prior to that time, it was perhaps a month prior to that time.

Q. And how was that girl dressed, do you recall? A. She had on a dark bathing suit.

Q. Now did he do anything else to her besides bite her back? A. Yes.

Q. What? A. He ran his hand up the bloomer.

Q. She had a bloomer suit? A. Yes.

Q. Now do you remember what day of the week it was that you saw him in the water with Kitty Murray? A. Well, as near as I can recall it was on Saturday.

Q. On Saturday? A. Yes.

Q. Now after that time, a few days after that time, were you requested to go up town? A. The Tuesday night following that, yes, sir.

Q. Tuesday night following? A. Yes.

Q. Mrs. Knittel, up to this time, up to the time when you were requested to go up town, had you concluded that your husband was untrue to you? A. No, I had not.

Q. Just what was the purpose of your further examination, your further investigation? What was it you were trying to find out? A. Well, I wanted to find out whether he really would be untrue or not.

Q. And if you found that he would not be untrue, if you found that he was true to you, in other words, had you in mind any thought of a divorce? A. No, I had not.

Q. Had you ever spoken to Mr. Garrison up to the time of this night when you saw him, I will speak to you later about, had you ever spoke to Mr. Garrison about a divorce? A. No, I had not.

Q. You had spoken to him about a separation? A. Yes, sir.

Q. Had you spoken to him about the custody of your children? A. Yes, sir.

Q. Now on this night that you received the phone call what time of the evening was it, as near as you can tell, I don't mean the exact minute? A. Well, it was somewhere in the neighborhood of eight o'clock.

Q. And what did you do? A. Just what do you mean?

Q. You went out on the street to meet somebody? A. Well, I was preparing to go out with my mother.

Q. Yes. A. And I received the phone call.

Q. Yes. A. I received the 'phone call from Miss McGowan, it was about eight o'clock, and I was going to go out with my mother.

The Advisory Master: Speak a little louder, please. A. I was going to go out with my mother and I received this phone call about eight o'clock and Miss McGowan asked me to meet her, to see her, and I told her that I was going to go out with my mother, but I should have to go over and tell her that I, that she wanted me to see her, so I went over and told my mother that Miss McGowan had 'phoned me that she wanted to see me, and Miss McGowan asked me to meet her on the corner of Stenton and Pacific Avenue, which I did. I waited for Miss McGowan on the corner of Stenton and Pacific Avenue and we took a jitney, she said Mr. Herbert wanted to see me, and we drove up, she told the driver to drive up to Massachusetts Avenue.

Q. Now just one minute, let me break in there.

Prior to the time you received that phone call did you know that you were going to go out with Mr. Herbert that night? A. No, not prior to that I did not.

Q. You had made arrangements to go with your mother? A. Yes, sir.

Q. Where were you going with your mother? A. In a rolling chair on the Boardwalk.

Q. Very well. Now you were to meet Mr. Herbert on Massachusetts Avenue? A. Yes, I learned.

Q. And did you meet him? A. Yes, sir.

Q. And Miss McGowan with you? A. Yes, sir.

Q. Where did you go then? A. Well, we met Mr. Herbert on Massachusetts Avenue, got out of the jitney, then he took us around down Massachusetts Avenue.

The Advisory Master: You will have to speak a little louder Mrs. Knittel. A. We met Mr. Herbert and he took us around down Massachusetts Avenue around to another street, around the corner, and into an alleyway, an apartment alleyway.

Q. On which side of the house that you later went in was that alleyway, on the side towards Massachusetts Avenue from which you had come? A. Yes, sir.

Q. Or on the other side? A. On the side towards Massachusetts Avenue.

Q. Now the three of you go in there, did you? A. Yes, sir.

Q. Anybody else in there? A. Mr. Shaw was there.

Q. And Mr. Shaw, had you ever met Mr. Shaw before? A. No, I had never met Mr. Shaw before.

Q. Did you know who he was? A. No, I didn't know who Mr. Shaw was.

Q. And after you got in the alley what did you do? A. We waited there.

Q. How long did you wait? A. Well, as near as I can remember possibly five or eight minutes.

Q. And where were you—did you see Mr. Knittel go in that house? A. No, I did not.

Q. How did you find out he had gone in there? A. Mr. Shaw told Mr. Herbert he had gone in.

Q. And where were you when he evidently went in? A. In the alleyway.

Q. But you didn't see him? A. No, I did not.

Q. Were you right with Mr. Shaw or were you some distance from him? A. Oh, we were with Mr. Shaw then.

Q. Now then when Mr. Shaw told Mr. Herbert that Mr. Knittel had gone in what did Mr. Herbert propose that you do? A. Just repeat the question again, Mr. Bourgeois.

(Question repeated.) A. Well, we waited a few minutes and Mr. Herbert tried the back entrance and found it unlocked, and tiptoed in, and we all tiptoed into a darkened room, and as we got into the room we heard footsteps coming, and Mr. Herbert said "Quick get out of the road" and Mr. Shaw and Miss Mc Gowan and myself and Mr. Herbert, we got into a stairway right where we were standing, seemed to be a stairway there, and we heard voices coming towards that room, and then—

Q. Was there any light in it? A. No, it was quite dark, and then this girl came first and Mr. Knittel after the girl and they came through this darkened room in which we were, into the room beyond, and the girl struck a match.

Q. And what did she say? A. I heard her say "That is the bath room there."

Q. How long were they in the bath room? A. Just a minute, not a second.

Q. And then what? A. Then they came through, through the darkened room again, and went to another room beyond, where they had come from.

Q. And could you see them when they went through the first time? A. How do you mean? Do you mean as they came into the darkened room where we were?

Q. Where you were could you see them? A. Yes, sir.

Q. Did you know then it was Mr. Knittel? A. I knew him when I saw him, yes.

Q. And when they went back again could you see them? A. I saw them as they came through the room in which we were in, yes.

Q. Yes, I mean that, as they passed through the room to go back again. A. Yes.

Q. And what was done after they passed back through the room you were in, that is the room where the stairway was, what did you then do? A. We waited just where we were for a few minutes, possibly ten minutes, I guess eight or ten minutes.

Q. Yes. A. And then Mr. Herbert tiptoed through the room to look where they had gone to, to find the room where they had gone to.

Q. Yes. A. And he tiptoed back again and told us that they were in this bed room.

Q. And then what did you do? A. Then Mr. Herbert led the way to the room, he had found them in and I followed him.

Q. Yes and then what was done? A. Mr. Herbert opened the door.

Q. And stepped in? A. Yes, sir.

Q. And what did you do? A. I followed him.

Q. And who else followed him? A. Miss McGowan, and Mr. Shaw, I suppose, because I was directly behind Mr. Herbert.

Q. When you went in the room what did you see? A. Mr. Knittel was sitting there.

Q. When you went into that room what did you see? A. I saw Mr. Knittel and this girl.

Q. In what position was Mr. Knittel? A. He was sitting on a chair.

Q. Dressed? A. No, sir.

Q. What clothing did he have on? A. He had his undershirt on.

Q. Is that all? A. Yes, sir.

Q. Where was the girl? A. She was standing in front of a mirror arranging her hair.

Q. And do you know if she was dressed? A. She had a petticoat and a little vest on.

Q. Did you say anything to Mr. Knittel? A. I said I wanted the key to my home.

Q. Did he give you the key? A. Yes, sir.

Q. And then what did you do? A. Well, I felt sick then and I turned to Mr. Herbert and I said, "Please take me home."

Q. And did they take you home? A. Yes, sir.

Q. To your own home? A. Yes, sir.

Q. And when you got to your own home what did you do? A. I went upstairs to get my children dressed, I wanted to take them to my mother's.

Q. And while you were there did anyone come to the house? Who went to your home with you? A. Mr. Herbert and Miss McGowan.

Q. Did Mr. Shaw go there? A. No, Mr. Shaw didn't come to my home on Brighton Avenue.

Q. All right. Now while you were upstairs dressing the children did anyone else come to the house? A. Mr. Knittel came.

Q. And have a conversation with you? A. He asked to see me alone.

Q. And what did you tell him? A. I said I couldn't. I didn't care to.

Q. And did you or did you not? A. I didn't, no.

Q. Then did Mr. Knittel leave the house? A. Yes, sir.

Q. And after he left the house did you continue to dress the children? A. Yes, sir.

Q. And after they were dressed what did you do? A. I took them over to my mother's home.

Q. Now your home was on what avenue? A. Brighton Avenue.

Q. What number? A. Twelve.

Q. And your mother's home was there? A. On Stenton Place.

Q. What number? A. Thirty-five.

Q. Then that is just a short block? A. Just opposite, yes.

Q. Who went with you to your mother's home? A. Mr. Herbert and Miss Mc Gowan.

Q. And the two children? A. Yes, sir.

Q. When you got to your mother's home what did you find? A. Mr. Knittel was there.

Q. And did you have some conversation with him? A. Yes, there was conversation.

Q. Who was present at the time you had that conversation with him? A. Mr. Herbert, Miss Mc Gowan and my mother and myself.

Q. Will you tell the Court what the conversation was that you had with him, what did he say

to you and what did you say to him? A. Well, he wanted to see me alone and I said no, I would not.

Mr. Cole: I didn't hear it, Mrs. Knittel.

A. He wanted to see me alone and I said no, and then I spoke to him about the way he had acted on the beach.

Q. You spoke to him about the way he acted on the beach? A. Yes.

Q. Now go on. A. And I spoke to him about the way he had acted on the beach.

Q. Yes. A. And he asked me to have some consideration and not, and to keep it out of the papers, and I promised, I said yes I didn't want it known, he begged me to keep it out of the papers, and not tell anyone, and I promised, I said I didn't want it known.

Q. Now when he wanted you to have some consideration for him what did you say? A. I said, "I think I have had consideration for you right along."

Q. And then what did he say? A. He said, "Oh, I know I have been a dog. You have been too good to me."

Q. And then what? A. And then I spoke of the way he had acted on the beach with a woman from Ventnor that had two little children.

Q. Yes. A. And then Mr. Herbert said that, he said, "Look here, Knittel, I could have closed that case in on you then if I had wanted to break up that home, couldn't I?" He said, "Yes, you could." He said, "I didn't want to break up a home with children there."

Q. And then what? A. Well that was the extent of the conversation as far as I remember.

Q. Did he claim that—

Mr. Cole: Pardon me. I object. I ask for the conversation.

Q. Did he give you any reason for him having gone with these other women?

Mr. Cole: I ask that the conversation be related.

Mr. Bourgeois: I am just trying to—

The Advisory Master: I think he may direct her attention to the particular thing.

(Question repeated.)

Q. Or excuse. A. Well, he said, "If you had had intercourse oftener with me I wouldn't have gone out."

Q. What effect, if any, did the statement made by Mrs. Canning to you and the things you saw Mr. Knittel do during that summer have upon your health? A. It worried me greatly.

Q. Do you know whether you are as stout now as you were then? A. I am not, no.

Q. How much have you lost in weight? A. Thirty-five pounds.

Q. What are Mr. Knittel's habits, I don't mean women, but his other habits, is he temperate? A. No, sir.

Q. What is he? A. Just how do you mean that, is he temperate? I said no, sir.

Q. Yes, I wanted to know, I want you to state what he is like with regard to drink. A. He drinks a great deal, a very great deal.

Q. Now I want you to tell me whether or not or tell the Court have you ever refused him intercourse, sexual intercourse? A. Yes, I have.

Mr. Cole: Just a moment. Objected to as incompetent, irrelevant and immaterial.

Mr. Bourgeois: If the Court please, I

have a perfect right to show that in view of the fact he claimed that she had not done her part.

Mr. Cole: No, but she is relating a conversation between him and her, that may or may not be worth anything but whether she did or did not refuse I think is wholly incompetent.

The Advisory Master: Well, I will sustain the objection.

Mr. Bourgeois: Now, if the Court please then that answer comes out entirely? Is that the idea, the answer was in?

The Advisory Master: The answer was made before the objection.

Mr. Bourgeois: Then if it is in I want the privilege of showing what were the occasions when it was done, when she did refuse. If it is out I don't care. The question is clearly competent because she related a conversation by him in which she said that he excused himself on a certain ground. Now I have a right to show, if that was true, and why it was, show if it was so.

Mr. Cole: In the first place, may it please your Honor, there is no testimony in this case yet of any adultery and whether he in a conversation with her was confessing is not a question, that is not in this case up to this time at least.

Mr. Bourgeois: It is only a question of order of proof.

The Advisory Master: Perhaps this proof may be competent later on. Techni-

cally I do not think it is admissible at this time.

Mr. Bourgeois: But I don't want to bring this woman back just for the purpose of denying some question that he may have put to her.

Mr. Cole: On the other hand I don't want to have the witness put in a lot of testimony that is not competent.

Mr. Bourgeois: If your Honor please, we tried this case for two days, and we have taken the testimony as it came in without regard to the order of proof for the purpose of having it in here. Now I don't see why we should change that method just at this time.

The Advisory Master: I think perhaps you are right on that. I will admit it, and if it proves to be irrelevant or improperly admitted it can be excluded later on the theory that you don't want to bring her back, and you may want to meet such a condition with this proof. I will admit it now.

(Answer repeated.)

Q. For what reason?

Mr. Cole: That is objected to also as being incompetent, immaterial and irrelevant.

The Advisory Master: Admitted.

Q. For what reason did you refuse? A. Well, I was worried, nervous, despondent at times.

Q. Now then during the period between the first of May and the time when you caught or saw him in this Abrams girl's room did you have intercourse with him? A. Yes, sir.

Q. Now since that time have you been with him at any time alone? A. Since which period?

Q. Since the time that you saw him up in the Abrams' room undressed? A. Have I been with him alone since that time?

Q. Yes, since the nineteenth day of September last? A. Once on the front porch of my mother's home on Stenton Place the next afternoon.

Q. When? A. The next afternoon.

Q. The next afternoon at what time of the day? A. It was about 5 o'clock in the afternoon, I think.

Q. Have you since that time had sexual intercourse with him, I mean since the nineteenth day of September? A. No, sir.

Q. Now when you saw him the next day on the porch what took place then? A. He begged me to drop the charges that I had against him, and he begged me to get the divorce on other grounds.

Q. What other grounds than what did he mean? A. Than adultery, he said anything but that, I don't care about you getting the divorce, he said anything but those grounds.

Q. And what did you tell him? A. I said he had furnished me the grounds and I said that I couldn't consider anything else now after what I had seen.

Q. Now, Mrs. Knittel, prior to the seasan of 1916, what were Mr. Knittel's habits with relation to his home coming, I mean nights? A. Well—

Mr. Cole: Objected to as being incompetent, immaterial and irrelevant. There are four dates fixed in this petition of alleged adultery.

The Advisory Master: It is admitted.

Mr. Bourgeois: Judge, we also pray for the custody of these children in that petition.

A. May I go on?

Q. Yes, you may. A. Well, he stayed out very late at nights very often and frequently came home intoxicated very often.

Q. And what would be his condition when he would come home intoxicated, was he always able to take care of himself? A. Apparently able to, yes.

Q. Was he always cleanly? A. Just how do you mean?

Q. In his habits when he would be under the influence of liquor when he would come home drunk? A. Well, except on one occasion this past summer he was not what I would say cleanly.

Q. Now, Mrs. Knittel, I want to find out something about the care of those children. You say one is two and the other is four? A. Yes, sir.

Q. Who has had the care of them? A. I have.

Q. Who has supported them? A. I have.

Q. Have you ever asked Mr. Knittel to support them? A. I have.

Q. What did he say? A. After the first baby was ill and the doctor had prescribed certified milk for her, when the bill came in he said, "I can't pay this bill for this milk." I said, "You mean to say you refuse to buy this milk for your children?" He said, "Yes, I do."

Q. And who bought the milk? A. I have bought the milk.

Q. You live down in Ventnor? A. I lived in Ventnor, yes, sir.

Q. In whose house? A. My mother's house.

Q. Was any rent paid for it? A. No, sir.

Q. When you came to Brighton Avenue did you go in a house owned by yourself or your mother? A. My mother.

Q. Pay any rent for that? A. No, sir.

Q. Who paid the running expenses of the house? A. Mr. Knittel gave me seventeen dollars a week to support myself and the children on.

Q. And did you have any maids? A. I had one maid, two maids, a nurse maid and a cook.

Q. Who paid the nurse maid, was that paid out of the seventeen dollars, did he pay it? A. No, sir, my mother always paid the nurse maid.

Q. Then the extent of Mr. Knittel's expenditures was seventeen dollars a week? A. Yes, sir.

Q. And yet they talk of the high cost of living? Now who paid, I suppose you had some doctor's bills? A. Yes, sir.

Q. Some druggist's bills? A. Yes, sir.

Q. Who paid the doctor's bills? A. I did.

Q. Out of the seventeen dollars? A. No, not out of the seventeen dollars, I couldn't.

Q. Who paid the drug bill? A. I did.

Q. Now why did you pay them? A. Because Mr. Knittel didn't.

Q. Did you ever speak to him about paying them? A. He knew they had to be paid, yes, sir.

Q. He knew that you had them? A. He knew that the babies were ill, the doctors had attended them.

Q. He at home when the babies were ill? A. Yes, sir.

Q. He ever been there when the doctor came? A. Yes, sir.

Q. Did he ever see these bills? A. He did.

Q. Now who was the druggist, where did you get these drugs, do you recall? A. Well, the first drug bill was at the Blenheim Drug Store, the Marlborough-Blenheim Drug Store, Mr. Plum's drug store, and that was during the time that I was ill after the second baby was born, and Mr. Plum sent collectors to his office, I suppose at least a half a dozen times and he would come home and say, "You had better pay this bill because these people are after me in the office every day and I don't want to be bothered with it, you had better pay it." It was the medicine that was ordered for me during my confinement.

Q. And who paid it? A. I did.

Q. Who paid the doctor's bill when you were confined? A. When my first baby was born I paid the bill to Dr. Arthur E. Ewens.

Q. Who paid the second? A. I did.

Q. With your money? A. Yes, sir, with my check.

Q. Now, Mrs. Knittel, who purchased your clothes? A. I purchased my own clothes.

Q. What clothes did he give you? A. None at all.

Q. Not any during your married life? A. Never.

Q. Neither outer garments or underclothes? A. No, sir.

Q. Did he furnish his own clothes or did you give him them? A. He furnished his own clothes.

Q. He furnished his own clothes? A. Yes, sir.

Q. Now, Mrs. Knittel, did you in any matter connive with Mr. Knittel's going to this Abrams house on the nineteenth day of September? A. No, sir.

Mr. Cole: I object to that. This witness has no right to draw conclusions as to what she did. We have what she did do and your Honor has to draw that conclusion and find that fact.

The Advisory Master: I think he has got the right to ask her the question.

Q. Did you ever pay to anybody any moneys for the purpose of having them induce Mr. Knittel to go to that house and there be trapped? A. No, I did not.

Q. Did anybody pay moneys for that purpose to your knowledge? A. Not to my knowledge, no, sir.

Q. You paid Mr. Herbert, I suppose, for his work? A. For his work, for his services as investigator, yes.

Q. Now, how much money in all did you pay Mr. Herbert? How did you pay him? Did you pay him in a lump sum or did you pay him his expenses first along? A. No, I paid him from time to time his expenses as he asked me for them, operators' expenses for investigations.

Q. And you paid them? A. Yes, as he asked me.

Q. Now after this nineteenth of September then did you pay him for his services? A. Yes, sir, I paid him for his services.

Q. Had you had an agreement with him as to the cost of those services, a tentative agreement? A. Yes, sir.

Q. That was to be for how much money? A. When Mr. Herbert was first hired as investigator he told me that he would charge one hundred dollars for investigation in the case. If at the end

of two weeks the investigation warranted him going no further, then there was no money, but if the investigation warranted him going further then I was to pay him five hundred dollars when he gave evidence of infidelities.

Q. Now after this nineteenth of September did you pay him? A. After the nineteenth of September?

Q. Yes, after the case was finished. A. Yes, sir.

Q. How much did you give him? A. Well, my original contract called for five hundred dollars, and Mr. Herbert had worked night and day and I had seen him frequently, I knew he gave a great deal of his time to the case, he had consulted with me frequently, reported to me from time to time and I knew he had sometimes as high as six and seven operators working on the case, and I felt that the five hundred dollars did not compensate for the amount of work he had given to the case, so I voluntarily wrote out a check of one thousand dollars to Mr. Herbert because I felt that he had earned it because he had worked extremely hard on it.

Q. Now when you gave the check for a thousand dollars to him what did Herbert say and do? A. Well when I gave it to him he said, "Why, Mrs. Knittel, you don't owe me this," and I said, "I know I don't, Mr. Herbert, but I want you to accept it because I feel that you have earned it," and he put it on Mr. Garrison's desk and he said, "I don't want to take it." Well I said, "You may take it. I wish you to take it." That was the extent of what I gave Mr. Herbert.

The Advisory Master: When was that, after the nineteenth of September?

Q. After the nineteenth of September, wasn't it, Mrs. Knittel? A. Yes, sir.

Q. Now, Mrs. Knittel, you knew this one operator, what was her name you mentioned a little while ago, Miss— A. Miss Mc Gowan.

Q. Did you ever make her any presents? A. I gave her a little pendant that I had had.

Q. That you had had? A. Yes, sir.

Q. When did you give that to her? A. Sometime in July.

Q. And why was it given to her? A. Because she knew I was ill, she knew I was worrying, and she used to call me up on the 'phone, many times she used to call me up in the evenings when she knew I was alone, and she seemed to take an interest in me, and I simply gave it to her as a little token because I thought she took an interest in me, I gave it to her sometime during July. It was a little pendant that I had had.

Q. Now did you ever give her anything else except that pendant in July? A. No, sir, I never gave her anything else except that pendant in July.

Q. Never gave her any moneys? A. Not a penny, no.

Q. Did you ever give anybody any moneys excepting Mr. Herbert? A. Nobody.

Q. When you mention nobody you mean that to include your lawyer; haven't you given him something for his services? A. I gave Mr. Garrison something on account of it, yes, sir.

Q. What you mean you never gave anybody any money for the purpose of trapping Mr. Knittel? A. No, sir, I did not.

Q. Nor in connection with the getting of the investigation?

Mr. Cole: Now, are you saying that or is she saying it?

Q. I say you never gave anybody any moneys except Mr. Herbert in connection with this investigation? A. No, nobody but Mr. Herbert, no.

CROSS-EXAMINATION by Mr. Cole:

Q. You were, according to your agreement with Mr. Herbert, to pay him five hundred dollars when he furnished you proof of Mr. Knittel's infidelity, is that right? A. Yes, sir.

Q. And you considered that he had furnished you with that proof when the Kitty Murray incident occurred? A. Yes, sir.

Q. When did you pay him the five hundred dollars?

Mr. Bourgeois: The five hundred? The thousand.

A. I didn't pay Mr. Herbert five hundred dollars. I said I voluntarily—

Q. Instead of paying him the five hundred you had agreed you paid him a thousand instead? A. Yes, sir.

Q. That was your check? A. Yes, sir.

Q. To his order? A. Yes, sir.

Q. And it was delivered in Mr. Garrison's office? A. Yes, sir.

Q. On the morning of the twentieth of September? A. A few days after that.

Q. Wasn't it the day after this incident? A. Yes, I believe it was the day after.

Q. In Mr. Garison's office at the time you swore to this petition for divorce? A. I didn't swear to this petition for divorce until the afternoon about 4 o'clock.

Q. Following day? A. Yes, sir.

Q. At all events then you were in Mr. Garrison's office twice on that day? A. Only once.

Q. What time in the morning was it that you passed the check of a thousand dollars to Mr. Herbert? A. It was in that afternoon, it wasn't in the morning.

Q. Both occurrences in the afternoon? A. Yes.

Q. Well was it the same time that you swore to this petition for divorce? A. Well just how do you mean?

Q. Was it the same trip, same occurrence? A. It was at the same—one trip.

Q. You were not there twice? A. No, sir.

Q. Now who was it talked with you over the telephone? A. When?

Q. On the night of the nineteenth? A. Miss Mc Gowan.

Q. Do you know where she was? A. No, I do not.

Q. She didn't tell you? A. No sir.

Q. And you were at your home? A. Yes, sir.

Q. Now just tell us that conversation, please. A. Well, as I was about to go out Miss McGowan called me on the phone and she said Mr. Herbert would like to see me and I said where and she said, "Well, I will come down for you and I will take you where Mr. Herbert is."

Q. Now is that all the conversation took place? A. That was all the conversation.

Q. What time was it she called? A. It was somewhere in the neighborhood of eight o'clock, between eight and eight fifteen.

Q. You mean when she called at the house or called over the phone? A. Called over the phone about eight o'clock, she called over the phone.

Q. What time did she get to the house? A. I suppose about ten minutes past eight.

Q. And she came in a jitney? A. No, I met her on the corner of Stenton and Pacific.

Q. You and she got in the jitney? A. Yes, at Stenton.

Q. And went where? A. To Massachusetts Avenue.

Q. And what, Massachusetts and where? A. Massachusetts Avenue near the beach.

Q. Massachusetts near the beach? A. Yes, sir.

Q. On the upper side or lower side of Massachusetts? A. How do you mean the upper or lower side?

Q. Were you on the side of the Leland Hotel? A. Well, I am not familiar with that section.

Q. How near the beach were you? A. I suppose about half way.

Q. Between Pacific and the beach? A. Yes, sir.

Q. And you and she got out? A. Yes, sir.

Q. Now what conversation took place between you and Miss McGowan on the way up in the jitney? A. I asked her what Mr. Herbert wanted to see me about and she said, "I don't know, he just merely wants to see you."

Q. She told you she didn't know what Mr. Herbert wanted to see you for? A. Yes, sir.

Q. And you didn't know up to that time? A. No, I did not.

Q. I understand you asked her what he wanted and she said she didn't know? A. Yes.

Q. Now you got out of this jitney and where did you stand? A. We got out and Mr. Herbert took us around to Massachusetts Avenue around to Oriental Avenue.

Q. How is that? A. We got out of the jitney and Mr. Herbert took us around Massachusetts Avenue.

Q. Was he there waiting? A. Mr. Herbert was there, yes, sir.

Q. When you arrived? A. Yes, sir.

Q. Did you get out right where he was standing or some distance from him? A. Got out right where he was.

Q. Right where he was standing? A. Yes.

Q. Did he tell you how long he had been waiting there? A. No, he did not.

Q. What time did you get there? A. Well, I suppose it was between quarter past and half past eight.

Q. And then you three walked from there, what became of the jitney? A. I suppose the jitney drove off. I didn't look to see.

Q. And you three then left the place where you got out of the jitney and went into this house? A. Yes, sir.

Q. You found the back door open? A. Mr. Herbert went to see if the back door was open.

Q. Then the back door was open? A. Yes, sir.

Q. Then you all three went in? A. Yes, sir.

Q. Did you go into what is known as the heater room? A. No, we went into a kitchen, it was a kitchen.

Q. Can you describe how the rooms were located from the place where you entered until you got to the bed room? A. Well, we went in from the alleyway, right into this one room, the kitchen.

Q. You call it a kitchen then what room came next, was it a hallway all the way down from

where you entered until you got to the bedroom? A. As near as I can remember it was a hallway to the bedroom? A. Yes, sir.

Q. And it was all on the same floor, wasn't it? A. Yes, sir.

Q. Now where were you all the time that you and Mr. Herbert and Mr. Shaw and Miss McGowan from the time you entered this building until you went to this building? A. Well, at first we were in this apartment alleyway before we entered the kitchen.

Q. Then you entered the kitchen? A. Yes, sir.

Q. And you remained in there until you went to this bedroom, yes, sir.

Q. All four of you? A. Yes, sir.

Q. And you all four went from there to the bed room? A. Yes, sir.

Q. Did you notice before you went to the bed room the light was turned down or turned out? A. Where do you mean

Q. Anywhere on that floor? A. Well, I could see that there was a light beyond.

Q. Well, was it turned low or turned down while you were there? A. It seemed to be turned down while you were there? A. It seemed to be turned low, I could see the light beyond it, in the room we were in it was dark.

Q. Now when Mr. Knittel and this woman came in, did they pass you? A. We heard them coming and we got into a stairway.

Q. Well, did you have to come out of the kitchen to get in the stairway? A. No, it was right there, it seemed to be right there, right at the kitchen, the stairway seemed to lead, it started right in the kitchen.

Q. So you got behind the stairway in the kitchen? A. In this stairway, yes, sir.

Q. While they passed? A. Yes, sir.

Q. Did they come in the back way? A. No, they did not, no, they came from a room apparently beyond the kitchen, the front part of the house.

Q. Well they passed you at all events, didn't they? A. Yes.

Q. Did you see where they went? A. They went into a room beyond the kitchen.

Q. Did Mr. Knittel say anything as he passed? A. No, sir.

Q. Did this woman say anything? A. She said, "That is the bath room."

Q. When did you first recognize Mr. Knittel? A. When I saw him pass through the room in which we were hiding in the stairway.

Q. Was there a light in this room? A. This girl struck a match.

Q. And it was by the light of the match that you recognized him? A. Yes, sir

Q. Did you recognize this woman? A. No, I did not.

Q. How many times had you seen her before this occasion? A. I hadn't seen her at all before that occasion that I knew of. I didn't know her.

Q. I thought you said you saw Mr. Knittel on the beach with her? A. I didn't know it was her at that time. I couldn't recognize her.

Q. Did you afterwards recognize her as the woman you saw with him on the beach? A. No, I didn't. I couldn't recognize her with a bathing cap on. I didn't know it was the same woman.

Q. Did you undertake to time, by a watch, after you got in that building, did you use a watch for the purpose of getting your time? A. No, I didn't.

Q. Will you venture your best judgment as to how long it was from the time you saw the match lighted until you went into this bedroom? A. You mean to my best judgment how long it was?

Q. Yes. A. It was at least fifteen minutes.

Q. From the time the match was struck until you went to the bed room? A. Yes, sir.

Q. And when you got in the bed room neither of these people were in bed, were they? A. No. No, sir.

Q. And this girl was standing in front of the mirror? A. She had apparently jumped up off the bed.

Q. I didn't ask you that. I asked you whether she was standing in front of the mirror. A. Yes, she hastily was in front of the mirror.

Q. And was there a door leading into this bed room? A. Yes, sir.

Q. Did you have to open that door to get in? A. Mr. Herbert opened the door.

Q. And the door was unlocked? A. As far as I could tell.

Q. You entered at once as soon as you went there, had no trouble to get in, did you? A. How do you mean?

Q. The door was not unlocked while you were there, was it, for you? A. No, Mr. Herbert opened the door.

Q. That is to say, he simply had to turn the knob and go in? A. Yes.

Q. You walked right down the hallway from this kitchen where you were? A. Yes, sir.

Q. Passing the bath room? A. No, we didn't pass the bath room. The bath room was beyond where we were. We went in the hallway, we didn't pass a bath room.

Q. What room did you have to pass from the kitchen into the bed room? A. Well, it was a hallway to my knowledge. I didn't pass through any room.

Q. But didn't you pass any room in passing down the hallway to the bed room? A. I didn't observe whether—you see—

Q. You don't know? A. I was nervous. I didn't observe it.

The Advisory Master: Will someone make a plan of this room? I understand there was no hallway there.

Mr. Garrison: Mr. Thompson is here and I think he will do it.

Mr. Bourgeois: Well, there is no hallway there. This bath room is cut out of the kitchen, corner of it.

Q. Mrs. Knittel, had you seen anyone—

The Advisory Master: I want the two entrances, one from Oriental Avenue, I understand, and one from the alley, just mark them.

Q. Did you see anyone that night after you got in this building before you saw this woman and Mr. Knittel pass when the match was struck? A. How do you mean?

Q. Had you seen anyone in that building that night after you went in? A. You mean in that house?

Q. Yes, in that house before this girl and Mr. Knittel passed while you were in the stairway or near the stairway? A. No, I didn't see anyone.

Q. That was the first time you had seen anybody in the house? A. Yes, sir.

Q. Did you suspect when you saw this woman pass and Mr. Knittel that they were going to commit adultery? A. I didn't believe it, no.

Q. You still thought, did you, notwithstanding the fact that you saw him in that house with a woman that he was not going to commit adultery? A. I did.

Q. You didn't think it necessary, notwithstanding all that had been reported to you and all that you had seen, to stop your husband or warn him against committing adultery, did you? A. Well, I determined then to learn the truth if the truth—

Q. You were quite willing to catch him, weren't you? A. Well, after I found—

Q. Pardon me. I say you were quite willing to catch him at that time? A. I wanted to find the truth.

Q. Will you answer my question, Mrs. Knittel? You were quite willing to catch him in adultery that night? A. Yes, sir.

Q. Why didn't you warn your husband, when you found him pass you, and this woman with him? A. I didn't believe he would do that. I didn't think so. I didn't believe it.

Q. As you were anxious to catch him in adultery? A. I wasn't anxious to catch him in adultery.

Q. You just said you were quite willing to. I will change that, now being quite willing to catch him in adultery, and being there with these detectives whom you had hired, you mean to say that you did not suspect that your husband was going to commit adultery? A. Well then I sus-

pected, yes, when I saw him in the house, but I didn't—

Q. As you then suspected him, I ask you why you didn't stop him, warn him? Why did you wait until you supposed he might commit the act? A. Well, I didn't wait there for the purpose of him committing the act. I wasn't there for that purpose. I didn't wait for that purpose.

Q. What did you understand you were waiting there fifteen minutes for? A. I determined to learn the truth.

Q. Truth about what? A. Whether he was untrue to me or not.

Q. Weren't you waiting there this fifteen minutes for the purpose of catching him in adultery? A. I didn't look upon it as that then. I can't say truthfully, no.

Q. Won't you please tell the Court what you were waiting for those fifteen minutes? A. To find out whether he was untrue to me or not.

Q. In order to find that out didn't you have to wait to see whether he was going to commit adultery or not? A. Yes, sir.

Q. I ask you then why didn't you warn your husband not to commit adultery? You knew he was in the building, did you? A. Yes, sir.

Q. You knew where he had gone? A. I didn't know he was in a bed room in there.

Q. You suspected he had gone in a bed room, didn't you? A. Until I went in there, no, I didn't believe he would be in a bed room.

Q. Now, Mrs. Knittel, frankly do you mean to say to the Court notwithstanding the fact your dectectives in the room had sent for you and you went there with them, that you didn't go there

with them and know when you went there that the object of that meeting was to catch your husband in adultery? A. I didn't know and feel that he would commit adultery. I didn't believe it.

Q. So that notwithstanding anything that you had seen with your own eyes up to that time, and notwithstanding anything that these men had reported to you, these detectives, you still did not believe that he was unfaithful, did you? A. I did not, no.

Q. You had no ground from anything that had been reported to you up to that time to suspect that he was guilty of infidelity, did you? A. I had grounds to suspect his indiscretions.

Q. But not infidelity? A. No.

Q. So that when you went in that building that night with these three detectives, so far as you were concerned you still believed that he was morally pure? A. Yes.

Q. Well these detectives had been making reports to you from time to time about his conduct hadn't they? A. They reported.

Q. When did they first begin to make reports to you? A. Sometime in June.

Q. How many reports did you get from that time up to September nineteenth? A. I couldn't tell you the exact number. I got frequent reports.

Q. About how many? A. I couldn't say how many.

Q. Were they in writing? A. No.

Q. Verbal reports? A. Verbal reports.

Q. You never had any written reports? A. No, sir.

Q. When did you last have intercourse with

Mr. Knittel, as near as you can recall, Mrs. Knittel? A. Well, near as my knowledge it was during the latter part of August, as near as I can remember.

Q. Latter part of August? A. Yes, sir.

Q. When did you first learn the name of this woman? A. Which woman do you mean?

Q. That was in this house that night? A. I didn't learn it till the next day.

Q. And you learned that in Mr. Garrison's office? A. Yes, sir.

Q. Mr. Garrison told you who the woman was? A. He told me her name, yes, sir.

Q. From any personal knowledge, not what someone may have told you, but from any personal knowledge, do you know whether Mr. Knittel was in that building that night before you arrived? A. Do you mean did I know?

Q. Yes. A. Before I—

Q. Did you personally know whether or not Mr. Knittel was in that house before you entered that night? A. No, I did not.

Q. How many times did you meet Miss McGowan? A. Well, I met Miss McGowan frequently to go to the bathing beach here.

Q. Did she make reports to you? A. No, she never made any reports to me.

Q. The only reports you ever received were from Mr. Herbert? A. Yes, sir.

Q. Did you ever get a report from Mr. Shaw? A. No, sir.

Q. Did you ever meet him before this night? A. No, sir, never saw Mr. Shaw.

Q. Did you ask Mr. Garrison the name of this woman or did he tell you without being asked? A. No, I didn't ask him.

Q. What? A. No, I didn't.

Q. How did he come to tell you her name? A. He simply told the name, that is all.

Q. Did he tell you that was her stage name? A. No, didn't speak about any stage name.

Q. Just told you that her name was Kitty Murray? A. Yes, sir.

Q. Did you read this petition or have it read to you before you made the affidavit? A. Yes, sir.

Q. And you knew then that this woman was referred to as Kitty Murray? A. When I read the petition the next afternoon.

Q. Did you go there the next afternoon at the request of Mr. Garrison or voluntarily? A. Voluntarily.

Q. And was this petition drawn while you were there? A. Yes, sir.

Q. Was Mr. Herbert there when you arrived? A. No, Mr. Herbert wasn't there when I arrived.

Q. How did he happen to get there? Was he sent for? A. No, sir.

Q. He did arrive while you were there? A. He came there while I was there, yes. He had frequently come there while I was in Mr. Garrison's office.

Q. Have you talked with Mr. Herbert about this case, about the way he got this evidence since the nineteenth of September? A. No, I have not.

Q. Have you talked with Mr. Garrison about it? A. No, I have not.

Q. You haven't talked with anybody about it, have you? A. No, sir.

Q. All you know is that you went to Mr. Garrison's office on the twentieth and signed this petition

and that ended your connection with the matter? A. Well, I told him then to draw up a petition for divorce, my mind was made up.

The Advisory Master: Told him what? A. I had made up my mind then to have a petition for divorce drawn.

Q. On what bank were your checks drawn? A. The Atlantic Safe Deposit and Trust Company.

Q. And how many checks have you drawn in connection with this matter? A. Just how many I couldn't say. Mr. Herbert asked me for money from time to time for the operators' expenses and I gave them to him, but just the number of checks I couldn't say.

Q. Can you approximate the total amount of the checks to Mr. Herbert? A. Possibly a half a dozen.

Q. I don't mean the number of checks but I mean the amount of them, what is the total amount of checks you have drawn to Mr. Herbert? A. I couldn't tell the total amount, I could not.

Q. Fifteen hundred dollars? A. I don't think it is that much, no.

Q. Well, you gave him a check for a thousand? A. Yes.

Q. You don't think the other checks amounted to five hundred? A. I don't think they did.

Q. Without regard to the amount that you owe Mr. Garrison had you paid him any money up to the twentieth of September? A. In June I gave Mr. Garrison on account.

Q. In June? A. Yes, on my consultation fees.

Q. Now from June to September twentieth had you paid Mr. Garrison anything? A. No, sir.

Q. Did you pay him anything on September twentieth? A. No, sir.

Q. Do you know when you arrived at Mr. Garrison's office on the twentieth that Kitty Murray had been to his office before that? A. I did not, no.

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

Q. Do you know where she is now? A. I do not.

Q. Is she here in Court this morning? A. I don't know. I couldn't say.

Q. You mean you wouldn't recognize her? A. I don't believe I should.

Q. Would you mind looking around the room and see whether you recognize Kitty Murray or not? A. I don't think I see her, no.

Q. Would you recognize any of the women that you say you saw him in bathing with? A. Not close to, no.

Q. These occasions that you saw Mr. Knittel on the beach, he was in a bathing suit? A. Yes, sir.

Q. And the women you say he was with were in bathing suits? A. Yes, sir.

Q. And they were in the ocean bathing? A. Yes, sir.

Q. And so far as you know they never got off the bathing beach, did they? A. How do you mean?

Q. Did they ever leave the bathing beach while you were there? A. I saw them leave the bathing beach, yes, sir.

Q. And walk under the Boardwalk? A. Yes, sir.

Q. Did you ever see them come back after they were under the Boardwalk? A. No.

Q. Never came back while you were there? A. No.

Q. Where did he bathe from, do you know? A. South Carolina Avenue, between the Alamac and Steeplechase Piers, on that section of the water?

Q. Now, Mrs. Knittel, you are a woman of considerable means in your own right, are you not? A. Yes, sir.

Q. Have an income of five thousand dollars a year or thereabouts? A. Yes, sir.

Q. You have a larger income than your husband considerably? A. To my knowledge I don't know what his income is.

Q. You think so from what he has told you about his income? A. I think so. I don't know.

Q. Now it was on Saturday preceding the Tuesday night that you saw Mr. Knittel in bathing with this woman who you supposed was Kitty Murray, is that correct? A. Whom I supposed; at the time I saw them in the water I didn't know who it was.

Q. But I say as it stands now your understanding is that it was the Saturday preceding the Tuesday night that you were at this house that you saw him with this woman supposed to be Kitty Murray? A. Yes, sir.

Q. Did you ever tell Mr. Foster and his wife or either of them that you wanted to get a divorce from—A. Did I ever tell Mr. Foster?

Q. Either Mr. Foster or his wife or both that you wanted to get a divorce from your husband and that you wanted them to get him? A. No, I didn't tell them that. No, I never said anything like that to Mr. Foster or his wife.

Q. Sure about that, are you? A. Yes, sir, I never spoke of divorce to Mr. Foster and his wife. That I am positive of.

Q. Mrs. Knittel, when you were in the room at that house that night do you recall that Mr. Knittel denied that he had committed adultery? A. Not in that room I don't recall him denying it.

Q. How? A. Not in that room I don't recall it.

Q. He did deny it, didn't he? A. How do you mean?

Q. Didn't he deny to you somewhere that night that he had committed adultery in this house? A. I don't remember him denying that.

The Advisory Master: Speak louder. A. I don't remember of it, no.

Q. Don't you recall when you were in that room where this woman was he said he hadn't committed adultery? A. I don't recall that, no, sir.

Q. Was there anything said about his having committed adultery? A. No, sir, I don't remember.

Q. Was there any charge made against him that he had committed adultery? A. No, sir, I don't remember that neither.

Q. Was there anything said about his having committed adultery? A. No.

Q. Nothing was talked about that at all? A. No.

RE-DIRECT-EXAMINATION by Mr. Bourgeois:

Q. Mrs. Knittel, Judge Cole asked you if you had paid Herbert any moneys between the payment in June and the twentieth of September and you answered that you had not.

Mr. Cole: No, I said Mr. Garrison, I thought.

The Advisory Master: Mr. Garrison.

Mr. Bourgeois: Oh, I beg your pardon.

Q. Now do you remember or do you recall when Mrs. Canning told you what she had seen of your husband? A. Yes, sir.

Q. How soon after that night was it she told you? A. How soon after which night?

Q. After the night she saw him was it she told you about it? A. The next day.

Q. The next day? A. Yes, sir.

Q. Now can you tell us what time Mr. Knittel got home the night that she said she saw him? A. It was about three o'clock in the morning.

Q. The next morning, that is the morning she told you? A. Yes, sir.

The Advisory Master: Was that in May? A. Yes, sir.

Mr. Cole: May fourteenth.

Q. Now, Mrs. Knittel, when was it that you determined that you would apply for a divorce? A. I didn't determine to apply for a divorce until the twentieth day of September.

Q. And that was after you had seen him up to 512 Oriental Avenue? A. Yes, sir.

Q. And after he had made the confession to you about the—but there is one I forgot about, the one down in Ventor? A. Yes, sir.

Q. Now at that time was there something said about another woman, a Chelsea woman? A. Yes, sir.

Q. Who made the statement about the Chelsea woman? A. I did.

Q. And what was it you said to him and what did he say to it? A. I said, "The disgraceful way you acted on the beach with a woman from Chelsea."

Q. And what did he say? A. He said, "Well, I understood she was divorced."

Q. Did he tell you who she was? A. No, he did not.

Q. And that is the end of the conversation? A. Yes, sir.

Q. And it was after these confessions of his and what you saw that you determined that you wanted a divorce and not a separation? A. Yes, sir.

Q. Now this Abrams woman, have you ever talked with her? A. No, I never have.

Q. Did you have any conversation with her that night in the room? A. I did not, no.

Q. Have you ever seen her? Have you ever talked with her since that time? A. Miss Abrams, you mean?

Q. Yes, Mrs. Abrams or Miss Abrams, either of them? A. No, I have not.

Q. Was anybody else in that house that night that you saw excepting Mr. Knittel and this woman he was with, and the four of you that you have spoken of? A. I saw nobody else.

RE-CROSS-EXAMINATION by Mr. Cole:

Q. When did you learn this woman's name was Abrams? A. When did I learn her name was Abrams?

Q. Yes. A. Not until sometime about three or four days later.

Q. How did you come to find out? A. Mr. Garrison told me.

Q. What did he tell you about that? A. How do you mean?

Q. How did he come to tell you her name was Abrams? A. That is merely said, he said that woman goes under two or three different names, her name is Abrams.

Q. How did he come to tell you that? A. I just don't remember how he came.

Q. Where were you when he told you that? A. In his office.

Q. On the twentieth? A. No, it wasn't on the twentieth. It was sometime later.

Q. Oh, you have been to his office since? A. How do you mean since?

Q. You have been since the twentieth day of September in Mr. Garrison's office? A. Have I been in Mr. Garrison's office since the twentieth day of September?

Q. Yes? A. Yes.

Q. What have you been doing there? A. Consulting there.

Q. About this case? A. Yes.

Q. How did he come to tell you this woman had two or three different names? A. He just came to tell me, I don't know what conversation led up to it even.

Q. Did he tell you why he didn't put her name in this petition instead of Kitty Murray? A. No, he did not.

Q. And you have no recollection how he came to tell you her real name was Abrams? A. No, I don't remember how he came to tell me that.

Q. You made no comment on the statement he told you she had two or three names? A. No, I made no comment on it, no.

Q. Did he tell you he knew this woman? A. Knew of her, yes.

Q. What did he tell you he knew about her? A. He spoke of some suit or something that she had been mixed up in.

Q. What was it he said about that? A. I just don't remember what he did tell me about it, some lawsuit or something that she had had, that is all I can remember of the conversation.

Q. Can't you recall how he came to tell you that? A. No, I can't recall, Mr. Cole, I can't.

Q. But he did tell you that she had been mixed up in some lawsuit? A. Yes.

Q. Make any comment on her character? A. No comment was made on her character except she had—

Q. During this time that you were paying Mr. Herbert for his expenses, himself and his operator, were you asking him what evidence he was gathering? A. No, he just simply reported meetings of Mr. Knittel with various women in the cafes and on the Boardwalk.

Q. But in none of these reports that he had made to you did he tell you that he had evidence of Mr. Knittel's adultery? A. No.

Q. And you supposed, didn't you, that you were getting full reports from him? A. To the best of my knowledge, yes, sir.

Q. You were paying him to get the evidence and to make full reports to you? A. Yes, sir.

Q. And he made no reports to you that he had evidence of this man's, of your husband's adultery? A. No, sir.

Q. Can you recall what the latest report was he made to you before the twentieth of September, nineteenth of September? A. The latest report?

Q. Yes, how long was it before the nineteenth of September when he had made a report to you of Mr. Knittel's conduct? A. It was the month previous to that.

Q. About a month before? A. Yes, I myself had seen them on the beach.

Q. When he made these reports did he come to the house? A. Yes, sometimes.

Q. Always came to the house did he? A. Yes, sir, sometimes.

Q. How many times do you suppose he has been to your home since you first retained him up to the nineteenth of September? A. I couldn't say, Mr. Cole, several.

Q. Probably fifteen or twenty times? A. Probably, yes.

Q. Came in the day or night? A. Sometimes in the evening and sometimes in the daytime.

Q. Was it arranged to have him come there at the times Mr. Knittel would not be at home? A. No, sir.

Q. How did he know that Mr. Knittel would not be at home when he came? A. I don't know how he knew.

Q. He just came any time at all he saw fit? A. Yes.

Q. When he made these reports did he read them from a paper to you? A. No, they were verbal.

Q. Never exhibited any paper at all? A. No.

By the Advisory Master: Q. Mrs. Knittel, I understood you to say that in entering this house on Oriental Avenue it was through a back door? A. Yes, sir.

Q. And you entered the kitchen? A. Yes, sir.

Q. Was there any light in the kitchen? A. No, sir.

Q. Entirely dark? A. Yes, sir.

Q. Was there any light admitted to that room from any other room? A. No light—very dim light beyond, that is all I could see.

Q. Well was that dim light beyond through a door, through a doorway? A. Yes, sir.

Q. Then it was an inner room with a door that opened into this kitchen, there was a dim light? A. Yes, in a room beyond.

Q. Was that an arc light or an electric light or was it a gas light? A. Well, as near as I could judge it must have been a gas light, it was not bright.

Q. Did the door stand open when you went in the kitchen, that is the door leading into this inner room? A. In the which inner room do you mean?

Q. The one in which the dim light was showing? A. Yes, it was open.

Q. Was there light enough in that room to show the stairway? I understood that you got in the stairway. A. Yes. No, there was not light enough in that room to show the stairway. We simply were right there and got back into the stairway. There was no light.

Q. Did Mr. Herbert know where to take you to the stairway? A. No.

Q. Well how did you happen to get in this stairway? A. It was the nearest place to hide, just by accident we just got in this stairway, it seems it was right there, just merely by accident.

Q. Now when your husband, Mr. Knittel, first appeared where were you with respect to the room that you had entered? A. In that same room but in the stairway, in that stairway, the stairway was over in that corner of the room.

Q. From what direction did your husband and this woman come? A. They came from that direction, stairway was there, kitchen was here.

Q. From what direction you mean from the inner room? A. Yes, sir.

Q. And where did they go? A. They went to a

room beyond there. They came straight through.

Q. A room beyond the kitchen? A. Yes, sir, a room over that way beyond.

Q. Well, now do you know the arrangement of the rooms in that lower story, on that floor? A. Only what I remember from the few minutes that I was there as near as I can remember it.

Q. Now where do you remember the bath room was? A. As I remember it was that way.

Q. Well, with respect to the kitchen where was it? A. Beyond.

Q. Did you open a door from the kitchen into the bath room? A. No, didn't open any door.

Mr. Bourgeois: That is she didn't open it. Don't mean that it didn't open.

Q. Did the bath room adjoin the kitchen? A. No, it was beyond, I can't remember whether it adjoined, all I know was the room.

Q. Was the bath room back near the door which you entered? A. It was in that direction from the door, the door which we entered was that way.

Q. I understand, but did the door into the bath room open from the room in which you entered? A. It seemed to, apparently, from what I saw of it.

Q. Now there was not any room back of the bath room, that is away from Oriental Avenue, was there? A. I didn't see any room.

Q. Then the rooms from the kitchen were in the direction of Oriental Avenue? A. Yes, sir; how do you mean, rooms from the kitchen, you mean going that way?

Q. This dimly lighted room. A. They were in the direction of Oriental Avenue, yes, sir.

Q. Now your husband and this woman came through this dimly lighted room? A. Yes, sir.

Q. Now where did they go? A. They went to a room beyond, passing through the darkened room in which we were in.

Q. Are you sure of that? A. Yes, I am sure of that. I saw it.

Q. Now let me call your attention to this plan, if you will just look at this, this is a floor plan and this is Oriental Avenue. A. Yes, sir.

Q. This is the alley, this is the back door. A. Yes, sir.

Q. This is the side door? A. Yes, sir.

Q. And this is the front door? A. Yes, sir.

Q. Now which door did you go in? Here is the bath room, this is the kitchen here. A. This is the door we went in (indicating back door).

Q. You went in the back door? A. Yes.

Q. And the stairway was over here? A. Yes, sir.

Q. Now when you saw your husband and this woman where were they coming from? Now this is the inner room? A. Why they were coming from that direction.

Q. Coming from that direction? A. Yes, sir.

Q. Now, when they came into the kitchen where did they go? A. They went right that way through the kitchen to the bath.

Q. Did they go to the bath room? A. Yes, sir.

Q. How long were they in the bath room? A. Not a minute or two minutes, perhaps.

Q. Both of them? A. Yes, sir.

Q. Now, as they passed from this room across, this woman, this woman struck a match? A. Yes, sir.

By Mr. Cole: Then they, as I understand, after leaving the bath room retraced their steps? A. Yes, sir.

Q. And went back to the front of the building? A. Yes, sir.

Q. And when they came they came from the front of the building? A. Yes, sir.

By the Advisory Master: Q. How long did you remain there after they left the bath room and went through here? A. Well, as near as I can remember about ten minutes.

Q. About ten minutes? A. Yes, sir.

Mr. Bourgeois: That is remain in the stairway? A. Yes, sir.

Q. Did you hear them or see any more of them until you went to the bed room? A. No, sir.

Q. Were any of the doors locked or were they all open so you could go right through? A. Well, that I don't know because Mr. Herbert went ahead of me.

Q. How much ahead of you? A. Oh, possibly the length of this room.

Q. You followed immediately? A. No.

Q. Now, when you entered the rear door Mr. Herbert opened it? A. Yes sir.

Q. The door was unlocked? A. As near as I can remember, I just don't remember. I was faint.

Q. Mr. Herbert told you where to go in the kitchen where to come? A. He said to follow him.

Q. He said follow him? A. Yes.

By Mr. Cole: Q. Mrs. Knittel, was there any conversation between you and Mr. Herbert or did he say anything to you from the time you got out of the jitney until you got in this kitchen or room where the stairway was? A. You mean what conversation I had with Mr. Herbert?

Q. Yes, or that he said in your presence, was anything said during that period? A. Well, when

I met him, I said, "What is the matter, Mr. Herbert, what is wrong, what is wrong?" He said, "There is nothing wrong, don't be nervous."

The Advisory Master: Don't what? A. Don't be nervous.

Q. He said, "There is nothing wrong," he said, "Don't be nervous." He says, "Just follow me."

Q. Just follow? A. Yes.

Q. Did you have any idea then what he meant? A. No, I did not.

Q. Did you ask him? A. No, I didn't.

Q. And having asked what the trouble was, he said, "Nothing, follow me?" A. Yes.

Q. And you followed him? A. Yes.

Q. Did any other conversation take place from that time until the time you got in this house? A. Well, when we got into the apartment alleyway Mr. Shaw was here and Mr. Shaw said Mr. Knittel had gone in there.

Q. Oh, then you knew when you got in this apartment alleyway and Mr. Shaw told you that Mr. Knittel had gone in? A. Yes sir.

Q. Did he say who he had gone in with? A. No, sir.

Q. Did he say anything about a woman? A. No, sir.

Q. Then you all four went in? A. Yes, sir.

Q. Any other conversation by Mr. Herbert or anybody else in your presence? A. No, I don't think so.

Q. Then when you got in the room you say you were there, how long before Mr. Knittel passed to the bath room? A. It was only a second, only a few minutes.

Q. Few minutes from the time he retraced his steps? A. Yes, sir.

Q. And then how long was it before Mr. Herbert left and told you to follow him? A. I suppose about ten minutes, as near as I can remember.

Q. Are you sure it was as much as ten minutes? A. I think it was at least ten minutes, yes.

Q. But what was said by anybody in that room during that period, room where you were? A. They told me to be calm. I was nervous, and not to be frightened.

Q. Now, having known that Mr. Knittel had gone in the room and they were telling you to be calm, didn't you suspect that they were going to catch Mr. Knittel in that house with somebody? A. How do you mean, Mr. Cole? How do you mean?

Q. When you were in the kitchen and Mr. Shaw had told you that Mr. Knittel had gone in the house and they had told you to be calm, didn't you suspect that they were going to catch Mr. Knittel in that house with some woman? A. Well, when they said he had gone in. I knew he was in there, I didn't suspect we were going to catch him, I didn't suspect that I would find anything wrong.

Q. You didn't suppose he would be found there with a woman, did you? A. No, I did not. Not without his clothes on anyway.

Q. Now, where was this dim light you speak of, what part of this building? A. Well, from the room beyond.

Q. You mean the bed room? A. No, I don't know whether it was in the bed room or not, as I know it was—

Q. Well, there was a bed in this room where you were, wasn't there? A. If I could see this plan, I could tell you.

Q. I say there was a bed in this room where you were, wasn't there? A. The room which I came into?

Q. No, I mean the room where you saw Mr. Knittel and this woman? A. Yes, sir.

Q. There was a bed, wasn't there? A. Yes, sir.

Q. Was there a light in that room? A. Yes, sir.

Q. When you got in? A. Yes, sir.

Q. Was that fully lighted or dimly lighted? A. Well, it was fully lighted.

Q. This door was a full panel door or was there glass in it between the bedroom and the, where you entered? A. It was a panel door.

By the Advisory Master: Q. Let me ask this question, Mrs. Knittel. Now, this is a kitchen, you entered here through this door, there was a dim light shining? A. Yes, this room was darkened, and through here the light was coming up here.

Q. Now, I understand when you went to the bedroom where you found Mr. Knittel you came from the stairway through this room to this door? A. Yes, sir.

Q. Through this room into this room? A. Yes, sir.

Q. Was there any light in that room? A. Yes, there was a dim light in that room.

Q. There was a dim light in that room? A. Yes, sir.

Q. Dim light in that room? A. Yes, sir.

By Mr. Bourgeois: Q. Where was the first dim light you came to after you left the kitchen? A. The first dim light?

Q. Yes. A. Seemed to be in this front room.

By the Advisory Master: Q. I thought you said

this room? A. No, I didn't. I will retract that. The dim light shone through here very dim into there.

Q. Was there light made in the bath room when you went there? A. A match was struck, that is all.

Q. I thought that was struck in going through? A. It was struck just as they got to the entrance of the door.

Q. Was there any light made in the bath room? A. No.

Q. It was struck and the light went out? A. Yes, sir.

By Mr. Bourgeois: Q. Mrs. Knittel, when you left that house you left by which door, the rear or the front door? A. We left by the front door.

Q. Had you ever passed through that front door before the time of your leaving? A. Had I ever passed through?

Q. Yes. A. No.

By the Advisory Master: Q. Was that front door locked or unlocked when you went out? A. I don't remember. I couldn't say. It was closed. I don't remember.

GEORGE HERBERT, a witness produced on behalf of the petitioner, being first duly sworn, and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. You reside in Atlantic City? A. Yes, sir.

Q. And have lived here for how long? A. Thirty-nine years.

Q. And you are what age? A. My fortieth.

Q. What is your business? A. Investigator.

Q. Commonly called detective? A. Well, yes, some people call it that.

Q. Were you engaged by Mrs. Knittel to do some work for her or make some investigation for her during the early part of this past summer? A. Yes, sir.

Q. Do you remember what month? A. May.

Q. May? A. Yes.

Q. Now, what was the nature of the work she wanted you to do? A. She wanted me to investigate her husband claiming that she had reported to her that he was running around with other women.

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

Q. How much attention and time did you give to it between May when you were engaged and the twentieth of September of this year? A. I gave time to it every day, that is some part of every day and every night.

Q. Did you have any assistance, any operatives working with you? A. Yes, sir.

Q. On that same matter? A. Yes, sir.

Q. How many? A. Well, different times about five of us.

Q. About five? A. Yes.

Q. Now, what did you learn of her husband's conduct during this investigation that you made? A. I learned that he was frequently in the cafes and frequently in the company of other women.

Q. Did you ever see him in the cafes with other women? A. I saw him. I don't believe I ever saw him over except on one occasion in a cafe with a woman.

Q. And where was that? A. That was in the Traymore.

Q. Was the woman his wife? A. It was not his wife.

Q. Did you ever see him in company—

Mr. Cole: Who was it? Ask him who it was.

Q. Who was it, do you know? A. I don't know.

Q. When was it? A. It was along about the month of June, forepart of June.

Q. Now, did you ever see him in company with women at other places than the cafes? A. Yes, sir.

Q. Where? A. On the Steel Pier on one occasion and also in the beach.

Q. Well, how many times? A. Many times on the beach.

Q. Now, will you relate what you saw of him beginning with the early part of the summer and coming down to the twentieth of May as near as you can recall, or with the aid of memoranda if you have it to refresh your memory if you want to refresh it. A. I first saw him in the neighborhood of Ocean Avenue.

Q. Now, tell us about when this was, each time so we will know.

A. This was about the tenth day of June, I saw him talking to women around that lifeguard stand at the foot of Ocean Avenue, and would go in the water with them.

Q. And when he would be in the water with them what would his conduct be? A. Well, he would take hold of them and float them, push them through the waves, and have at times, he would put his arms around them, and acted in a familiar manner.

Q. Now, I don't want just generally. I want each one of these women. Take the woman that you saw in June. A. That is what I am speaking of in June.

Q. That is the one you mean in June? A. Yes, sir.

Q. Now did you learn who she was? A. No, sir, I did not.

Q. Did you learn anything about her except the fact he was in bathing with her? A. No, sir.

Q. Where would she go after he came out of the water? A. Up back of the chairs and sit down.

Q. How long did he continue to bathe with that woman? A. Well, that was one, the woman I speak of in June was only on the one occasion with that woman. There were two or three different women that he bathed at that particular point during the month of June.

Q. Yes. Now, who were the other women you saw him bathe with or what were his actions with them? A. Later on in July there was a woman that came up from Ventnor that had a nurse and two children with her.

Q. Yes. A. And he went bathing with her.

Q. And what became of the nurse and two children? A. They stayed off to one side on the sand.

Q. And what were his actions with that woman? A. He stood, he was under the Boardwalk at South Carolina Avenue and had his hands on her breasts. He then had her out in the water and he pulled that woman to him and dived down underneath of her, and at one time she fell over when he dove—whether it was caused by him when he dove or the waves I couldn't say.

Q. But at any rate he dove under her and she fell? A. Yes, sir.

Q. Did he do anything except hold her breasts, take hold of her breasts, that you saw? A. Not that woman.

Q. How many times did you see him with that woman? A. I saw him on two occasions.

Q. Where would they come or go after they came out of the water? A. Well, at one time she left him. The first occasion was when he felt of her breasts. I didn't continue to watch them after I saw him bathing, after they had come out from under the Boardwalk.

Q. Now, the next time then she left him, did she? A. I don't know that day.

Q. You don't know? A. I didn't continue to watch him.

Q. Now, the next time? A. The next time he just was in bathing with her and floating her, and I didn't continue to watch him that day.

Q. Did you see what his actions were that day when he was floating her in bathing? A. Yes about the same.

Q. Do you know who that woman was? A. No, sir, I didn't try to find out.

Q. Why didn't you try to find out? A. Well, there were two little children and I had had—

Mr. Cole: If you didn't find out, I object.

The Advisory Master: I think that—

Mr. Bourgeois: If the Court please, the Court might say, "Now, you ought to have found out."

Mr. Cole: Well, so far there don't appear to be any relations that meet this allegation in the petition and he didn't find out.

The Advisory Master: You didn't pursue it any further, as I understand?

Mr. Cole: I am not going to argue he ought to have found out if you don't put any more proof in it than that.

Q. How many times do you say you saw him with that woman? A. Two occasions.

Q. On two occasions? A. Yes, sir.

Q. Now, did you see him again later? A. Yes, sir.

Q. With whom? A. I saw him —

Q. When was the next time you saw him? A. This was about the tenth of July.

Q. Yes. A. He was in the water with a woman near the Alamac Pier, and on that occasion he bit this woman on the back, reached down and grabbed her with his mouth on her back.

Q. Yes. A. He also ran his hand up this woman's bloomer. From there he went back—

Q. Did he fondle her other than that? A. Yes, he had his arms around her and would pull her towards him, they went out in deep water after that and then he went back under the walk in the neighborhood of the Dunlop Hotel.

Q. Alone? A. Yes, sir.

Q. He alone, I mean? A. He and this woman.

Q. Oh, yes, he and the woman, all right. A. And they passed from my sight. I was up on the Alamac Pier.

Q. How long did you wait there? A. Well, I waited there to see if they were coming out, about ten minutes.

Q. Yes. A. And then I went down on the beach and couldn't see nothing of them at all.

Q. Did you see them any more that morning? A. No, sir.

Q. How many times did you see him in the water with that woman? A. I only saw him on the one occasion in that month.

Q. Then later, did you see him again in the water, with some woman? A. Yes, sir.

Q. About when? A. During the month of August.

Q. Same woman or another woman? A. I couldn't swear positively it was the same woman because they were in bathing suits, the bathing suit didn't look the same. I couldn't swear positively as to the woman. On, I think, about the twentieth of August or somewhere near that date, or maybe the twenty-third of August, pretty sure it was the twenty-third of August, he was in the water with a woman right near the Steeplechase Pier. He was pressing that woman towards him, he kissed her on one occasion and he raised her up on a wave and put his head down between her limbs. There were two boys in a canoe that came by him and he—one of them came near striking this woman.

Q. With the paddle, you mean? A. Yes, sir, and they paddled on by him, there was some remark passed, I could see that there was some trouble there, and they had some trouble on that occasion also on the beach because I seen him put a sweater, undertake to put a sweater on the lifeguard stand or what I supposed was a sweater, and after he went out of the water with this woman he went back under the Boardwalk between the Chalfonte and the next pavilion, that is between the front part of the Chalfonte and the next pavilion.

Q. Did you see them when they came out of there from under the Boardwalk? A. No, sir.

Q. On how many occasions did you see him bathing with this woman? A. I only saw him on this one occasion with this woman.

Q. Now did you see him later with another woman? A. Yes, sir.

Q. When? A. August twenty-seventh.

Q. What did you see that time? A. We were seated on the Pier, Mr. Sanwick, Miss McGowan and myself, on August twenty-seventh and we were looking for him to come along. We hadn't saw him yet, and he came through from towards Virginia Avenue, through the Steeplechase Pier, and had a woman with him that had on red stockings, yellow sweater, and blue bathing cap, and he went, he turned in towards the underneath part of the Boardwalk, just the other side of the street intersection and we immediately came off the pier, we sent Miss McGowan on ahead, Mr. Sanwick and I immediately followed, and we couldn't see him anywhere, and we looked down North Carolina Avenue, I thought it might be possible he had gone down there, but he wasn't on North Carolina Avenue, and neither did we find him anywhere. We waited around there about twenty minutes to a half hour, and we never did see him.

Q. What was his conduct towards that woman? A. Well, we didn't see that, see anything except he walking as he came through from Pennsylvania Avenue, having been, I suppose up the beach, he came through on the downtown side of the Steeplechase Pier and walked directly over to the underneath part of the Boardwalk.

Q. Now, did you see him with another woman after that? A. Yes, sir.

Q. When? A. On September fifteenth.

Q. And where was he on September fifteenth? A. He was in front of the Dunlop Hotel or the end of Ocean Avenue.

Q. On the beach, you mean, on the beach? A. Yes, sir.

Q. Tell me what you saw and give me the description of the woman and see what she is like. A. The woman was a slender woman, had on a dark bathing suit, medium height.

Q. What was his conduct toward her? A. Well, he pressed her to him.

Q. Put his hands on her breasts?

Mr. Cole: Let him tell.

A. Put his hands on her parts. Saw his hand go down in the water and he would float her.

Q. What parts do you mean? A. Limbs and breasts.

Q. How many days did you see him bathe with that woman? A. Only the once.

Q. And when they came out of the water, where did they go? A. They went up, passed out of my range on the walk.

Q. Did you see them any more that day? A. No, sir.

Q. Did you see him any time later with her, with the same woman? A. I saw him on September, nineteenth.

Q. With the same woman? A. With a woman that I afterwards learned was the same woman. I never saw him in the water after September fifteenth.

Q. How is that? A. Never saw him in the water after September fifteenth.

Q. Until when? A. I never have saw him in the water since then.

Q. Didn't you see him on September nineteenth? A. Yes, but not in the water.

Q. Oh, not in the water? A. No, sir.

Q. Now where did you see him on September nineteenth? A. I saw him in the bedroom in an apartment 512 Oriental Avenue.

Q. Well, that is all right. Now, you say you learned who the woman was on September fifteenth afterward. Whom did you learn it to be? A. Well, I had reason to believe, I learned it to be Kitty Murray, or Kathryn Abrams alias Kitty Murray.

Q. Where did he and that girl bathe, whatever her name was, on the fifteenth? A. At the foot of Ocean Avenue.

Q. Now, what did he do, what was his conduct with regard to her? A. I have just described that, Mr. Bourgeois, he had his hands on her limbs and on her breasts, and pressed her to him, squeezing her.

Q. Now that was up to September fifteenth? A. Yes, sir.

Q. Did you then know who the girl was that he was bathing with? A. No, sir, I was too far away.

Q. Now, after September fifth you say you saw him again? A. Yes, sir.

Q. And saw him with the woman that you assumed he was with, afterwards, learned he was with on the fifteenth? A. Yes, sir.

Q. And what place? A. I saw him once after the fifteenth, saw him in his office, and I saw a woman in his office.

Q. Yes. A. On South Carolina Avenue.

Q. Yes. A. Who was, and who, when I saw her in his office, knew as Kitty or Kathryn Abrams.

Q. Now how did you know Kathryn Abrams? A. Because prior to that I had made an investigation of an accident for a law firm.

Q. Tell us the firm. A. Bolte and Sooy and Gill.

Q. Yes. A. That concerned Kathryn Abrams and her mother, where they had been injured by being struck with a jitney, I believe, while seated in a rolling chair.

Q. And did you investigate that for them? A. Yes, sir.

Q. Did they know that you were investigating Mr. Knittel, I mean did Bolte know it? A. Mr. Bolte knew that I was working and investigating Mr. Knittel.

Q. Did you tell him? A. Yes, sir.

Q. Did you know who had the case for the Abrams woman against Bolte's client? A. No—yes, I did.

Q. He told you Mr. Garrison had the case? A. Yes, sir.

Q. Now did Mr. Garrison know that you were investigating the Abrams folks? A. No, sir.

Q. How long were you engaged in investigating for Mr. Bolte? A. The twelfth, thirteenth and fourteenth, and then Mr. Bolte told me to—

The Advisory Master: Of what month?

A. Of September, twelfth, thirteenth and fourteenth of September.

Q. Now during that investigation did you get some photographs? A. Yes, sir.

Q. Of whom? A. Of this Kathryn Abrams and her mother.

Q. And what was the object of getting those photographs? A. She claimed that she was in-

jured and that it had destroyed her sight, that she formerly did dressmaking and that this injury affected her eyesight and she frequented the Boardwalk and I caught her reading the paper.

Q. Have you the pictures with you?

Mr. Cole: Is that the mother and the daughter? A. Her and the daughter were together when the pictures were snapped.

Mr. Cole: I mean the one said the eyesight was affected? A. That was the mother.

(Films produced.)

A. Mr. Bolte has got the pictures but these are the negatives.

Mr. Bourgeois: I want, if your Honor please, to offer in evidence these pictures if I can get them from Mr. Bolte. We can have these negatives go along with them, but it is pretty difficult to tell what these things show.

By the Advisory Master: Q. You were investigating this Kitty Murray on September twelfth, thirteenth and fourteenth, did you say? A. Yes, sir.

Q. And that was for Bolte and Sooy? A. Yes, sir.

By Mr. Bourgeois: Q. Now in the investigation of Kitty Murray or Katie Abrams, did you become acquainted with her, that is to know her? A. Only by sight.

Q. So that when you saw the woman in Mr. Knittel's office you knew it was Kitty Abrams? A. Yes, sir.

Q. Now did you see her in his office before or after you saw him in bathing? Well, can you re-

member if it was before or after? A. This was sometime after, I believe.

Q. That is after you had been investigating, but I mean when you saw her in his office? A. No, I mean after I saw, what I now believe was Kitty Abrams in bathing on the fifteenth, this was two or three days afterward.

Q. Oh, that you saw her in his office? A. Yes, sir.

Q. And at that time you knew it was Kitty Abrams? A. Yes, sir.

Q. Now Mr. Herbert, in the investigation of Kitty Abrams for Bolte, Sooy and Gill did you ever go to Kitty Abrams' home? A. I went in that neighborhood.

Q. I didn't mean that. Did you go in her house, in her home? A. No, sir.

Q. It has been testified that you went in her home under the name of, assuming it was you, under the name of Garrison Thompson; did that refer to you, if anybody went there? A. No, sir.

Q. Now on the fifteenth you saw her in Mr. Knittel's office? Now do you remember being in Mr. Garrison's office on possibly the Tuesday following? A. Yes, sir.

Q. While you were there what did you see? A. On the nineteenth of September I was going into Mr. Garrison's office to make a report to him on the Knittel case when I saw Kitty Abrams pass out and I said to Mr. Garrison, I said, "That girl was in Knittel's office."

Q. And what did Mr. Garrison say? A. Mr. Garrison said, "Well, she told me that she had a broker putting up for her and that she had a date

with him that night and that he would not be surprised if that, that if Knittel was not the man because she would go with anybody."

Q. Did Mr. Garrison tell you where she lived? A. No, sir.

Q. Did you know where she lived? A. No, sir.

Q. Did you afterwards find out where she lived? A. Yes, sir.

Q. How did you find out? A. I immediately went out, as soon as he said that, I went out and picked her up on the Avenue and followed her to 512 Oriental.

Q. Where did you pick her up? A. On Atlantic Avenue by Braunstein's store.

Q. Was anything further said between you and Mr. Garrison about the incident at that time? A. No, sir.

Q. Did Mr. Garrison at that time tell you that he was representing her? A. No, sir.

Q. But you knew it? A. I knew it then, yes, sir.

Q. You knew it from Bolte and Sooy? A. Yes, sir.

Q. Do you recall how she was dressed when she went out of Mr. Garrison's office? A. Yes, she was dressed in a purple suit.

Q. Well dressed or not well dressed? A. With a white collar around it, very well dressed, and purple hat.

Q. Now after you followed her to her home what did you then do? A. I went down—that is I, that night I told Miss McGowan to go down to call Mrs. Knittel up on the 'phone and tell her we wanted her to go with us.

Q. But what time was that, let's get the time

straight? A. Well, that was around seven o'clock in the evening or seven-thirty.

Q. Where were you that you telephoned her from? A. Miss McGowan's home.

Q. Telephone her from Miss McGowan's home? A. I had Miss McGowan telephone her from her own home.

Q. Where were you when you telephoned to Miss McGowan? A. I went to Miss McGowan's home. I didn't telephone to Miss McGowan.

Q. I see, and you asked her to telephone to Mrs. Knittel? A. Yes.

Q. Now what did you do? A. I went down, at suppertime and told Mr. Shaw to meet me, asked Shaw if he would meet me at North Carolina and Atlantic, and I wanted him to go with me that night.

Q. Now did you know that Knittel was going to Kitty Abrams' house that night other than what Mr. Garrison said he suspected might happen? A. No, sir.

Q. Where did you meet Shaw? A. North Carolina Avenue and Atlantic about seven-thirty.

Q. And who is Shaw? A. Shaw is a patrolman in the police department, I believe.

Q. Was he in the employ of either you or Mrs. Knittel? A. Not at that time, except he assisted me when he was off duty.

Q. He had done some work for you when he was off duty, is that the idea? A. Yes.

Q. Now where did you and Shaw go? A. Shaw and I went up to Oriental Avenue.

Q. To the same place where you traced Kitty to? A. Yes, sir.

Q. And what did you do after you got there? A. Stood in the alleyway.

Q. Which alleyway, which side of the house? A. On the uptown side of the house.

Q. Then what? A. And I asked Shaw to stand right there and watch to see if anybody came to that house.

Q. Yes. A. I then went around to Massachusetts Avenue between Oriental and the Boardwalk and waited for Miss McGowan to bring Mrs. Knittel to me.

Q. When they came then what did you do? A. Took Mrs. Knittel and Miss McGowan and walked around in the alleyway and met Shaw again.

Q. Did Mrs. Knittel know where she was going or what she was going for? A. No, sir, except that she had on a couple of occasions, I had sent for her to come watch her husband, and I suppose she assumed that that was what it was for.

Q. To watch him? A. Yes, sir, she had been sent for before on two or three occasions.

Q. Then you say you took the two women and went around to the alley? A. Yes, sir.

Q. And did you see Shaw there? A. Yes, sir.

Q. And then what did you do? A. Shaw saw Mr. Knittel enter the front door.

Q. Yes. Did you see him enter the front door? A. No, sir, Shay communicated that to me, he said "That is Knittel and he is going in, gone in the house."

Q. Yes. A. I listened and I couldn't hear a thing, couldn't hear voices or anything, so I went around to the back part of the house and tried the door. The door was closed but it wasn't locked, and I went back and told the rest that we could get in the back door, to come all in the kitchen.

Q. Had you ever been in that kitchen before? A. No, sir, and after we got in the kitchen two or three minutes I was trying to listen and we heard footsteps coming towards the rear, and I said, "Get back," and we backed toward what I thought was the corner of the kitchen, but there was a hanging curtain across the doorway there that Mr. Shaw and Miss McGowan in backing into this corner went through this curtain, and made some little noise and it wasn't, I didn't have time enough to back any further than what I was or at least when I had backed I bumped into someone, and I couldn't get back any further, so that I was in the kitchen proper and Mrs. Knittel I believe was right back of me.

Q. Where was this curtain with regard to you? A. Well this curtain was—I can give you the exact—

Q. I don't mean the location in the room, was it in front of you or where was it? A. Well, it was in back of me.

Q. Back of you? A. Yes, sir.

Q. All right now then? A. I was facing the west side of the house, and these footsteps continued on up to the bath room, and I saw Mr. Knittel, there was just light enough to tell that it was him, and he and Miss Murray went into this bath room that continued on from the kitchen, and she struck a light and the light when she struck it, if they had looked they would have saw us, saw me standing there because I didn't get back quite far enough. They were in there about a moment and came out.

Q. Was the light still burning, the match, or had it gone out then? A. No, the match had gone

out and the light had been put out, Kitty Murray put the light out.

Q. Did they light the light in the bath room? A. Yes, sir, they lit the light in the bath room. they went along the hall and I heard their footsteps die away when they entered the bed room.

Q. Now, where you were standing did the light in the front room shine on you or were you in the dark part of the room? A. I was in the dark part of the room, the only light was there came along what I thought at that time was the hall, it was between the kitchen, it was the go-between between the kitchen door and this bed room we went in and the light must have been about midway between that hall or room, wherever it was.

Q. Did you notice particularly where that light was or did you not? A. No, I did not.

Q. Did not? A. I noticed it was somewhere about the center, and if my memory serves me right it was on the west hall about midway between the kitchen and the door that we went into.

Q. That is the bed room door? A. Yes, sir.

Q. Now after they had gone from the bath room back what did you do? A. Stayed there and listened to see if I could, we all listened to see if we could hear any noise.

Q. Yes. A. So then I told them that I would tiptoe in this hall and see if I could see if I could locate them, and I went in on my tiptoe, I had to take it very easy because I am so heavy, and I can't get on my tiptoes very easy without making a noise, so I slowly made my way far enough along the hall till I heard noises.

Q. Did you find it a hall or did you find it a

room? A. Well, it may have been a room, Mr. Bourgeois. At that time I thought it was a hall. And then when I heard these noises and located the sound by a bed room door, or room door, I didn't know whether it was a bed room then or not, then I took them to this room.

Q. Well, you had to tiptoe back again? A. I did, yes.

Q. To where they were? A. To where they were.

Q. And then you tiptoed back again where the room was, is that right? A. Yes, sir. In fact we all then walked to where the room was.

Q. Now what time, Mr. Herbert, in your judgment elapsed between the time that Knittel and this girl left the bath room and went to the front before you led Mrs. Knittel and Mr. Shaw and Miss McGowan to the bed room door? A. About fifteen minutes.

Q. And when you got there what did you do? A. Opened the door and went in.

Q. And what did you see? A. I saw Mr. Knittel quickly sit on a chair.

Q. Could you tell from where he had come? A. Yes, this chair he sat on was about three feet from the bed.

Q. Yes. A. And his pants were on the bed, he pulled his undershirt down over his person, crossed his legs. The girl says, "My God," and jumped, and Mrs. Knittel, I saw her turn as white as a sheet, and I told Shaw to look out for her.

Q. Yes, where did the girl jump up from? A. Jumped up from the bed.

Q. And what did she do after she jumped up and said, "My God"? A. Said, "My God."

Q. And then what did she do? A. She started to arrange her hair in front of the mirror, her hair was all disheveled.

Q. With her face or back towards you and the others? A. Her back was towards me, but she was facing Mrs. Knittel at that time because I got close to Mr. Knittel, because I was between, it was a very small room, I was between him and the door.

Q. Could you see how this girl was dressed, the Abrams girl? A. Yes, sir.

Q. What did she have on? A. A shirt and petticoat.

Q. What did Mrs. Knittel or Mr. Knittel say, either of those two? A. I remember of Mrs. Knittel saying, "What are you doing here in this shape?" And she said, "Give me the key to my house."

Q. And what did he do? A. Then she said, "Take me out of here." She became very faint then and hysterical.

Q. Did he give her the key? A. Yes, he went over to the bed and took the key out of his pants pocket and gave it to her.

Q. And then when she wanted to go out you took her out? A. Mr. Shaw led her out by the arm and we all went out then.

Q. Out of which door did you pass when you left the house? A. Out of the front door.

Q. Had you passed through that door ever before? A. No, sir.

Q. Ever since? A. No, sir.

Q. Had you passed through the rear door ever before that night when you went there and found it open? A. No, sir.

Q. Ever since? A. No, sir.

Q. Now after you all left where did you then go? A. Went down to Mrs. Knittel's home, she said she wanted to move her babies over to her mother's that night.

Q. Yes, and while you were there what happened? A. Mr. Knittel came there, that is to his own home.

Q. And what took place? A. He wanted to see her alone and she wouldn't see him at all.

Q. Yes. A. So then we took the children, Miss McGowan—

Q. Did he leave then? A. Yes, sir, he left. So we took the children over to her mother's, 35 South Stenton, and Mr. Knittel was there.

Q. Yes. A. And he began to plead with her.

Q. What did he say, if you can recall? A. He said, asked her to forgive him, that he—well he said to her that she had been cold to him, downstairs he said, "You have been cold to me." He told her that if she wanted to get a divorce not to get it on those grounds, to get it on the grounds of desertion.

Q. On what grounds did he mean? A. On the grounds of desertion.

Q. I say on what grounds did he want her not to get it? A. On the ground of being caught up there that night.

Q. Oh. A. And then he asked if she wouldn't go upstairs away from all the rest and she said yes, but insisted that I and her mother go with her, and we all went up on the second floor and he spoke or she charged him with having been unfaithful, from having been intimate with different women. He admitted that he had. He said

that was true, he also said that if she had had intercourse with him often enough he wouldn't have never gone out.

Q. Did she ask him about the woman from Chelsea? A. Yes, sir.

Q. And what reply did he make to that? A. He said that he thought she was a divorced woman or a widow.

Q. Up to that time had you know anything about a woman in Chelsea? A. No, sir.

Q. Now did you make some statement to him about the woman from Ventnor? A. Yes, sir.

Q. What did you say to him? A. I said, "Look her, Knittel," I said, "that woman from Ventnor with the two little children, we could have closed this case with her if it had not been for breaking up a home down there." He said, "Yes, that is true you could."

Q. Then what did he do, did he still remain there or did he leave? A. He left.

Q. Left? A. Yes, sir.

Recess taken until 1:30 o'clock p. m.

Afternoon Session.

Hearing resumed at 1:30 p. m.

GEORGE HERBERT, resumed:

Direct-examination resumed by Mr. Bourgeois:

Q. Mr. Herbert, after this night of the nineteenth of September when did you next see Mrs.

Knittel? A. On the afternoon of the twentieth.

Q. Where? A. In Mr. Garrison's office.

Q. At that time did she give you some money as compensation for your services? A. Yes, sir.

Q. What moneys had she given you prior to that time? A. Well she had just paid me the expenses of the case as it went on, week to week, as I need money, as I needed money.

Q. Did she pay you the hundred dollars that was spoken of as the initiatory charge? A. Yes, sir.

Q. Has she paid you that? A. Yes, sir.

Q. Now relate the circumstances under which she paid you on the afternoon of November twentieth. A. I went to Mr. Garrison's office and was admitted to Mr. Garrison's private room and Mrs. Knittel was sitting there and she said, "Mr. Herbert," she says, "I want to pay you your money." I said, "All right, Mrs. Knittel," and she then told me that she felt that I had put in an awful lot of time on the case and that I had worked very hard and she said, "You know my contract called for five hundred dollar," and she said, "I believe you are entitled to a thousand."

Q. And what then? A. And she then laid the check on the desk.

Q. And what did you do with it? A. I told her that she didn't owe me that much money, that I didn't feel justified in taking it. She said, "Yes, you go ahead and take it. I want you to have it." I took that check, and it was too late to go to bank, I the next morning, the next day, I was sent for to come to your office by you and you were talking about fees relative to another case and I told you that my fees had run all the way

from one hundred to a thousand dollars, and I displayed this check for a thousand dollars.

Q. Now what did you do with that check finally? A. I went over to the Atlantic Safe Deposit Company and had it cashed.

Q. And what did you do with it? A. I then went from there to the Second National Bank where I have my savings fund and had that added on to my saving account.

Q. Has any part of that money been drawn out since you deposited it? A. No, sir, it is there now.

Mr. Bourgeois: If your Honor please, we can't get in the bank today and I would like to hand, to have a statement made by the bank handed to you. Are you content with that, Judge, to show what the deposits are there, and when they were put there, and when they were taken out, if there were any taken out.

Q. Were you ever paid any moneys by Mrs. Knittel or by anybody else for the purpose of entrapping or decoying Mr. Knittel to this Abrams' house or any other place yourself? A. No, sir.

Q. Did you ever pay any moneys to Miss Abrams or anybody else for the purpose of having him decoyed there and trapped? A. No, sir.

Q. Do you know of anybody who ever did pay any moneys for that purpose? A. No, sir.

CROSS-EXAMINATION by Mr. Cole:

Q. Do you know Mrs. Clark who has testified in this case? A. No, sir.

Mr. Cole: Mrs. Clark, will you stand up, please, a moment.

(Mrs. Clark stands up.)

Q. Have you even seen that lady before? A. I never saw her in my life to my knowledge until I saw her in here today.

Q. You were not in her house ever? A. No, sir.

Q. How long did you have this thousand dollar check? A. I had it, I believe, over night.

Q. Did you ever show it to anybody? A. Yes, sir.

Q. To whom? A. Mr. Bourgeois.

Q. Who else? A. I may have showed it to a couple of intimate friends, I just can't remember who.

Q. You visited number 17 North North Carolina Avenue? A. Yes, sir.

Q. Quite frequently? A. Yes, sir.

Q. Stayed quite a long while, didn't you, at times? A. Well sometimes I stayed ten minutes, sometimes an hour, whatever—

Q. You sometimes stayed two or three hours? A. I might possibly have stayed that long.

Q. Come out of there late at nights and early in the morning, don't you? A. No, sir.

Q. Did you display that check there? A. I don't remember that I did.

Q. Will you say that you did not show that check to anybody at 17 North North Carolina Avenue? A. For one thousand dollars? Yes, sir.

Q. I am talking about the thousand dollar check. Did you show that to anybody? A. No, sir, not at that house.

Q. Did you show to anybody at the 17 North North Carolina Avenue house any of the checks that you were getting from Mrs. Knittel? A. Never to my knowledge.

Q. What was the highest amount of check you got from Mrs. Knittel excepting this thousand dollar check? A. Three hundred dollars.

Q. Did you ever tell anybody at 17 North North Carolina Avenue that you received a thousand dollar check? A. Not at that time.

Q. Any time I mean? A. Why later I have.

Q. Who was present? To whom did you make the statement? A. I made the statement to the mother of Gertrude McGowan since this newspaper article came out to this effect, in reference to that particular check, that if anything had said in reference, or if that was true that someone had testified in reference to that check being fourteen hundred dollars, or eleven hundred dollars, that it was a misstatement because the check that I got was one thousand dollars, and that the bank was the best proof in the world as to what checks passed through my hands.

Q. Will you say that you did not tell anybody at 17 North North Carolina Avenue before this trial began that you had received a thousand dollar check in this Knittel matter? A. Yes, sir, I did not—

Q. You haven't told anybody? A. —tell anyone in that house of having received a check for a thousand dollars.

Q. Now when did you first know that this woman in Oriental Avenue was named Kitty Murray? A. This woman, I first knew that this woman was named Kitty Murray when I made an investigation on twelfth, thirteenth and fourteenth, that is before I knew of the woman connecting in any way with Mr. Knittel. I have reports showing what her name is in my pocket,

that were duplicates of what were given in to Mr. Bolte's office.

Q. Who told you her name was Kitty Murray? A. Mr. Bolte first told me that this girl represented that she had danced under the name of Kitty Murray.

Q. Well but at that time didn't you know, didn't Bolte know and didn't you know that a suit had been brought by her against the Shill Company in the name of Kathryn Abrams? A. Yes, sir.

Q. Well why were you hunting for somebody by the name of Kitty Murray when you knew her name at that time was Kathryn Abrams? A. Because in the claim Mr. Bolte sent me over to talk with Dr. Stewart and Dr. Stewart told me, in talking with Dr. Stewart, he told me about what injuries this woman claimed, and then I came back to Mr. Bolte and he said that she claimed that she was deprived of earning her livelihood because she was a dancer, that she had danced one time at the Islesworth Hotel under the name of Kitty Murray, and that she had also given an exhibition at the Hotel Dunlop, and that Mr. Hyman had intended to hire her for the season.

Q. But didn't you know at that time that the suit against the Shill Rolling Chair Company that you were investigating was brought in the name of Kathryn Abrams? A. Well no I didn't know just exactly what name it had been brought in, I knew that she had an alias Kitty Murray.

Q. I am not asking you about an alias. Have you got a book—when did you first begin that investigation? A. September twelfth.

Q. Will your books show by what names you were investigating? A. My reports will show.

Q. Let me see your first reports in that case. A. My report will show, the report I made to Bolte, but it won't tell me, show what Mr. Bolte said to me.

Q. What I want to know why you were talking about Kitty Murray when you knew all the time this girl was Kathryn Abrams? A. Well, I didn't know it made much difference as to what name she was called by when she answered to both names.

Q. What does your report show as to whether you were hunting for Kathryn Abrams or Kitty Murray? A. First report you want, isn't it? Mrs. Abrams, mother and daughter.

Q. Your reports show that the parties to that suit were Abrams, don't they? A. How is that?

Q. Your reports show that the parties to that suit were named Abrams? A. Yes, sir.

Q. So that you knew, when you began that investigation, that you were looking for evidence in the case of Abrams against somebody, is that right? A. Here is a report—

Q. Never mind your report.

(Question repeated.)

A. Yes, sir.

Q. Now when was it—up to that time, that is twelfth, thirteenth and fourteenth of September, you didn't know this girl, did you? A. Yes, sir, on the fourteenth I did.

Q. On the fourteenth? Didn't know her before that? A. No, sir, I didn't know all I know about her now.

Q. Didn't you know that this Kathryn Abrams

had had a suit at Mays Landing at the time you began this investigation? A. No, sir, I don't know that yet. I said that; the only suit I knew of was up around Mt. Holly.

Q. I ask you whether you knew it, and you say you didn't, that is the answer. A. No, sir.

Q. Now you saw her for the first time on the fifteenth of September? A. Yes, sir.

Q. In bathing? Now when did you next see her? A. I didn't see her for the first time on September fifteenth. I saw a woman on September fifteenth who I afterwards learned was Kathryn Abrams.

Q. Had you seen her before to know her? A. Yes, sir.

Q. Where? A. Her picture had been taken.

Q. But in connection—A. On the Boardwalk.

Q. In connection with her suit? A. In connection with the investigation I was to make for Bolte, I didn't know anything about any suit at the time. I was just ordered to make an investigation for the Georgia Casualty Company.

Q. Now after September fifteenth when did you next see this woman that you had seen in bathing with Mr. Knittel? A. Somewhere between the fifteenth of September and the nineteenth of September that I saw her in Knittel's office.

Q. What day of the week was it? A. Well, it might have been the same morning she was in bathing, or it might have been the following Monday.

Q. You aren't sure which? A. No, sir.

Q. What time in the day was it? A. In the morning.

Q. Did you see her in the office or see her coming out? A. No, sir, I passed the office and saw her in the office.

Q. Then did you recognize her as the one you seen him in bathing with? A. No, but I thought it was.

Q. And then you had before that had her photograph, so that you then knew her name was Abrams? A. I had her photograph in the same clothing which she had on when she were in, was in Knittel's office.

Q. And you then knew her name was Abrams? A. I knew that her name was Abrams when I had her picture taken, in fact I have a report which will show on twelfth, thirteenth and fourteenth, anl also my report shows a circumstance of the Dunlop and also—

Q. You are not answering my question. Now when did you next—A. I thought it would save time by letting you see these reports.

Q. Are you through now? A. Yes.

Q. When did you next see Mr. Garrison after seeing this Abrams girl in Mr. Knittel's office? A. On the afternoon of the nineteenth.

Q. What time in the afternoon? A. Shortly after dinner.

Q. How came you to go to Mr. Garrison's office? A. To make a report on the Knittel case.

Q. What had you to report at that time? A. The fact that he had been in bathing with a woman on Saturday prior.

Q. That was the fifteenth? A. No, sir. The fifteenth was the day that he was in bathing with a woman, and I didn't go in his office to report until the nineteenth.

Q. What did you say to him? A. I saw her going out and I said, "Why that is the girl is mixed up with Knittel."

Q. Do you know what she was doing there? A. No, sir.

Q. Had she actually come out of his office when you went in or just where was she when you went in? A. She was, had passed, was passing right out, I went in one door when she was passing out the other.

Q. What door did she pass out of, Mr. Garrison's private office? There are three offices there, aren't there? A. Yes.

Q. And the middle door is the one that is generally used? A. Yes, she had just passed out the corridor door when I went into the corridor door.

Q. Same door or different doors? A. No, there is two doors, one enters into the general office of Garrison and Voorhees, and the other door enters into Mr. Garrison's private office.

Q. Now out of which door did she come? A. She came out of the private door, the far door.

Q. And you went in the general entrance? A. General entrance, yes, sir.

Q. Did you see her as you were going in coming out? A. I passed her as she was coming out.

Q. I don't see how you could pass her, as I remember Mr. Garrison's offices, the general door is in between the, it is the center door of three doors, and Mr. Garrison's office is here, the general door is here and Mr. Voorhees is there. Now you went in the general entrance, didn't you? A. I was coming—

Q. And she had to come out of Mr. Garrison's office the door farthest to the left, didn't she?

How did she pass you? A. I was coming east and she was going west, she was coming out of the door, I went to the left, and I had gone by the door and was just byond the door as she came out, and I went in.

Q. Was Mr. Garrison's door closed out of which she came? A. No, but she closed it.

Q. Very well, she had closed that door before you entered, had she? A. Before I had fully entered the other one, yes, sir.

Q. Very well, then after you entered you had to go from the general office into Mr. Garrison's room, didn't you? A. Yes, sir.

Q. What was the first thing you said after you got to Mr. Garrison's office? A. I said, "That Abrams girl is mixed up with Knittel. I saw her in his office."

Q. You called her by the name of Abrams, did you? A. Yes, sir, I call her in this same report by the name of Abrams.

Q. Did you mention the fact she had just gone out of the office? A. Yes.

Q. How did he know what girl you were referring to? A. I don't know how he knew.

Q. Do you know whether he knew or not? A. I was satisfied he knew her.

Q. What made you think so? A. Mr. Bolte—

Q. What made you think Mr. Garrison knew who this girl was? A. Because Mr. Bolte told me, when I first took the case, asked me if there was any reason why I should not take the case against W. I. Garrison and I said, "No, I am in the investigating business." That was the first thing Mr. Bolte asked me, and I told him I was investigating the Knittel case, and I saw her, I

knew that Mr. Garrison must know the Abrams woman.

Q. But when you entered this office, after she had gone out of the private office, then that had been closed, that is when you said to him "that Abrams girl is mixed up in the Knittel matter"? A. Yes, sir.

Q. Do you know how he happened to put the name of Murray in this petition instead of Abrams? A. I didn't ask Mr. Garrison that.

Q. I say did you know? A. No, I didn't know.

Q. Now that was the afternoon of the nineteenth. What next took place? A. I went to Miss McGowan's that night—

Mr. Bourgeois: You want to know what happened there, do you?

Mr. Bourgeois: In Mr. Garrison's office?

Mr. Cole: No, I mean after he left there.

A. I went to Miss McGowan's home that night after supper—first I went down, at supper time I went down to Mr. Shaw's house and told him to be at North Carolina and Atlantic that night, I wanted him to go with me.

Q. Now at that time did you know where she lived? A. Yes, sir.

Q. Where did you get the information? A. I followed her from the front of Braunstein's store that afternoon, after Mr. Garrison told me that she said she had a broker on her staff, or broker putting up with her.

Q. You had been investigating her the twelfth, thirteenth and fourteenth of September, where did she live then? A. She lived at 11 South Mt. Vernon Avenue.

Q. You had seen her going out of that house, hadn't you? A. No, sir.

Q. How did you know she lived there? A. Because Mr. Bolte told me she did.

Q. Do you know when she moved? A. No, sir, I do not.

Q. Had you ever been in her company? A. No, sir.

Q. Before that time? A. No, sir.

Q. Did you ever tell somebody you would give ten dollars for a photograph of her in bathing with Mr. Knittel? A. No, sir.

Q. Didn't ask anybody to take a photograph of her? A. No, sir, I asked a party to take a photograph of the Ventnor woman.

Q. I ask you whether you ever asked anybody to take a photograph of them? A. No, sir.

Q. And you say no? A. Except Miss McGowan on one occasion when it was taken.

Q. Well, when you started up that night after having sent for Mrs. Knittel did you expect to find Knittel there? A. I didn't know for sure. I had went—

Q. I say did you expect to find him there? A. Well, I thought that he would be coming there, didn't know for sure.

Q. What made you think that Knittel would be coming there? A. Because of the fact that she had said she had a broker putting up for her, and she had a date with him that night.

Q. When did she tell you that? A. She never told me that.

Q. How did you find it out? A. By Mr. Garrison told me that.

Q. Told you what? Just wait a moment.

(Former answer repeated as follows: "Because of the fact that she had said she had a broker putting up for her and she had a date with him that night.")

A. She had told that to Mr. Garrison, so Mr. Garrison informed me.

Q. Mr. Garrison told you that she had told him that she had a broker putting up for her? A. Yes.

Q. Did Mr. Garrison tell you that that afternoon when you went in his office? A. Yes, sir.

Q. Did he say when the Abrams girl told him that? A. Well, I assumed that she had told him that that day.

Q. That very afternoon? A. Yes, sir. I don't know.

Q. What made you assume that it was that afternoon that she had told Mr. Garrison that? A. That was only my thought if Mr. Garrison told me when she told him.

Q. Did he tell you how she came to tell him that? A. No, sir.

Q. Up to that time, so far as you knew, he was representing Mrs. Abrams or Miss Abrams in this suit against the rolling chair company? A. Yes, sir.

Q. And after you had said that that girl was mixed up with Knittel he said, "Well she told me that some broker was putting up for her," is that right? A. Yes, sir.

Q. And then you immediately connected up that it was Knittel because you seen her in Knittel's office? A. Yes, sir.

Q. And as a result of that you thought you would catch them there that night? A. As the result of that I went up there that night to see if he came there.

Q. You in the meanwhile had sent for Miss McGowan to be there and for Shaw to be there and for Mrs. Knittel to be there? A. Yes, sir.

Q. Did you put a watch on anybody at any time that night, use your watch to have a definite time fixed? A. I did not, no, sir.

Q. What time did you arrive at that place, Oriental Avenue that night? A. I judge it was somewhere, sometime before eight o'clock or around eight o'clock.

Q. At any time while you were in that neighborhood, while you were going or coming, did you see anybody else on the street or about there? A. No, sir.

Q. Nobody? A. No, sir.

Q. Will you say whether there was anybody there or not? A. No, because I couldn't swear, there may have been somebody, but not in that street when I walked through.

Q. But you have no recollection at all of ever seeing Mrs. Clark who just stood up? A. I never saw that woman in my life before to notice her until I saw her in here today.

Q. You don't know her at all or know her nephews who testified in this case? A. No, sir, I do not. In fact I don't know who testified in this case.

Q. Now, Mr. Herbert, when you fix fifteen minutes as the time that Mr. Knittel was in that house, is that a guess? A. No, sir, it is a remembrance.

Q. Had your watch out? A. No, sir.

Q. Have it with you? A. Yes, sir.

Q. Why do you think it wasn't ten minutes? A. Because of the time that I was in the kitchen and the time it took me to locate that room.

Q. Were you all the time trying to locate the room? A. No, sir, I was waiting to hear sounds.

Q. How much of the time did it take you to do the investigating? A. Well, in all about fifteen minutes.

Q. Well, you mean altogether? A. Inside of the house.

Q. How much of that time were you not doing anything but listening for sounds? A. Well, I judge about ten minutes.

Q. And the other five you were trying to find out where the sound came from? A. Yes, sir, I tiptoed in the hall then and listened.

Q. Do you say that you came out of that house that night by a different way than you went in? A. Yes, sir, I went in the back and came out the front.

Q. I am asking you the question did you come out a different way than you went in? A. Yes, sir.

Q. And you found all the doors open wherever you went? A. I didn't find any doors locked.

Q. No doors were locked at all? A. No, sir.

Q. When you found Mr. Knittel and this woman were in that house you, of course, supposed they were going to commit adultery, didn't you? A. Well, I really didn't know.

Q. I ask you whether you thought so, I didn't ask you whether you knew. I asked you whether you expected that they would commit adultery? A. I had an idea they might become intimate, yes.

Q. Did you tell Mrs. Knittel that? A. No indeed. I had all I could do to keep Mrs. Knittel quiet.

Q. I didn't ask you about that. Did you tell her that? A. No, sir.

Q. Did you know that this lady or woman that you saw Mr. Knittel with at the Cafe of the Traymore was his mother? A. No, sir. I don't know—it might have been his mother.

Q. How many times were you in Garrison's office on the nineteenth? A. I was only in Garrison's office once on the nineteenth.

Q. That was in the afternoon? A. Yes, sir.

Q. Same instance you have told about? A. Yes, sir.

Q. Weren't you in his office that evening? A. No, sir.

Q. On the nineteenth? A. No, sir.

Q. What time did you go there on the twentieth? A. It was in the afternoon, I know the banks were closed.

Q. Did Mr. Garrison know about having caught Knittel when you arrived? A. I suppose he did. In fact I know that he did.

Q. Why do you think he knew it? A. Because I called him on the telephone.

Q. Then you knew he knew it, didn't you? A. How is that?

Q. When did you call him on the telephone? A. I called him on the telephone that morning.

Q. Of the twentieth? A. Yes, sir.

Q. What time? A. I judge it was around, might have been around the noon hour or may have been eleven o'clock.

Q. Where from? A. From—well, I just don't remember where I did call him, because I had called him from time to time on the telephone.

Q. I am not asking you about from time to time. I am asking you where you called him on the morning of the twentieth right after this thing

had happened? A. I think most likely I had called him from the Pennsylvania depot, I did generally use that booth.

Q. Where do you mean over here at South Carolina Avenue? A. South Carolina Avenue station, yes, sir. I generally—

Q. Why didn't you go to his office rather than call him on the phone? A. Because I was cramped for time.

Q. Time for what? A. My investigation, I was handling city work at the same time for the Overseer of the Poor office, and Tuesday was a heavy day for me.

Q. You mean to say with an important find that you had made that night on this matter, that you called Mr. Garrison from South Carolina Avenue station rather than to go to his office to tell him about it? A. Yes, sir.

Q. What did you tell him over the telephone? A. Because that takes time to go up and down in that elevator.

Q. What did you tell him over the telephone? A. I told him that Knittel had went up there and that we had caught him in a room with this woman.

Q. What woman? A. This Abrams.

Q. Did you tell him that? A. Yes. I don't know that I just used that language.

Q. Well did you tell him it was the Abrams woman? A. Yes, sir, I told him it was with that woman, that was the Abrams woman. I may have said Abrams or I may have said Kitty Murray.

Q. Why would you say Kitty Murray if you knew her name was Abrams? A. Because at that time I had learned from Mr., through the inves-

tigation of the other case, I had learned that she had two names.

Q. What did Mr. Garrison say to you in reply? A. Well, he said that was all right, I remember that he told me to come down to his office that afternoon on the phone.

Q. Fix the hour? A. No, sir, he couldn't fix the hour because—

Q. I ask you whether he fixed it? A. No, sir.

Q. That is the answer. You simply went in on a chance to see him after that, didn't you? A. How is that?

Q. You simply went in that afternoon on a chance of seeing him without any hour being fixed? A. The afternoon I got my money?

Q. Yes. On the afternoon of the twentieth you didn't know when you went there that you were going to meet Mrs. Knittel? A. No, sir, I did not.

Q. You were surprised to see her there, weren't you? A. No, sir.

Q. Was this case all talked over then? A. No, there wasn't much talk only in reference to this check.

Q. Was there anything said about the occurrence up to the house that night? A. At this time? Not that I know of.

Q. That is the time I am talking about, on that occasion when you got that thousand dollar check, was this incident at Oriental Avenue talked about at all? A. Well, I remember that Mr. Garrison was talking something another about this case but I didn't pay much attention to it because when I came in—

Q. I don't want you to tell me why it was not

done. I am asking you what was done. The reason I don't care anything about it. A. I don't know. I got my money and left.

Q. And you didn't give him any detailed information about this over the 'phone, did you? A. No, sir, I supposed Mrs. Knittel had told him.

Q. I ask you did you? Did you give him any detailed information over the 'phone? A. No, sir.

Q. Are you in the habit of calling your clients over the 'phone and reporting to them a matter as important as this rather than going in and seeing them? A. I have called on the telephone attorneys that were clients of mine on matters of this kind.

Q. Then it is a habit of yours, is it, to make reports over the telephone? A. Not exactly a habit, I just do it when I am cramped for time and cannot do otherwise.

Q. And the reason you made this communication over the telephone this day was because you hadn't time to go to Mr. Garrison's office, is that it? A. I was busy that day.

Q. How far is it from where you were telephoning to Mr. Garrison's office? A. A little over a square, it wasn't so much the distance as it was the climb up the elevator.

Q. I didn't ask you—I asked you how far it was and you told me. Where did you go from the Pennsylvania Avenue ticket office that morning? A. Well I just can't recall now.

Q. Well, you very busy in the employ of the city? A. Yes, sir, in the morning.

Q. You are on the pay roll of the city, aren't you? A. Yes, sir.

Q. Getting so much a month? A. Yes, sir.

Q. That was the reason you were so busy, wasn't it? A. Nine o'clock in the morning I always report at Mr. Ortlip's office.

Q. Is that the reason you were so busy? A. I want to explain the reason if you will allow me, Mr. Cole. I can't explain it your way. I want to explain it my own.

The Advisory Master: Answer his question.

Q. Now you heard Mrs. Knittel's testimony, didn't you, this morning? A. Yes, sir.

Q. Was she with you when you went in the room? A. Yes, sir.

Q. Right alongside of you? A. No, sir.

Q. Right behind you? A. She was behind me, yes, sir.

Q. Well couldn't she have seen this woman jump off the bed? A. I don't think so.

Q. You don't? A. No. sir.

Q. Now I notice you say that he admitted down to his home that he had been intimate with other women? A. Yes, sir.

Q. You didn't hear Mrs. Knittel say that, did you? A. I heard him say that.

Q. I say you didn't hear Mrs. Knittel on the stand say he said that, did you? A. I don't remember whether she did or not.

Q. You have been sitting here and heard her testimony, haven't you? A. I wasn't paying so much attention to what she testified to—

Q. All right, if you weren't you didn't hear it. You weren't paying any attention to her testimony at all, were you? A. Yes, I was paying more attention to her condition on the stand than I was to what she was testifying to.

Q. Well, were you paying any attention to what

she testified to? A. Oh, yes, I heard some of her story, but not enough to commit it to memory.

Q. Did I ask you whether you had made reports from time to time, full reports to Mrs. Knittel of your investigations? A, No, sir, you did not.

Q. Did you? A. No, sir.

Q. You did not? A. I made verbal reports.

Q. You made full verbal reports to her of all the things you learned, didn't you? A. Yes, sir.

Q. Against Mr. Knittel? A. How is that?

Q. I say you made full verbal reports to Mrs. Knittel from time to time of your investigation of Mr. Knittel? A. Yes, sir.

Q. Did you see Mr. Knittel go in that house that night? A. No, sir.

Q. Did you see him come out? A. No, sir.

Q. You don't say that he was in the house when you went in there, do you? A. Yes, sir.

Q. Why do you say so? A. Because Shaw said that that was Knittel going in.

Q. Going in where? A. Went in the door.

Q. What door? A. Front door.

Q. Then you were there, weren't you? A. I was in the alleyway.

Q. I say you had gotten there in advance of Knittel's coming in, hadn't you? A. In the alleyway, yes, sir.

Q. Yes. Was there anything to prevent anybody seeing you in that alleyway if they stood on Oriental Avenue? A. Yes, sir.

Q. What was in the way? A. Building.

Q. And a stairway? A. No, sir.

Q. You mean you were behind a building that would prevent them from seeing? A. I was between the building that Knittel entered, the build-

ing at 512 Oriental Avenue, and the building adjoining it. Now if they stood opposite the alleyway on Oriental Avenue then they could have saw me.

Q. Well from where you were standing could you see anybody go in the front door of this building? A. No, sir.

Q. Where was Shaw standing when he told you that Knittel went in? A. On the front of the building.

Q. How far away from you? A. About three or four feet.

Q. Well from where Shaw stood he could see somebody go in, could he? A. Yes, sir.

Q. Had Mrs. Knittel arrived at the time that Shaw told you Knittel had gone in? A. Yes, sir.

Q. And Miss McGowan had arrived? A. Yes, sir.

Q. You were all there at the time Knittel arrived, were you? A. Yes, sir.

Q. And you all knew, Mrs. Knittel knew that Knittel had entered that house before you went in the bedroom where you saw they were? A. Yes, sir.

Q. How long was it between the time that Mrs. Knittel knew that Mr. Knittel had gone in the house and when you caught them in the bed room? A. Repeat that question.

Q. How long a time intervened between the time that Mrs. Knittel knew that Knittel had gone in the house and the time you caught them in the bed room? A. I suppose about seventeen minutes.

Q. Did you say to Mrs. Knittel that if she wanted to stop Mr. Knittel committing adultery that she could have done it at the time that they passed into the bath room? A. No, sir, I did not.

Q. You were not anxious to stop them from committing adultery, were you? A. I was there to see what he was going to do.

(Question repeated.) A. Well I had no knowledge they were going to commit adultery.

Q. That don't answer my question.

(Question repeated.) A. Well I wasn't there to stop them.

Q. No. A. I had no idea they were going to commit adultery.

Q. You had a contract that you were to get five hundred dollars provided you caught this man committing adultery, didn't you? A. No, sir.

Q. What was your contract? A. My contract never mentioned any adultery.

Q. What were you to do for this five hundred dollars? A. Well, if I found that he was intimate with other women.

Q. What do you mean by being intimate with other women? A. Well, going and occupying rooms with them or being in their company.

Q. Then you were getting five hundred dollars not to catch this man in adultery but simply to catch him with other women, is that right? A. Well, the—

Q. Now is that right, Mr. Herbert?

(Question repeated.) A. Well, I suppose I would have got the five hundred—

Q. I am not asking you what you suppose. I am asking you what your contract was. A. Well, it didn't mention no word adultery.

Q. What was your idea, were you to get this five hundred dollars if you caught him going with other women? A. Yes, that was my agreement.

Q. Very well, you had caught him going with

other women a half dozen times before this night, why didn't you get the five hundred dollars? A. Because Mrs. Knittel wanted to be sure that it wasn't only an indiscretion, as she said to me.

Q. Well, when you knew that your contract was you were to get five hundred dollars when you caught him going with other women and you had reported to her that you had caught him, why didn't you say, "I am entitled to have my money?" A. Well Mrs. Knittel was in such a hysterical condition, was no time to talk anything like that to a client of her character.

Q. All right, you weren't to get testimony to convict him of adultery for five hundred dollars, were you? A. No, I never told her she owed me the five hundred then.

Q. When according to your idea were you to have the five hundred dollars? A. My idea was that when I saw him in that room in a nude state with this woman that my work was finished.

Q. Well when you made this bargain for five hundred dollars did you expect to find him at 512 Oriental Avenue in a nude condition with a woman? A. No indeed.

Q. So that there must have been something else in the contract than that? Tell us what was said between you and Mrs. Knittel about the five hundred dollars? A. There wasn't nothing said until after, that is from the original making of the contract until September twentieth when she said the contract for five hundred dollars—

Q. I am talking about your original contract that you were to get five hundred dollars, what was said about that? A. Well, I was to make an investigation, receive a hundred dollars for two

weeks' investigation and if it developed at that time that Mr. Knittel was straight, wasn't mixed up with other women or wouldn't mix up with other women, I was to keep the hundred and so report to her, and if the investigation at that time warranted going any further it would cost her five hundred dollars for the services of my investigation clear of all expenses.

Q. For how long? A. Well it wasn't stipulated any time.

Q. Well, when were you to get the five hundred? A. Whenever that was satisfactory, the evidence was satisfactory to her attorney.

Q. For what? A. For the investigation.

Q. Well evidence satisfactory to her attorney for what? What was her attorney to do with the evidence? A. Well, I understood that there was to be a separation.

Q. No divorce? A. I don't know anything about—

Q. Never heard it mentioned? A. No, sir.

Q. You said you understood that you were to continue this investigation for the five hundred dollars until you got evidence satisfactory to her attorney? A. Yes, sir.

Q. Was that what was talked about? A. Well, I make that contract with all the attorneys I do business with.

Q. I thought you made the contract with Mrs. Knittel? A. Well, I had that understanding.

Q. Did you have any contract with Mr. Garrison? A. No, sir, it was with Mrs. Knittel.

Q. Did you ever talk with Mr. Garrison about this case at all— A. Yes, sir.

Q. Before you made this report of September twentieth? A. Yes, sir.

Q. When did you first talk with Mr. Garrison about it? A. In May when Mrs. Knittel employed me.

Q. So that you had frequent conferences between May and September with Mr. Garrison about Mr. Knittel, didn't you? A. Yes, sir.

Q. Did you ever tell him what your contract was? A. He knew.

Q. What did he know about your contract? A. When Mrs. Knittel said that she wanted an investigator Mr. Garrison sent for me and Mrs. Knittel was there and he asked me what my terms would be and I told him that I would investigate the case for one hundred dollars to cover a period of two weeks and if at that time the investigation did not warrant going any further it would not cost her another penny, but if it did it would cost her five hundred dollars for the evidence that was satisfactory to Mr. Garrison on the separation that they had talked about and from that time until the time of my collecting my money there was nothing ever said about five hundred dollars.

Q. Mr. Herbert, I am going to ask you this plain question: Was there ever a time from the time you began this investigation until you were paid that money that you understood that you had to get evidence of Mr. Knittel's adultery before you were entitled to have the five hundred? A. No, sir.

Q. You were not hunting for evidence of adultery, were you? A. Well, I was hunting—

Q. Were you, now were you hunting for evidence of adultery? A. I was hunting for anything he might do.

Q. Won't you please answer my question. Were

you hunting for evidence of adultery? A. Oh, yes, I was looking for it if it was there.

Q. And don't you know you had to secure evidence of adultery before you had evidence satisfactory to Mr. Garrison? A. No, sir, she would have had to pay me that five hundred if he had never went into 512 Oriental Avenue.

Q. When would she have had to pay it. A. She would have had to pay it, or some portion of it, because I thought I had very nearly earned my five hundred by keeping after him the whole season through.

Q. Were you surprised to find the doors of that house all open that night? A. I didn't find the doors all open.

Q. Well, they were not locked, were they? A. How is that?

Q. I mean unlocked, you found the doors all unlocked? A. Yes, sir, they were all unlocked.

Q. Did you know that Miss McGowan left Atlantic City a few mornings ago? A. Yes, sir.

Q. Did you know that we couldn't subpoena her? A. No, sir, I didn't know you wanted to.

Q. Mr. Herbert, did you observe my question? A. I answered it, no, sir.

Q. No you didn't. You said: "No, sir. I didn't know you wanted to." I ask you if you knew we wanted to subpoena her. Did you say no? A. I didn't know then, now, I don't say now.

Q. Was she going away on an errand for you? A. Yes, sir.

Q. Where were you the morning that she left town? A. What morning are you referring to?

Q. The morning that she did leave when we tried to subpoena her. A. She has left on several mornings.

Q. Well, you have in mind the morning that we tried to subpoena her and we couldn't get service on her? A. I don't know what morning you tried to subpoena her.

Q. All right if you don't know that is the answer.

Mr. Bourgeois: Judge, she left the night before, I think.

Mr. Cole: The evidence shows that morning.

Mr. Bourgeois: I know the testimony does but I think she left the night before.

Q. Do you know where she went? A. If you can tell me the time.

Q. Well, has she been away in the last week about this case? A. Yes, sir.

Q. Out of Atlantic City? A. Yes, sir.

Q. Where did she go? A. She went to Maryland.

Q. With you? A. Yes, sir.

Q. When did you leave Atlantic City for Maryland in this case? A. I think we left on Monday night.

Q. What time? A. I left the night before in the evening, I left the night before the day that the newspapers came out with that statement about there having been a hearing.

Q. When did you return? A. I returned the next morning or the next day.

Q. She returned with you? A. Yes, sir.

Q. Have you learned that an effort was made to subpoena Mrs. Abrams and the daughter? A. No, sir.

Q. You don't know it now? A. No, sir.

Q. Do you know where they are? A. No, sir.

Q. Has Mr. Garrison said he wanted, told you he wanted to find them? A. No, sir.

Q. Have you talked that matter over with Mr. Garrison or he with you at all as to where they were or are? A. No sir.

Q. And Mr. Garrison has not told you that the defendant in this case has made an effort to subpoena Mrs. Abrams and the daughter? A. No, sir.

Q. And he has not asked you to try and locate them, has he? A. No, sir.

Q. Nobody else, Mrs. Knittel or nobody for her asked you to locate them? A. No, sir.

Q. Do you know where they are? A. No, sir.

Q. Did you ever see them after the night of the nineteenth? A. Did I ever see them?

Q. Yes. A. No, sir.

Q. Or either of them? A. Yes, sir.

Q. Where did you see them? A. On the night of the day that that newspaper article appeared I was in Mrs. Knittel's home when Mrs. Abrams came up to the door and demanded to see Mrs. Knittel. I was in the dining room of the Knittel home and I believe a Mrs. Hanstadt opened the door and she said that—

Q. Now outside of the conversation I want to know, you did see Mrs. Abrams at that time, did you? A. Yes, sir.

Q. Was she alone? A. Yes, sir.

Q. Kathryn was not with her? A. I didn't see her.

Q. See anybody with her? A. No, sir.

Q. Now just fix that date, please, A. On the night of the day that the Review published the story of a hearing being had.

Q. Well outside of that, was that before you went away? A. No, sir, it was the night of the day that I came back.

Q. What date did you come back? A. I came back on the next day after the hearing.

Q. That is on Friday morning of last week you were down to Mrs. Knittel's? A. No, sir, not on Friday morning of last week.

Q. What? A. Not on Friday morning of last week on Friday evening, Mr. Cole.

Q. Very well, Friday evening of last week while you were at Mrs. Knittel's home Mrs. Abrams came there? A. Yes, sir.

Q. And you were in the house? A. Yes, sir.

Q. Did Mrs. Abrams come in? A. Well, she wasn't let in at first but she brushed by the door, I believe.

Q. Well first or last did she come in? Did she get in? A. Yes, sir, she got in.

Q. Any conversation take place between her and Mrs. Knittel? A. No, sir.

Q. Any conversation between you and her? A. Yes, sir.

Q. Did she tell you she had been subpoenaed? A. No, sir.

Q. She told you that Mr. Foster had tried to serve a subpoena on her? A. No, sir.

Q. Did she tell Mrs. Knittel that? A. No, sir.

Q. What was her errand there? A. Demanding a thousand dollars.

Q. What did he say? A. She said that a Mrs. Clark had told her that she could get a thousand dollars to testify for Knittel and that her daughter was given a bad name through it appearing, through her daughter's name appearing in this

case, and that somebody had to pay for it and that she wanted a thousand dollars from Mrs. Knittel and her daughter would testify for her.

Q. Now with whom was that conversation? A. That converastion was with me.

Q. What did you say? A. I told her if she didn't get out of there right away that I would have her locked up for blackmail. She said she could get it from the other side. I said, "Well, you go get it."

Q. Now you knew, of course, that this daughter of hers was the woman that was in that room that night, didn't you? A. Yes, sir.

Q. Did you ask her where her daughter was? A. No, sir.

Q. Did you ask her where she lived? A. No, sir.

Q. Did it occur to you, as a detective, that it might be well, in view of that statement she was making, which you regarded as blackmail, to find out where she could be located? A. No, sir.

Q. You dismissed the matter at once, didn't you? A. I dismissed her at once.

Q. And the matter didn't you? A. I didn't dismiss the matter.

Q. Have you since that time tried to locate her? A. Yes, sir. That is I haven't gone out of my way. I supposed she would be here.

Q. Why have you tried to locate her? A. Because I thought there must be some connection with her and the Clark woman.

Q. Talk to Mr. Garrison about this matter? A. Yes, sir.

Q. Did you tell him about this woman being there and demanding this thousand dollars? A. Yes, sir.

Q. When did you tell him that? A. The next day.

Q. Did Mrs. Knittel hear this? A. No, sir.

Q. Where was she? A. That is I don't know that she did. She went upstairs on the second floor.

Q. What were you doing to Mrs. Knittel's that night? A. I was down at Mrs. Knittel's talking over the case. Mrs. Knittel was extremely nervous and I had ran down there on two or three occasions since the—

Q. Didn't you say a while ago, in answer to my question, or one by Mr. Bourgeois, that you had not talked with Mrs. Knittel about this case since the twentieth? A. Before the—

Q. Since the twentieth of September, that you haven't talked with Mrs. Knittel about this case? A. Not about the five hundred dollars I was testifying to.

Q. How many times have you talked with Mrs. Knittel about this case since the twentieth? A. I have been down to her house on about eight occasions.

Q. Coming back to this thousand dollars, because that is interesting, did you tell Mrs. Knittel that? A. Yes, sir.

Q. What did she say? A. Well she said that, in fact I forget just what she did say.

Q. When did you tell her, that night? A. Yes.

Q. You told her just what you have told me in answer to these questions, did you? A. Well no, I can't say that I did tell Mrs. Knittel. My talk was with Mrs. Hanstadt afterwards.

Q. Do you mean to say, Mr. Herbert, that representing Mrs. Knittel and knowing this woman had

come there to make a demand of a thousand dollars, which you regarded as blackmail, that you never communicated that to Mrs. Knittel? A. I can't remember that I did and it may be possible that I did not, because Mrs. Brown, and Mrs. Knittel, has been in a very hysterical condition ever since this trial, and I have been down there trying to—

Q. Well, Mrs. Abrams told you, did she, that her daughter had been given a bad name? A. Yes, sir. Articles appearing in the newsapers.

Q. And that is why she was entitled to have a thousand dollars? A. No, she didn't say that was why, she said Mrs. Clark had told her she could get a thousand dollars.

Q. When she suggested her daughter was given a bad name, did you suggest to her that she couldn't have a worse name than she deserved by having been caught in the room with this man? A. I wasn't thinking about that.

Q. Wasn't thinking about it? A. No, sir.

Q. Well now when she told you about Mrs. Clark, did you make any investigation to find out who she was? A. Who Mrs. Clark was? Yes, sir.

Q. Still you haven't seen Mrs. Clark before today? A. I never saw her before today, and my investigation was made last night and today, and I couldn't even give a description of her to the people I went to find out who she was.

MRS. HELEN KNITTEL, the petitioner, being re-called, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Knittel, were you at home on last Friday night? A. Yes, sir.

Q. Were you there at the time this Abrams woman came and had the conversation with Mr. Herbert downstairs? A. Yes, sir.

Q. Did you overhear it? A. No, I didn't overhear it.

Q. Did you overhear any part of it? A. No, I didn't.

Q. Did not? A. No.

CROSS-EXAMINATION by Mr. Cole:

Q. When you went to see Mr. Garrison on the afternoon on the twentieth of September did he know of what had taken place at 512 Oriental Avenue on the night of the nineteenth? A. He said Mr. Herbert had 'phoned in the morning, yes.

Q. He did? A. Yes, sir.

Q. Did he tell you what Mr. Herbert had said to him? A. He didn't relate the conversation to me, no.

EDMUND J. SHAW, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mr. Shaw, you are a police officer in Atlantic City? A. Yes, sir.

Q. And have been for how long a time? A. Six years.

Q. This year? A. Six years.

Q. Do you recall the night of September nineteenth, this year? A. I do.

Q. Do you remember meeting or having a conversation with Mr. Garrison? A. No, sir.

Q. Did you go with Mr. Garrison that night? A. No, sir.

Q. Do you remember having a conversation or meeting Mr. Herbert on that night? A. Yes, sir.

Q. Where did you meet him? A. At my home.

Q. And where is that? A. Two hundred thirty-four North Texas.

Q. And did he ask you to go with him to make an investigation? A. He did.

Q. And did you go? A. I did.

Q. Where did you go? A. I went to 512 Oriental Avenue.

Q. And where at that residence did you station yourself? A. He stationed me in the alley.

Q. And then what did he do? A. He told me to keep my eyes open and see if there was any men went in there.

Q. And did he leave you? A. He left me.

Q. Did he later return? A. He later returned with two ladies.

Q. And where did they go? A. They went back in the alley where I was.

Q. Stand in front of you or further in the rear than you? A. Back of me.

Q. And did somebody go in that house? A. They did.

Q. Do you know at what time? A. As near as I can judge it was about half-past eight.

Q. And did you have a watch to look? A. I had a watch to look but I didn't look on account of the darkness.

Q. Now do you know within what time it was, for instance, was it later than half-past eight or might it have been earlier than that? A. It might possibly have been five minutes earlier than that.

Q. But somewhere from twenty-five minutes past eight to half-past eight, was it? A. Yes, sir.

Q. Now who went in? A. There was a man went in.

Q. You didn't know who it was? A. Didn't know who it was.

Q. And what did you do when the man went in? A. I went back and told the folks I thought Mr. Knittel had went in.

Q. Did you tell them Mr. Knittel or a man?

Mr. Cole: But he said—pardon me. Now I object, may it please your Honor. The man has said he said a man went in.

Mr. Bourgeois: I want to find out whether he mentioned the man's name. He just said before he didn't know who it was.

Q. I want to know whether you said Mr. Knittel had gone in.

Mr. Cole: I object to that and ask him to state what he did say.

The Advisory Master: All right, just state what you did say when you went back to inform Mr. Herbert.

A. I said that there was a man went in the front door.

Q. Now, what did you folks then do? A. Why, I followed them to the kitchen door, the back door, and they listened for a minute or so and we walked

inside, and we was in there about a minute or so, I believe, when we heard footsteps coming, and I got pushed over in the corner, and I got landed on a pair of steps there in the corner back of a curtain, and the rest of them there with me.

Q. And then what happened? A. The next thing I heard was a man and woman's voice, I heard one of the two strike a match and a woman's voice say "Here is the bath room."

Q. Now from where you were could you see them? A. I couldn't see a thing.

Q. How long did they remain in that bath room? A. Just a matter of about a minute, I guess, not more than that.

Q. And then what? A. Then it sounded to me as if they went to the front part of the house. I didn't see.

Q. And then what did you do? A. We stayed there in that corner there I imagine about ten minutes, and I heard Herbert talking to one of the women he said, "I will be back in a minute," and he left us. He came back and he says "Follow me," so he went ahead and Mrs. Knittel followed him and I followed her and Miss McGowan followed me, and we went through from the kitchen through the dining room there and from that into kind of a hallway, looked to me as if it was one room made into two rooms, a bedrom and hallway, and Herbert went and opened the door and of course when he got in front of the door I couldn't see nothing, but when he moved aside I saw this gentleman here sitting on a chair with his legs crossed, with an undershirt on, and a young girl in front of the bureau, looked like an undershirt or a vest, and a petticoat, and arranging her hair, and I heard her say, "My God,"

and then Mrs. Knittel had some conversation about she wanted her key, and I kept watching Mrs. Knittel afraid she was going to faint or something, that is all that passed.

Q. And then you went out? A. Well, they stood there talking a few minutes about different things and I led Mrs. Knittel out.

Q. Now did Mr. Knittel go out or did he remain in there when you folks went out? A. He remained in there.

Q. And after you went out where did you go? A. I went over towards Connecticut Avenue, I saw Mr. Knittel coming out, and I went to Pacific Avenue.

Q. Then later did you go down to the Knittel home? A. I went down to the Knittel home.

Q. And where did you stay there? A. What is that?

Q. What did you do when you got down to the Knittel home? A. I stood in front and waited for George to come out.

Q. And then where did you go? A. Then they took me over to, I believe it was Mrs. Knittel's mother's house.

Q. And then where did you go? A. Up to the parlor and sat down there.

Q. Oh, yes. A. And Mr. Knittel was sitting in there when I went in.

Q. Did you hear the conversation that Mr. Knittel had with his wife about the Ventnor woman and the Chelsea woman? A. I don't recollect.

Q. Were you upstairs or down stairs? A. I was downstairs.

Q. You were downstairs? A. Yes, sir.

Q. And then from there you went home? A. I went home, yes, sir.

Q. What conversation did you hear in the Brown home between Mr. Knittel and Mrs. Knittel? A. Well, I heard them talking there and he was asking her to forgive him or something, something to that effect, and asked him why he done this here, and he said, "For the reason that you are so cool towards me," something like that. Now, I won't be positive of that, that is about all I did hear.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Shaw, what time was it that you heard from Mr. Herbert that night first? A. Why, it was around supper time.

Q. What hour? A. About around about five or half-past five.

Q. And did he come to see you? A. He came down there in a jitney, yes, sir.

Q. Anybody with him? A. He asked me if—

Q. Anybody with him? A. No.

Q. What did say to you? A. He asked me if I would do him a favor and I asked him what it was, he says he was going to watch a house that night and asked me if I would go, I say, "I certainly will. I am on my vacation now, anything I can do for you I am perfectly willing to do it."

Q. Tell you what house? A. He didn't say, no.

Q. Tell you who he was going to watch? A. Not then, no.

Q. Tell you why he was going to watch? A. No.

Q. All that you knew was that he was going to watch a house? A. He was going to watch a house.

Q. Now when did you next see him? A. I met him at North Carolina and Atlantic Avenue, possibly.

Q. By arrangement? A. Yes.

Q. What time were you to meet him there? A. Half-past seven.

Q. Did you meet him half-past seven? A. A little later than that, must have been twenty-five minutes to eight.

Q. And you went from there to this place? A. We got in a jitney.

Q. So you left North Carolina and Atlantic twenty-five minutes of eight, took a jitney and went to this place? A. We went to Massachusetts and Oriental Avenue.

Q. And you both got out of the jitney? A. Yes, sir.

Q. And dismissed the jitney? A. Yes, sir.

Q. Where did you go from there? A. He took me right down to this house.

Q. So that you must have arrived at this house even before eight o'clock? A. Oh, just a matter of about five minutes, I guess, from the time I got in the jitney.

Q. So that by quarter of eight o'clock you were there, weren't you? A. Yes.

Q. Now how long did you remain before Mr. Herbert left, he left to bring the women folks around? A. He left me right away as soon as he placed me in the alley.

Q. Right away? How long was he gone? A. He was gone, I guess, possibly fifteen minutes.

Q. Did he walk or ride? A. I couldn't tell you.

Q. And where were you all that time? A. In the alley.

Q. And then he came back with these people, didn't he? A. Yes, sir.

Q. Then you had to come out of the alley, didn't you, in order to see this man go in? A. No, I saw him going by. I was in the alley and I saw him pass.

Q. Pass the alley? A. And then I heard the bell ring, I heard him walk on the porch and the bell ring.

Q. That was while you were all standing there? A. They was in the back part of the house and I was about middle way.

Q. Let me see if I understand, you saw this man pass in front of you? A. He passed along the street. I was back in the alley.

Q. In front of you? A. Yes.

Q. While you were in the alley? A. Yes, I was in the alley.

Q. And where were the other people at that time? A. They was right in back of me.

Q. In the alley or in the house? A. In the alley.

Q. And the bell rang? A. The bell rang.

Q. Then you assumed, didn't you, that the man who had passed you was the man who was ringing the bell? A. I did.

Q. Didn't actually see him enter? A. I didn't see him enter because I couldn't.

Q. Then you reported immediately when you heard the bell ring to Mr. Herbert and those standing there that this man had gone in the house? A. Yes, sir.

Q. As soon as you reported the man had gone in then you all went in, didn't you? A. Yes, sir.

Q. The back door? A. The back door.

Q. How long were you there, that is you and the other three when this man passed? A. I didn't get that question.

Q. I say how long had you and the other three been standing in the alley when this man passed? A. Why didn't seem over five minutes.

Q. But at least five minutes? A. Because I was wondering why he didn't afterwards I was wondering why he didn't see him coming down the street, it was that close.

Q. You think it may have been five minutes? A. I imagine about five minutes.

Q. Which way did you come out, Mr. Shaw? A. I came out the front door.

Q. Did you see the rest of them come out that way? A. Yes, sir.

Q. Who came out first? A. Mrs. Knittel and I.

Q. How did you get from there down to Knittel's home that night? A. Why, I went to Delaware Avenue and Pacific and jumped in a jitney and rode down.

Q. When did you first understand that they were there to catch a man? A. Going up in a jitney.

Q. How did you find out? A. From North Caroline and Atlantic.

Q. What did Herbert say to you? A. He says, "I have got a man up here by name of Knittel that I am going to try to trap tonight. I think I will catch him coming in this house."

Q. Well, anything else? A. That is all.

Q. He used the word "Trap him" did he? A. Catch him or trap him.

Q. Pardon me. A. Now I won't be positive of that, Judge, whether it was "Trap him" or whether it was "catch him."

Q. He may have used the word "trap"? A. He might have used the word "Trap" but I won't be positive.

Q. Don't you think he did, Mr. Shaw? A. I won't swear to that.

Q. You said so now until I tried to correct you, you said he was going to trap the man? A. It is my way of talking sometimes.

Q. Do you know Mr. Knittel? A. I saw Mr. Knittel.

Q. Did you know him that night when he passed A. No.

Q. You didn't tell Mr. Herbert, as he has testified, "Knittel has gone in the house" did you? You said a man has gone in. A. I said a man went in.

Q. And he told you, as you have testified, that he was going up there to trap Knittel? A. Yes.

Q. Did he mention Knittel's name? A. I don't believe he mentioned Knittel's name.

Q. Then how much of your testimony are we going to cut out? You said first he used the word trap and now you say he didn't, and you say he used the word Knittel and now you say he didn't. A. I want to be truthful in what I say.

Q. I have no doubt of it, but that is what I don't understand, did Mr. Herbert tell you that night he was going up to catch or trap Mr. Knittel? A. I am not positive.

Q. When did you first hear the name Knittel mentioned? A. I think it was in the alley when I heard him say, "Mrs. Knittel."

Q. Mrs. Knittel? A. Mrs. Knittel.

Q. And then you concluded that they must be after Mr. Knittel, did you? A. I didn't even know Mrs. Knittel, never saw the lady.

Q. I say you concluded after you heard him call her Mrs. Knittel that they must be after Mr. Knittel? A. I wasn't positive, because he had two lad-

ies with him and I couldn't see in the alley who they were.

Q. Didn't you say on your way going up that you didn't think it was a nice thing for him to do to trap this man? A. No.

Q. Sure about that? A. No, sir.

Q. What reply did you make when he told you that he was going to trap or catch this man? A. I didn't know what his object was.

Q. What did you say? A. I knew he had been working on non-support cases and such as that, and that is what I thought I was going on.

Q. Now, Mr. Shaw, when he said he was going up there to trap or catch a man what did you say to him? A. I told him I would go with him.

Q. Didn't you make any reply to the suggestion that he was going to trap this man? A. No.

Q. Didn't make any reply at all? A. No.

Q. Didn't Mr. Herbert tell you he was working for Mrs. Knittel and he wanted to get evidence against her husband for adultery? A. No.

Q. Nothing said about that at all? A. No.

Q. Mr. Shaw, had you been in the house before Herbert came there? A. No, sir.

Q. Had Hebert been in before? A. Not as I know of.

Q. You and Herbert arrived together, didn't you? A. Yes, sir.

Q. And so far as you know all four went in at one time? A. All four went in at one time, yes, sir, back way.

RE-DIRECT-EXAMINATION by Mr. Bourgeois:

Q. Did you know—did you look at your watch and do you know what time it was when you came

out of there? A. I looked at my watch when I went into the front room and it was five minutes of nine.

Q. Five minutes of nine when you went in that front room? A. Yes.

WILLIAM I. GARRISON, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mr. Garrison, you are a counsellor at law? A. Yes, sir.

Q. You are the solicitor of record in this case? A. Yes, sir.

Q. Representing Mrs. Knittel? A. Yes, sir.

Q. When did Mrs. Knittel first come to you with relation to her domestic affairs? A. Well, I think it was sometime in May.

Q. And when she came there what was her object, what took place between you, what conversation took place between you? A. She came there and told me about what somebody had told her about her husband and that she would like to have my, like to consult me about it.

Q. Yes. A. And I told her that my idea was that she didn't know enough against her husband to consult a lawyer, just merely being at the Extra Dry with a lady, and she went away. She came back afterwards—

Q. About how long afterwards? A. Oh, I can't recollect that. She came back afterwards and she seemed to be worried, and seemed to be anxious

to know whether her husband was true to her, that seemed to be the burden on her mind, and I said there was no way for a lawyer to tell her. The only thing she could do was to get a detective or somebody and follow him up, and she told me that she had had a detective and had dismissed him or something. I don't know.

Q. That she had had one or consulted one, which? A. Consulted one, I think, consulted a detective, and I told her she had better get somebody to investigate the matter, and I suggested Mr. Herbert and Mr. Herbert began the investigation.

Q. Now what was she going to investigate for? What did she have in mind, if you know? A. Her whole mind seemed to be on getting her mind relieved. She was worried. She didn't know whether the man was true to her or untrue, and she wanted to know, she wanted to know whether he was really true to her or not.

Q. Now did you know anything about her? Did you know—was she a stranger to you? A. Never had seen her before.

Q. Did she tell you anything about what family she had or whether she had any family? A. She said she had two children and a mother.

Q. Tell you the age of the children, did she? A. Well, she may have. I don't recollect now. I can't remember all those things.

Q. Now as a result of these visits was Herbert employed? A. He was employed.

Q. Were you present at the time the engagement was made? A. Yes.

Q. Will you tell the Court what it was? A. Well, Mr. Herbert was to receive a retainer, and he was

to report back in two or three weeks, I can't remember all those details, and if it warranted further investigation he was to investigate further, and when she was satisfied or I was satisfied that the investigation was completed then she was to pay him five hundred dollars.

Q. Now at that time was there anything said about her divorce? A. Not a word.

Q. What was he to investigate for? A. The investigation was to be made, as I understood it, to find out whether he was true to her. She seemed to be in a nervous collapse from these reports that she had had.

Q. Did she ever say to you during those visits that she doubted his fidelity? A. I don't think so. She may have said so. She may have said so, I don't know, probably did.

Q. I beg your pardon? A. She may have said so.

Q. Now how long was Herbert on the case? A. Oh, from May until the nineteenth day of September—well, on the case yet.

Q. I see. A. Still on it.

Q. During that period and prior to the nineteenth of September did he from time to time make reports to you of what he saw? A. Yes.

Q. Did you make a memorandum of them? Did you? A. I think so.

Q. Now it is in testimony here that during this time you were representing Mae Abrams and her mother in a suit, is that true? A. I had brought two suits against the Shill Rolling Chair Company for damages.

Q. And who represented the defendant in those suits? A. Bolte, Sooy and Gill.

Q. Did you know that Herbert was engaged to investigate Mae Abrams? A. I did not.

Q. Were those suits in course of settlement about the nineteenth or twentieth of September? A. We were dickering from the first of September until they were finally settled around the first of October.

Q. Now did Mae Abrams come to your office sometime during the day of September twentieth—September nineteenth I mean, September nineteenth? A. Mr. Bourgeois they were there very often.

Q. Do you recall an instance when she came to your office, and after she went or just as she went Mr. Herbert came? A. I remember Mr. Herbert saying that this girl is mixed up with Knittel. I remember that.

Q. You remember the girl had been in there just prior to that? A Well, I can't remember that. Probably she was.

Q. Do you remember—let me ask you this—do you remember how she was dressed on the nineteenth, I mean on the nineteenth, same day that this happened? A. Well, she was dressed in a purple robe, purple dress, purple hat, purple shoes and purple stockings, and she had some sort of, I can't tell the things that the women wear that make them look pretty, but I thought she was dressed the prettiest of anything I ever saw.

Q. And what did you say to her? A. I said, "Kitty where did you get the pretty clothes?" Now I don't know whether it was that day that Mr. Herbert told me about Knittel or no, but it was one day, I said, "Where did you get the pretty clothes?" Why she says, "A broker put

them up." I says, "A broker?" "Yes," I said "Where does he come from?" "Oh," she says, "He is in town." And I said, "Does he live with you?" "Oh, no," she says, "don't live with me, but he comes most every night to see me," and that is about all the conversation I had about that.

Q. Now when Herbert came in and said that the Abrams girl was going around with Knittel what did you say to him? A. Why, I said that the girl told me that she had a broker and a broker was putting up for her, that is all I told him.

Q. Did you tell him that she said he came to see her most every night? A. Yes, I told Mr. Herbert she said the broker came to see her most every night.

Q. Now at the time Kitty was in your office and you were complimenting her for her pretty clothes, did you know she was in with Knittel? A. No, I didn't know it until I got the report.

Q. You didn't know it until Herbert— A. I didn't know it until Herbert told me.

Q. When he came to make the report? There is testimony here that you gave your check to her for fifteen dollars and she used it to pay the rent? A. Mr. Bourgeois, she got a hundred and some dollars, these checks that you have there will show, prior to the settlement of her suit, she drew money on those suits, because I expected those suits to be settled early in September, and she drew money from time to time on the strength of that settlement, and when the settlement was made all the money she had coming to her was either two hundred and sixty-nine or two hundred and nineteen.

Q. How much was the amount of the settlement, how much money was there coming to her, total amount? A. Well, her release is there—just wait a minute and I will figure it for you. Six hundred and seventy-five dollars.

Q. Now, I show you a check dated September fifteenth 1916, drawn by W. I. Garrison to the order of Mae Abrams, endorsed Mae Abrams, and Hugh Thompson, and ask you if that is your check? A. Yes, sir.

Q. You gave it to her? A. Yes, sir.

Q. At whose request? A. At her request.

Q. For any specific purpose? A. Oh, no. No, I didn't know what she wanted it for. She never consulted anything with me about house or renting houses, I didn't know anything about their family life.

Check offered and admitted in evidence and marked Exhibit P-1.

Q. I show you another check bearing date August sixteenth 1916, drawn by William I. Garrison to Mae Abrams for ten dollars and endorsed Mae Abrams and P. Perfetti, and ask you if that is your check? A. Yes.

Check offered and admitted in evidence and marked Exhibit P-2.

Q. I show you another check bearing date of August thirty-first, 1916, drawn by William I. Garrison to the order of Mae Abrams and by her endorsed, and ask you if that is your check? A. Yes.

Check offered and admitted in evidence and marked Exhibit P-3.

Q. Now, I show you another check bearing date October 5, 1916, drawn by you to the order of Mae

Abrams on the Atlantic Safe Deposit and Trust Company for fifty dollars and by her endorsed and ask you if that is your check? A. That is my check.

Check offered and admitted in evidence and marked Exhibit P-4.

A. There is four of them. They are all same date.

Q. I show you another check bearing date of October 5th, 1916, made by yourself to Mae Abrams for fifty dollars on the Atlantic Safe Deposit and Trust Company and ask you if that is your check and by her endorsed? A. That is right.

Check offered and admitted in evidence and marked Exhibit P-5.

Q. I show you another check bearing date October 5, 1916, made by yourself to the order of Mae Abrams for fifty dollars, drawn on Atlantic Safe Deposit and Trust Company and by her endorsed and ask you if this is your check? A. Yes, that is right.

Check offered and admitted in evidence and marked Exhibit P-6.

Q. I show you another check bearing date October 5, 1916, drawn by yourself to the order of Mae Abrams for fifty dollars on the Atlantic Safe Deposit and Trust Company and by her endorsed and ask you if that is your check? A. Yes, sir.

Check offered and admitted in evidence and marked Exhibit P-7.

Q. Now Mr. Garrison, had you at that time received the moneys with which to make this settlement? A. No. A draft, Bolte and Sooy's draft had been given, but we were not certain that draft would be honored. It was given on the Georgia

Casualty Company, not given on any bank, it was deposited over here in the Safe Deposit and Trust Company, but I felt pretty sure that draft would go through, and on the strength of that I gave her two hundred dollars.

Q. And those four checks are the two hundred? A. Drawn in four checks so that they could handle the four checks.

Q. Now, I show you another check drawn by yourself to the order of Mae Abrams dated October 10, 1916, for fifty dollars and by her endorsed and ask you if that is your check? A. That is mine.

Check offered and admitted in evidence and marked Exhibit P-8.

Q. I show you another check dated October 10, 1916, drawn by yourself to the order of Mae Abrams for fifty dollars on the Atlantic Safe Deposit and Trust Company and endorsed Mae Abrams and Moss and Hamilton, and ask you if that is your check? A. That is right.

Check offered and admitted in evidence and marked Exhibit P-9.

Q. Now, I show you another check bearing date October 14, 1916, drawn by yourself to the order of Mae Abrams for $219 on Atlantic Safe Deposit and Trust Company and by her endorsed and marked at the bottom "In full, Abrams vs. Cas. Co." and ask you if that is your check? A. That is right, that was the balance of the settlement.

Check offered and admitted in evidence and marked Exhibit P-10.

A. You will find in the check stub that that is $269 instead of $219 but you will find that that check number does not correspond with the stub

number because after that check had been drawn for $269 they said they owed their doctor fifty dollars and they had a check drawn for $219 and then I paid their doctor the fifty dollars.

Q. Did you speak to Mae Abrams when she was in your office anything about Knittel on the nineteenth of September 1916? A. No, sir, I didn't speak to them about it.

Q. It has been intimated here that there was some conspiracy, some connivance with regard to trapping Mr. Knittel; was there any such connivance within your knowledge? A. No, sir.

Q. Was there any money paid to you by Mrs. Knittel for the purpose of paying anybody to go and secure evidence, I mean trap Mr. Knittel there? A. No, sir, but you can put the evidence in, if you want to, for I never received any money from Mrs. Knittel for Mr. Herbert.

Q. Did you ever hear of any claim that this had been a set up case prior to coming here to Court? A. Yes, sir.

Q. Now when did you first hear it? A. On the twentieth.

Q. Mr. Garrison, I neglected to ask you, do these checks that I offered in evidence cover all the moneys that you paid to Mae Abrams on account of the moneys that you collected from the Casualty Company? A. No, there is some cash money she received.

Q. And were there some other checks you drew in your other bank account or are they all in this bank account? A. That I don't know, Mr. Bourgeois, I don't know that.

Q. But whatever other moneys you had and these checks cover all the moneys that were paid

for the purpose of settling that suit? A. Yes, sir, I never paid her a cent of money in my life otherwise.

Q. Except what came about in your business connection with relation to these suits, you mean? A. Those suits.

Q. Did you pay her any money out of the other suit? A. What other suit?

Q. Judge Cole spoke about a Gaskill suit? A. No, sir, I hadn't anything to do with that suit so far as that was concerned.

Q. The only suit you had to do with was this present one? A. Yes, sir.

Q. The one I mean with the Shill Rolling Chair people? A. Only two suits I ever collected any money for her.

Q. Now, Mr. Garrison, you said, the next day you heard something about this case. Did she come in your office the next morning? A. She came, well, I don't know whether it was morning or afternoon, but she came in the next day.

Q. She was in there how many times that day? A. I don't know, she was so mad, she may have been in there two or three times.

By Mr. Cole: Q. Which one are you referring to now? A. Mrs. Abrams.

Q. Miss? A. Mrs Abrams. She came in there and—

Mr. Cole: I object to this conversation with Mrs. Abrams.

Mr. Bourgeois: If the Court please, they say there is a set up trap here.

The Advisory Master: I think in view of the testimony that has been admitted it is proper. I will admit it.

A. She came in to me and wanted me to bring a suit against Mr. Knittel.

Q. For what cause? A. For disgracing her daughter.

Q. Did she tell you they had been up there the night before? A. She told me that an awful thing had been perpetrated and I knew about it because Mr. Herbert had 'phoned me and told me that they had caught him and, "Well," I said, "I wouldn't bring a suit for you. I don't think your daughter has been disgraced." I said, "He was putting up for her." "Well," she says, "It is awfully disgracing." "Well," I said, "I wouldn't bring a suit for you." "Well," she said, "I know who will." I says, "You get them." She said, "I will get Clarence Goldenberg. He will sue him," and then she came in again either that day or the next day, and I don't know which and she says, "What do you think," she says, "They say that thing was put up on him."

Q. Well, now, who did she say said it? A. She said that Knittel had told Kitty, Kitty was her daughter, and I said, "I don't know a thing about that, Mrs. Abrams." I said, "Did you receive any money?" She said, "Why, of course we didn't." I said, "Didn't anybody pay you anything?" She says, "No." I says, "You are quite sure now that this wasn't a put up game?" She says, "No, sir," and she says, "You know it too." "Well," I said, "I don't know anything about it." I says, "Are you willing to put that in writing?" She says, "I am." I called my stenographer in and I had her put it in writing.

Q. Have you got that? A. It is around here somewheres.

Mr. Bourgeois: If your Honor please, at this point I want to offer in evidence a writing signed by Mae Abrams touching on this subject. I haven't got it here unless you will let me go down to the office and look it up.

Mr. Cole: Assuming it is produced I want to object to it as wholly immaterial and irrelevant.

Q. Did she sign the statement? A. She did.

Q. Who was the stenographer took the statement? A. Miss Sullivan.

Q. Is she still in your employment? A. She is still in my employ.

Q. Has she the shorthand notes she transcribed at that time? A. She has.

Q. And did she see her sign it? A. I suppose she did. I don't know.

Q. Now, Mr. Garrison, since that time have you heard from this Abrams woman? A. Three times.

Q. And where and under what circumstances? A. I received a letter while she was at Riverton, at least that is where the letter came from, asking me what progress had been made about getting the goods that she had in Philadelphia which she had pledged for some purpose. Before that letter was answered she telephoned me from Philadelphia about these very same goods, and I told her she had better get somebody in Philadelphia to investigate those things because I didn't see how I could do it, and I didn't care to send it to anybody in Philadelphia. On the morning after the hearing, the first day of the hearing—

Q. That must have been on what? A. Well, it was the first time it came out in the Philadelphia papers, I think it was Friday.

Q. That was Friday morning, Friday, what time on Friday? A. I suppose it was about 10 or 11 o'clock, maybe, maybe it was earlier than that, maybe it was about 9 o'clock, I don't recollect the time, it was in the forenoon, and she said, "Do you see how we have been disgraced?" And I said, "Well, nobody's fault but your own." I said, "If you have men running to your houses and putting up for you you must expect to be disgraced." "Well," she says, "Do you know that we can get a thousand dollars"—

Mr. Cole: I object to all this testimony as incompetent, immaterial and irrelevant.

Mr. Bourgeois: If the Court please, it is along the line of all the testimony that they have taken. Theirs is hearsay evidence and this is hearsay evidence.

The Advisory Master: There has been a great deal of hearsay evidence admitted in this case simply with a view of, on my part, to get the truth.

Mr. Bourgeois: Well, we are willing you should have it so far as our case is concerned. You can have it all.

The Advisory Master: And I don't see that there is any better reason to exclude this testimony than the testimony that was admitted for you, Mr. Cole. I think in that aspect of the case I shall admit it.

A. —to come down and testify," I said, "Who offered you a thousand dollars to come and testify?" She says, "I don't know his name," but said, "It was a dark complected man with a dark mustache." Well, I said, "You better take the thousand and come on down and testify." She

says, "When does the case go on again?" I told her that I didn't know, for I didn't at that time. We came here Friday morning and it was continued until the following Tuesday. I said, "I learned that you have been subpoenaed in this case. You ought to come back and testify." I said, "If you know anything in this case that will hurt or help you ought to come and testify." She says, "Everybody else seems to have gotten something out of this but me, and all I have gotten out of it is disgrace," and that is all I said to her.

Q. And that is the only communication you have had with her? A. Only communication I had had those three times.

Q. Do you know where she is? A. I do not.

Q. Have you known where she was at any time since this case has been going on? A. No, the—letter came from Riverton, I assumed she was there, for I think she has a family there. I don't know. I heard so.

Q. That is all you know about it? A. That is all I know about it, and when she telephoned she gave me an address, and I will tell you what the address was as near as I can recollect, 3400 Chelten Avenue, if there is such a place, Philadelphia, that is all I know about it. I never called on her nor looked her up and don't intend to.

Q. Now, Mr. Garrison, it appears that she said that Mr. Knittel said a trap had been set for him or been a put up game. Was there anything in this case so far as you know of the nature of connivance to get the testimony against Mr. Knittel? A. No, sir.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Garrison, do you regard Mrs. Abrams in this case as being important? A. Mrs. Abrams?

Q. Yes. A. I do not.

Q. Never thought it was important? A. Never thought it was important.

Q. Did you ever think her daughter's testimony was important? A. Never thought it was important.

Q. Did Mrs. Abrams tell you on the occasion of her visit to your office that she had personal information of this incident that night? A. She did not. She said to the contrary, she said she didn't know it, and if she had known it she would have stopped it, and that is in writing.

Q. Now, did Miss Abrams, Kathryn Abrams call on you on the twentieth of September? A. She may have done so.

Q. At that time you knew of this incident? A. Oh, this happened on the nineteenth, didn't it? I don't know much about these dates.

Q. Yes, and Mr. Herbert told you on the, early on the morning of the twentieth? A. I don't know how early it was. He told me.

Q. What was she doing there on the twentieth? A. The old lady came back mad.

Q. What was Kathryn Abrams doing there? A. She came back afterwards with her mother, as I recollect it.

Q. Did she come at one time alone? A. Kathryn?

Q. Yes? A. When?

Q. On the twentieth? A. I don't recollect it if she did.

Q. Mr. Knittel says he saw Kathryn Abrams in

the Guarantee Trust Company corridor first floor that morning and take the elevator, and she was gone about twenty minutes, and came down the elevator. Now, do you recall the circumstance of her being there that day? A. No, I don't. She may have been there, understand me, I don't know.

Q. What? A. We have a lot of people come into our office. I don't keep track of them.

Q. I understand, whether you saw her on the twentieth or not? A. I may have done so.

Q. Do you recall whether you saw her after the twentieth? A. After the twentieth?

Q. Yes. A. I expect I saw her a half a dozen times after the twentieth.

Q. What was she doing there? A. Arranging for a settlement of these damage suits.

Q. By the way, how old is she? A. She is about, I should judge about eighteen. I don't know her age.

Q. Well, was the suit for her and also a suit for her mother? A. Yes, sir, one had a broken arm and the other had broken ribs.

Q. Well, now, Mrs. Abrams had told you that she had heard this was a frame up? A. That was her second trip.

Q. When was that? A. That was either on the twentieth or the morning following, right close period of time.

Q. And she had not known anything about this herself at all, had she, this occurrence that night? A. She said she did not.

Q. Why didn't you— A. Hold on, Judge. She, when she came in the next day the thing happened, she knew about it then.

Q. Exactly. Why didn't you say, "Mrs. Abrams"—if you knew that there was some question about the frame up, why didn't you get Miss Abrams to make a statement? A. I don't know as I thought about it.

Q. Well, as she was the real party to this transaction and not the mother, who didn't know anything about it, why did you take the mother's statement who didn't know anything and not get the statement of Miss Abrams who did? A. I don't know as I thought about that. This was a girl, as I told you, about eighteen or nineteen years old.

Q. Mr. Garrison, she is a very well matured girl, isn't she? A. Well, she is a lively critter.

Q. You knew that, didn't you? A. Not experimentally, Judge.

Q. You knew it from reputation, didn't you? A. Yes, I knew it from reputation.

Q. You assisted in the trial in the case at Mays Landing where there were certain sordid developments? A. Yes, I did.

Q. And she is way beyond her years in conduct, isn't she? A. She is and she isn't. She is beyond her years, I think, immorally, probably, but I wouldn't like to say she was intellectually.

Q. All right, let's put it on the moral ground. So you now say, do you, that you deemed it important enough to have a statement from Mrs. Abrams that this was not a frame up when she didn't know anything about it, and it made no impression on your mind that it was important to get the statement of the daughter who, if it had been a frame up, would know it? A. Well, the mother was in, when she came in, I assume this

is the way this happened, she came in mad, and wanting to sue Knittel, and she was mad, and then she came back again and she told me about this frame up.

Q. Daughter present? A. No, her daughter was not present, and I took that statement right then and there.

Q. Now, Mrs. Garrison, on the 20th you knew that there was to be a petition for divorce filed by Mrs. Knittel again Mr. Knittel and Miss Abrams was to be the corespondent, didn't you? A. I didn't know she was going to apply for a divorce at that time, no, sir.

Q. But this petition is dated the twentieth. A. Don't make any difference, I didn't know it until 4 o'clock that afternoon when Mrs. Knittel came in, I didn't know she was going to make application for divorce.

Q. You knew it on the afternoon of the twentieth? A. Yes, sir.

Q. Miss Abrams ever come back after that? A. Oh, Miss Abrams has been back and got her money and gone.

Q. You did know some time afterward in December, September, that you were going to file a petition for divorce and Miss Abrams was to be the corespondent, you knew that? A. Yes, sir.

Q. Before that you had been told by Mrs. Abrams that this was a frame up? A. Yes, sir.

Q. You knew as a lawyer, if it was a frame up, you couldn't succeed, didn't you? A. Yes, sir.

Q. And knowing that fact, and still being in reach of Miss Abrams, who was the corespondent, and able to get her statement, it didn't occur to you that you ought to have it, did it? A. Probably it was an oversight. But I got the mother's.

Q. Looking at it at this time from this angle, you think it is quite important to have her statement, do you not? A. No, I do not, in view of all this testimony, I should say not.

Q. Why did you put the name Kitty Murray in this petition? A. She was known to me by Kitty Murray more than she was Kathryn Abrams.

Q. Didn't you know her name as Katie Abrams? A. Certainly, I did.

Q. That was the name she was known in the Gaskill suit at Mays Landing? A. Yes, sir.

Q. And that was the name you had sued the Rolling Chair Company? A. Yes, sir.

Q. And you knew by the rules of Court, if you knew the name of the corespondent that should be inserted? A. I probably knew some little of that.

Q. And in the face of all that you saw fit to put in the petition the name that was not the name? A. I don't know I did that.

Q. Who did? A. It was probably done in our office and I may have done it. I don't want to put it off on anybody else, but I knew her more by Kitty Murray than Kathryn Abrams.

Q. Mr. Garrison, didn't you know her name was not Kitty Murray? A. I did.

Q. And you certainly, as a lawyer, knew under the rules of Court it was the real name should be in the petition, didn't you? A. Sure I did.

Q. Then why didn't you put her real name in? A. Because I knew her and called her Kitty.

Q. You were very familiar with her? A. What do you mean by familiar?

Q. Called her Kitty? A. Yes, she was a girl.

Q. I don't mean to suggest any improper relations. A. I hope you are not, Mr. Cole.

Q. You found her on this morning beautifully dressed up, didn't you? A. She looked like a flower garden.

Q. And you asked her, calling her Kitty, where she got those clothes? A. Yes.

Q. And she told you somebody was putting up for her? A. Told me a broker.

Q. Was putting up for her? A. Yes.

Q. And when the mother called up from Philadelphia and told you Kitty was being disgraced, you told her if she went with men like that she might expect to be disgraced? A. I did.

Q. Did it occur to you, when she told you on this occasion in your office that a broker was putting up for her, and you saw her all dressed up, as you say you did, that it would have been a good thing to suggest to her that she should not allow a broker to put up for her? A. Mr. Cole, when did I get to be her keeper?

Q. Mr. Garrison, pardon me. Answer my question. A. It didn't occur to me, don't advise people to correct conduct.

Q. But you supposed, when she told you that there was a broker putting up for her, that there was some immoral relations between them, didn't you? A. I knew that people wasn't buying her nice clothes for nothing.

Q. When she told you that there was a broker putting up for her, did you suspect that there were immoral relations between them? A. Well, I should suppose so.

Q. And you supposed so then, didn't you? A. I suppose so now too, but I can't go around and

stop people for putting up and girls accepting the putting up, I can't do that.

Q. Now, at that time you knew that there was in your office under investigation this case of Mrs. Knittel against her husband, didn't you? A. Indeed I did.

Q. What? A. Yes, sir.

Q. And she told you, that is this girl told you on the occasion of her being in the office that afternoon, that this man who was putting up for her had an engagement with her that night? A. I don't know as she exactly said that night, Mr. Cole. She said the broker visited her every night or something to that effect. I can't just get that exactly right.

Q. Mr. Herbert testified that you told him that this girl told you that she had an appointment with this man that night. Now, didn't she tell you that? A. She may have done it.

Q. And then Mr. Herbert came in and told you that this girl who had just left the room, just left your room, had been seen in Broker Knittel's office? A. Yes, sir.

Q. Did it occur to you at that time that this engagement that she told you she had with this man was with Knittel? A. No, I didn't think about it. I didn't know what she was in Knittel's office for and I don't know if I had that I could have done anything, and I don't know that I would, if I could.

Q. Well, you have more than answered my question. A. Well, all right.

Q. Nothing else you care to say, is there? A. A. I don't think so.

Q. Have you ever before, in filing a petition for

divorce, inserted the name other than the real name of the party as corespondent? A. Oh, I don't recollect that, Mr. Cole.

Q. I am asking you. A. Well, I don't know.

Q. I am trying to find out, Mr. Garrison, as you probably divine, what reason you had, if any, for not putting the real name in. A. I haven't any reason in the world because, Mr. Cole, why should I put Kitty Murray? Everybody knew Kitty Murray and Kathryn Abrams were one and the same.

Q. I can't imagine why you didn't put Kathryn Abrams in. A. I can't tell you either, but she was known more to our office as Kitty Murray than anything else.

Q. Why didn't you sue in the name of Kitty Murray when you sued the Shill Rolling Chair Company? A. I sued for Mae Abrams.

Q. Oh, as— A. Next friend.

Q. Next friend for Kathryn, why didn't you sue the next friend for Kitty Murray? A. Mr. Cole, I don't think I entered that suit, I don't think I knew a thing about when it was entered.

Q. Did you draw this petition? A. That I don't know. Charge it to me because I don't want to lay it on anybody else.

Q. Would Mr. Voorhees have put Kitty Murray in there without your authority? A. I don't know what he would do, I can't tell you, I reckon he would if that name came to him first, but to give you a reason why I put that in there I couldn't tell you. I know you had no trouble finding out it was Kathryn Abrams.

Q. You don't know where either of them are now? A. No, indeed I do not.

Q. And notwithstanding the fact you knew the very day that this petition was drawn that there was a charge out of a frame-up, you have made no personal effort to get either one of those people here? A. Why should I? We have got our case prepared.

Q. I am not asking you that. Have you? A. No.

RE-DIRECT-EXAMINATION by Mr. Bourgeois:

Q. Mr. Garrison, about Kitty Murray they talk about, was her name inserted in that petition for the purpose of misleading anybody? A. No, indeed.

Q. Is she well enough known by the name of Kitty Murray so that anybody would know who was meant, if they heard the name Kitty Murray in this town? A. Well, she was a dancing girl here and that was the name they were going by because I went over to Mrs. Clark's one time and asked for Mrs. Abrams and they didn't know who it was, and somebody, I don't know whether it was this lady Mrs. Clark or who it was, before they got a chance to say anything, somebody opened a door back in their apartments and I went back there, and I went over there at that time to see them in regard to this settlement.

Q. Then you are the Thompson Garrison? A. I expect I am the fellow for I was there and that thing happened just as she said.

Q. With relation to the mother? A. I went there to see about a settlement of this case. Mr. Bolte had called me up and I went over and went around there to this apartment and when I asked

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somebody, I don't know if it was this Clark woman or who it was, but before they got a chance to answer somebody back in their apartment opened the door and I went back.

Q. At that time did you know if Kitty Abrams or Murray, whatever her name is, was interested in Mr. Knittel? A. Oh, no. I never knew she was interested in Mr. Knittel until the day after they caught him.

ABE McCULLEN, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mr. McCullen, are you one of the life guards on the beach at Atlantic City? A. Yes, sir.

Q. Were you last season, during the season of 1916? A. For eight straight seasons.

Q. How long? A. Eght straight seasons.

Q. During the month of August of last year or the early part of September in last year, or this year, did you see Mr. Knittel down there? A. Well, I saw him all summer long.

Q. All summer long? A. Yes.

Q. Ever see him with anybody? A. Yes, every time I saw him he was always with someone.

Q. Same person or different people? A. Different people.

Q. Did you ever see him with this woman that had the red sweater, pink sweater? A. Well, I saw him with a woman with an old rose sweater.

Q. Old rose sweater? A. Yes.

Q. This past summer? A. That was sometime in August, latter part of August, probably.

Q. Now, what did you see him doing? A. Well, I went out in the boat between eleven and one o'clock, and I always had a boy up there instructed not to leave anyone to put their sweater or things on the stand, and I happened to have my stepson there and another little boy a friend of mine that I have taught swimming. I could see him, and Mr. Knittel came along and had a woman with him, and I could see by his actions that he was trying to put something on the stand, and then came out in the water, and then the boy I have taught swimming, he came out and told me that Mr. Knittel had tried to put his—

Q. Did he call him Knittel? A. Knittel or Knettle—I don't know which it is—that he had put his sweater in the stand and he had pulled my boy off the stand almost because he wouldn't leave him put his sweater in there, and he cussed him, so I went on in and I ordered them to throw that sweater out on the sand, water, any place, I didn't care, and I could see him all the way in, as I was backing in, and he was there with this woman in the water bathing her, and I was pretty mad, and when I got out to him I was very close to him and I asked him what the Hell right he had to pull my boy off the stand and put his sweater in, so he said something, I don't know just what it was, and I told him that he wanted to leave my boy alone.

Q. Did you observe his actions with the woman? A. Yes.

Q. What was he doing, what did he say? A. Well, what I call loving them up in the water.

Q. What do you mean by loving them up in the water? A. Well, that is keeping rather close, squeezing them up, feeling them all over with your hands and so forth and so on.

Q. Did you see him when he left the water? A. Yes, sir.

Q. Did you notice where he went? A. Well, he went straight in and up to the stand and had some sort of a talk with the boys up there about the sweater, and I could notice that he didn't take it very well having the sweater thrown down on the sand, or wherever it was, and from there he went on up under the Boardwalk.

Q. And then did you see him after that or did you not see him any longer? A. Well, then I stayed out there in the boat for some time, I don't know, possibly fifteen or a half an hour, I came in, and he was lying up under the Boardwalk.

Q. Alone? A. No, he was with this same lady.

Q. Now, did you ever see him down there with any other woman besides this woman? A. Oh, yes.

Q. During this past summer? A. Well, I suppose I have seen him with three or four different women this past summer.

Q. Bathing with them? A. Well, I have noticed him in particular twice in the water this summer that I can be sure.

Q. Do you know Mrs. Knittel? A. Well, I don't know her. I have met her Sunday, that is all I know.

Q. Now, how many times do you suppose you have seen Mr. Knittel with other women in bathing during the past two years, other women than

his wife during the past two years? A. I would say a dozen more or less.

Q. How many? A. A dozen more or less.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. McCullen, at the time you saw Mr. Knittel there he was in a bathing suit? A. Yes, sir.

Q. And the women were in bathing suits? A. Yes, sir.

Q. And these were hours when the bathing was going on? A. Yes, sir.

Q. Crowds of people there? A. Yes, sir.

Q. On the strand, under the Boardwalk, and on the Boardwalk? A. On the beach and under the Boardwalk and out in the water.

Q. Crowds everywhere? A. Sure.

Q. Do you know where Mr. Knittel robed himself in his bathing suit? A. Well, I don't know exactly where he robed himself.

Q. Do you know that he robed himself from his office upon South Carolina Avenue? A. No, sir.

Q. You don't know where he would come from when he went bathing or where he would go after bathing? A. No, sir.

By Mr. Bourgeois: Q. What is your stepson's name? A. Herbert Crawford.

HERBERT CRAWFORD, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Herbert, how old are you? A. Ten years old.

Q. Were you down on the beach last summer? A. Yes, sir.

Q. When you were down there did you ever see the gentleman sitting at the desk down there? A. Yes, sir.

Q. Did you know his name? A. No, sir.

Q. What was he known to you as? How did you know him? A. I just seen him pass down there a few times.

Q. When you boys talked about him did you sometimes talk about him? A. Yes.

Q. How did you speak of him? How did you designate him? A. I don't know just the way that we used to, "There goes the man" so and so.

Q. Did you ever see him down there with any women? A. Yes, sir.

Q. During the summer of 1916? A. Yes, sir.

Q. What did you ever see him do with them? A. I saw him out in the water, one time he came up with some lady, she had a pink sweater on, and he wanted to put the sweater in the stand, and I told him my father had told me not to put any sweaters in the stand, but people that he knew, and Mr. Knittel said that he knew him and would fix it up all right, and then I told him that I couldn't do it, he would have to ask my father, and so he pulled me off the seat, and lids lifted up so he could put the sweater in, he put the sweater in, and then he took the lady out in the water, and then I didn't pay any more attention to him. One of the boys swam out to the boat and told him about it, and I put the sweater on the canoe until he came back.

Q. Now, did you ever notice his actions when he would be in the water with different women? A. No, sir.

Q. How many different women did you see him down there with to your knowledge? A. Two.

Q. That is during what months, do you know? A. 1916.

Q. What month? A. October.

Q. October? Now, think. Last month was October. Was it in warm weather? A. Yes.

Q. When your father was out there with the life boat? A. Yes.

Q. When they came out did you see them, what they did when they came out of the water? A. I saw what one of them did.

Q. Which one? A. She was kind of a stout lady.

Q. The stout lady? A. Yes.

Q. What did he do? A. They went under the Boardwalk.

Q. And what did they do when they got under the Boardwalk? A. He had his arm around her and he was making love to her.

CROSS-EXAMINATION by Mr. Cole:

Q. Young man, you have seen other men and women down on the Boardwalk and in bathing all of this summer? A. Yes, sir.

Q. Nothing unusual to see men and women there, is it? A. No.

Q. Do you charge anything for storing the sweaters on the stands? A. Yes, sir.

Q. Is that the reason you wanted Knittel's off because he wouldn't pay? A. No, sir.

Q. Well, did you ask him to pay? A. No, sir. He said that he would fix it up all right with the lifeguard.

Q. And he didn't fix it up with the lifeguard, did he? A. No.

Q. And that is why you told him to take it off? A. Yes.

Q. Well, how much do you charge for taking care of sweaters? A. Ten cents.

Q. Who gets that money? A. Well, they, at the end of the night, they divide it up between three boys.

Q. Kind of a little bit of lifeguard graft, eh, is that the idea? A. Yes, sir.

Q. And the real objection to this sweater of Mr. Knittel's being there was because he didn't give you anything, is that it? A. No, sir.

Q. Well why, why didn't you? A. He said that he would fix it up all right with the lifeguards.

Q. And he didn't fix it up, did he? A. No.

Q. And then you didn't want him to have the sweater there? A. No, I wanted to see my father whether he wanted him to have his sweater up there or not.

JOHN BARNETT, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as fololws:

Direct-examination by Mr. Bourgeois:

Q. John, you live in Atlantic City? A. Yes, sir.

Q. And you are the son of whom, Miles Barnett? A. Yes, sir.

Q. Do you work down on the beach in the summer time? A. Yes, sir.

Q. Do you know this little boy who was just on the stand, the Crawford boy? A. Yes, sir.

Q. What are you two boys down there? A. Mascots.

Q. Mascots, do you have a badge? A. I do.

Q. Now, did you know the gentleman sitting at the table last year? A. I did.

Q. By what name did you know him or how? A. Mr. Knittel.

Q. Did you ever see him down on the beach with women? A. Yes, sir.

Q. Many times or a few? A. Many times.

Q. What have you seen him do down there? A. Well, the first day I saw him with three ladies at Ocean Avenue and the beach taking them in the water, and I didn't see him come out of the water, and the next day he only had one lady with him. He was walking up under the Boardwalk, and disappeared out of sight, and I couldn't see where he went.

Q. Well, up whereabouts under the Boardwalk? A. Right there by Hires Rootbeer place.

Q. Hires' Rootbeer place? A. Yes, sir.

Q. Why couldn't you see where he went? A. I don't know, I didn't see him after that because when I was going home I just saw him coming out after that.

Q. How long was that afterwards? A. Well, that was quarter of eleven when I saw him go under, and I was going home at twelve o'clock.

Q. That must have been about an hour and a quarter? A. Yes, sir.

Q. Was anybody with him when he went under? A. A lady.

Q. Anybody with him when they came out? A. Yes, sir, a lady.

Q. Same lady? A. Yes, sir.

Q. What was there there that he could get back of? A. Bulkhead.

Q. Bulkhead? A. Yes, sir.

Q. So that you couldn't see back of that? A. Yes, sir.

Q. When was that, John? A. That was the nineteenth—no, sixteenth of August.

Q. Sixteenth of August? A. Yes, sir.

Q. How do you fix the date? A. It is the day I got my badge.

Q. Oh, the day you got your badge? I see. Now, did you see him down there with other women besides that one? A. Yes, sir.

Q. First can you tell me how that woman was dressed, what kind of a woman was she? A. She had black hair and she wore a black and white bathing suit and blue sweater.

Q. Was she tall or just medium height? A. She was short.

Q. Was she stout or slim? A. Stout.

Q. Then she was a short, stout woman, dark complected? A. Yes, sir.

Q. Now, did you ever see him with any other woman down there? A. Yes, sir.

Q. What kind of woman? A. She had blonde hair, I saw him at Virginia Avenue.

Q. Yes, what was he doing with her? A. Why, he was going out in the water.

Q. Doing what? A. He was going out into the water.

Q. Did you watch him? A. No, sir, I was sent on an errand.

Q. Did you ever see him with any other woman? A. Yes, sir.

Q. Where? A. At North Carolina and the Beach.

Q. And what sort of looking woman was that? A. She had red hair.

Q. And how large a woman was she? A. Tall lady.

Q. Tall? A. Yes, sir.

Q. And what did he do with that woman? A. Why had her out in the water at the time we had the canoe, and we bumped into him and he cursed us.

Q. He cursed you? A. Yes, sir.

Q. Weren't surprised at that, were you, when you bumped into him? A. No, sir.

Q. What was he doing with the woman, could you tell? A. Why he had his arms around her.

Q. So she wouldn't get drowned, I suppose? A. Throwing her under the waves.

Q. Oh, throwing her under the waves? A. Yes, sir.

Q. Now did you see him down there with any other woman? A. Yes, sir.

Q. What kind of woman did you see him with any other time? A. I saw him with two ladies.

Q. Two ladies? A. Yes, sir.

Q. What kind of women were they, what were they like? A. One had real light hair and the other real dark hair, they were walking up towards South Carolina Avenue.

Q. On the beach? A. Yes, sir.

Q. And he was with them? A. Yes, sir.

Q. How were they dressed? A. One lady had a black, one lady had a purple bathing suit on, and the other had a pink.

Q. Couldn't help but remember that, could you? Did they go in the water or didn't you see? A. I didn't see.

Q. Now, did you ever see any of these women get kissed? A. Yes, sir.

Q. Which one? A. It was the one day I was going up on the Boardwalk and the stairs there by Hires Root beer place, and he was laying just a little bit under the Boardwalk laying down in the said, and had his arm around a lady's neck, and just going up for candy, me and the other boy, and he kissed her.

Q. People around there? A. Yes, sir.

Q. Many or just a few? A. Many.

CROSS-EXAMINATION by Mr. Cole:

Q. Whenever you saw Mr. Knittel he was in a bathing suit? A. Yes, sir.

Q. And these women that he was with were in a bathing suit? A. Yes, sir.

Q. And when he disappeared from your sight and came back he was still in bathing suit? A. Yes, sir.

Q. Anybody ask you to watch this man? A. No, sir.

Q. Can you tell us of some more men that you saw on the beach in bathing suits last summer who were making love to women? A. Yes, sir.

Q. Can you fix the dates? A. Yes, sir.

Q. Well now give use the date when you found somebody else. A. July fifteenth 1916.

Q. Are you speaking now of this gentleman? A. No, sir.

Q. Do you make a record of those things? A. No, sir.

Q. What is your business, sir? A. Nothing.

Q. What? A. Nothing.

Q. Don't you have any business? A. No, sir.

Q. Well, you make it a business to go down and see these men make love to women, don't you? Anybody pay you for that? A. No, sir.

Q. Do you make a report of these things to your father? A. No, sir.

Q. You do not? A. No, sir.

Q. Who did you first tell this story to that you have been telling on the stand? A. Mr. Herbert.

Q. To Mr. Herbert? A. Yes, sir.

Q. Never told it to anybody before? A. No.

Q. How did you come to tell it to Mr. Herbert? A. In the presence of my mother and father.

Q. What? A. He came to my house, in the presence of my mother and father.

Q. How did your mother and father know anything about it? A. He called up on the telephone.

Q. Who? A. Mr. Herbert.

Q. How did Mr. Herbert know that you knew anything about it? A. I don't know.

Q. And you never told anybody? A. No.

Q. Until you told it here today? A. Yes, sir.

Q. And yet Mr. Herbert came down and asked you about it and you told him? A. Yes, sir.

Q. Well didn't you tell somebody today? A. Only Mr. Herbert.

Q. Only Mr. Herbert? A. Yes, sir.

Q. You never told anybody else on earth what you told today except Mr. Herbert? A. Yes, sir.

Q. How did Mr. Herbert know you knew anything about it? A. I don't know.

Q. You don't know? A. No.

MISS GERTRUDE McGOWAN, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Miss McGowan, you live in Atlantic City? A. Yes, sir.

Q. How long have you lived here? A. Seventeen years.

Q. Seventeen years? A. Yes, sir.

Q. Where is your home? A. Seventeen North Carolina Avenue.

Q. Before I forget it, let me ask you, the evidence shows that on Thursday night of last week Mr. Nusbaum went to your home and endeavored to serve a subpoena on you. Were you home at that time? A. I was not.

Q. Where were you? A. I was on my way to Baltimore.

Q. And when did you get back? A. I got back the next day.

Q. What was the object of going to Baltimore? A. I went on business with Mr. Herbert.

Q. Was it to get a witness in this case? A. It was.

Q. And were you at home when this man called with the subpoena? A. No, sir.

Q. What time in the afternoon did you leave? A. We left in the evening on the six o'clock train.

Q. And what time did you get back the next day, about? A. We left Philadelphia on the two o'clock train.

Q. Two o'clock train, that is the Reading? A. Yes, sir.

Q. You have been working with Mr. Herbert in his business for some time past? A. Almost two years.

Q. Almost two years? A. Yes, sir.

Q. There is also evidence in this case that you wore a lavalliere. Do you, sometimes? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Haven't it on today? A. No, but I have it with me if you wish to see it.

Q. Have it with you, and also that you wore rings? A. Yes, I do.

Q. Now, have you the rings with you too? A. Yes, sir.

Q. Where did you get the lavalliere? A. Mrs. Knittel gave me the lavalliere.

Q. And when did she give it to you? A. Well, as near as I can remember it was sometime in July.

Q. And why did she give it to you, do you know? A. No, I don't know, she showed it to me one day and asked me if I liked it and I said very well, she said, "That is for you."

Q. Will you produce it, please?

(Lavalliere produced and shown to Court to examine.)

Q. Now, about the rings, let's see the rings that you have.

(Three rings produced and shown to Court and counsel.)

Q. Which of them have you had the longest? A. The very small one.

Q. The smallest one? How long have you had that? A. I have had that for over a year.

Q. For more than a year. Now the larger one, the single stone, how long have you had that? A. I have had that, I think I bought that in August, sometime in August.

Q. Of this year? A. Of this year.

Q. August of this year, and where did you buy it? A. Mr. Herbert has a friend who deals in diamonds, and I asked him if he would try to

get me a single stone ring, and that is the one he brought.

Q. And it was bought from them? A. Yes.

Q. That was in August, now the other is a three stone ring? A. Yes, I have had that since last February.

Q. And where did you get that? A. Got that from my mother.

Q. Who paid for the single one that you got in August? A. I paid for it myself.

Q. And where did you get the money that you paid for that, do you know? A. Yes, I worked for it.

Q. Now tell me something about this case; you started on this Knittel case when? A. I started to work on the Knittel case in June.

Q. In June? A. Yes, sir.

Q. And what work did you do? A. Well, I went out in the evening along the Boardwalk, and every other day I went to the beach.

Q. And when you went long the Boardwalk and to the Beach what was the object of your visits, what did you do? A. Why to see Mr. Knittel and to see what he was doing.

Q. And did you on various occasions or some occasions see him on the beach or in bathing with women? A. I did see him in bathing with three different women.

Q. Were you alone or was somebody with you? A. Mrs. Knittel, Mr. Herbert and myself.

Q. And on one occasion was another gentleman with you? A. Yes, but I didn't see him go in the water that day.

Q. Now during the time that you were investigating Mr. Knittel do you know if Mr. Herbert

had some work to do for Bolte and Sooy? A. He did.

Q. By shadowing Miss Abrams? A. He did.

Q. Did you work on that case also? A. I went down one day on the Boardwalk to snap their pictures.

Q. Then these pictures that he showed me the negatives of, were they taken by you? A. Some of them.

Q. Who was it snapped this girl or the woman when she was reading the paper? A. Well I snapped a couple of them while they were reading.

Q. All right, let's get back to Knittel. What kind of woman, that is describe the woman you saw him with? A. The first woman I ever saw him bathing with was a short dark complected woman. He met her at the lifeguard stand near the Alamac Pier and he went in the water from there.

Q. And what were his actions when they were in the water? A. Well, she had her arms around his neck and he was lifting her up over the waves and holding her tight to him.

Q. Did you notice whether he was feeling of her breasts, or not? A. I couldn't see from where I was sitting.

Q. Now who was the next woman you saw him with? A. The next woman was a short dark complected woman too. I don't know whether it was the same one or not.

Q. And where was that? A. He met her at the first lifeguard stand, and they walked up the Beach and went in bathing in front of the Chalifonte Hotel.

Q. And what was his conduct when they were in bathing? A. About the same.

Q. Well, did you see him doing anything out of the way? A. Yes, I could see him that day, they were out very far and he was holding her very close to him, and she had her arms around his neck and the lifeguard said something to him, and I thought it was the way they were carrying on in the water, but I found out later it was something about a sweater.

Q. Did you see them when they came out of the water? A. Yes, sir.

Q. Where did they go? A. They walked straight under the Boardwalk and sat down about half way under.

Q. And how long did they remain there, do you know? A. About a half hour.

Q. And what was his conduct while he was under there? A. Well, they were sitting talking he was brushing her hair with his hand, she was shaking her hair, trying to dry it, I guess.

Q. And did you see where he and the first woman when they came out of the water on the first occasion went? A. They went under the Boardwalk, but I couldn't see where.

Q. Now did you see him on another occasion later? A. Yes, sir.

Q. With a woman? A. Yes, sir.

Q. Where? A. I was on the Steeplechase Pier and he appeared on the Beach alone, later met a woman and took her in the water in front of Ocean Avenue.

Q. Who was with you on the Steeplechase Pier? A. Mr. Herbert, Mrs. Knittel and myself.

Q. And did he go in bathing on that occasion? A. He did.

Q. Did you know the woman? A. I did not.

Q. What, if anything, was his conduct out of the way on that day? A. Well looked about the same to me, I was quite a distance away and we had a pair of glasses. Of course I didn't always have the glasses.

Q. Do you know the date this was? A. No, I don't remember the date.

Q. Well do you know if he fondled that woman's breasts? A. Well, he seemed to be.

Q. You were on the Steeplechase Pier and he was where? A. Why at Ocean Avenue, about Ocean Avenue, between Ocean and South Carolina, somewhere right along in there.

Q. I see, that is quite some distance away? A. Yes, sir.

Q. And after he came out of the water where did he go then? A. They walked straight on, and of course after they got in back of the chairs I couldn't see anything more of them.

Q. That is up toward the Boardwalk? A. Yes, sir.

Q. Did you go to see where he went? A. No, I didn't.

Q. Now did you see him again down there with anybody? A. One Sunday Mr. Sanwick, Mr. Herbert and myself were on the Steeplechase Pier and he come from Virginia Avenue with a lady, and they kept walking right under the Boardwalk so Mr. Herbert told me to go ahead and see where they went, and I went right after them down North Carolina Avenue and couldn't see them, and then went down on the beach and looked around the beach, and couldn't see them, so I don't know where they went.

Q. What sort of a woman was it he was with that day? A. She was a slender woman.

Q. Slender woman? A. Yes.

Q. Now did you see him down there with any other woman? A. No, I guess that is all.

Q. Now do you remember the night of September nineteenth? A. Yes, sir.

Q. Were you requested by Mr. Herbert to go some place? A. Yes, sir.

Q. Where? A. Mr. Herbert came to my home and told me that he wanted me to go down and get Mrs. Knittel and bring her to Oriental and Massachusetts Avenue.

Q. And did you go? A. I first called her up on the phone and told her that I wanted her to come with me. She said that she had made an engagement with her mother and I said, "Well, I would like very much to have you with me tonight." She said, "Well then I must go and tell my mother," so I said, "Well, you go over and I will meet you at Pacific Avenue and Stenton Place."

Q. And you met her? A. And I met her.

Q. And from there you went where? A. Got in a jitney bus and went up to Massachusetts Avenue between Oriental and the Boardwalk.

Q. Did you there meet Mr. Herbert? A. There met Mr. Herbert.

Q. Then where did you go? A. Mr. Herbert took us around on to Oriental Avenue into an alleyway.

Q. What did you do after you got in the alleyway? A. We stood there for a few minutes, when Mr. Shaw came back and said that someone went in or he went, I don't know just the words.

Q. And then what? A. And then we listened and everything was quiet and Mr. Herbert went to the back and he said everything was dark, that he thought that he could hear from the kitchen, so we all went in the kitchen.

The Advisory Master: Said what? A. He said he thought he could hear something from the kitchen, or this dark room, so we all went in this dark room, and we were not in there very long when Mr. Herbert told us to get back, and we couldn't very well get out of the door because we were near the other end of the room, so the only place we could get was the corner near us, and it happened to be a stairway, and we went in the stairway and I was sitting on the third step, and then we heard voices and I could see a light, but I didn't know what it was or where it came from, and I heard the voice say, "And this is the bath room." Of course I couldn't see, I was too far back.

Q. And then how long did they remain in the bath room? A. They came right out.

Q. And then where did they go, if you could tell from the sound? A. Well, it sounded as if they walked toward the front.

Q. And then what did you all do? A. Stayed there a few minutes and Mr. Herbert left us and he was gone about five minutes and he came back and he says, "I think they are in the front room," so we got out in the kitchen again and he waited a few minutes and he said, "Follow me," and we followed him just as we were and he led us to this room.

Q. To the front room, and did you open the door? A. Mr Herbert opened the door.

Q. Did you see what was on the inside? A. When I looked in Mr. Knittel was sitting on a chair and the girl had her back to me standing in front of the bureau.

Q. The girl had her back to you and Mr. Knittel sitting on the chair? A. Yes.

Q. How long did you stay there then, I mean after you went in there? A. Well, just a few minutes, just long enough for Mr. Knittel and Mrs. Knittel to say a few words.

Q. And then you went out? A. And then we went out.

Q. Which door did you leave by? A. The front door.

Q. And which door did you enter by? A. The back door.

Q. Now were you ever in that house on any other occasion except that night? A. Never.

Q. Were you ever in or out of the back door except on that one occasion when you went in? A. No, sir.

Q. Were you ever in or out of the front door except on the one occasion when you went out? A. No, sir.

Q. Did you know where you were going when Mr. Herbert asked you to get Mrs. Knittel and bring her to Massachusetts and Oriental Avenue? A. I didn't know and I didn't ask for it was nothing strange for Mr. Herbert to tell me to meet him.

Q. All you knew was you were to meet Mr. Herbert? A. I knew that I was going to get Mrs. Knittel and bring her there.

Q. Now have you ever seen this Mae Abrams

or Kitty Murray? A. I don't know. I wouldn't know her if I did see her.

Q. Which was the one you snapped in the photograph, was it Kitty or her mother? A. They were both together.

Q. What sort of eyesight do you have? A. Very poor.

Q. How far can you see? A. Well, I can see in here.

Q. Could you have seen these people from the Pier down to Ocean Avenue without the aid of the glasses? A. I could see them but not to see what they were doing or to be sure that it was them.

Q. Now did you ever have any conversation with Kitty Abrams? A. Never did.

Q. Or her mother? A. Never did.

Q. It has been intimated that a trap was set for Mr. Knittel on that night. So far as you know was any trap set? A. Not that I know of

Q. Were you a part of it? A. No, sir.

Q. If there was a trap you didn't know it? A. No, sir.

Q. It has also been intimated that you got a lot of money out of it. Did Mr. Herbert or did anybody else ever give you any money for the testimony or the, not the testimony, but the fact that you went up there and found what Mr. Knittel was doing? A. Never gave me any money for that, no, sir.

Q. What did Mr. Herbert give you the money for? A. He paid me three dollars for every day I worked on the case.

Q. That is three dollars for each day you worked? A. Yes, sir.

Q. And that is all? A. That is all.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Herbert go out with you shortly after this nineteenth of September and either buy for you or assist you in buying clothes of any kind? A. He didn't go out with me for that purpose. I went to Philadelphia to buy my clothes.

Q. Was he with you? A. Mr. Herbert had work up there at the time.

Q. I say was he with you? A. Yes, sir.

Q. When you bought these clothes? A. He wasn't there when I paid for the clothes, no, sir.

Q. Was he with you when you bought them? A. No, he wasn't with me when I bought them.

Q. Did he leave before you bought them? A. He did.

Q. Did you met him afterwards? A. I did.

Q. How did the clothes reach Atlantic City? A. Why I had them sent.

Q. Did you buy any clothes in Atlantic City shortly after this occurrence? A. I did not.

Q. What? A. I did not.

Q. No clothes of any kind? A. Not that I can remember.

Q. When was it you were in Philadelphia and bought clothes? A. I don't remember that, but it was before the nineteenth of September I am almost sure.

Q. Do you say that you have no recollection of being out with Mr. Herbert either in Atlantic City or Philadelphia sometime after the nineteenth of September when you bought some new clothes of any kind? A. I am not sure of the date when I bought the clothes.

Q. Did you ever display goods at your home at 17 North North Carolina Avenue and say that

Mr. Herbert had bought them for you? A. I never did.

Q. Nor that he was with you when you bought them? A. He wasn't with me when I bought them.

Q. Has he ever paid, since the nineteenth of September, for any clothes for you? A. He has never paid for any clothes for me.

Q. Whatever clothes you bought did you pay for them yourself? A. Yes, sir.

Q. Do you know about this thousand dollar check? A. No, sir.

Q. When did you first hear of that? A. Why when Mr. Herbert was telling my mother.

Q. Well, when was that? A. I don't remember the date.

Q. How long ago? A. It has not been very long ago.

Q. How long do you say you have been a detective or operator? A. For almost two years.

Q. And you can't recall when it was that Mr. Herbert told your mother about this thousand dollar check? A. It was after it came out in the paper that I had received those checks, that is how he happened to tell that he had the thousand dollar check.

Q. Did you suspect, when you were going down to see Mrs. Knittel that night with a request from Mr. Herbert that you meet him at a certain place, that they were going to catch Mr. Knittel? A. No, sir.

Q. What did you think you were going for? A. I didn't know. Mr. Herbert had sent me often for Mrs. Knittel.

Q. You didn't ask him? A. No, I didn't ask him.

Q. After you got around to this building did you notice what was going on? A. Well Mr. Herbert was talking to Mrs. Knittel and when Mr. Shaw came back and said he had gone in, of course I thought it must be Mr. Knittel.

Q. Up to that time you didn't know what you were there for? A. No, sir.

Q. Hadn't the slightest idea? A. No, sir.

Q. Didn't even know you were going on Mr. Knittel's errand? A. I had an idea it was Mr. Knittel's case when I had his wife.

Q. And you had an idea also Mr. Knittel was going in that house, didn't you? A. I didn't know whether he was going in that house or not.

Q. Did you think he was? A. I didn't stop to think.

Q. Didn't have any intimation from Mr. Herbert that he thought he was going in? A. No, sir.

Q. These people, when you said they passed, you, this woman said, "This is the bath room" is that right? A. I heard her saying that.

Q. Who was she saying it to? A. She must have been saying it to Mr. Knittel or whoever it was with her. I couldn't say.

Q. Did you think he didn't know where the bath room was? A. It didn't sound as if he did when she said that.

Q. It didn't occur to you that he was entirely new there and she was trying to find the bath room for him, is that right? That is the impression you received when you heard this woman say, "this is the bath room" you thought he was not familiar with those premises, didn't you? A. A. I thought she was showing him the apartment.

Q. Did you have a watch that night? A. No, sir.

Q. Did anybody in that company that night take the time at all so far as you know? A. Not that I know of.

Q. What time do you say it was when you arrived there? A. Why it was between eight fifteen and eight-thirty when we arrived there.

Q. What time do you say you left? A. Why it was very near nine o'clock.

Q. How long were you in the alley? A. Why, we were in the alley about ten minutes.

Q. How long were you in the room? A. In the kitchen?

Q. Whatever the room was before you went to the bedroom? A. About ten minutes. I am not sure, but it seemed like ten or twelve minutee to me.

Q. From the time you left the alley you were in the kitchen or whatever this room was about ten minutes? A. Yes.

Q. Do you mean to intimate or say in your testimony that there was ever a time that Mr. Knittel could not have been followed and seen where he was going when he was in a bathing suit, he and the woman that you saw? A. What is that question again, please.

Q. Couldn't you have seen where he was going and followed him if you had been near enough to him? A. Well, if I had been near enough to him I could.

Q. There is no place under that Boardwalk for anybody to hide, is there? A. I don't know.

Q. You don't know of any place where he could hide, do you? A. I don't know.

Q. Have you been under the boardwalk yourself to find out? A. I never went there for that purpose.

Q. Have you been under the Boardwalk to see if there is any place for anybody to hide under that Boardwalk? A. No, I never did.

Q. Whenever you saw him he was in a bathing suit, got out of your sight, when he came back he was still in a bathing suit and the same is true with respect to the women? A. I didn't say I seen him come back.

Q. You don't know where he went? A. I don't know where he went.

Q. And you didn't follow him? A. I did not. I was always on one of the Piers.

Q. This was in the regular bathing season when crowds were all around, wasn't it? A. Yes, sir.

Q. Crowds everywhere? A. Yes, sir.

Q. On the Pier, Boardwalk, under the Boardwalk, in bathing, is that right? A. It was in the summer.

By Mr. Bourgeois: Q. Did the crowds seem to make any difference to his actions? A. No.

Q. I say did the crowds seem to make any difference to Mr. Knittel's actions? A. No, sir.

By Mr. Cole: Q. Observe anybody else down there doing the same thing or weren't you looking? A. I wasn't watching anyone else.

MRS. GAYNE CANNING, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Canning, you are the wife of Dr. Canning? A. I am.

Q. And Dr. Canning is a practicing physician here in town? A. Yes, sir.

Q. And has been for how many years? A. About four.

Q. It was stated in the early part of the day that you had told Mrs. Knittel that on one occasion, I think on the fourteenth of May you had seen Mr. Knittel in a cafe with his arm around some woman's waist? A. Coming out of a private room in the Extra Dry.

Q. Where was it? A. Extra Dry Cafe.

Q. And what time of the day or night was it? A. It was a Saturday evening about, I should think, quarter after eleven, it was after the circus.

Q. Now, just tell us what you saw.

The Advisory Master: Q. What date was this? A. I think about the fourteenth or fifteenth, Judge Thompson, of May.

Q. Now, tell us what it was you saw. A. Dr. Canning and myself and another couple were in one of the rooms and we heard talking around, I didn't pay any attention to it, but a man and girl came out, and the fellows said, "Come on Charlie, let's go home, or let's go out," and I looked out and I saw Mr. Knittel come out with his arm around this girl, and of course I didn't say anything at all whatever, I just stayed where I was, and told Mrs. Knittel the next day, and she wouldn't believe me, but I had seen him before.

Q. Had seen him before? A. Yes.

Q. Where had you seen him before? A. Beaux Arts.

Q. And what did you see at the Beaux Arts Cafe? A. Well, I saw him leave there, he was with about seven men and one girl, and he left there one night about one o'clock, I didn't leave. I was with my mother and father, and I didn't leave until about half past one or two and he didn't come back.

Q. Now, who did he leave with? A. I don't know the girl's name, I never saw her before and never seen her since.

Q. Did you know the girl he was with when he was to the Extra Dry? A. No, I didn't see her face at all.

Q. Could you describe either of those girls? A. The girl in the Beaux Arts was a tall girl with very dark hair, very tall, and I probably would know her if I saw her because I saw her. He was in there, they were in there quite a while.

Q. Could you describe the girl you saw him with up at the— A. No.

By the Advisory Master: Q. You are a friend of Mrs. Knittel's? A. Very dear friend, yes.

Q. And you went immediately down to tell her? A. I didn't go immediately to Mrs. Knittel until she told me that she was so, oh, she seemed unhappy, and that her husband was out so much, stayed out so late, and I said, "Yes, I saw him in the Cafe last night."

Q. She was very unhappy at the time you told her that? A. Very much worked up, had been for quite some time.

CROSS-EXAMINATION by Mr. Cole:

Q. Where is the Beaux Arts? A. Moss and Hamilton, Old Vienna, just off the Boardwalk.

Q. What kind of a place is it?

Mr. Bourgeois: Old Vienna, isn't it?

Q. I am asking her, I don't know. A. It used to be Old Vienna.

Q. What kind of a place is it? A. I suppose it is a perfectly all right cafe. I was with my mother and father, and I thought it to be all right.

Q. You say you were there in the morning? A. About one o'clock.

Q. What night or morning, was it? A. I haven't the least idea.

Q. And you saw Mr. Knittel there? A. Yes.

Q. What did you see him doing? A. I saw him dancing and I saw him leave the Cafe with this girl.

Q. That was all? A. That was all.

Q. Nothing improper there? A. Nothing improper.

Q. Beaux Arts all right so far as you observed? A. So far as I am concerned, yes.

Q. Were you in the habit of going there? A. Once in a while.

Q. How often? A. Why, I really couldn't say how often.

Q. Once a week? A. Oh, no. My husband doesn't have that much time.

Q. You are friendly with Mr. Knittel too, aren't you? A. Very. With who?

Q. Mr. Knittel? A. I was, yes.

Q. You have gone in the Beaux Arts at times other than with your mother also, haven't you? A. With my husband.

Q. So that there is nothing at all improper in finding— A. Nothing at all improper except that he wasn't with his wife.

By Mr. Bourgeois: Q. Did you tell Mrs. Knittel about the occasion when you saw him leave the Beaux Arts Hotel? A. Yes, after that, long after, that was in the latter part of January or February, but I didn't tell her that until after I saw him at the—

Q. And do you know if that was the time when he arrived at his own home at three in the morning? A. She said so. Of course I wasn't there. I don't know.

ESTHER DAVIS, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. You live where? A. Chester, Maryland.

Q. Where were you living—did you ever live in Atlantic City? A. Yes, sir.

Q. With whom? A. With Lawyer Endicott.

Q. In Atlantic City of Ventnor? A. No, Ventnor City.

Q. What is Allen, Junior? A. Yes, sir.

Q. Did you ever see Mr. Knittel? A. Yes, sir.

Q. Do you recall one evening when you had been out somewhat late and you saw him in the evening, I think at the corner of Suffolk and Atlantic Avenue? A. Yes, sir, about half past ten.

Q. About half past what? A. About half past ten in the evening.

Q. What did you do at Mr. Endicott's? A. I was nurse, child's nurse.

Q. Now, what took place that evening between

Mr. Knittel and you? A. Why, when I got off the car at Suffolk and Atlantic Avenues Mr. Knittel was standing on the corner and I walked on just as going towards home, and in a few minutes Mr. Knittel passed me, and when he passed me he jingled money in his pocket and cleared his throat like that.

Q. Cleared his throat? A. Yes, sir, and he went about twenty yards in front of me and turned around and came back and pushed against my arm, with his, and jingled this money again.

Q. Did you know it was Mr. Knittel? A. Yes, sir, I knew him.

Q. How near to Mr. Endicott's did Mr. Knittel live? A. On the other corner, right across.

Q. On the same street? A. Yes, sir.

CROSS-EXAMINATION by Mr. Cole:

Q. When did you come to Atlantic City? A. When, this time you mean?

Q. Yes. A. When do you mean?

Q. First when did you come to Atlantic City? A. It has been about four years ago when I first came to Atlantic City.

Q. Who did you work for then? A. I worked for Lawyer Endicott.

Q. And you worked there how long? A. I worked there the whole summer, and then I went away and came back the next summer.

Q. This time you are speaking of was what year? A. This was the second year that I was here.

Q. What year was that? A. Well, it has been three years now. I don't know.

Q. 1913 this occurred? A. Yes.

Q. What time in 1913 did you come to work for Mr. Endicott? A. I came to Mr. Endicott's on the fifteenth of April.

Q. 1913? A. Yes, sir.

Q. When did you leave? A. I left on the eleventh of September.

Q. Where did you come from? A. I came from Calvert County, where I was teaching.

Q. Calvert County, Maryland? A. Yes, sir.

Q. And what were your duties down to Mr. Endicott's house? A. Child's nurse.

Q. Where did you go when you left here on September eleventh? A. When I left here on September eleventh I went to Baltimore.

Q. How long did you stay there? A. Well, I stayed in Baltimore, I stayed in Baltimore I think about a month.

Q. Where are you living now? A. I live at Chester, Maryland.

Q. Were you written to to come here? A. No, sir.

Q. In this case? A. No, sir.

Q. Get any sort of word to come at all? A. Yes, sir.

Q. They came after you? A. Came to my house.

Q To whom did you ever relate this incident? A. To my mother.

Q. What is her name? A. Katie Davis.

Q. Katie? A. Yes, sir.

Q. When did you relate it to her? A. The next morning.

Q. Where did she live? A. She lived at Endicott's, she lives at Mrs. Senseman's now.

Q. She is still here, is she? A. Yes, sir.

By Mr. Bourgeois: Q. Senseman down in Ventnor? A. Yes, sir.

Q. Is she in Court now? A. Yes, sir.

By Mr. Cole: Q. This was the morning following the incident you related it to your mother? A. Yes, sir.

Q. And she has been here ever since? A. Backwards and forwards.

Q. Did you ever make any complaint about this? A. Only to my mother. I didn't say anything.

Q. You didn't go and see Mrs. Knittel about it? A. No, sir, I did not.

Q. You thought this was a highly improper thing, didn't you? A. Yes, sir.

Q. Why didn't you make some complaint to his wife? A. Well, I didn't think it was my place.

Q. Whose place did you think it was? A. I didn't think it was necessary to go to her.

Q. Why did you complain to your mother about it? A. Because the next morning I was in the pantry and on seeing Mr. Knittel going to the office I thought about it and I says to my mother, I says, "Mother, what you think," she says, "I don't know," I said, "Mr. Knittel is very high," I said, "He flirted with me last night."

Q. Would you have told your mother that if you hadn't seen Mr. Knittel that morning? A. Yes, sir, I would.

Q. You say the fact you seen him pass that you related this incident to her? A. He was coming. I would have told her or not.

Q. You called it a flirtation? A. Well, it was a flirtation.

Q. That is what you thought it was? A. It was.

Q. Nothing more than a flirtation? A. Well, if I had accepted I think.

Q. How do you know? A. Well, if men jingle money or offer money to a lady.

Q. Had you been in the habit of men jingling money to you? A. No, sir, but that is a flirtation.

Q. But so far as you are concerned you had not been doing anything improper? A. No, sir.

Q. Hadn't been in the habit of doing that sort of thing? A. No, sir.

Q. Where were you born? A. I was born in Baltimore.

Q. Now, do you know how you happen to be a witness in this case? A. No, sir, I don't know.

Q. What was said to you when Mr. Herbert came down to see you? A. Why, Mr. Herbert, this car came down, Mr. Herbert got, Mr. Herbert and the lady got out, and I invited them in because I didn't know who they were, I thought they were someone else, and he says, "This Esther Davis." I says, "Yes, sir." He says, "Well, I am here to represent Mrs. Knittel," and I says, "Yes, sir." He says, "Do you know her?" I says, "Yes, sir." He says, "Well," he says, "I heard of a little—I saw your mother and I heard of a little incident happened between you, and I want you to relate it to me about Mr. Knittel, about three or four years ago." Well, when he said that I asked him to have a seat and I related the story to him.

Q. Had your mother written you in advance of his coming? A. No, sir, I haven't received any mail from my mother since she left Chester, Maryland.

Q. Do you know how they found out where you were? A. Why, Mr. Herbert said that my mother gave him the address.

By Mr. Bourgeois: Q. You are a colored woman, are you not? A. Yes, sir.

DR. CHARLES BOSSERT, a witness produced on behalf of the petitioner, being first duly sworn and examined, testified as follows:

Q. Doctor, are you engaged in the summer time on the beach in Atlantic City? A. Yes.

Q. You are captain of the lifeguards, or what is your position down there? A. Just call me beach surgeon, that is all.

Q. Beach surgeon? A. Yes.

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

Q. Did you ever see him on the beach? A. Yes, sir.

Q. Ever see him with any women? A. Yes, sir.

Q. On how many occasions? A. Well, at least eight or ten occasions.

Q. Eight or ten occasions? A. Yes.

Q. I show you a photograph and ask you if you have seen him in company with that woman? A. Yes.

Photograph offered and admitted in evidence and marked Exhibit P-11.

Q. Where did you see him with that woman, Doctor? A. Why, South Carolina Avenue and the beach, on the beach.

Q. What was he doing? A. Just talking to her.

Q. I beg pardon. A. Seemed to be talking to her.

Q. Did he go in bathing with her? A. Yes, sir.

Q. Did you notice his conduct when he was in the water? A. No.

Q. Did you notice what he did when he came out of the water? A. No, didn't pay much attention to him.

Q. I show you another photograph and ask you if you have seen him with that woman? A. Looks like the same woman.

Q. Same woman with the dog? A. No, she didn't have any dog when I seen her.

Q. Didn't have any dog there?

Photograph offered and marked Exhibit P-12 for identification.

Q. Now, let me ask you one question about the picture offered in evidence, when that woman came up there did she have anybody with her, either on this occasion or any other occasion? A. Why, she had a nurse girl and two children.

Q. Two small children? A. Yes.

CROSS-EXAMINATION by Mr. Cole:

Q. Doctor, I don't suppose you or the lifeguards undertake to censor the conduct of the bathers, do you? A. No, indeed, except—

Q. Kind of an all around universal affair? A. Not anything out of the way.

Q. Everything is all right down there so far as you see? A. How do you mean?

Q. You don't see anything improper going on down there, do you? A. Lots of times.

Q. Don't undertake to stop it? A. Sure, attempt to remedy it whenever I see it.

Q. Did you ever attempt to remedy any conduct of Mr. Knittel's? A. Never.

Q. Never saw any misconduct, did you? A. Never.

The Advisory Master: This case wlil be

continued on Tuesday, the fourteenth and the witnesses that are under subpoena that have not been examined will be here at that time.

Further testimony adjourned until Tuesday, November 14, 1916, at 9 o'clock, a. m.

Further testimony before Hon. Joseph Thompson, Advisory Master.

Atlantic City, N. J., December 4, 1916.

Law Library, Real Estate & Law Building, Atlantic City, N. J., 2 o'clock, p. m.

GEORGE HERBERT, re-called:

Direct-examination by Mr. Bourgeois:

Q. Mr. Herbert, Mr. Knittel testified at a previous hearing that after he went in this bed room with Kitty Murray that she went out and put the light out in the living room. While you were in that house did Kitty Murray, so far as you were able to see, go out and put any light out, out in the living room? A. No, sir.

Q. Was there any evidence of a light having been put out? A. Only the one that was lit in the bath room.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Herbert, let me see if my recollection of your evidence is correct. Did you say in your pre-

vious testimony that the night of this meeting at the apartment was on the same day that you saw this girl come out of Mr. Garrison's office? A. Yes, sir.

Q. And how long were you in Mr. Garrison's office? A. I just don't remember the exact time.

Q. I don't mean the time of day but how long were you there? A. That is what I mean. I don't remember the exact number of minutes that I was in there.

Q. Well, would you venture a guess? A. I might have been in there ten minutes, I might have been in there twenty.

Q. Let's see, the object of your going at that time was what? A. To talk with him on the Knittel case, to confer with him.

Q. Now at that time do you know whether it had been definitely determined that there was to be a settlement of the case of Abrams against the Shill Rolling Chair? A. No, sir, I had nothing to do with any settlement in that case.

Q. Well, apart from whether you had anything to do with it, had you any information or understanding at the time you went there that afternoon that a settlement had been made or was likely? A. I did not.

Q. You had no information upon the subject at all? A. No, sir. I didn't know whether Mr. Bolte was going to enter suit or what he was going to do.

Q. Mr. Bolte enter suit? What do you mean? A. Or compel a suit, rather, force a suit.

Q. Well, didn't you know that at that time there was a suit pending? A. No, sir, I didn't know there was any suit pending.

Q. You mean to say that on September nineteenth when you went to see Mr. Garrison that you did not know a suit had been brought by the Abrams against the Shill Rolling Chair Company? A. I don't know that yet.

Q. You don't know yet there was a suit brought? A. No, sir, I only know by what Mr. Bourgeois told me in reference to a claim.

Q. When did you next see Miss Abrams after she left Mr. Garrison's office that afternoon? A. On Atlantic Avenue in the neighborhood of Braunstein's Store.

Q. Alone or in company? A. Alone.

Q. Where did you go when you left Mr. Garrison's office? A. I went out on Atlantic Avenue and down Atlantic Avenue.

Q. And then where did you go? A. I followed Kitty Abrams up Atlantic Avenue, down Connecticut to Oriental and saw her go in that house.

MISS MARTINE HANSSTAD, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Miss Hansstad, you live where? A. 35 South Stenton.

The Advisory Master: Thirty-five what? A. South Stenton Place.

Q. Is that near where Mrs. Knittel lived? A. It is her mother, Mrs. Brown.

Q. You live at the same house? A. Yes.

Q. Do you recall when the testimony was taken

in this suit, it must have been now nearly a month ago, first session? A. Yes, I was here to the Court.

Q. You remember when she was to court? A. Yes.

Q. Now do you remember where you were on the evening next after the first day she was in Court? A. The evening—the first evening.

Q. The evening after the, next after the first day that she was here? She was in Court first on Thursday. A. Yes.

Q. Now do you know where you were on Friday evening? A. Yes.

Q. Where? A. Home, 35 South Stenton Place.

Q. Did any person call at Mrs. Brown's home, that is where Mrs. Knittel was stopping on that evening? A. Yes.

Q. Who was it? A. It was a woman, elderly lady. She was dressed in black.

The Advisory Master: Speak a little louder. A. It was an elderly lady. She was dressed in black, had two veils on her face.

Q. Who went to the door? A. I went to the door.

Q. What did this woman say to you?

Mr. Cole: It is all objected to as being hearsay, incompetent and irrelevant.

The Advisory Master: Proceed.

Q. What did the woman say to you? A. She wanted to see Mrs. Knittel and I said she could not see Mrs. Knittel. Well she says, "I want to see her." She says, "Are you Mrs. Knittel?" I says, "No." Well she says, "I want to see Mrs. Knittel." I says, "You can't see Mrs. Knittel." Well she said, "This is awful." She says,

"My daughter's name is in this paper, and in this divorce case, and it is terrible," and she say, "I have to wait till I see her." I says, "You cannot see her in this house." I says, "You will have to wait outside" and then Mr. Herbert came in.

Q. And what did she say? A. She says that a Mrs. Clark had told her that she could get a thousand dollar if she would testify for Mr. Knittel and that she says she wants a thousand dollars, she said "This is awful." So then I held the door, I hadn't shut the door yet, and I see an automobile in the front of the house, and I go down, there was a young woman in there had also a black veil, could just see the face over this, and only see her skin was white, comparing to the black veil, and she says, "Are you Mrs. Knittel?" I says, "No," but I says, "You better get away." So I ran in up the step, two steps and then Mr. Herbert say, "you better get out." He tells to the old lady who stays in the house, he says "You better get out or," he says, "I will lock you up for blackmail."

Q. And did she get out? A. Yes, she got out, but she was very stubborn.

Q. Did she say what her name was at all? Did she give her name at all? A. No, she didn't say. She only tell me her daughter's name was in the paper and she say this was terrible.

CROSS-EXAMINATION by Mr. Cole:

Q. Did she show you the paper? A. No, only I remember she had a bag.

Q. You knew at that time, did you not, that there had been some statements in the paper about the divorce suit of Mrs. Knittel against her hus-

band? A. I just read it in the paper and I was just reading the paper when this woman—

Q. And you knew, when this lady called, that testimony had been taken in that case, didn't you, in the divorce suit? A. No, I didn't know who she was.

Q. I didn't ask you if you knew who she was. I said didn't you know at the time that this lady called at the house that night that testimony had been taken in the divorce suit of Mrs. Knittel against her husband? A. I read in the paper, yes.

Q. Hadn't Mrs. Knittel told you that she had been up to Court? A. No, Mrs. Knittel was sick.

Q. Now, are you talking about the first day that the Court sat to take testimony in this case or are you talking about the first day the Court in fact took testimony? Which day are you talking about? A. I thought about Friday night, when this woman was there.

Q. Well at that time hadn't Mrs. Knittel been up to Court to give testimony? A. No.

Q. Why do you say that? A. Because Mrs. Knittel was sick in bed.

Q. Do you mean that up to the time of the night when this woman was there Mrs. Knittel had not yet been to Court? A. No.

Q. You are sure about that, are you? A. Yes, I am positive.

Q. Whatever night it was that this woman was at the house Mrs. Knittel had not yet attended Court, had she? A. No, sir.

Q. You refused to communicate to Mrs. Knittel the fact that this woman was there, didn't you? A. Yes.

Q. Why did you do that? A. Because Mrs. Knittel was ill.

Q. Had she told you not to admit anybody? A. Yes, nobody could see Mrs. Knittel.

Q. Did Mr. Herbert see her? A. Yes, Mr. Herbert saw her.

Q. Why did Mr. Herbert see her? A. I don't know.

Q. How? A. Mr. Herbert just came in.

Q. Well, but he saw Mrs. Knittel that night, didn't he? A. Yes, I think I was in the dining room, I think.

Q. How? A. In the dining room, I think, because Mr. Herbert came out of that room.

Q. Irrespective of where Mr. Herbert came from, didn't he see Mrs. Knittel that night? A. Yes.

Q. Why did you allow Mr. Herbert to see Mrs. Knittel and not allow this woman to see her? A. Because I wouldn't let no stranger get in.

Q. Then it wasn't a question of nobody seeing her, it was a question of a stranger not seeing her? Is that right, eh? A. I went up and asked Mrs. Knittel if she wanted to see, could see her.

Q. That is what I wanted to find out, then you did go up to see Mrs. Knittel to learn whether or not she wanted to see Mr. Herbert, is that right? A. What?

Q. Did you go up and see Mrs. Knittel in order to learn whether or not she would see Mr. Herbert? A. Yes, I went up and asked her.

Q. What did you say to her? A. He gave his name.

Q. Well, what did you say, "Mr. Herbert is here and wanted to see her?" A. Yes.

Q. And what did she say? A. She was very ill, she says, "All right, wait a little while."

Q. And he went up and saw her? A. Yes.

Q. Well, did you go up and tell Mrs. Knittel that there was a lady there to see her? A. What is it?

Q. Did you go upstairs and tell Mrs. Knittel that there was a lady downstairs wanted to see her? A. Yes.

Q. Did you tell her who it was? A. Why, no.

Q. Why not? A. I didn't know the name.

Q. Why didn't you ask her name? A. She wouldn't tell the name.

Q. Did you ask? A. No, I didn't ask anything.

Q. How do you know she wouldn't tell? A. She wanted to see Mrs. Knittel.

Q. Exactly, but didn't you ask who the lady was? A. No.

Q. Well, ordinarily you do ask, don't you, the name of the party who wants to see your employer?

Mr. Bourgeois: She is not a maid there.

Q. What is your position there? A. I am an artist.

Q. An artist? A. Yes.

Q. What were you doing going up to ask her whether she would see Mr. Herbert? A. Because the maid was out.

Q. Was the maid out when this lady called? A. She was her day out.

Q. What? A. It was her day, afternoon out.

Q. Very well. Now, you being there and this lady calling, why didn't you go upstairs and ask Mrs. Knittel if she would see this lady? A. Because she had gave me nobody could see her because she was ill.

Q. Well, you went upstairs to ask about Mr. Herbert, didn't you? Mr. Herbert had been in the habit of coming to the house, hadn't he? A. I think I seen him once or twice.

Q. Didn't you know that Mr. Herbert was a detective for Mrs. Knittel in seeking evidence against Mr. Knittel in a divorce suit? A. That I can't really remember what he was because—

Q. Now Mrs. or Miss Hansstad, won't you please tell me why it was that you thought it proper to go upstairs and see Mrs. Knittel and ask her whether she would see Mr. Herbert and you didn't think it was proper to go up and ask her whether she would see this lady? A. I didn't ask because she wanted to force her way in.

Q. Who else was in the automobile when you came out beside this younger looking woman? A. It was a man.

Q. Do you know who it was? A. No.

Q. What time of night was it? A. I think it was between half-past five and six o'clock.

Q. In the afternoon? A. Yes, because I was just come home, five o'clock, it was after I taken my coat off, it wasn't dinner time because I think it was half-past five.

Q. Was it dark? A. Yes, it was dark, the light was lit.

Q. And you went out on the pavement? A. I went out.

Q. Look to see who was in the automobile? A. I seen the automobile there and I just stepped out, and she says, "Are you Mrs. Knittel?" That was the young woman, well, very young girl, right away.

Q. But you didn't think to inquire who the par-

ties were? A. No; she asked me if I was Mrs. Knittel.

Q. I say you didn't think to inquire who they were? A. No, I didn't inquire.

Q. Did you afterwards communicate to Mrs. Knittel what you had heard downstairs? A. I told her there was a woman there.

Q. When did you tell her that? A. I told her after.

Q. What? A. I told her after.

Q. After she had gone? A. Yes.

Q. Is that all you told her? A. Yes.

Q. Simply told her there was a woman there? A. I say there was a woman there and I told her she was chased out of the house.

Q. Is that all you told her? A. Yes.

Q. Well, when did they first find out from you that this woman was saying that there was something scandalous in the paper about her daughter. When did you tell that? A. When did I tell?

Q. Yes. A. I told it the same time.

Q. Why don't you tell us now at one time just all you did tell Mrs. Knittel without my asking you any further questions. A. I told her the same thing I have repeated.

Q. Well tell it again, please. Tell us all you told Mrs. Knittel when you went upstairs after this lady left. A. I told her there was a woman downstairs and wanted to see her. I told her exactly the same thing as I told you.

Q. Well, then, what did Mrs. Knittel say? A. She said, "This is awful."

Q. How? A. She said, "This is awful."

Q. Who said that? A. Mrs. Knittel.

Q. Is that all she said? A. Yes.

Q. Nothing more, no further comment? A. She was so nervous there and ill.

Q. I am not speaking about how nervous she was. I am trying to have you tell me what Mrs. Knittel said. A. She said, "This is awful."

Q. Well now is that all she said? A. Yes.

Q. Without my asking you any questions, she simply said, "This is awful;" is that correct? A. Yes.

Mr. Bourgeois: Now, Mr. Garrison, have you that statement that we were unable to locate?

(Paper produced.)

WILLIAM I. GARRISON, re-called:

Direct-examination by Mr. Bourgeois:

Q. I show the witness' statements about which he has already testified, bearing date 9-20-16 and ask him whose signature is annexed thereto. A. Mae Abrams.

Q. And who is Mae Abrams? A. Mother of Kathryn Abrams.

Q. Was that signed in your presence? A. It was.

Q. By her? A. By her.

Mr. Cole: Of course, there is an objection to it going in as incompetent.

Paper admitted in evidence and marked Exhibit P.

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Garrison, was that statement that is signed by Mrs. Abrams solicited or volunteered? A. I asked her for it.

Q. Why did you ask her for it? A. Because, as I told you the last sitting, she came in there and made a great do about it, wanted to bring a suit against Mr. Knittel, said that Mr. Knittel had told Kathryn certain things about a frame up, and I asked her about it and asked her if she was willing to make a statement to that effect and she said she was, and I called the stenographer in and dictated it.

Q. And were you asking her that with a view of using it in evidence? A. I was asking it with a view of protecting Mrs. Knittel.

Q. Against what? A. Against any evidence that might be produced to indicate a frame up.

Q. Did you suppose that that statement would be evidential? A. I didn't suppose anything of the kind, Mr. Cole, for I didn't know.

Q. Did you anticipate at the time that you got her to sign the statement that there might be a claim in this case of a frame up? A. I did not, except so far as Knittel had so stated to Kathryn Abrams and Mae Abrams had so stated to me.

Q. Well, having had that so stated to you, I ask you whether you anticipated that the defense in this case might be that there was a frame up? A. Well, I can't say. I don't know. I didn't know that I did. I wouldn't say.

Q. Well, if you didn't have that in mind, why did you think it necessary to take the statement? A. I wanted to protect Mrs. Knittel if such a thing did occur.

Q. Did you inquire of Mrs. Abrams at the time that she signed this statement or before or after what her address would be in case you needed her? A. I did, and wrote it on the paper, and that was the first time I knew her address.

Q. And what is the address on the paper? A. Let me see it—512 Oriental Avenue.

Q. Now you have already testified that Miss Mae Abrams—Kitty Abrams was in your office after the mother was there, and I may have asked it before, I ask it now, and knowing that if there was a frame up Kitty Abrams would best have known about it, why you didn't ask her for a statement. A. I think I will answer the same as I did before that I probably neglected it or didn't think it necessary.

Q. In other words you thought it important enough to get a statement from Mrs. Abrams, who was no party to the criminal conduct, if there was any, but it did not impress you as being important to get a statement from the one who was criminal? A. Well, I didn't do it anyway, whether I neglected it or did not think it was necessary.

Q. Did you ask Kitty Abrams what her address would be in the future? A. Oh, I don't remember that, whether I did or not.

Q. When did you last see her? A. I had her address. I wouldn't think I would. I had it written down.

Q. When did you last see her? A. Kitty Abrams. Well, I don't remember that.

Q. Where did you last see her? A. I don't know that, may have been in the office, may have been on the street.

Q. Was this visit of Mrs. Abrams when that paper was signed the last visit to your office? A. Oh, no, I paid them a lot of money after that in settlement of damage suits.

Q. Who was last in your office, Mrs. Abrams or

the daughter? A. Couldn't tell you, I don't remember.

Q. When they were last there were they together or did they come—A. I couldn't tell you that Mr. Cole, I don't remember.

Q. When Mrs. Abrams telephoned you from Philadelphia, which was after this occurrence, did you then ask for her address? A. I did.

Q. And did she give it to you? A. She did not. Wait. Yes, she did. Yes, she did. I think. 500 —well, I told it to you the last day of the Court here, as I recollected it.

Q. Did you make a note of it? A. I don't know as I did, probably did.

Q. Well, if you did, where would it be? A. Well, I don't know that now. I can't tell you.

Q. But you recollect—A. I don't know that I did make a note.

Q. —distinctly that she gave you her address, don't you? A. I think she did.

Q. Your petition had then been filed, hadn't it, for divorce? A. Long before.

Q. The answer had been filed, hadn't it? A. I think so.

Q. And you knew that that answer set up connivance? A. I did.

Q. Have you since the telephone message made an effort to locate her? A. I have once had another talk with her and begged her to give me her address.

Q. Where was that talk? A. That was from Philadelphia, the day after our last hearing.

Q. Again over the telephone? A. Yes.

Q. And why did you tell her you wanted her address? A. To give to you.

Q. For what purpose? A. So you could have it if you wanted it.

Q. Did you tell her—A. I have witnesses to that effect, that I coaxed her to give me the address so that I could hand it to you.

Q. Did you think her testimony was important for you? A. Not at all.

Q. Don't think so now? A. No, sir.

Q. So that you have made no effort to get her here as a witness in your cause? A. No, sir.

Q. Neither have you made any effort to get her daughter here? A. I haven't seen them. I wouldn't know how.

Q. I didn't ask you about seeing them. I ask you if you made any effort to get the daughter here as a witness? A. No, sir.

Q. At the time Mrs. Abrams gave you her address, did you ask her for the address of her daughter? A. I didn't for I knew they lived together.

Q. Wholly apart from what you knew, did you ask her for the daughter's address? A. I did not.

Q. As I understand you, you don't now think her testimony is important to you? A. No, sir.

Q. Well, if you can get the address that was given by Mrs. Abrams to you over the telephone, would you give it to us? A. Yes, sir.

Q. Is it on the record here now? I have forgotten. A. As I recollect it that day it was, yes, sir.

Q. Now, this last conversation that you had with Mrs. Abrams, when you begged her to be here or give you her address, which was it? A. I said, "Give me your address."

Q. And that was over the telephone? A. Yes.

Q. What was the occasion of her calling you?

Mr. Bourgeois: This has all been gone over. It is all in the record.

The Advisory Master: I understand this is since the last hearing.

Mr. Bourgeois: No, this is before.

The Advisory Master: Part of it is.

Mr. Cole: It may be in here. I don't recall the second telephone call.

The Advisory Master: I only recall one telephone call. He is testifying to the second.

Mr. Bourgeois: That is all in the record; he testified that she called him on the 'phone and said she had seen this in the paper and somebody had to pay for it.

The Advisory Master: This testimony he told us she called him on the 'phone.

Mr. Bourgeois: Yes, once she called him, testimony shows an earlier conversation about some business he had for her, and the second one was about her location and about the—

The Advisory Master: This is since the commencement of this suit.

Mr. Bourgeois: Yes, but Judge—

The Advisory Master: Now, his business was closed with her at that time with respect to the damage suits.

Mr. Bourgeois: I know, but he testified—you can take this over, if you want to—he testified she called him over the 'phone about some furniture, something of that kind, some baggage or something had been destroyed, and then or afterwards she had written him about it. She didn't wait for

the answer to go back, but called him on the 'phone, and then afterwards, after that testimony was taken the first day, it came out in the paper, next morning, Friday morning she called him on the 'phone and he asked her address then and she didn't give it to him.

The Advisory Master: The only reason that I thought it was a second, Mr. Garrison testified—he may have misunderstood Judge Cole—he said since the last hearing he had talked to her over the 'phone. Isn't that correct?

Mr. Garrison: I think that is correct. I think I so stated that here, but I don't know whether it was the last hearing or the hearing before.

The Advisory Master: You stated since the last hearing you had talked to her over the 'phone. Upon that, of course, he has given no testimony with respect to that.

Q. Mr. Garrison, as I understand you, Mrs. Abrams was finding fault because the newspapers had said or intimated that there had been a frame up, is that right? A. No, sir, she was finding fault because her daughter was being disgraced.

Q. Disgraced how, did she say? A. Oh, no, she didn't say how.

Q. All right, and you got this statement for the purpose of, from her, for the purpose of showing that there was not any frame up? A. To protect Mrs. Knittel.

Q. Did you tell her in either of these conversations over the telephone that you thought it was important that she and her daughter should be

here to meet any allegation of a frame up? A. I did.

Q. What did she say? A. I told her, she said that she could get money, that she had been offered money to come down here and testify for Mr. Knittel and I said, "You ought to do it." I said, "If you know anything that will benefit him or benefit us, you ought to come down and testify." and I says, "If you will give me your address, I will carry it to Mr. Cole." She said, "I won't do it." She says, "I am not coming down there."

By Mr. Bourgeois: Q. Did she come down, do you know? Well, you don't know? A. No, I have never seen her.

Q. Now, Mr. Garrison, when was that conversation? A. My best judgment is that it was since our last hearing.

The Advisory Master: He said since the last hearing and he has witnesses who had overheard the conversation.

By the Advisory Master: Q. Mr. Garrison, at the last, the last time that you called her on the telephone—A. No, I never called her.

Q. Well, the last time that she called you on the telephone, which was since the last hearing—A. Well, that is my best recollection.

Q. You said there were people who were by heard this conversation over the 'phone? A. Yes, there was one lady by the name of Flemming. She has left here now, but my best judgment, my stenographer and probably Mr. Voorhees were there.

Q. Did you call their attention to the fact that you were talking with this woman and you wanted them to notice what you said to her? A. I don't

know that I did at that time. I may have done it, as I got done talking.

Q. Well, I inferred as much from what you said on your cross-examination with respect to that that you had as a matter of precaution called their attention to the conversation which you had had? A. No, not as a matter of precaution, Judge. They were in there when I was talking.

Q. Well, what I was trying to ascertain whether you had the second interview, with respect to this over the 'phone or whether there was only one interview. A. My judgment is that I talked with them twice over the phone, but whether it was after that last hearing or both before I don't know which, but you have the substance of the conversation.

Mr. Bourgeois: Now, if your Honor please, this is the testimony taken on the seventh of November 1916, page 353: "Q. Now, Mr. Garrison, since that time have you heard from this Abrams woman? A. Three times. Q. And where and under what circumstances? A. I received a letter while she was at Riverton, at least that is where the letter came from, asking me what progress had been made about getting the goods that she had in Philadelphia which she had pledged for some purpose. Before that letter was answered she telephoned me from Philadelphia about these very same goods, and I told her she had better get somebody in Philadelphia to investigate those things because I didn't see how I could do it, and I didn't care to send it to anybody in Philadelphia. On the

morning after the hearing, the first day of the hearing—Q. That must have been on what? A. Well, it was the first day it came out in the Philadelphia papers, I think it was Friday. Q. That was Friday morning, Friday, what time on Friday? A. I suppose it was about ten or eleven o'clock, maybe, maybe it was earlier than that, maybe it was about nine o'clock, I don't recollect the time, it was in the forenoon, and she said, 'Do you see how we have been disgraced?' And I said, 'Well, nobody's fault but your own.' I said, 'If you have men running to your houses and putting up for you you must expect to be disgraced.' 'Well,' she says, 'Do you know that we can get a thousand dollars'—Mr. Cole: I object to all this testimony as incompetent, immaterial and irrelevant.

"Mr. Bourgeois: If the Court please, it is along the line of all the testimony that they have taken. Theirs is hearsay evidence and this is hearsay evidence.

"The Advisory Master: There has been a great deal of hearsay evidence admitted in this case simply with a view of, on my part, to get the truth. Mr. Bourgeois: Well, we are willing you should have it so far as our case is concerned. You can have it all. The Advisory Master: And I don't see that there is any better reason to exclude this testimony than the testimony that was admitted for you, Mr. Cole. I think in that aspect of the case, I shall admit it. A. — to come down and testify,' I said, 'Who

offered you a thousand dollars to come and testify?' She says, 'I don't know his name,' but said, 'it was a dark complected man with a dark mustache.' 'Well,' I said, 'You better take the thousand and come on down and testify.' She says, 'When does the case go on again?' I told her that I didn't know, for I didn't at that time. We came here Friday morning and it was continued until the following Tuesday. I said, "I learned that you have been subpoenaed in this case. You ought to come back and testify.' I said, 'If you know anything in this case that will hurt or help you ought to come and testify.' She says, 'Everybody else seems to have gotten something out of this but me, and all I have gotten out of it is disgrace,' and that is all I said to her.

"Q. And that is the only communication you have had with her? A. Only communication I had had those three times."

By Mr. Bourgeois: Q. Now, Mr. Garrison, I have just read your previous testimony and I ask you whether or not you have had a conversation with the Abrams woman regarding this case since the time you gave this testimony on November seventh? A. I think that is the last I had, Judge, I think that is the last I had.

By the Advisory Master: Q. And at that time Mrs. Flemmings and your partner and your stenographer were in the room? A. Yes, sir.

By Mr. Cole: Q. And you told her to take the thousand dollars? A. I told her to take the thousand dollars.

Q. Didn't that strike you as being rather high priced testimony? A. I didn't know how high priced your client was.

Q. High priced, I say? A. I didn't know how high priced he was.

Q. Mr. Garrison, when you advised that woman to accept a thousand dollars for her testimony, did you think that that meant she was to take a thousand dollars to tell the truth or tell what was not true? A. Mr. Cole I didn't think. I didn't think you had ever offered her a thousand dollars.

Q. Then you were joking when you told her to take the thousand? A. Well, I don't think I was in earnest for I didn't believe you offered her any money.

Q. Did you tell her you were joking? A. No, I didn't tell her I was joking.

Q. Did you tell her you were in earnest? A. I didn't tell her anything of the kind.

Q. What impression did you think you left with her when you told her to take the thousand? A. I don't know what impression it left with her.

Q. What impression did you intend to leave with her? A. I intended to give her to understand that there was no money on our side for her, and if there was money on your side to take it.

WILLIAM JEFFRIES, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Bourgeois:

Mr. Bourgeois: The testimony this witness may give may not be very nice to the

ladies and the ladies better retire from the room.

The Advisory Master: The ladies retire from the room until after the testimony of this witness.

Mr. Cole: I would like to know of counsel now whether the testimony this witness is to give is to be addressed to any of the alleged acts of adultery?

Mr. Bourgeois: It is to be addressed to inclination.

Q. Mr. Jeffries, you are a police officer in Atlantic City? A. I am.

Q. How long have you been a police officer? A. On the second year steady.

Q. Do you know Mr. Knittel, Charles A. Knittel? A. I do.

Q. On one occasion did you meet him in, I think an apartment house in Atlantic City? A. I did.

Q. What was the occasion of your going there? A. All summer long I was traffic officer at Tennessee and Pacific up to Labor Day, Labor night I was moved, next morning at South Carolina Avenue, and we had from twelve to one thirty noon hour.

Mr. Cole: Won't you just fix the date?

A. We had an hour and a half noon hour, instead of going home I would just get a lunch and spend my noon hour in the apartment.

The Advisory Master: It is during the past summer?

A. Yes.

Q. Did you during the past summer on one occasion meet Mr. Knittel there? A. In the vestibule.

Q. In the vestibule? A. Yes, sir.

Q. Was anybody else there besides Mr. Knittel? A. He was alone.

Q. Did anybody come down about that time or come through about that time? A. Yes.

Q. Who was that? A. There was a lady, a young lady came down with her mother.

Q. And what conversation took place between you and Mr. Knittel at the time? A. She spoke to Charlie, very sweetly, and he smiled back. I was looking at that, and as she went on through, why, I says to Charlie, "Do you know her?" He says, "Oh yes, I am doing her fucking."

Q. And that was when?

Mr. Cole: I ask that be stricken, your Honor.

A. That was a short time after Labor Day.

Mr. Cole: Just a minute until the Court rules on this.

Mr. Bourgeois: That certainly shows an inclination.

Mr. Cole: I don't think it does. And it certainly don't go to support any allegation in this petition, and I ask the answer be stricken.

The Advisory Master: I think I shall admit it at this time.

Q. About when was that, Mr. Jeffries? A. Well that was, I couldn't tell you the date.

Q. About what month was it in? A. About September.

Q. Now what sort of a looking woman was it? A. Well, she was a woman, I judge, weigh about a hundred and twenty-five or thirty pounds.

Q. How was she dressed, do you remember? A. Dressed that day?

Q. Yes. A. No, I didn't take particular notice.

Q. Had you ever seen her before that time? A. Oh yes.

Q. Ever see her dressed in a bathing suit? A. Yes.

Q. How was she dressed in a bathing suit? A. Well, she had a very gay sweater on, a yellow sweater, silk.

Q. Do you remember what sort of stockings she wore? A. I have seen her with red stockings.

Q. Red stockings? A. I have seen her with red stockings.

Q. Do you remember what sort of cap she wore? A. To match her stockings.

Q. To match her stockings? A. Yes.

Q. Red cap and stockings and yellow sweater? A. Yes.

CROSS-EXAMINATION by Mr. Cole:

Q. I understand you that she was with someone when she came downstairs? A. Yes.

Q. Another woman? A. Yes, sir.

Q. They walked out together? A. Yes, sir.

Q. Can you fix the date? A. Well, it was between the day after Labor Day and the twentieth. I was removed the twentieth from street duty.

Q. From the day after Labor Day and when? A. And the twentieth of September, it was sometime in between that time.

By the Advisory Master: Q. Where do I understand that she was when you first saw her? A. Just at that time?

Q. At that time, yes. A. Just got off the elevator and was coming through.

Q. And you were standing at the foot of the

elavator? A. I was just ready to go out on the street, yes, sir.

Q. And Mr. Knittel was there with you? A. He was standing there when I came out through the swinging doors, back of the elevator, he was standing there.

Q. Where was this girl at that time? A. I presume she was somewheres upstairs because she didn't come down off the elevator until I was out in the vestibule.

By Mr. Cole: Q. They pass out in the street? A. Yes.

Q. And then you held further conversation on who she was? A. Just for a minute.

By Mr. Bourgeois: Q. Did you say what apartment this is? A. Why, Santa Rita.

Q. Santa Rita? A. Yes, sir.

By the Advisory Master: Q. Santa Rita? A. Yes, sir.

Q. Has Mr. Knittel an office in that building? A. Well, he has on the ground floor up to the other end.

By Mr. Cole: Q. How long have you known Mr. Knittel? A. Oh, I knowed Charlie Knittel I guess for six years.

Q. Friend of his? A. I am, yes.

Q. Who did you first report this conversation to? A. Who did I report it to?

Q. Yes. A. I read it in the Atlantic City Press, first I knowed about it.

(Question repeated as follows: "Who did you first report this conversation to?")

A. Mr. Herbert.

Q. How did you come to report it to him? A. I was doing street duty at Bellevue and Atlantic

and I had read about this case and I stopped Herbert, he was coming on down the street, and I stopped him, and I says, "George," I says, "this Kitty Hurray," I says, "written up in the paper about Charles Knittel," I says, "does she stop at the apartment South Carolina and Pacific?" He says, "Which one?" I said, "The Santa Rita." He says, "No." He says, "Why?" "Well," I says, "you ought to have told me something about that." I says, "I have seen you on the corner at different times with a couple of other parties." I said, "I could have helped you out in that." He says, "What woman do you have reference to?" I says, "If that ain't Kitty Murray it must be another woman that meets him there." And then he got anxious and I told him what was what.

Q. You were anxious to help Mr. Herbert, were you? A. Sir?

(Question repeated.) A. Well yes, in one way.

Q. In what way? A. Well, police duty.

Q. Why were you anxious to help Mr. Herbert? A. It was only information I wanted. I asked him if that was the woman.

Q. You knew Mr. Herbert was a city detective, didn't you? A. City detective, yes.

Q. On the city pay roll? A. No, I did not.

Q. Do you know that now? A. Now?

Q. Yes. A. I do not.

Q. And you had read in the paper he was interested in securing a divorce for Mrs. Knittel? A. Yes, sir.

Q. And at the same time you are a friend of Mr. Knittel? A. Yes.

Q. And then you communicated to him, volun-

teered the information that Charlie, on some occasion had told you about this other woman? A. Yes.

Q. And you regarded that as a friendly act, of course, eh? A. All right.

Q. You think it was a friendly act? A. Yes.

Q. Do you regard it now as being a friendly act? A. So far as I am concerned.

Q. You would think that would be entirely an act of friendship on the part of some friend of yours to go around and tell everybody they had caught you committing adultery?

Mr. Bourgeois: I object.

The Advisory Master: I think it is competent.

(Question repeated.)

Q. Would you? A. Well, that is police work.

Q. Just answer my question, please. Never mind about whether it is police work or not.

(Question repeated.)

A. I understand the question.

Q. Well, what is the answer? It is the answer I want. A. Why—

The Advisory Master: Answer the question.

A. Read that to me again.

(Question repeated.) A. Well, that is all right.

The Advisory Master: What is your answer now?

A. Yes.

Q. And even though you knew that testimony was to be used to get a divorce from your wife? Is your answer still yes? A. I didn't know it at that time, no, sir.

Q. Didn't know what?

The Advisory Master: You didn't catch the question.

(Question repeated.) A. I didn't know that I was going to be into it, no, sir.

The Advisory Master: You are not answering his question, Mr. Jeffries. Now listen.

(Question repeated.) A. I didn't know it was going to be used.

Q. Didn't know what was going to be used? A. What I told Mr. Herbert.

Q. You didn't? A. No.

Q. What did you suppose Herbert was going to do with it? A. I supposed he would work on that.

Q. You thought it would help him a little, didn't you? A. It might, yes.

Q. You knew he was a detective in the case to get a divorce for Mrs. Knittel, didn't you? A. Yes.

Q. Well were you telling him this just for the fun of telling it, or the joy of telling it, or did you think it would help him to get the divorce for his wife? A. I don't know whether it would help him or not.

Q. Well, did you intend it to be a help or a hindrance to Herbert? A. I intended to help him.

Mr. Bourgeois: Intended to help Herbert? A. Yes, sir.

Q. Have you got a subpoena to be here? A. Have I, no, sir.

Q. You came voluntarily, did you? A. Yes, sir.

JAMES LEWIS, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. James, you live where? A. One thousand one hundred twenty-seven Mediterranean Avenue.

Q. What is your employment? A. Chauffeur?

Q. How many years been a chauffeur? A. This is going on eight years.

Q. Ever work for Mr. Knittel? A. No, sir.

Q. Ever work for his mother? A. Yes, sir.

Q. Up until when? A. Up until last Thursday a week ago.

Q. Ever take Mr. Knittel around in the automobile with another woman or women other than his wife? A. Yes, sir.

Q. Tell us when and where you took them. A. I started to work for Mrs. Knittel in April, around in April sometime, I think it was the ninth of April, and after I had worked there awhile Mrs. Knittel always go to Mr. Charles' office in the evening to speak to him, and kiss him, and all, and she drove around there that evening, and Mr. Knittel, I always go in the office to tell him that Mrs. Knittel is outside—

Q. Yes? A. And what date it was I don't know, but anyhow Mr. Knittel said to me, "If Mrs. Knittel is not going to use the car tonight, James, I would like to use it." I said, "All right, sir."

Q. That is his mother? A. Yes, but he said that.

Q. Who did he mean by "Mrs. Knittel," his wife or mother? A. His mother. He didn't say

"Mrs. Knittel." He said, "Mother." He calls her mother.

Q. He said, "If Mother is not going to use the car tonight" he would like to have it? A. "I might want to use it."

Q. Now when was this, you say? A. In June. I started working there in April, and after I was there—

The Advisory Master: June of this year? A. 1916, yes, sir.

Q. All right. Now? A. And so I went down to the house and taken Mrs. Knittel home, and then drove around and went down to the garage, played a couple of games of pool. He called me up at the garage and told me to meet him at Brighton Avenue and Arctic Avenue. I drove up Brighton and Arctic, he got in. From there I drove up Arctic Avenue slowly to between North Carolina and Pennsylvania Avenue is a school house there, and pawn shop, and some place, Bartlett Avenue, I think it is, or some kind of a street, and a lady got in. I drove from there up to New Jersey Avenue and Baltic, from there after he stayed there a good while—

Q. Where did they go when they got to New Jersey and Baltic? A. In the Little Savoy.

Q. Savoy saloon or hotel? A. Hotel, something like that.

Q. Is that run by white or colored people? A. A colored place. Then from there down to, I don't know which it was—

Q. Wait. How long did he stay there? A. Stayed there for about an hour.

Q. All right. A. Then from there down to either St. James or Ocean and the Boardwalk,

either one of those two places, at that time, at that occasion, and then from there he drove down.

Q. The woman still with him? A. Sir?

Q. The woman still with him? A. Yes, sir.

Q. All right. A. And from there he drove down to Arctic Avenue and let the lady out.

Q. Where did he leave her out? A. He let her out along by Arkansas Avenue there.

Q. And Arctic? A. Yes, sir, as near as I can remember. Then I taken him back down Arctic Avenue, let him out Brighton Avenue, and he gave me some money, about eighty cents, seventy-five or eighty cents, and that was all.

Q. What did he give you the money for, did he say? A. No, he said, "There is some money for you, James," and I thanked him.

Q. Now later than that did you take him out again? A. Yes, sir.

Q. Tell us about that time. A. Well again I taken Mr. Charles one night, met him at the same place—

Q. Where? A. At—

, Q. Brighton and Arctic? A. At Brighton Avenue and Arctic, and he met the lady up near about the same place, or up about North Carolina and Arctic.

By Mr. Cole: Q. Will you give us that time, please? Is that afterwards? A. That is after this first time.

Q. When was that, about? A. That was in June, I don't know what time. I am pretty sure it was in June because I didn't keep the dates because I had no intention of ever hearing anything about this again, and I couldn't tell you the date. Then I drove up to the Little Savoy, he

stayed there awhile, and then down to St. J...es and the Boardwalk at the Beaux Arts, I think it was, I have a bunch of witnesses, which is taxi cab drivers and things that can testify that that is the truth.

By Mr. Bourgeois: Q. I know. I don't care for that. How long did he stay up to the Savoy? A. I don't know sir, exactly.

Q. How long did he stay to the Beaux Arts? A. Don't know sir, exactly.

Q. Where did he go after that? A. Taken him home.

Q. And what became of the girl? A. Let her out always on Arctic Avenue.

Q. After that were you out with him, have him out again? A. Yes, sir.

Q. Tell us about that time, when it was. A. Well I don't know exactly when it was but it was along in the summer time, I taken Mr. Charles out Missouri Avenue, you see, with this same lady—I am pretty sure it was—a slim lady, and while I came up today not to tell the whole thing, all the thing because I couldn't tell it right out.

Q. Now where did he pick the woman up that time? A. Down near the Reading Station on Arctic Avenue.

Q. And then you went out where? A. Out Missouri Avenue.

Q. Where did you go out Missouri Avenue? A. Drove right out Missouri Avenue to the end, extreme, almost near the water, boats and things was out there, was at night, it is a hotel out there, saloon, or something, some kind of place.

Q. Do you know who runs it? A. No, sir. I did hear, though.

Q. Was it Herrold, Charlie Herrold? A. Yes, sir.

Q. How long did you stay out there? A. Stayed out there about an hour, I guess.

Q. Now, was there anybody with him except this woman? A. Nobody but them two.

Q. Now after that did you take him out again one time when there were more than just him and the woman in the party? A. Yes, sir.

Q. Tell us about that time. A. Well, I have taken him out that one night, Mr. Raymond, his brother told me he would like to use the car, and there was a lady that her husband is a Wall Street broker, she was stopping down here from New York, stopping at Arkansas Avenue and the Boardwalk, at the Crossan Apartments. They have a colored Chauffeur which is a friend of mine that is the reason I know who she is, and where they live, and Mr. Raymond, he had been out with her before, and Mr. Raymond was with this lady, and who the other lady was I don't know, but I know who this one was, and the four went around to Ocean Avenue and the Boardwalk, and cabaretted and carried on, and came on home again.

Q. Now how long—where did they go, to the Beaux Arts? A. Yes, sir.

Q. How long were they there? A. I guess about an hour.

Q. And what time did you take them home? A. Oh, it was around twelve or one o'clock.

Q. And what time was it when you had Mr. Knittel and the woman out to Charlie Herrold's, if that is where they were? A. Well, it was around 9 o'clock when I went out there. I think

9 or 10 o'clock, and they stayed out there about an hour, and we stopped before we got out there.

Q. Oh, did you? Where did you stop? A. Along Missouri Avenue.

Q. I see. And then how long did they stop at that place? A. Stopped there about an hour, I guess.

Q. And then they went on and out to the road house and then back? A. Yes, sir.

Q. Did he ever give you any more money than that eighty cents? A. Yes, he used to give me money right along, change and stuff.

Q. And did he ever tell you why he gave it to you? Did he on one occasion tell you why he gave it to you? A. Well no, sir, after this case started one day up to his office he said, "James, we are men together, and whatever you know concerning this case don't let mother know it, whatever you do." I told him wasn't none of my business, and he says, "I have an overcoat that I bought for seventy-five dollars, I am going to give it to you. It is English and I know you will like it," so he gave me this overcoat, and then he had given me change, and that is all.

Q. And you didn't tell his mother, did you? A. I never told her. She don't know it today.

Q. Now James, when you were going out on Missouri Avenue you go directly out or did you stop along the way? A. It was this side of—it is the Gas House way out that way somewhere.

Q. Yes. A. It was past the Gas House, we had crossed over the railroad track, after we passed the Gas House, and we stopped along there, I left the engine running, and I got out and stood around.

Q. What made you get out and stand around? A. I kind of thought he didn't want me sitting up in there.

Q. He wanted the car stopped, did he? A. He told me, he said, "You can stop here a minute," and I stopped.

Q. Well, were there houses around there? A. Yes, sir, a few houses, one or two.

Q. Did he go in any of the houses? A. No, sir, he was in the car.

Q. Was it pretty late there or pretty dark? A. Wasn't any light around there, as I understand.

Q. Wasn't any light? A. No.

Q. Now another time, do you remember any time when you were up in Philadelphia with him? A. Yes, sir.

Q. Tell us about that time. A. I was out in Cynwyd, Pennsylvania, with Mrs. Knittel to her daughter's. He told me if I came in town on Friday he would like to use the car to see about some real estate. Friday I brought Mrs. Knittel in town and met him at his office and she said she would go to Wanamaker's and do her shopping and eat her lunch there and he could use the car. I drove him way out, I don't know much about Philadelphia, way out past the Ford Agency, way out Broad Street, twenty some hundred block, I think, and he went in a lady's house there near the corner, attending to business, I guess, and then I let him go and drove back, I waited there for him.

Q. How long did you wait for him? A. I guess it was about an hour.

CROSS-EXAMINATION by Mr. Cole:

Q. James, do you know of any other point of time except an hour? A. Sir?

Q. Do you know— A. No, I said about an hour. I don't know exactly.

Q. Do you know of any other kind of time except an hour? A. Oh yes, sir.

Q. There is other time beside an hour, isn't there? A. Yes, sir.

Q. I notice that every time you fix the time in this case it is always an hour. A. I guess it was that time. I never timed it.

Q. When were you dismissed as chauffeur? A. Wasn't dismissed.

Q. Did you leave? A. Yes, sir.

Q. Why did you leave? A. Well I didn't feel like working around Mrs. Knittel's house knowing that Mrs. Knittel told me every day that her son Charlie was innocent of this case, coming in and talking to me about that, and I knowing he was guilty of it, and been treating me very funny, and I say to myself, I don't like to work for people that way, I know what had been going on around the house, and I didn't feel I should stay there, so I left. Later on, awhile ago—

Q. Pardon me. That is the answer to the question. You left? A. I left myself.

Q. Of your own accord? A. Of my own accord.

Q. And the reason you left was because you didn't like to hear Mrs. Knittel say she believed her son was innocent? A. Not that alone.

Q. What else? You have said that was the reason. What other reason was there? A. I didn't like to work for this kind of people.

Q. Why not? A. Because I don't know, if

people do things like that, they could say that, won't say that his mother, either one, I don't know about her, but he could say that I taken a tire off the car and sold it, or any kind of thing.

Q. You first knew of some supposed misconduct on the part of Mr. Knittel in May, didn't you? A. Mrs. Knittel?

Q. Mr. Knittel. I say you knew of some supposed misconduct on the part of Mr. Knittel in May of this year? A. In May?

Q. Yes. A. No, sir. Not as I know of.

Q. Didn't you take him out in May? A. I don't think it was in May, sir.

Q. I thought you said the first time you took him out was in May? A. No, sir, I didn't tell you that.

Q. In June? A. In June.

Q. Well did you know it in June that his conduct was improper? A. I suspicioned it was.

Q. Why didn't you leave then? A. Sir? Well because I was working there and wanted the money, and needed the money, and didn't think it was any more than right to take it.

Q. You let the fact you were getting money salve your conscience, knowing Mr. Knittel was doing something that was improper? Is that correct? A. No, sir.

Q. Well, you have just testified the reason you didn't want to work for him is the reason you didn't want to work for people that worked this way? A. This is after this started, after this came.

Q. After you saw this in the newspaper? A. Yes, sir, and heard of it and all.

Q. You thought that his conduct was improper in June, didn't you? A. Yes, sir.

Q. Why didn't you leave then? A. Why I didn't leave?

Q. Why didn't you? A. I didn't have no particular reason of not leaving.

Q. You didn't care so long as you were paid? A. That is not it exactly.

Q. Did that have anything to do with it, the fact that you were getting paid? A. No, sir.

Q. But really you felt it was getting too thick, did you? A. Yes, sir.

Q. When did you first tell this story you are telling today? A. About three weeks ago, about, I called up Mrs. Knittel.

Q. I didn't ask you about calling up Mrs. Knittel. When did you tell it? A. About three weeks ago.

Q. To whom did you tell it? A. I told it to Mr. Garrison.

Q. The lawyer for Mrs. Knittel? A. Yes, sir.

Q. Was that after you left? A. No, sir.

Q. Before you left Mrs. Knittel's employ? A. Yes, sir.

Q. You expected to leave before you told Mrs. Knittel? A. Not particularly, no, sir.

Q. How did you come to call up Mr. Garrison? A. I didn't call up Mr. Garrison.

Q. Who did? A. I told Mrs. Knittel.

Q. After you had this you told Mrs. Garrison you still expected to remain in the employ of the Knittels? A. No, sir.

Q. You intended to leave? A. Yes, sir.

Q. Did you tell Mrs. Knittel you told this story? A. No, sir.

Q. You are kind of a surprise witness? A. No, sir.

Q. Were you subpoenaed to come here today? A. No, sir.

Q. Were you paid to come? A. No, sir.

Q. Haven't had any talk about pay? A. No, sir. I am doing this out of a pure case myself.

Q. Out of a sense of righteousness? A. My consciousness didn't tell me about getting any pay for this. I am doing this my own self. I called up Mrs. Knittel one night from the garage and told her I wanted to speak to her—

Q. You are talking about Mrs. Knittel, the mother or the wife? A. This lady.

Q. I don't want that.

By the Advisory Master: Q. What did you say your address was? A. 1127.

Q. What Avenue? A. Mediterranean.

Q. How long have you lived there? A. Three weeks.

Q. Where did you live before that? A. 1809 Arctic Avenue.

Q. 1809 Arctic? A. 1809 Arctic Avenue.

Q. How long did you live there? A. About a year.

Q. How long have you lived in Atlantic City? A. Nearly three years.

Q. Who have you worked for during that time? A. I have worked for myself most of the time.

Q. What? A. Jitneying and hacking, and taxi-cab.

Q. And you went to work for Mr. Knittel's mother when? A. In May, I think.

Q. In May? A. I worked for the Raleigh Hotel eight days, heard about the Knittel job and got that.

Q. When did you leave Mrs. Knittel's employ? A. Two weeks this Thursday coming.

Q. What are you doing now? A. I am not doing anything.

Q. Did you have any position or employment in prospect when you left Mrs. Knittel? A. No, sir.

Q. Are you looking for something now? A. Yes, sir, I have been working for the last few days.

Q. For whom? A. I taught Mr. Herbert there to run his new car he bought.

Q. Working for Mr. Herbert now? A. Just driving the car, I taught him to run it and got his license this morning for him.

Q. And you are being paid for that? A. He hasn't given me anything, told me he would give me something for teaching him to run his car.

Q. And you have no prospect of any work at this time? A. I have, sir.

Q. Had you any when you left Mrs. Knittel? A. No, sir.

By Mr. Cole: Q. How did Mr. Herbert come to get you— A. Sir?

Q. How did Mr. Herbert come to get you to teach him how to run his car? How did that happen? A. Well, I was down by the Ford Agency, and he was down there and he spoke to me and he says, "I am buying a car," and I say, "You are?" He said, "Yes, and by the way, I will get you to teach me to run this car, and help me to get my license, if you will do it."

Q. Did he know you were not employed? A. Know I was not employed?

Q. Yes, sir. A. Yes, sir.

Q. Did he know you had been employed by the Knittels? A. Yes, he knew that.

Q. Did he know you had told this story to Mr. Garrison? A. Yes, sir, he knew that.

Q. How did he know it? A. He was there and heard it.

Q. In Mr. Garrison's office? A. No, sir.

Q. Where? A. At Mrs. Knittel's home.

Q. How did you come to get down to Mrs. Knittel's home? A. They told me to come up there.

Q. Who did? A. Mr. Herbert.

Q. Oh then, it was all arranged for you to come down there and tell this story, was it? A. Yes, sir, after I called up first. I was the first to call up.

Q. And when do you say that was now, about when, the day that you were called up and went down there? A. I called Mrs. Knittel up about three weeks ago, over three weeks ago, and told her I would like to speak to her, and she told me I couldn't see her, couldn't speak to her. I called up again in about a week and she said, "You will have to see my investigator." I called up again about ten or fifteen minutes and Mr. Herbert answered the 'phone, I think, and said, "What do you want?" I said, "I would like to speak to Mrs. Knittel." He said, "You can speak to me." I says, "Well, you can come down Ventnor Avenue and Baton Rouge Avenue, and I will talk to you," and he came down there, I didn't know whether he was Mr. Herbert or not, so he told me he was Mr. Herbert, and what did I want with him. And then I told him, and then a few nights after that he came around to my house and told me to come down to Mrs. Knittel's house. I came down to Mrs. Knittel's house and he told me, he said, "Well, if you know that what you are telling me

and want to testify to that, you would not be doing any more than right, because right don't wrong anybody, and I wouldn't want you to do anything to get yourself in trouble." I told him, "No." And he said, "Before you do this you had better see your wife and tell your wife what you are going to do." I told my wife and she says, "Well, you told me that." I told my wife about it when Mr. Charles once called up Mrs. Knittel and told her to meet him at the Bellevue Stratford to tell her about that. She says, "Let those white people attend to their own business." I says, "They haven't treated me none too good, and I wouldn't mind telling this."

Q. You have told me something now I tried to get out myself. You said, "They didn't treat you too good," that was one reason why you told this story, wasn't it? A. No, sir, that wasn't one reason why.

Q. Did that have anything to do with it? A. Yes, because that tells me this ain't the kind of people I want to work for. That is the whole reason.

Q. Where did you live before you came to Atlantic City? A. In Washington City.

Q. Whereabouts? A. 411 E. Street, Northeast.

Q. That is where you lived before you came here? A. No, that is where I lived all my life.

Q. That same address? A. All my life.

By Mr. Bourgeois: Q. Who did you work for in Washington? A. Mr. E. S. Newman, vice-president of the Burroughs Adding Machine Company, working for him nearly five years. I left when I got married and came here, left myself.

Mr. Bourgeois: We have one other witness we are expecting here from New York, if he can come in we would like to reserve the right to call him, and then we will rest.

Defendant's Testimony

MRS. DELLA CLARK, re-called:

Direct-examination by Mr. Cole:

Q. Can you recall, and if so will you state, when you first knew Mr. Herbert, the gentleman standing here? When did you first meet him? A. Yes, sir, on a Sunday morning of the seventeenth.

Q. Mrs. Clark, I wish you would speak up a little louder. A. On Sunday morning, September seventeenth between ten and eleven in the morning.

Q. And where did you see him? A. At my own house, back door.

Q. And where was your home then? A. Number 11 South Mt. Vernon.

Q. You recognize him as the man? A. Yes, sir.

Q. Is he the same man who was among those whom you saw on Oriental Avenue that night of this occurrence in question? A. Yes, sir.

Q. Have you any doubt about that? A. No, sir, not a particle.

Q. Was Mr. Garrison ever at your home so far as you know? A. No, sir.

Q. Is this Mr. Herbert the man who was referred to by Mrs. Abrams or the daughter as Mr. Garrison Thompson? A. Yes, sir.

Q. Now will you state in your own way the circumstances of Mr. Herbert being in your home and what occurred, so far as you know? A. Yes, sir.

Q. From the time he came until he left? A. Well, it was on Sunday—

The Advisory Master: What date is this?

Mr. Cole: September seventeenth, this is the Sunday before the occurrence.

A. September seventeenth, Sunday morning. A knock came to the door and I went to my back door, and this gentleman, Mr. Herbert, asked if Mrs. Abrams was in and I said yes. I had just gotten up and I was attired in my kimono, and I said, "Just a moment" and I went and I told her. She says, "All right." She said, "Tell him to come in." So I said, "Please step in." So he stepped inside and then she says, "Will you tell him to come into the bedroom," so I went to the gentleman and I told him to step in the bedroom, and I went to the front of the house, and when I came back to go to the bath room, I heard him say, "Oh yes, I saw you. I saw you when you met him."

Q. "I saw you when you met him?" A. "I saw you when you met him." And she said, "Oh, did you?" He says something about being on the end of the pier, I don't know what that was about, but something about on the end of the pier, and then, of course, I went on back to the front of the house, and after they came out, after he had gone—

Q. Just a moment. Did you see him leave? A. No, I didn't see him leave.

Q. Now which door did he come in? A. He came in the back door.

Q. How long was he there? A. Well, he was there at least fifteen to twenty minutes.

Q. Whose bedroom that he entered was this bedroom? A. Was their bedroom, the Abrams' bedroom.

Q. That is occupied by Mrs. and the daughter? A. Yes, sir.

Q. Was the daughter there at that time? A. Yes.

Q. Was she also in the room? A. Yes, sir.

Q. Now, when did you learn that his name was Garrison Thompson? A. Well, in their conversation after they had related the circumstances to me what was going to happen, why every once in a while Kitty would say—

Mr. Bourgeois: I object to what Kitty says. That is hearsay.

Mr. Cole: It has been going in right along.

A. I couldn't explain myself.

Mr. Bourgeois: It is just hearsay.

Mr. Cole: I think that we are entitled to have it.

A. On two different occasions she said, "Mr. Garrison said," and she says, "Oh, Kitty," she would nudge her, "Oh, Kitty, you don't mean—Oh," she says, "You get the two people mixed up." She says, "My cousin's name is Garrison Thompson, and she gets them both mixed up."

Q. Had she referred to Mr. Thompson as her cousin? A. Yes, he was her cousin.

Q. On what occasion is that? A. On that occasion it was that her cousin had gotten her this

work to set a trap for this man so that his wife could catch him.

Q. Now is that the only time Mr. Herbert was there so far as you know? A. So far as I know.

Q. And what time of the day was it? A. About between ten and eleven o'clock.

Q. Did he have anything with him? A. He had a fishing tackle with him, something over his shoulder, had something I couldn't exactly say, something hanging from his shoulder beside his fishing tackle.

Q. Can you recall the kind of a suit he had on? A. Yes, he had on a gray suit.

Q. Can you recall whether he had that gray suit on when he was on the witness stand in this case? A. Yes, I think he had.

Q. Same suit? A. I won't be positive, Mr. Cole, about that. I won't be positive.

Q. But he had a gray suit on? A. Had a gray suit on this Sunday morning.

Q. When he made this statement which you say you heard, "Yes, I saw you" whatever it was? A. Yes.

Q. To whom was he making that? A. Well, both of them. They were both in the room.

Q. Now at that time who else was in the house besides Mr. Herbert, Mrs. Abrams and the daughter and yourself? A. Well, after I had gone to the front my niece got up with her little baby, Mrs. Gregory.

Q. Mrs. who? A. Mrs. Gregory, and she took him out into the kitchen to dress him, and she was sitting by the chair when Mr. Herbert went out the back door and said, "Good bye" to her.

Q. Good bye to who? A. Mrs. Gregory, as he passed through he said, "Good-bye."

Q. Can you recall the last time that you saw Mrs. Abrams and the daughter? A. Yes, sir.

Q. When was that? A. Well that was—we were served with a subpoena on a Monday, and on a Tuesday night after that—I can't just recall the date, my nephew has the subpoena, I think—on a Tuesday night about, well about twenty minutes or ten minutes of two in the morning.

Q. Is that the morning they came in your house? A. They came to my house.

Q. And they left the next morning, that is the last time? A. That is the last time I saw them.

Q. Now did you ever say to Mrs. Abrams or to the daughter or suggest in any sort of language that they might get a thousand dollars or any other sum of money from Mrs. Knittel? A. No, never.

Q. Did you ever send them to see Mrs. Knittel? A. No, sir, never.

Q. Has anybody offered you any money to testify in this case? A. No, sir, not a penny.

Q. Did you ever know Mr. Knittel in any way before this transaction came up? A. I did not.

Q. Had you ever known Mrs. Knittel before? A. No, sir.

Q. Had Mr. Knittel ever been to your house? A. Before the case?

Q. Yes. A. No, sir.

Q. Has he ever been there since? A. Mr. Knittel, he called about three weeks after that occasion.

Q. Had he ever, during the time Mrs. Abrams and the daughter lived there, did he ever call at your house? A. No, sir, not to my knowledge.

Q. Has there been some man lodging at your house recently? A. Yes, sir.

Q. When did he come there? A. He came there a week last Friday.

Q. A week ago last Friday? A. A week ago in the afternoon.

Q. And what room has he been occupying? A. He occupied the number two room, next to the first room.

Q. Has he been eating there? A. No, sir.

Q. What were the circumstances of his coming there to secure lodging? A. Well, he came to the door and he asked—

Mr. Bourgeois: Is this relevant? I will object.

Mr. Cole: The proposition is to show that this plaintiff has sent a detective to this house and has been lodging there for the purpose, either of trying to secure some testimony touching this woman or to hold a conversation with her to in some way break down her testimony. Now we may fail in that, but that is the purpose.

The Advisory Master: Well, I will admit it for whatever it may be worth.

Q. Now what were the circumstances of this party coming to the house? A. He rang the door bell, and one of our babies opened the door, three years old, and I went to the door. He says, "Have you rooms here?" and I said, "Yes, sir."

Mr. Bourgeois: I object as hearsay.

The Advisory Master: I shall admit it.

A. Yes, and I showed him the rooms and he said, "What do you want for this room?" I said, "Three dollars." He says, "Yes, three dollars, three dollars," and looked around, and he said, "It is a very nice room." He didn't question

the price evidently, he says, "I will take it," and I said, "Very well." And he says, "I will come back and bring my things this afternoon." So he came back that afternoon with his suitcase. He paid me the three dollars, two dollar bill and one dollar bill. He had it all folded up ready to hand me when he first engaged the room, and he said, "Would you give me a receipt for that?" I said, "Yes," but I says, "I haven't pen and ink just at present and I will give it to you when you come back with your things." He said, "Very well, it will do," so he came back, and put his things in the room. I had written the receipt, I didn't know the gentleman was in the room at the time, and I pushed the door, or pushed the curtain aside, the door was open, I says, "Beg pardon," I said, "I just have this receipt for you," and I said, "I don't know your name, and didn't put your name on it." He said, "My name is Pierson."

Q. Pierson? A. Pierson, and he says, "What is your name?" I says, "My name is Clark," and I threw the receipt, I threw the paper I said, "I will lay it here on the bed," and I just threw it in the door on the bed. I didn't put his name on it because I had it all written, receipted, and he said, "All right, thank you," so I went out. And then he sat there in the room quite a while, and went out a little while in the evening, and he came back.

Q. How long was he there, altogether? A. Well, he came there on Friday afternoon after dinner and he was there up until Wednesday around about five o'clock.

Q. And he left? A. Yes, sir, came and gave me my key on Wednesday and said he was going to leave.

Q. He was a white man? A. Yes, sir.

Q. How old, do you suppose? A. Well, I am a poor head to judge age, but I imagine he was a man about thirty or thirty-two, probably.

Mr. Bourgeois: Q. How old did you say? A. Thirty or thirty-two, I couldn't just say.

Q. Give us your best description of him. A. Well, he was a short man, smooth face.

Q. Complexion dark or light? A. Light complexion, I know he wasn't dark, he was about your complexion, I think.

Q. Tell you what his errand there was? A. No, sir, he didn't say anything about what his errand was.

Q. At any time when he was there, Mrs. Clark, did he make to you what you regarded an improper proposition? A. Well, no—

Mr. Bourgeois: If your Honor please, I object to it anyway because that is hearsay evidence. We know nothing about it.

The Advisory Master: I understand you object to all this testimony. I will admit it.

Q. Did you say he did not? A. I don't know whether I should have taken offense or not. I have some pictures in my room, I have in fact all over the house. They came in book form and I have them framed, my husband was a man who was very fond of those things, of art—it was not exactly all art, they are not entirely new, so he said to me, the next morning, he said, "Mrs. Clark, your room is lovely, and your bed is lovely." I says, "Yes, I have very good beds. I like a good bed myself and I like to give everybody else a good bed," and he looked around and

he says, "Makes a fellow feel kind of lonesome when he looks around and sees all these pictures." I said, "My husband was very fond of them, and I am very fond of them on his account, and I have them in all parts of the house." I says, "We have them in all our rooms," and I said, "There is lots of people who are evil minded think wrong of those things, but we never did."

Q. Now are you taking lodgers at that house? A. Yes, sir.

Q. Had you been before he was there? A. Yes, I had roomers all summer.

Q. That is part of your business? A. That is my business, yes, sir, roomers and boarders.

Q. Did you discover in the room after he left a paper that was partially destroyed? A. Yes, but not after he left, while he was there.

Q. While he was there? A. Yes.

Q. What became of that? A. My, nephew he took it and he give it to someone.

Q. And where did you find this paper? A. Tore up in one of the little ash receivers on the bureau.

Q. In his room? A. Yes, sir.

Q. Do you know whether or not he was the one who did the writing on it? A. Know he was writing because he left the door open and he asked me if I objected to the door being open.

Q. I ask you this, was that paper there before he rented this room? A. No, sir.

Q. Was there anybody else in the room during the time? A. No, sir.

Q. And you found it there during the time that he was there? A. Yes, sir. He had just gone out, and I went in to straighten the room and picked it up.

Q. Was it written in pen or pencil, as you remember? A. I think it was pen.

Mr. Cole: I want to have her identify the paper later.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. This man that you say came and took lodging with you was he an employee of Mr. Foster? A. No, sir, he was not; to my knowledge. I don't know that.

Q. Well, don't you know that he was? A. No, I do not.

Q. Didn't you know that he worked for Mr. Foster? A. No, sir, I did not.

Q. All you knew he didn't like pictures? A. I don't know. I thought he did.

Q. Did like pictures? A. From what he said.

MRS. OLGA GREGORY, a witness produced on behalf of the defendant, being first duly sworn, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. Gregory, what is your age? A. I am twenty-two.

Q. And you are married? A. Yes.

Q. Where do you live? A. I live at Number 11 South Mt. Vernon.

Q. With whom? A. With my aunt.

Q. Mrs. Clark? A. Yes.

Q. How long have you lived there? A. We have lived there not quite a year, will be a year after Christmas, about January or last of December.

Q. And have you lived there continuously? A. Yes.

Q. Since you first began? A. Oh well, we rented our back of our house out and then we had to get out.

Q. But you went with your aunt when you left? A. Yes.

Q. And came back with her? A. Yes.

Q. Now had you seen Mr. Herbert, the gentleman standing there— A. Yes, sir.

Q. Before he appeared as a witness in this case? A. No, not before.

Q. I mean before he appeared? A. Oh, he came to our house.

Q. When did he come to your house? A. On Sunday, September seventeenth.

Q. Did you see him? A. Yes.

Q. Can you recall how he was attired, how he was fixed up? A. He had a fishing tackle, and he had a basket over his shoulder.

Q. Can you recall the kind of a suit he had? A. He had a gray suit on, like a mixed suit.

Q. Had you ever seen him there before? A. No.

Q. Have you ever seen him there since? A. No.

Q. Have you ever seen Mr. Garrison? A. No.

Q. Now tell the Court in your own way the circumstance of his coming, what you heard, and the circumstance of his leaving on this Sunday. A. Well, Saturday, September sixteenth, Kitty got up and her mother says, "Kitty, hurry up and dress. We will be late."

Mr. Bourgeois: I object to that. That is not responsive to the question in the first place, the question is about Sunday. She is telling about Saturday.

Q. Tell us about Sunday. A. And she goes out.

Mr. Bourgeois: I object, if your Honor please. That is simply the same thing.

Q. Never mind what happened on Saturday, Mrs. Gregory. Tell us what occurred on Sunday. I will come back to that presently. A. I didn't see him when he came in, I was only just getting up, my little baby woke up, and I always take him out in the kitchen and dress him, and I stood him on the chair, so while I was there Mr. Herbert he came out, and as he closed the door he said, "Good bye."

Q. You saw him? A. Yes.

Q. No doubt about this man being the man? A. No doubt about it.

Q. Had you heard any of the conversation that had taken place before that? A. No.

Q. You heard no conversation? A. No.

Q. You were in the room you say with your child? A. Yes, in the kitchen.

Q. And which way did he go out of the house? A. Back door.

Q. Do you recall that recently there has been a lodger in one of the rooms? A. Yes.

Q. The one to whom Mrs. Clark has referred? A. Yes. I helped Mrs. Clark fix that together.

Q. You remember the time of his coming? A. Yes.

Q. And the time of his leaving? A. Yes.

Q. And you know what room he occupied? A. Yes.

Q. What room was it? A. Number two.

Q. I have forgotten, Mrs. Gregory, did you know anything of the, hear any conversation

touching the meeting up at Oriental Avenue that night of September nineteenth? A. I didn't hear any of the conversation. Kitty said that she was going to get—

Q. Any of that conversation, didn't hear that? A. No.

Q. Now was this Sunday that you talk about the Sunday just before the Tuesday night of the happening? A. Yes.

Q. Now did you hear Kitty Abrams make any statement concerning her meeting a man, intending to meet a man?

Mr. Bourgeois: I object to that because it is hearsay.

Mr. Cole: I urge it because we have had just that sort of testimony before.

The Advisory Master: It is admitted.

Q. Did you hear such conversation? A. She said that she was going to get two hundred dollars.

Q. Wait a moment. When was that? A. Why that was on the day that they were leaving, on Monday.

Q. On Monday? A. Yes.

Q. And where was the conversation? A. In the bedroom.

Q. And with whom was it? A. With whom?

Q. Who were present? A. Why just her and I.

Q. What did she say to you? A. She says, "Oh," she said, "Wednesday morning I am going to get two hundred dollars." And I said, "Gee, you are a lucky girl," but she didn't tell me who was going to give it to her or nothing about it.

Q. No details? A. Only just that, she was just about to leave.

Q. You say Monday morning? A. Yes.

Q. What time of the morning? A. Well, it was just before dinner time.

Q. At the time she and her mother left herself, just before they both left? A. Yes.

Q. Now I have forgotten, had you been sworn in this case before? A. No.

Q. Do you remember the circumstance of their coming back to your house? A. I didn't know they were back until my sister said in the morning, she says, "Oh, guess who is here" and I says—

Mr. Bourgeois: I object.

Q. Did you see them there the next morning? That is what I want. A. Yes, sir, I saw them.

Q. And were you there when they left? A. Yes, sir.

Q. Who were with them? A. Why there was a gentleman with them.

Q. I mean—A. Was Kitty and her mother.

Q. Was there a child with them? A. Yes. A little baby.

Q. How old was that child? A. About three or four years old.

Q. I don't know, Mrs. Gregory, did you hear any conversation by either Mrs. Abrams or by Miss Abrams about this affair on that night that they came back or that morning before they left? A. No.

Q. You didn't hear any conversation of that sort? A. No.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. You say there was a gentleman with Kitty and her mother when they came back the last time with a little baby? A. Yes.

Q. Who was the gentleman? A. His name was Leroy.

Q. What? A. Leroy Smith.

Q. Did he stay with them all night? A. Oh, no, indeed.

Q. When did he come there? A. Kitty went out in the morning to meet him, down to the Gas Office.

Q. To the Gas Office? A. Yes. That is where he worked.

Q. And was he related to Mrs. Clark? A. No indeed.

Q. Mrs. Clark's nephew works at the Gas Office, one of them? A. No indeed.

Q. Where does he work? A. Claude Clark works at Abe Freeman's, he just left the motor company.

Q. And where does the other one work? A. Phineas Long?

Q. Yes. A. He works at the Leather Company in Camden.

MRS. DELLA CLARK, re-called:

Direct-examination by Mr. Cole:

Q. Mrs. Clark, do you identify that paper as the paper you found in the room? A. Yes, sir.

Q. That was torn? A. Yes, sir.

Q. And you say you handed that to Mr.—

A. I gave it to my nephew. I gave it to my nephew.

Mr. Bourgeois: That is objected to, if your Honor please, as irrelevant and immaterial.

The Advisory Master: I shall permit it to be marked.

Paper received in evidence and marked Exhibit D-6.

Mr. Cole: "Report of C. E. P. Nov. 23d, 1916. Receiving instructions from Mr. H. I proceeded"—may I say that is Mr. Herbert?—"I proceeded to accompany O. P. T. W. M. We called at"—it looks to me like Harolds—but I am not sure. And then again it says—"Report of C. E. P. Nov. 24th, 1916 Following instruction received, I proceeded to Number 11 Mt. Vernon Ave. where I engaged a room for 3.00 per week. After getting my things brought to the room I stayed around during the afternoon. There was"—that is all that seems to be legible.

GEORGE HERBERT, re-called:

Direct-examination by Mr. Cole:

Q. Do you know who the C. E. P., is referred to in that paper? A. Yes, sir, he is a man that worked for Foster.

Mr. Cole: Will you strike that, may it please your Honor. I asked if he knew who he was.

Mr. Bourgeois: He answered it. That is responsive.

Mr. Cole: I think it is not responsive.

Q. What is his name? A. Pierson.

The Advisory Master: I think I shall let the answer stand.

Q. Did you have anything—is that his handwriting, do you know? A. No, sir, I don't know his writing.

Q. How long have you known him? A. About ten days.

Q. Under what circumstances did you become acquainted with him? A. He was brought to me and wanted to know if he couldn't be employed to help out on the Knittel case.

Q. And where did he come to see you? A. He came—was brought there by one of Foster's men to my apartment.

Q. Where is your apartment? A. Bellevue Apartments, Apartment number three, Bellevue Avenue and Atlantic.

Q. Do you know where Mr. Pierson is now? A. I know he is in the city. I saw him this morning on the street.

Q. You haven't any knowledge of his being at 11 South Mt. Vernon Avenue? A. Yes, sir.

Q. Did you have anything to do with having him go there? A. One of Foster's men—

Q. Mr. Herbert, my question is, and it is a perfectly plain question too—

(Question repeated.)

A. I authorized one of Foster's men who had been working for him to send him there.

Q. In this Knittel case? A. Yes, sir.

Q. And probably you are the Mr. H. referred to in that report, are you not? A. I don't doubt it.

Q. Did you pay him for going there? A. No, sir.

Q. Who was to pay him? A. One of the men who had worked for Foster and done all the business and was to receive his report.

Q. Mr. Herbert, let's see if I understand you. Do you mean to say that you had one of Mr. Foster's men send this man Pierson there for what purpose? A. For the purpose of watching Mrs. Clark.

Q. Well, in whose interest was that? A. In Mrs. Knittel's interest.

Q. And who was to pay for it? A. I was.

Q. Didn't you understand a little while ago that is what I was trying to have you answer and you evaded it? A. No, sir, I am not evading anything.

Q. Have you paid him yet? A. He was paid. I didn't pay him. One of Foster's men paid him.

Q. I am not asking you—has he been paid yet? A. You asked me have I paid him yet.

Q. I didn't ask you anything of the sort.

(Former question and answer repeated.)

Q. How much was he paid? A. I don't know how much Foster's man paid him. I wasn't there.

Q. How much did you pay Foster's man? A. I paid Foster's man six dollars a day.

Q. In other words you paid Foster's man six dollars a day and you sent this man there to get testimony for Mrs. Knittel, is that correct? A. No, sir, I wanted to keep in touch with what they were trying to spring on me.

Q. Now who was Foster's man you are talking about? A. William Martin.

Q. But the long and short of it all is, Mr. Herbert, if my question is plain, to you, Mrs. Knittel in the end is to pay for Mr. Pierson's being there? A. No, sir. She didn't know a thing about that.

Q. Are you going to pay it? A. It has been paid.

Q. Well, whose money paid it? A. My money.

Q. You don't expect to have Mrs. Knittel pay you, do you? A. Oh, I expect to present her with a bill, yes, sir.

Q. So that, to get back to the question I started to ask you, you expect Mrs. Knittel to pay for this man's presence down there, don't you? A. Yes, sir.

Q. What instructions, if you know, did Mr. Pierson have? A. None except to follow Mrs. Clark.

Q. For what purpose? A. Well, I had followed her myself to a cafe with some other women.

Q. I didn't ask you that. For what purpose was this man to follow her? A. To see who she was and what she was.

Q. Did you get any reports from him? A. No, sir.

CHARLES A. KNITTEL, the defendant, recalled:

Direct-examination by Mr. Cole:

Q. Mr. Knittel, did you ever flirt with a woman of the name of Ethel Davis? A. No, sir.

Q. Did you ever yourself or did you ever authorize anybody to pay to Mrs. Abrams or to Kitty Abrams or anybody else a thousand dollars or any other sum to testify in this case? A. No.

Q. When you bathed during last summer where

did you undress your street attire and put on your bathing suit? A. In my office.

Q. And where is your office? A. 56 South South Carolina Avenue.

Q. So that you walked from your office to the beach in your bathing suit and walked back in it? A. Yes, sir.

Q. Did you on any of the occasions last summer while you were in bathing have carnal intercourse with any woman under the Boardwalk or elsewhere? A. No. Never.

Q. Did you ever tell Mr. Jefferies—by the way you were sitting in Court here and heard his testimony as to what you said to him in a certain apartment? A. Yes, I was.

Q. Did you make that statement to him? A. No, had no reason to make that statement to him.

Q. Did you make any statement that sounded like that? A. None whatever.

Q. If you did make such a statement as that was it true? A. It was not true, no, because there was no occasion for it.

Q. Your office is in this same building, isn't it? A. Yes.

Q. Did you on this night of September nineteenth, either at the house Oriental Avenue or at your own home, say to your wife or admit to her that you had had intercourse with this Katie Abrams? A. No, I denied that I had ever had intercourse with anybody.

Q. Did you ever have intercourse with her? A. No, never.

Q. How many times was she in your office? A. Twice.

Q. When was it? A. The Thursday and Saturday before the nineteenth of September.

Q. Was she in your office on the Monday before the nineteenth? A. I was in Philadelphia that day.

Q. Was she in your office on Thursday, the nineteenth? A. No.

Q. Are you sure that you didn't see her either on Monday or Tuesday, either the eighteenth or nineteenth? A. Positive.

Q. Mr. Herbert has testified, you remember, that he saw her in your office on Monday, the eighteenth; is that true? A. Didn't see her, no.

Q. Were you ever in any house where Katie Abrams was before you were in 512 Oriental Avenue? A. No.

Q. Were you ever in the house at 11 Mt. Vernon Avenue where she lived? A. No.

Q. Or any other place? A. No.

Q. Who was it that introduced the subject of your going to her house? A. She did.

Mr. Bourgeois: We have gone all over that, if you Honor please, once.

Mr. Cole: Mr. Bourgeois, you went over several things several times.

Q. You heard the testimony of your chauffeur? A. Yes.

Q. Given here this morning or this afternoon? A. Yes.

Q. On any of the occasions that you were out in an automobile with any woman, did you have carnal intercourse with them? A. I never had any women out in my mother's machine as long as she has had it.

Q. And you mean the testimony of Mr. James Lewis touching these visits is untrue? A. Every bit of it is a lie.

Q. Do you know the occasion of his leaving your mother's employ? A. Yes, there was, my mother dropped forty-three dollars in the automobile and he couldn't find it, and the suspicion rested on him and he left.

Q. How long was it before he left that your mother lost the forty-three dollars? A. She lost it while he was still working with her.

Q. I see, but how long after that was it that he left? A. Why he left on a Monday, I think Saturday was when she missed it, about a week before.

Q. Had she said something to him about this money, do you know? A. She asked him to try and find it for her.

Q. On one occasion you were in the Traymore Hotel with a woman, who was it? A. My mother.

Q. Someone testified that on this night, somewhere, that you begged them not to charge you with adultery. Just what was that, if you remember? A. I told them not to charge me with adultery because I had never committed adultery in my life and I didn't want her to get a divorce on those grounds.

Q. Now, Mr. Knittel, there has been some statement by your wife about your not providing for her. Just tell the Court what the fact is about what provision you made. A. Why I gave her seventeen dollars a week, and I paid for all the coal, light and heat, laundry, electric light, and kept the house in repair, had it painted, weather-stripping put on it, storm door, and all that sort of thing.

Q. And did you know that your wife was a woman of independent means? A. Yes, sir.

Q. Had she ever made any complaint that you were not giving her sufficient support? A. Yes, she complained to me.

Q. What did you say? A. I told her that I was paying all I could afford to pay.

Q. And were you? A. I was, yes.

Q I think she testified that you were frequently drunk. What is the fact about that? A. I was not frequently drunk at all.

Q. You do drink? A. I drink, yes, sir.

Q. Had you ever given your wife improper treatment? A. No.

Q. Were you ever brutal toward her? A. No.

Q. And are you fond of your children? A. Very much.

Q. Did you always take proper care of them? A. Yes, sir.

Q. Do you still want the children? A. I do.

Q. I think Mr. Herbert testified that on this night you admitted being intimate with other women. Did you ever make such an admission? A. Never made any such admission. No.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mr. Knittel, you say that you never gave your wife any brutal treatment? A. Yes, sir.

Q. But you did feel of Katie Abrams' breasts when you were down in the water bathing, didn't you? A. Yes, sir.

Q. What kind of treatment did you call that to your wife? A. Well it wasn't on the level.

Q. What? A. It wasn't on the level.

Q. Wasn't on the level? A. No, sir.

Q. But it wasn't brutal? A. I don't know whether that is called brutal or not.

Q. But you did go up with this Kitty Abrams and you were found with nothing on except your undershirt, weren't you, in your bedroom? A. I had more than my undershirt on.

Q. Your undershirt and your over shirt? A. Yes.

Q. You had all your clothes on, in other words, except your collar and your necktie and your coat and vest and your trousers and your shoes and stockings and underdrawers, except that you were fully dressed, weren't you? A. I had my coat and trousers and underdrawers off, that was all. That is enough.

Q. Well, you had your vest off too, didn't you? A. Yes.

Q. You had your coat and vest and your trousers and your underdrawers, and of course you had your shoes off? A. No, I didn't have my shoes off.

Q. Took your underdrawers right off? A. Yes.

Q. In a hurry to get undressed, I suppose, didn't have time to get your shoes off, is that the idea? A. I couldn't say.

Q. Now what sort of treatment did you think that was to your wife, nice, or was that brutal? A. No.

Q. Was that brutal? A. That was brutal.

Q. Then you have been brutal to her, haven't you? A. So far as that was concerned.

Q. Now you say you have always paid everything that you could pay? She said she paid the doctor bill for her first confinement. Is that true? A. I couldn't say. I paid for the trained nurse, six weeks, twenty-five dollars a week.

Q. I didn't ask you the trained nurse. I asked

you if you let her pay for her own confinement? A. Well, she would pay those bills and never said a word to me about them, if she was willing to pay them that was nothing to me.

Q. I show you a little check of sixteen dollars from Doherty's Pharmacy, is that for medicine? A. That was for candies and sodas.

Q. I show one here on Ventnor Market $6.96. Was that for chewing gum? A. No, she paid some of those bills, if she got the money, if she didn't have enough cash, I suppose she would use her own money.

Q. I show one here to Dr. Canning for $32.00 Was that for face powder or something of that sort? A. No, I wouldn't pay him three dollars a visit.

Q. $32.00? A. Well, he charges that.

Q. And that was for doctor bill, wasn't it? A. I suppose it was, yes. I never saw the bill.

Q. And the second time she was confined she says she paid that bill too, is that right? A. I paid the first bill, I think. I think she paid the second.

Q. Well she says she paid them both. Do you say she did not? A. I couldn't say. I thought I paid one of them.

Q. You think you paid one of them? A. I thought I paid one of them.

Q. And it is only a thought that you have now that you paid one of them? A. Yes.

Q. I show you another bill of $28.73 for Ventnor Market. That I presume is for meats, isn't it? A. I suppose so.

Q. And here is another for $11.35 of hers to the Ventnor Market. I suppose that is for meat, isn't it? A. I suppose so.

Q. And here is one for $3.47 for the Wawa Dairy. I suppose this may be for milk. A. Yes.

Q. Here is another for $11.56, for the Wawa Dairy. Is that for milk? A. Yes.

Q. And here is one Chelsea Ice Company for $5.75. A. Yes.

Q. And here is another to the apothecary for $21.45, that is for—what was that, bonbons? A. I couldn't say what she got, because I never seen those bills.

Q. Here is another to the Wawa Dairy for $3.22. I suppose that was for milk, maybe, wasn't it? A. Yes.

Q. And another to the Ventnor Market, in fact two of them to Ventnor Market, one for two dollars and something, and another for fifteen dollars. Are they for food, household? A. I suppose so, yes.

Q. Now here is a little bunch of about— A. I ought to have brought all my checks.

Q. All right. I am going to let you go over these, here is a little bunch of about I should think a hundred and fifty or two hundred checks. Look over them and see if you find any of them that were not for food.

Mr. Cole: While you are at it, see if there are any to Mr. Herbert or other detectives in the divorce case, to see how much they aggregate.

Mr. Bourgeois: Yes, you may look.

Q. All right, are they? A. They are all right, I guess.

Bundle of checks offered in evidence and marked Exhibit P-11.

Q. Now, Mr. Knittel, you know where there is a house known as 15 South South Carolina Avenue? A. No, sir.

Q. Don't you know where that is? A. I know where it is on South Caroline Avenue. I can't picture the house.

Q. Don't you remember meeting a Mrs. Harris there? A. A Mrs. Harris?

Q. A Mrs. Harrison? A. No, I don't know anybody by the name of Harrison.

Q. You are quite sure about that, are you? A. Positive, yes.

Q. Never went in that house, did you? A. No.

Q. Are you sure about that? A. Positive.

Q. Did you ever meet a man there by the name of Wade? A Wade?

Q. Wade, yes. Ever meet a man anywhere by the name of Wade? A. I can't recall the name, no.

Q. Can't remember that? A. No.

Q. Can you recall the name of Mrs. Harrison? A. No, I cannot.

Q. Do you ever recall having sexual intercourse with this woman at 15 South South Carolina Avenue? A. I should say not. I never had intercourse with anybody in my life except my wife.

Mr. Cole: I object to this. Is this one of the cases laid in the petition?

Mr. Bourgeois: I don't know whether it is or not.

Mr. Cole: I object to it so far as laying a ground for a divorce.

The Advisory Master: If this goes to the matter of his veracity—

Mr. Bourgeois: It is going to go further than that. If what I think is true we are

going to move to amend the petition and include this as a ground. It is something that has just come to us now.

Mr. Cole: I object to anything practically making a new case at this hour. It is not testimony, practically bringing out of this man's mouth testimony against himself. I haven't any objection to it so far as it goes to his veracity.

The Advisory Master: I will admit it on the ground it goes to his veracity.

Mr. Cole: I don't object to that, but I want now to have it understood as not making a new case, something not laid in this petition.

Q. Now, about Mr. Wade. A. Do you mean the Wade that was down to the Beaux Arts Apartments, that sang down there?

Q. I don't know. That is probably the one. Do you know one down there? A. Only thing I know about him he tried to borrow five dollars off of me and I turned him down. That is the only thing I know about him.

Q. He didn't know you very well? A. He didn't know me. He knew my wife better than he knew me. She was down there when I was.

Q. Were you surprised he didn't try to borrow it off of your wife? A. It is a wonder he didn't.

Q. Now what I am interested in particularly is whether you ever saw Wade at 15 South South Carolina Avenue? A. No, I don't know where he lived there. I don't know where he lived.

Q. I don't know if he does either. Did you ever see Wade there when you were there with Mrs. Harrison? A. I was never in 15 South South Carolina Avenue.

Q. Now who was the woman you were with up in Philadelphia during the summer when you were back here in that place opposite the Reading Terminal? A. You mean that cafe?

Q. Yes, that Cafe there? A. She told me her name was Mrs. Fennish from Chicago.

Q. Mrs. Fennish from Chicago? A. Yes.

Q. And where did you first meet her? A. She came up to me on the beach here.

Q. Down here? A. Yes, sir.

Q. And you went up to Philadelphia together? A. No, she came up there and called me on the 'phone.

Q. And you went? A. Asked me if I would see her.

Q. It was sort of a habit of yours to respond when these girls called you, wasn't it? A. Not always.

Q. Well you did to Kitty, didn't you? A. They were the only two ever called me up.

Q. And they were the only two you ever responded to? A. Yes, sir.

Q. In other words up to that part you had a hundred per cent, called twice and went twice? A. Yes, sir.

Q. Did you see this woman after you got back to Philadelphia? A. No, I never saw her after that.

Q. Is that so? A. After I got back from Philadelphia?

Q. Yes, she went up from Atlantic City to Philadelphia and called you there. A. Called me on the 'phone.

Q. And then you went out and saw her? A. Then I told her I was going out to lunch.

Q. Where did she think you were going? A. I don't know where she thought I was going.

Q. Well, where did you go? A. Went up in Dan Hagan's Cafe.

Q. How long were you there? A. Well, I had my lunch, and she had a couple of drinks.

Q. And you didn't take any drink, did you? A. Me?

Q. Yes. A. I had a cocktail.

Q. Is that all? A. That is all.

Q. And after you had your lunch where did you go? A. I left her right outside of the place.

Q. How long did it take you and she to get your lunch and the drinks? A. About three-quarters of an hour.

Q. Not any more than that? A. Not any more than that, no.

Q. And then that night you came home, didn't you? A. Yes, sir.

Q. Told your wife about it? A. No, sir.

Q. What sort of treatment was that, all right, or was that a little brutal? A. I don't know whether it is brutal or not.

Q. Now how many times did you meet her on the beach? A. I saw her three times.

Q. On the beach? A. Yes, sir.

Q. Was that before or after the time you met her in Philadelphia? A. Before.

Q. And how many times after that did you meet her? A. Never, never saw her after that.

Q. Didn't see her any more then? A. No.

Q. Is that the one that you bit on the back? A. I never bit anybody on the back.

Q. Didn't you? A. No.

Q. Is she the one that you fondled down there? A. No. I might have hugged her in the water.

Q. That is all? A. All, yes.

Q. And you didn't go up under the Boardwalk with her, did you? A. Never went under the Boardwalk with anybody.

Q. Especially not with this one? A. Not with her or anybody else.

Q. I wonder if you can identify that woman for me? A. I saw her twice in my life when she had a bathing suit on. I never seen her in the street clothes. I couldn't swear whether that was the one or not.

Q. How did you know you saw her twice with a bathing suit? A. Because I saw her twice with a bathing suit, you said that was supposed to be the woman from Ventnor at the last hearing.

Q. Now you say that you saw Kitty two times before you went up to see her at the home? A. Yes, sir.

Q. And that you only saw her once in your office? A. No, I saw her twice.

Q. Did you show her any apartments? A. She came in there and wanted to see some apartments. We said we had none to suit them.

Q. And you didn't show her any at all? A. I didn't show her any, no.

Q. Now, Mr. Knittel, did I understand you to say that your driver, your chauffeur, had taken you with a woman who was not your wife or your mother down to the foot of St. James Place? A. No, he never took me out. I never was allowed in the car, never went out in it.

Q. And he never went on Arctic Avenue took you on there and picked you up there? A. No.

Q. Never picked you up Arctic and Brighton Avenue? A. Positively no.

Q. Never picked up any women that night? A. No, I was never out with a woman in my mother's car.

Q. And you never flirted with Ethel Davis? A. Don't remember ever seeing her before. That is all another lie.

Q. Well, you knew where she lived, didn't you? A. I don't know where she lived or anything. I don't bother with that kind of people.

Q. Have you taken any occasion to find out from her mother who lives down in Ventnor whether Ethel was up here at that time? A. No.

Q. Just passed it by, brushed it aside? A. What do you mean brushing aside?

Q. Paid no attention to what she said. A. I just testified she was lying. I don't know nothing about her. How can you prove those kind of things?

HARRY A. FOSTER, re-called:

Direct-examination by Mr. Cole:

Q. Was this man C. E. P., who it turns out is Pierson in your employ? A. At that time, no.

Q. Had you anything at all to do with having him go to this house 11 South Mt. Vernon Avenue? A. No, sir.

Q. And the other person to whom Mr. Herbert referred was who, Martin? A. Man by the name of Martin, yes.

Q. Was he in your employ at the time? A. No, sir.

Q. Did you have anything to do with his employing this man to go there? A. No, sir.

Q. And this paper that was torn and has now been put together came into your possession from whom? A. From Mr. Clark brought it in to me, and after looking at it I thought I recognized the initials C. E. P. I had a report sometime previous that he made.

Q. I don't care about that. It is his handwriting, is that it? A. It is his handwriting, and he admitted it to me.

Q. You have talked with him since? A. He was in my office and he admitted the whole business, why he was there, who sent him there and the whole business.

Q. At all events you had nothing to do with it? A. Nothing whatever.

Q. When did you first know he was down there? A. I believe it was on a Monday morning.

Q. When did you first know his errand, what he was doing there, why he was there? A. About three hours or two hours after I knew he was there I got this paper in my hands. I immediately proceeded after him.

Q. And then he told you why he was there? A. He admitted it all.

Q. Had Mrs. Knittel asked you to secure evidence of her husband's infidelity? A. She did. In other words I was to be employed to go on the work I was to go on the work, and then I was called off.

Q. Now just a moment until I ask you the question. When was it that you were employed? A. I

first went on an investigation for Mrs. Knittel on May twentieth, 1916.

Q. Did you find him one night at the Hotel Traymore with a woman? A. I did not but my wife did.

Q. Did you have conversations with Mrs. Knittel? A. Yes, sir.

Q. In any of the conversations you had with her did she tell you that she wanted to secure evidence that she might get a divorce from her husband? A. I asked her why she wanted the evidence and she told me for to secure a divorce.

Q. Did she say anything about wanting to get rid of him? A. She did.

Q. Did she say that more than once? A. Yes.

Q. When were you dismissed from the case? A. I didn't know I was dismissed.

Q. Well, when did you cease to do work on the case then? A. If you will let me, Mr. Cole—

Q. I don't want, Mr. Foster, to go into a lot of matter I think is utterly irrelevant. A. It is a hard matter for me to tell that.

Q. If you can't remember. A. It was sometime in August

Q. You testified, didn't you, Mr. Foster, that Martin was not in your employ? A. No, sir, and has not been for a year.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. You say, Mr. Foster, that Mrs. Knittel wanted to secure evidence against her husband and you didn't know that you had been discharged. You did secure evidence, didn't you, against her husband? A. No, sir.

Q. Well, you saw him, didn't you, where you

had evidence against him, you saw him out with women, didn't you? A. No, sir.

Q. Did you ever see him out with any women at all? A. No, sir.

Q. Didn't you ever see—did you ever get any evidence at all against him? A. None whatever, nothing that would do him any injury, only taking a drink.

Q. And none of your people ever saw him? A. Never saw him in company with any women.

Q. Or your people either? A. No, sir, not to my knowledge.

Q. Now here is a letter. Is that your signature? A. Yes, sir, I know all about the letter.

Q. Do you? A. Yes, sir, that is my writing. I have got a purpose in writing it.

Q. I will read it in the evidence, if you want to see it, on the letter head of "H. A. Foster, Sheen Building, Atlantic City, New Jersey, 9-27-16. Mrs. Charles Knittel, 11 South Brighton Avenue, Dear Madam: Just a line to let you know that I have been waiting to hear from you"—

The Advisory Master: What is the date of that?

Mr. Bourgeois: Twenty-seventh day of September, 9-27-1916. That is seven days after the petition was filed. "Just a line to let you know that I have been waiting to hear from you in regard to the matter you had with me to look up for you in the earlier part of the summer. I have on a number of times this summer watched your husband and I have enough evidence at any time you want me to close the same. In fact I can put my hand on the girl who he

has been going with all summer. Kindly let me hear from you at your earliest convenience as I expect to have to leave the city and I don't want to disappoint you. Hoping to hear from you soon I beg to remain, at your service, Respectfully, Harry A. Foster, P. S. My wife sends you her sympathy and wishes you good luck in your trouble. She has not been very well this summer. She wants to call on you as soon as she can. Resp. H. A. F."

Letter received in evidence and marked Exhibit P-12.

Q. Now, what Mr. Clark was it that brought the paper to you, Mr. Foster? A. The nephew, I believe, of Mrs. Clark.

Q. Claude Clark? A. Claude Clark.

Q. Now let me ask you one question, Mr. Foster: on one occasion since this suit has been pending did you bring some whiskey and take it over to Mrs. Clark's home? A. Did I bring some whiskey and take it to Mrs. Clark's home?

Q. Yes, this Mrs. Clark here.

Mr. Cole: I object. That is not cross-examination of this witness and how is it relevant?

Mr. Bourgeois: He has been telling about when and all that.

The Advisory Master: I shall admit it.

A. I never took whiskey, beer or liquor or package of any kind, lead pencil, a piece of paper of any description in Mrs. Clark's house that I didn't bring out with me, positively no.

Q. That answers, that last. A. Positively it does.

Q. I am interested only in the whiskey, I don't care anything about the lead pencils. A. I would be too if I had it.

Q. And you didn't take any there? A. I certainly did not.

By Mr. Cole: Q. Now, Mr. Foster, I think you wanted to explain the letter. Will you please explain it? A. Yes, I will. A day or so previous of that letter being written Mr. Bourgeois, a woman was in my office one evening on a matter of her own, in conversation she eventually brought out a matter which was finally called the Knittels case. In response to the lady I says what—

Mr. Bourgeois: I object.

Mr. Cole: He is giving the explanation for writing this letter.

Mr. Bourgeois: He can explain why he did it without the conversation between the woman, he can simply say because of a conversation a woman had with me.

The Advisory Master: I shall admit the conversation.

A. I says to the lady, I says, "Do you mean Mrs. Charles Knittels?" She says, "Yes. It was the quickest case ever closed in Atlantic City, two nights." I says, "Herbert closed this case in two nights?" She says, "Yes, and got a thousand dollars and I seen the check he got for it." I says, "What are you talking about?" She says, "I know what I am talking about." I says, "Where did you see a check?" "Why Gertie McGowan showed me the check in my sister's—my daughter's house Mr. Herbert received for that work." I says, "Where did that happen?" She says, "They laid up there and let the poor fellow

walk right into it." I says, "Laid up where?" She says, "Oriental Avenue, I don't know just where." I says, "And you tell me Mrs. Knittel's case is closed by Herbert walking in and catching Charles Knittel?" She says, "Yes." I says, "Thank you." The next day I, after a conversation with my wife, I sat down and I says, "I will find, if Mrs. Knittels is still out of town or sick, or was it Mr. Garrison who done the job." I writes this letter and the answer I got was stating that Mrs. Knittels was out of town, and I knew she was not, letter from a Mrs. Brown to me.

Q. Is that the answer to the letter? A. That is the letter.

Q. Is that the letter? A. It was a decoy letter to get Mrs. Knittel in my office to find out who was telling the truth.

Q. Then as I understand the purpose of writing the letter was not to disclose the truth really but to get some evidence from Mrs. Knittel, is that the idea? A. I wanted her to tell me why she was acting, misleading me, telling me one thing and doing something else?

Q. Up to that time you say she had not formally dismissed you? A. Positively no.

Q. And you thought you were still on this case? A. Yes, she told me in August, rode up with me from Boston Avenue up Pacific Avenue in a jitney The last word she says, "As soon as my mother gets back, Mr. Foster, I will come up and see you in September," I said, "I will keep in touch with you," which I did.

Letter received in evidence and marked Exhibit D-7.

Q. Was this information that you got from the woman the first information you had that— A. I had no idea at all the case was working on at all, none whatever, and I wanted to find out through Mrs. Knittels if she would tell me the truth why it was Mr. Herbert followed it up, stating that he represented Mrs. Knittels and wanted to know what I had to sell, that she would pay well for any information I had against Mr. Knittels. I said, "I have got nothing to say. There is nothing here for sale to Mrs. Knittel."

Q. And had you after the time that Mrs. Knittel spoke to you began to follow Mr. Knittel? A. I had on several occasions.

Q. Did you ever see him in company with anybody, with women I mean? A. Never did. I have with certain men.

Q. Had you gone to the Traymore that night? A. Yes, sir.

Q. Had you gone to the Extra Dry at times and found him there with women? A. Yes, sir, I went to a number of cafes, in fact I had charge of several cafes in the summer, keeping in touch with them, and I have never yet seen Mr. Knittels in company with a woman, and I think it was eleven different nights that I saw him.

By Mr. Bourgeois: Q. I understand you to say that you wrote this letter only for the purpose of decoy? A. Yes, sir.

Q. Now, Mr. Foster, didn't Mrs. Knittel tell you at the very beginning of it that she did not want to go on with that matter? A. Positively no.

Q. And didn't she tell you that if she concluded to take it up later she would let you know? A. No,

she told me, as late as the middle of August, that she still intended to go through with it by all means, didn't matter what it cost.

Q. Did she tell you that she intended to have you go through with it? A. Positively I and me only.

Q. I didn't ask you that. I asked you if she told you she intended to have you go through with it for her. A. That is all and I answered it.

Q. What was the answer? A. Positively, yes.

By Mr. Cole: Q. Will you state the circumstance of the August meeting, how you come to meet her? A. I was looking after the Ostend Hotel, and I had to spend an hour twice a day at that house. I usually came up around twelve, half-past twelve or one o'clock. I stopped Pacific Avenue and Boston Avenue and there was a lady standing there dressed in white, if I recall it now, and she had a large hat on, which kind of floated down on the side of her face. I didn't get a view of her. I didn't think I knew her anyway and a jitney drove up and the lady got in the jitney and I also followed in and sat alongside of her. After the jitney had started she says, "Is this Mr. Foster?" I says, "This is," and for the life of me I didn't know the lady, didn't recognize her," and she says, "How is the wife," and I looked up, thought maybe she does know me, and I looked up, and I says, "This is Mrs. Knittel?" she says, "Yes." And I said, "She is quite well, thank you," and then she continued talking to me, and she got off at Brighton Avenue.

Q. Mr. Foster, in any of the conversations that Mrs. Knittel had with you about securing the evidence against her husband did she ask you wheth-

er you ever used women? A. At one time, if I ever used women on cases, I told her at that time I had no girls, I only used my wife.

MRS. FLORENCE FOSTER, a witness produced on behalf of the defendant, being first duly sworn, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. Foster, you are the wife of Mr. Foster who was just on the stand? A. Yes, sir.

Q. Did you ever meet Mrs. Knittel in connection with some proposed securing of testimony against her husband? A. Yes, sir, I was the first one that met her.

Q. Can you recall where you met her? A. She drove and Dr. Canning's wife there and Mrs. Knittel drove down to my home, 14 North Georgia Avenue.

Q. Mrs. Canning is the lady who testified what happened at the cafe, whatever you call it? A. Dr. Canning's wife, right here, and I wasn't at home, and my daughters told her she would find me at a store 1900, Gross's and there was two ladies came in and called out is Mrs. Foster here, and I was in the back of the store and I said, "Yes, I am here." So they came up here, they had a little runabout, and Mrs. Canning was driving it, so she said, "Mrs. Foster, can you find Mr. Foster for me?" I knew Mrs. Canning for Dr. Canning had been at our house, and I said, "I think I can. He went to the Wilson supper down to the Traymore." So I goes down to the Traymore, they

gets me in there, in Mrs. Canning's automobile, so we went down to the Traymore, and I got Mr. Applegate to go up and see if he could find Mr. Foster, so he came down and he told us Mr. Foster had gone up town, so she said, "All right, we will take you up town," we went up in, and looked in Kuehnle's, but didn't get out of the automobile, looked all around to see if we could locate him. We couldn't locate him so then we came back, and we went to the office, and I went to the 'phone, I thought maybe he might have stopped in there, so we couldn't find him, so she said "If you find him by eleven o'clock, call up." So I found him—and they, then they let me out, and they went on down home, or I don't know where they went, but I went then and scouted around and I found Mr. Foster. So then we went around to Dr. Canning's wife, she called and told us to come around, and we went there, so Mrs. Canning met us, and she called up Mrs. Knittels at her home, she had then gone home, and she asked if we should go on, and she said yes, and gave us ten dollars, and we went to the Extra Dry.

Q. You say you asked her if you should go on? A. If Mr. Foster and I should go on at that time and pick him up.

Q. Did you at that time know that you were to do work? A. She said she wanted to engage Mr. Foster by Dr. Canning's wife.

Q. What did she say she wanted him to do? A. She said Dr. Canning had spoken so highly of him, for he had done work for all of them, she said that is why she wanted to engage him.

Q. Engage him for what? A. To follow her husband.

Q. Well for what purpose? A. For a divorce, she didn't say it that night then.

Q. Then you say ten dollars was given you that night? A. For expense money.

Q. By whom? A. Why Dr. Canning's wife gave the ten through Mrs. Knittels telling her to on the 'phone.

Q. And then you that night sought Mr. Knittel out, as I understand? A. At that time I didn't know who he was, until after I got the description, then I remembered him standing there with a lady, and another lady, there was a young woman standing there, and he was there with an elderly women.

Q. Now when did you next meet Mrs. Knittel? A. We called her up on Sunday and she made an engagement to meet us at Dr. Canning's for Monday morning eleven o'clock.

Q. Then what happened? A. Then she got talking over the case and she wanted to get evidence against her husband and as Mrs. Canning had told her she had seen him in different cafes with women, and Harry says, "I don't believe I know the man."

Q. We don't want all the conversation. Did she tell you why she wanted to get evidence against her husband? A. For a divorce absolute divorce, and she said—so on Monday we went over to Dr. Canning's at eleven o'clock, and we met Mrs. Canning, or Mrs. Knittel, and Mrs. Canning went out and left the little girl there with Mrs. Knittel, and I, only four in the room, and she was going out in the automobile with her husband.

Q. Then did you follow Mr. Knittel up from time to time? A. Then she had quite a talk with

Harry, and she then employed him, and she said that she wanted to get absolute evidence for a divorce, and she says, "You ought to know him?" and he said, "I don't think I know him." And then when she told me, well I said, "I seen a man like that down there with a lady in the Traymore last night." She said, "Well, that is him, for he is a siss. He wears a white carnation or a pink always."

Q. During the conversation, any of them that she had with you, did she tell you that she wanted to get rid of him? A. Yes, she said she was going to get a divorce, she was going to get rid of him, and on Tuesday—this was on a Monday that she met us—then on Tuesday she called up again, and Mr. Foster had the talk with her. So on Wednesday morning I was in the office and she called up and she said, "Is Mrs. Foster there." He said, "Yes." She said, "Will she come down." So I went down and she had quite a talk with me and she says, "Mrs. Foster," she says, "my mother is sick. I have been talking the case over with her," and she says, "She is sick and she is going to take me away for two months, and we won't take the case up until after we come back in September," She says, "Then Mr. Foster," she says, "he is the only one I will employ," and she says, "Here," and she gave me one hundred dollars.

Q. Check or money? A. Check over here on the trust company.

Q. And tell you what it was for? A. Yes, for Mr. Foster, or, she says, "Will I give it to you for you are the first one I got?" and I said, "No,

make it out in Mr. Foster's name," so it was made out in his name one hundred dollars.

Q. And he got the money? A. She says, "I will take it up in September," and I called her up several times on the 'phone and I did tell her I would come down and I had so much to do I couldn't, because we trusted her. She said her mother's lawyer was Mr. Garrison, so then Harry said, "I won't work under Mr. Garrison for I don't like his methods."

Q. You turned the check over to your husband, didn't you? A. I turned the check over to my husband.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Sure it wasn't any more than a hundred dollars? A. No, one hundred dollars.

Q. Wasn't it one hundred and fifty dollars? A. It was a one hundred dollar check.

Q. Sure of that, are you? A. I am positive of it. Go right over to the bank and get it, you can go over to the bank. It is there, one hundred dollars.

Q. Whose account is it in? A. Why it was wrote out in Mr. Foster's name, she was going to write it out first in my name, and I told her it would look better to put it in his name.

Q. Now, Mrs. Foster, don't you know that check was only for fifty dollars? A. It was for one hundred dollars.

CHARLES E. SMITH, a witness produced on behalf of the defendant, being first duly sworn, testified as follows:

Direct-examination by Mr. Cole:

Q. Mr. Smith, what is your business? A. Salesman.

Q. Do you know the Dan Hagan Saloon that has been referred to in this case? A. I eat there about five days out of seven.

Q. Where is it located? A. I think it is number sixteen North Twelfth.

Q. Do you know Mr. Knittel? A. I know him very well, yes, sir.

Q. How long have you known him? A. Oh, I have known Mr. Knittel for several years.

Q. Now will you describe to the Court this eating place what is it like? A. Describe the interior?

Q. Yes. A. Well, it is one of the most reputable cafes in Philadelphia, so reputable that I take my wife there about two or three times a week to have dinner.

Q. Did you ever see any improper conduct going on there? A. They won't permit it, most strict disciplined place in Philadelphia, not barring any hotel.

Q. Could anything of an immoral character happen in that cafe without people knowing it? A. Absolutely no, impossible.

Q. Are the arrangements so it could be done without people knowing it? A. It couldn't be done, it is an open book, same as this room, there are no corners, like that to get in, every person can see anybody that enters the room.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Could a man take some woman there who wasn't his wife and make an appointment for some other place? A. You will have to ask somebody else than I for I never did.

Q. Is it such an open book that it could not be done? A. I don't know anything about it.

Mr. Cole: I think that is our case.

Petitioner's Rebuttal

CHARLES A. KNITTEL, re-called:

Direct-examination by Mr. Bourgeois:

Q. Did you in August of 1914 have intercourse with a short dark woman in a house kept by Mrs. Harrison at 15 South South Carolina Avenue, Atlantic City? A. No, I was never in that house.

Mr. Cole: I want to put my objection on just the same unless it is limited to the question of the veracity and inclination, and not to make an independent case.

Q. Did you ever during that summer have intercourse at Number fifteen South South Carolina Avenue with a tall blonde woman who is the wife of a car conductor in Philadelphia?

Mr. Cole: One moment, the same objection.

The Advisory Master: Is that something which is in your—

Mr. Bourgeois: No, this is for the purpose, for two reasons, first for the purpose of contradicting, veracity, and then I

am going to make an application to amend the petition and include this in it.

Q. Did you ever during that summer at the same place have intercourse with a tall dark girl?
A. No, I never had intercourse with anybody.

Mr. Cole: Same objection for the same reason.

The Advisory Master: At this time, Mr. Bourgeois, it seems to me that that testimony can only be admitted on the ground that it goes to the question of his veracity.

Mr. Bourgeois: Well, as the pleadings are I think that is true, but then on the other hand I have no doubt that we will be permitted to amend this petition at this time so that we won't have to bring a new suit as it were.

FRANK WADE, a witness produced on behalf of the petitioner, being first duly sworn:

Mr. Bourgeois: Now, if your Honor please, I want to make an application to amend this petition by including an allegation of the committing of adultery with a woman unknown to us in a house at 15 South South Carolina Avenue during the year 1914 ran by a Mrs. Harrison, with three different women, one a tall blonde who came from Philadelphia, another a short dark girl of Jewish type, and another a tall dark girl, all during this summer of 1914.

Mr. Cole: I want to object, may it please your Honor. I don't think it is just, and I don't think it is proper. Here is a case that has been at issue and testimony has been taken from time to time. There have been delays here, and everyone of them, by the way, at the instance of the plaintiff in this case, and now the suggestion is that there be an entirely new case presented, after all these conferences, and I submit that it is not right; that he should be required to file an independent petition if he wants to do it, and not be allowed to amend this petition, and in any event certainly this Court would not go on with this case at this time even though you should conclude that you should stretch this by allowing the amendment.

Mr. Bourgeois: If your Honor please, I have no desire to foreclose him from having a defense.

The Advisory Master: If I should conclude to amend the petition I certainly would not require the defendant to be put upon—

Mr. Cole: More than that. I don't think they should be allowed to give any testimony at all. How do I know anything about this case? How can I cross-examine this man brought in here, an entire stranger?

The Advisory Master: If I should conclude to amend the petition, I wouldn't go on with it at least tonight, and I will determine tomorrow whether I will permit it to be amended, and upon what terms.

Mr. Bourgeois: This is evidence that came to us just this afternoon. This is the first information of it, just this afternoon, and I can understand Judge Cole's desire to have the thing quick, hurry it along so that we would not get on to the testimony that is to be had. We haven't gotten on to it until now. Now then this is an occasion that occurred before this suit was filed. Now if we are precluded from putting this evidence in at this time, then a decision in this case is a bar to putting it in in another case. We could not file another petition. We would be barred by the evidence and decree in this case. That would absolutely be a bar, and we say that in the interests of justice, and so that this woman may have a fair opportunity, we ought to have the privilege of amending this petition.

Mr. Cole: And I want to say now to your Honor that if this petition is amended, that I want to amend the answer and set up, as a counter-claim, adultery on the part of this plaintiff, and we will make an entirely new case, because I think we have the evidence. We have tried to save this woman, and now if they insist upon having this petition amended, then I want the right to file a cross petition alleging adultery.

The Advisory Master: I will give you that opportunity.

Witness temporarily withdrawn.

MRS. GAYNE CANNING, re-called:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Foster and Mr. Foster have both testified that Mrs. Knittel at your home engaged Mr. Foster to get this evidence or get evidence for her. Were you present at the time? A. I was present the night that Mr. and Mrs. Foster were there. The next morning I was not there, because Mrs. Knittel was there with Mr. and Mrs. Foster, but I was out, but I came in and just heard the end of the conversation.

Q. Now was there, so far as you know, any engagement for them to go on and get this evidence? A. I don't know anything at all except Mr. Foster had gone that night, and what was going to happen after that I don't know.

CROSS-EXAMINATION by Mr. Cole:

Q. Did you give him ten dollars? A. I did, yes, for Mrs. Knittel.

HELEN KNITTEL, re-called:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Knittel, Mrs. Foster says that you engaged Mr. Foster to get the evidence in this case for you. Is that correct? A. I didn't engage Mr. Foster if that is what you mean.

Q. Did not? A. No.

Q. You had how many conversations with Mr. Foster? A. I had two conversations with Mr. Foster.

Q. Now he says you engaged him to get it and his wife says that you said that you were not going to get it until sometime later you didn't want to go on with it at that time. Which was the fact? Which was the truth? A. I told him, yes, that I would not go on with it, if I decided I would let him know later on.

Q. She says you gave her a hundred dollars, did you? A. It may have been that amount. I couldn't tell you, Mr. Bourgeois.

Q. Now why did you give her the hundred dollars? A. Why did I?

Q. Yes. A. To get rid of her.

Q. Why do you say to get rid of her? A. Well because I didn't like the way Mr. Foster questioned me.

Mr. Cole: How is that? A. I didn't want to hire him at that time at all because I didn't want to say anything like that, and he spoke about Mr. Garrison, and I knew he had a malice towards Mr. Garrison. when I told him he was my attorney, and I told him that I didn't want to hire anybody without his sanction.

Q. And did Mr. Garrison know that you had spoken to Mr. Foster? A. No, he did not.

CROSS-EXAMINATION by Mr. Cole:

Q. Did you authorize Mrs. Canning to pay the ten dollars? A. No, she simply said, "If I locate Mr. Foster I suppose he will have to have expenses," and I said all right.

Q. Then you knew Mr. Foster was going out on the errand that night? A. Not that night.

Q. Any night? A. We didn't succeed in locating him, I understand.

Q. Did you know Mrs. Canning was going to give Mrs. Foster the ten dollars? A. No, I did not.

Q. Did you ever pay her the ten dollars back? A. Yes, I did.

Q. Why did you pay her the ten dollars back? A. Because she had given it out.

Q. For what purpose? A. For expense to watch Mr. Knittel that night.

Q. For what? A. To watch Mr. Knittel that night.

Q. Then you knew it that night? A. I didn't know it until the next day.

Q. Did you approve of it the next morning? A. Approve of it how?

Q. Of what he had done trying to find evidence against your husband? A. When I knew, yes.

Q. Is that the truth of that? A. Yes.

Q. And you gave Mrs. Foster a check for a hundred dollars just to get rid of her? A. Yes.

Q. And drew the check to the order of Mr. Foster? A. Yes.

Mr. Bourgeois: And considered it closed ? A. Yes, sir.

Q. Did you know your mother had written this letter? A. Yes.

Q. Did you know of it at the time? A. No, she had opened that letter that came.

Q. What? A. She opened the letter.

Q. I say did you know at the time your mother wrote this letter? A. How? Did I know she wrote it?

Q. At the time that your mother wrote this did you know she was writing it? A. No, I didn't know at the time. I wasn't there at the time.

Q. When did you first see this letter? A. Just now.

Q. You notice that this says, don't you, that Mr. Foster will hear from you on your return to the city? A. I suppose it is—yes, I see it now.

Q. Did your mother say that on her own account? A. Yes, after she saw the letter was a business letter I suppose she took it, yes, she said it on her own account.

Q. That is your mother's writing? A. Yes.

Further testimony adjourned until December fifth, 1916 at ten o'clock a. m. in the Chancery Chambers.

Tuesday Morning, December 5th, 1916.

Hearing resumed at 10 o'clock a. m., at Chancery Chambers, Real Estate and Law Building.

Mr. Bourgeois: Now, if your Honor please, there is an application pending to amend this petition.

The Advisory Master: I will permit the complainant in this case to amend the petition as requested, and Mr. Cole, you may amend your answer to meet that condition or any other question that you propose or desire to litigate in this matter. All the parties are in Court and the purpose is to determine this controversy, and I think that any amendment should be made that

may be necessary to bring all the facts before me.

Mr. Bourgeois: If your Honor please, in what time will the answer be due, how much time do you want.

The Advisory Master: I leave that very largely to Mr. Cole, if he desires to file his answer after this amendment is made, and a reasonable length of time in which to meet the additional charges here, of course, it will be given.

Mr. Cole: What I want, may it please your Honor is this: Mr. Bourgeois has testimony, as I understand to support his present amendment, and I think he should put his proof in, and after we have seen his proof—I assume he has his amendment prepared—then our course of action may be determined. I don't know anything about the proof. We ought to know what he has, and then can determine whether we care to ask for an adjournment to meet his proof or whether we care to amend the answer. It may depend upon what proof he has to offer.

Mr. Bourgeois: I am satisfied to that. And then not have this order signed at the present time. I had prepared an order—

The Advisory Master: You had prepared?

Mr. Bourgeois: I had prepared it on the theory Judge Cole wanted a continuance.

The Advisory Master: You can put that on the record later, then.

Mr. Bourgeois: We will do it this morning after the testimony has gone in.

Mr. Cole: Before that is done I want to call Mr. Knittel a moment.

Mr. Bourgeois: Can he break in the middle of our case and go on with his?

The Advisory Master: Well, if you haven't closed your case go on and do it.

Mr. Cole: Just one question I want to ask Mr. Knittel. May it please your Honor, our defense was on when we closed last night.

Mr. Bourgeois: No, we were on. Mrs. Knittel last night made a statement she wants to correct this morning. Now they don't want her to correct it and we do.

The Advisory Master: She may correct any statement that she made if she desires.

Mr Cole: I don't object to that, but when we closed this case last night our defense was on.

Mr. Bourgeois: No. Judge Cole, it was not.

Mr. Cole: They called a man Wade in support of this proposed amendment.

The Advisory Master: And he stood aside.

Mr. Bourgeois: Until we found out this question.

Mr. Cole: Now, I come in this morning, their case under the amendment not having been put in, I say there was a question I overlooked as a part of our defense. Now, I want to prove it.

Mr. Bourgeois: His defense was not on. We had a man on the witness stand.

The Advisory Master: You want to simply correct—

Mr. Bourgeois: I want to correct a statement Mrs. Knittel made. She would have the privilege of correcting it.

The Advisory Master: She may do that. In the meantime, Mr. Cole may re-examine Mr. Knittel.

Mr. Bourgeois: Our case is on, if your Honor please, and we have the right to have Mrs. Knittel go on the stand and explain her testimony rather than have this man go on and contradict it.

The Advisory Master: Very well, I will allow her to make the correction.

HELEN KNITTEL, re-called:

Direct-examination by Mr. Bourgeois:

Q. Mrs. Knittel, do you want to make some correction in your testimony of yesterday? A. Yes, I do.

Q. What correction do you want to make? A. About that letter.

Q. Now, tell the Judge what about that letter. You were asked yesterday by Judge Cole if your mother, if you knew when your mother wrote that letter or some question of that kind, and you made some statement. Now tell about that letter. A. I was out of the city at the time the letter that was exhibited yesterday came from Mr. Foster. Mother opened the letter and read it. She didn't know anything about it she didn't know anything about Mr. Foster. She showed me the letter.

The Advisory Master: What is that, she didn't

know anything about the divorce? A. She didn't know anything about the letter, what the contents of the letter referred to, or anything of that kind, but she had opened it, seeing it was pure business, had his letter-head on it, she showed it to me when I came home, she says, "What is this?" I said, "It is an affair that I want to attend to." She said, "Well, I had intended answering it saying that I supposed when you returned you would take the matter up with him. I know nothing about it, but I suppose you know about it." I said, "Yes, I know about it." Well, she said, "I was going to answer it." I said, "Did you answer it?" She said, "No, but I was going to tell him I supposed you would take it up when you came home." I read the letter over and I saw that it was another letter from Mr. Foster, and I had told Mr. Foster previous that I would let him know when I was ready to do business with him. I still hold to that. I told Mr. Foster I would let him know. I got this letter from Mr. Foster saying that he had evidence enough to close my case, when I had on two previous occasions told Mr. Foster I would let him know when I was ready for him.

Mr. Cole: May it please your Honor—

Q. This is about this letter? A. Yes, this is about this letter.

By the Advisory Master: Q. What is the correction she wants to make? A. I wrote this letter.

Q. You wrote the letter? A. That is the correction.

By Mr. Bourgeois: Q. Now, how was it yesterday you said your mother wrote the letter? I don't think you said that, but you practically said

that she did. A. When Mr. Cole handed me this letter I was so nervous and frightened yesterday I didn't realize that was the letter I had written, mother was going to write a letter, at first glance I didn't know whether it was hers or not, I didn't know whether she had. Mr. Cole asked me if I knew mother had written that letter. I said no, I didn't know mother had written that letter, because she didn't write it, which I afterwards learned.

Q. Now, how soon after you had testified did you realize what had happened? A. When I went down in your office, Mr. Bourgeois.

Q. And then what did you do? A. I told you. I said, "I wrote that letter, Mr. Bourgeois, I realize now, it comes home." I was frightened. I was nervous and I wanted to make the correction I wrote the letter.

The Advisory Master: Mr. Foster, have you got the envelope that that letter came in?

Mr. Foster: I may have in my office. I am not sure.

The Advisory Master: Do you know the date when it reached you?

Mr. Foster: Only from the envelope. Yes, I have it here.

The Advisory Master: Let me see it.

(Envelope produced by Mr. Foster and handed to the Advisory Master.)

By the Advisory Master: Q. Do I understand you to say you were away from home when this letter was received? A. When the letter came, yes, the day it came I was.

Q. When did you return to Atlantic City? A. That night, that evening.

Q. What was your purpose in writing the letter stating— A. I wanted to get rid of him.

Q. —that you would return on the fifteenth of October? A. Well at that time I supposed I would stay away until the fifteenth of October, but I came home unexpectedly.

Q. Well, you were home at the time you wrote this letter, weren't you? A. Yes, I was home that night.

Q. Why did you say you would return on the fifteenth of October? A. For the simple reason I wanted to have nothing further to do with Mr. Foster thinking that would probably end it. That was my reason.

Mr. Cole: Offer the envelope in evidence.

Envelope received in evidence and marked Exhibit D-8.

CROSS-EXAMINATION by Mr. Cole:

Q. Mrs. Knittel, you saw the letter yesterday afternoon, didn't you? A. A glance, I didn't see it. I glanced at it. You handed it to me that way (indicating).

Q. You say that you were nervous? A. Yes.

Q. Weren't you responsible for your testimony? A. That minute I probably was not, no.

Q. Was there any other time in this case— A. No, no other time.

Q. Pardon me. Has there been any other time in this case when you have been nervous and not responsible for your testimony? A. No sir.

Q. But you were quite willing to write that letter to Mr. Foster and sign your mother's name in order to deceive him? A. Yes, because he—

Q. Never mind because, you were willing to do

that, weren't you? A. Yes, at that time I was, yes.

Q. And you designed that it should deceive him? A. Yes, sir.

Q. Why didn't you tell him the truth about it? A. Because he didn't use fair means in writing that letter to me, and I understood it.

Q. How do you know that? A. Well, because I understood I had told Mr. Foster that when I was ready to take up work with him I would let him know.

Q. How did you know when you sent the letter in which you admit you tried to deceive him that he had used unfair means? A. I supposed he had when I had told him I didn't want to have anything to do with it when he, I would let him know when I was ready for him, yes, I supposed he had used unfair means.

Q. Very well, believing he had used unfair means, why didn't you tell him so over your own signature? A. Well, I don't know why I didn't. I just wanted to get rid of him, that is all I can answer to that.

Q. And you thought that was a wise way to do it? A. Yes, I probably did.

FRANK WADE, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Mr. Cole: May it please your Honor, I think there is no doubt, but may I have an objection to this amendment and the testimony that is intended to support it?

Direct-examination by Mr. Bourgeois:

Q. Mr. Wade, you live where? A. Ocean Avenue, and the beach.

Q. In Atlantic City? A. Atlantic City.

Q. How long have you lived in Atlantic City? A. Five years.

Q. What is your business? A. At the present time engineer.

Q. Where? A. Hotel Kingston.

Q. Hotel what? A. Kingston.

Q. Where did you live during the summer of 1914? A. Fifteen South South Carolina.

Q. What sort of a place is Fifteen South South Carolina Avenue? South South Carolina Avenue, Atlantic City, do you mean? A. Yes.

Q. What sort of a place was that, boarding house? A. At the present time or then?

Q. Then. What I want to know was it a boarding house, hotel or what? A. Well, you may call it a boarding house, rooming house, or boarding house either, I don't know which you call it at that time.

Q. Rooming house or boarding house? A. I wouldn't call it either one.

Q. How long did you live there? A. I lived there about eight months.

Q. Did you ever see Mr. Knittel, the defendant in this suit, there? A. I did.

Q. On how many occasions, many or few? A. Numerous.

Q. On numerous occasions? Did you ever see him there in a room with a woman during the month of July or August of 1914? A. I did.

Q. On how many occasions? A. Numerous.

Q. Will you state— A. Women.

Q. —the details of those cases as far as you can. A. I think, your Honor, if I state the details, I think the ladies ought to remove from the room.

Mr. Cole: I can't understand.

The Advisory Master: He seems to think his testimony is such it is not fit for the ladies to hear.

(Ladies leave the room.)

Q. Now, Mr. Wade, tell what you saw. A. Well, there was one young lady which I just happened there, which I looked last night and I found her name, I think I have got the card in my pocket, which I looked over, which I myself seen Knittel—

Q. What is the woman's name? A. Her name is Gertrude Tull.

Q. Now, what did you see take place between Mr. Knittel and Gertrude Tull? And what kind of a looking girl was she? A. She is a tall blonde.

Q. Now, what did you see take place? A. Very thin. Friend of Mrs. Harrison's which ran the place, and I had a room, which was right up at the top of the steps, right connecting with the room there next door. There was a door in between there which could have been room enough there to put your fist through, almost, and I seen Mr. Knittel and this here Miss Tull, Gertrude, which I always called her, in the room undress and have a good time.

Q. Now, what do you mean by having a good time, have intercourse? A. Have intercourse, two or three times there between half past ten and twelve.

Q. At night time? A. At night.

Q. Was the room dark or light? A. Had the light lit and the blinds pulled down.

Q. Did you know this girl? A. I did.

Q. Did you know Mr. Knittel? A. I did.

Q. Did you ever see him there on any other occasions than that? A. I did.

Q. With whom? A. I seen him there with a little short dark girl. Jewish persuasion.

Mr. Cole: Now, Mr. Wade, may it please your Honor, I call attention to the fact this witness is offering, without any suggestion from counsel in this case, this card. I want the record to show that. Needn't be showing this, sir.

A. Put it on the record.

Q. Now, what did you see take place between Mr. Knittel and the short girl of the Jewish type? A. They came in about half-past eleven in the evening.

Q. Have you got the date? A. That was somewhere around the end of July or first of August. He comes in and they have intercourse.

Q. Did they undress? A. Certainly did. Didn't leave anything on, and after their having intercourse three or four times, about 2 o'clock in the morning she gets up there to go home and she demands her money and Mr. Knittel there says, "I won't pay that much." And they had a little fight about it, and it sems there he was going to give her ten dollars, and he offered her only five, and after they figured out there, why he says, "Well, I will pay you an extra dollar," and she says, "Well, why in the Hell don't you go home there to your wife there, don't cost you anything to fuck her?"

Q. And were you in a position where you could both see and hear? A. I could see and hear everything.

Q. Could you hear through the door? A. I could hear through the door, and see, it is only a little wall.

Q. Now, was there another occasion when you saw Mr. Knittel there with another woman? A. I did.

Q. What kind of a woman was that? A. It was a tall dark woman.

Q. And when was it, about? A. That was during the months of July and August.

Q. And what did you see on that occasion? A. I seen him having intercourse with her during the months of July and August three or four times.

Q. Where? A. In the same room.

Q. Did you know who that woman was? A. I did not.

Q. Did you know who the Jewish type girl was? A. I did not.

Q. Now, you say that you had the name of the first girl on a card? A. Looked that up last night.

Q. Could I see the card? (Witness produces card and I ask him): Where did you get this? A. She gave that to me there—well, if I go into the trouble there of staying there, I have to commit myself there having intercourse with her myself. She is from Philadelphia.

Q. That has "A. Gertrude Tull" on it? A. A. Gertrude Tull.

CROSS-EXAMINATION by Mr. Cole:

Q. How old are you, sir? A. Beg pardon, sir?

(Question repeated.)

A. Thirty-four.

Q. Married or single? A. Single at present.

Q. Have you been married? A. I have.

Q. Wife living or dead? A. Living.
Q. Divorced? A. I am.
Q. On whose application? A. Mine.
Mr. Bourgeois: I object as immaterial.
The Advisory Master: Admitted.
Q. When did you secure this divorce? A. Three years ago.
Q. Where? A. Missouri.
Q. When was it that you had intercourse with this girl? A. About the same time there as Mr. Knittel.
Q. At any time later than that? A. Well, around the same time there, four or five times there during that.
Q. Have it as late as September? A. Yes, sir.
Q. October? A. I wouldn't say October.
Q. Do you know how long it takes the statute of limitations to run against the crime of adultery in New Jersey? A. I do not.
Q. Were you married at the time you had intercourse with this woman? A. I was not.
Q. When were you married? A. Married in 1906.
Q. Well, you had been married and divorced? A. And divorced.
Q. Where were you born? A. St. Louis, Missouri, down Green Street.
Q. What? A. Green Street, St. Louis, Missouri.
Q. When did you come to New Jersey? A. Came here five years ago, well, when I say five years ago, I have been traveling here the last fifteen years.
Q. What is your business? A. At the present time engineer.
Q. Engineer? A. At the present time.

Q. What kind of an engineer? A. What?

Q. What kind of an engineer? A. What kind?

Q. Yes. A. Practical engineer.

Q. What? A. Steam engineer, practical engineer, either one there. I don't know what you want to call it.

Q. How long have you been an engineer? A. Two years.

Q. Did you learn the business? A. I did.

Q. Where? A. New York.

Q. Where in New York? A. At One Hundred and Forty-first Street and Boardway.

Q. For whom were you working when you learned that business? A. For the Mack Brothers.

Q. How long did you work for them? A. About a year.

Q. And after you left them where did you go? A. To Atlantic City.

Q. What have you been doing—how long have you been here continuously last past? A. I have been here five years.

Q. And what have you been doing during that period? A. Well, I have got enough money there to take care of myself there and enjoy myself—

Q. I don't care anything about that, sir. I am asking you what you have been doing in Atlantic City during the past five years. A. Half the time enjoying myself and the other half I have been working.

Q. And when you were not enjoying yourself what kind of work were you doing? A. When I was enjoying myself?

Q. When you were not enjoying yourself what kind of work were you doing? A. I was doing electrical work and engineering work.

Q. With whom did you do electrical work? A. Steeplechase Pier.

Q. When? A. For two years and a half.

Q. Worked for that pier, did you? A. Yes, sir.

Q. And when you were engineer, for whom did you engineer? A. For Hotel Kingston.

Q. Where did you first live after you left Missouri? A. Where did I just live? Toronto, Canada.

Q. What? A. Toronto, Canada.

Q. What did you do there? A. Nothing.

Q. How long were you there? A. About ten years.

Q. Didn't do anything? A. No, sir, didn't have to. My father was wealthy.

Q. Do you have to work now for a living? A. I do not.

Q. Why do you work? A. Why? For the simple reason I enjoy it.

Q. You have an income? A. I have.

Q. Now where is your present home? A. Hotel Kingston.

Q. Atlantic City? A. Atlantic City, New Jersey.

Q. How long have you been there? A. Will be one year there on the 10th of January.

Q. Now, coming to this card "A. Gertrude Tull," where did you say you got this card? A. I received that off her.

Q. When? A. In the year 1914 around July or August.

Q. And where? A. Fifteen South South Carolina, I think that is the number there, above Hand and Grist.

Q. What? A. Above Hand and Grist Stable.

Q. And were you a boarder at that time? A. I was a roomer.

Q. A roomer, not a boarder? A. Not a boarder.

Q. Was this girl rooming there? A. She was a friend there of Mrs. Harrison's, and she used to come there just—

Q. Was she rooming there? A. She used to come there and room, if that is what you mean.

Q. And she gave you this card? A. She did.

Q. Do you know where she is now? A. I do not.

Q. You have had the card ever since? A. I always keep their cards.

Q. Have you had this card ever since? A. I have.

Q. When did you last see this girl? A. I guess that was around November of that year.

Q. Where? A. On South Carolina Avenue.

Q. Did she give you her address before she left Atlantic City? A. At that time?

Q. Any time? A. No, sir.

Q. Don't know where she went after she left Atlantic City? A. Her husband was a car conductor there in Philadelphia.

Q. I didn't ask you about that.

(Question repeated.)

A. Yes.

Q. Where did she go? A. To Philadelphia.

Q. Where in Philadelphia? A. To her husband.

Q. Where did he live? A. I don't know.

Q. Did you know she was a married woman? A. What? I did.

Q. Why did you ask me "what," if you understood my question? A. Why? Well, the simple reason I wanted to get around the question there to see what you meant.

Q. How did you know she was a married woman? A. Why, because her husband used to come

down here to find out what she was doing down here.

Q. You knew that? A. I certainly did.

Q. And knowing her to be a married woman you were having intercourse with her? A. I did.

Q. And you knew that her husband was coming to Atlantic City for the purpose of ascertaining how she was behaving herself? A. I did.

Q. Now, how did you know this man who was coming down was her husband? A. By Miss Harrison.

Q. What? A. By Mrs. Harrison.

Q. How do you mean by Mrs. Harrison? A. That is the person ran the house.

Q. Did she tell you so? A. She did.

Q. Was this man introduced to you? A. What?

Q. Was Mr. Tull introduced to you? A. He was pointed out to me.

Q. Was he introduced to you? A. He was pointed out to me by Mrs. Harrison.

Q. Well, do you mind answering the question whether he was introduced to you or not? A. He was not.

Q. Did Mrs. Tull tell you she was married? A. No.

Q. Did Mrs. Harrison know that you were having intercourse with this woman? A. She did.

Q. How did she know it? A. Because she was having intercourse with a dozen men there in Atlantic City herself, fifty men. That is the kind of house she was running. I didn't know it at the time I went to board there, to room there.

(Question repeated.)

Q. How did she know that you were having intercourse with this woman? A. Because she was supplying men for her.

Q. What? A. She was supplying men for her.

Q. Did she supply you for this woman? A. She did not. I supplied myself, if that is what you mean.

Q. You always keep the cards women give you, you say? A. I generally have a stock of them.

Q. Pardon me. You said a moment ago, did you not? A. I generally keep a stock of cards of everything.

Q. What? A. For old times sake, sure.

Q. Have you some more cards with you? A. Not with me. I have there in my home.

Q. This is the only card you have? A. I looked that up there this morning.

Q. I say, is this the only card you have now this morning here, right now on the stand? A. If I look in my pockets I may have some more. I don't know.

Q. Won't you look and see whether you have any more or not?

The Advisory Master: Answer the questions. You understand them. A. No, I have no more cards with me.

Q. Do you know where Mrs. Harrison is now? A. I don't. There she was shut up there in Paterson there for running a whore house there, if that is what you want to know.

Q. Do you know who owns this property at Fifteen South South Carolina Avenue? A. I do not.

Q. Did you know who owned it in 1914? A. I did not.

Q. Now, you say you were there eight months? A. About eight months, yes.

Q. When did you go there, what month? A. Somewhere around I guess either in March or April.

Q. And you left when? A. Around October, I guess.

Q. Where had you been living just before you went there to live? A. Where have I been living?

Q. Where had you been living just before you went to live at Fifteen South South Carolina Avenue? A. Oh, I lived at different places. I couldn't remember exactly.

Q. Give us your best recollection of where you were living just before you went to Fifteen South South Carolina Avenue? A. I can't give any recollection, no.

Q. What? A. I can't give any recollection.

Q. Where did you go to live immediately afterwards? A. I stopped at different hotels.

Q. Where did you go immediately afterwards, immediately after you left this house? A. Immediately afterwards? I think it was at the Archdale.

Q. Archdale? A. If I am not mistaken, St. James Place.

Q. Did you pay for your room by the day, week or month? A. By the week.

Q. How much a week? A. Three dollars.

Q. Pay by check or cash? A. Cash.

Q. Always? A. Always.

Q. You had a bank account at that time? A. Yes, always had a bank acount.

Q. Then you had a bank account at that time-A. Still got it.

Q. What was on the first floor, the street level of this building in 1914? A. Hand and Grist stable.

Q. And what was on the second floor? A. Was my room there and the other rooms—no, I beg your pardon—second floor there, one flight up

there was the parlor, supposed to be a dining room and kitchen and bed room.

Q. Were meals served there? A. No, except was for special guests.

Q. Did Mrs. Harrison eat at this house? A. She did.

Q. These rooms that you have spoken of where the lodging was taken was on what floor? A. Well, I should guess that would be third floor.

Q. Including the street level as one? A. The second floor—including the street level as one.

Q. And is it a three-story building? A. No, it is higher than that.

Q. How many stories? A. Four, I think, four and loft.

Q. On which floor was your room? A. Third, I guess it is, if I am not mistaken.

Q. Remember the number of it or didn't it have a number? A. She didn't need numbers. They packed the ladies and men in any room they could get them.

Q. Were you paying attention to my question? A. I did.

Q. What was it? A. I said they didn't have any number.

Q. I say what was my question? A. You said did the room have any number.

Q. What is your answer? A. I said they didn't have any number.

Q. Which floor was the room on that Mr. Knittel had? A. That was right next to my room.

Q. Was your room a front room? A. Well, it is a front room there, what faces the street.

Q. Faces South Carolina Avenue? A. South Carolina Avenue.

Q. And this room that Mr. Knittel was in? A. Faces South Carolina Avenue as well.

Q. How was the second floor arranged? A. Second or the one I was on?

Q. I mean the third—pardon me—third floor? A. The room I had there was a very narrow room.

Q. Well, did you enter both rooms from a hall? A. From a hall, yes.

Q. And was your room on the corner of the house? A. You came up the steps and go right down, there was a short room there, small room, and then the big room here.

Q. So that both rooms, both the one you had— A. Faces South Carolina Avenue.

Q. —and the one that Mr. Knittel was in faced South Carolina Avenue? When you went to your room did you have to pass Mr. Knittel's room? A. Had to pass his door.

Q. Pass his door? A. Yes.

Q. Were you seeking to know what Mr. Knittel was doing or was it merely an accident that you saw all this? A. Well, the enjoyment was going on there, you couldn't help looking in and watching.

Q. I say were you doing it for information or an accident or pleasure? A. Well, you may call it pleasure, sure, for a certain extent pleasure, and I had to go out and get the pleasure myself afterwards.

Q. All right. A. If that is what you mean.

Q. Now, were you engaged in any business during those eight months? A. I was.

Q. What was your business? A. I was clerking down at Ost's Pharmacy.

Q. Where? A. Ost.

Q. Where was his place? A. Massachusetts and Atlantic Avenue. First time.

Q. And what were your hours? A. My hours? Well, they were from eight in the morning there, one night eight in the morning to six, and the next day from twelve there until nine.

Q. Now, these occurrences that you speak of were always at night? A. They certainly were.

Q. So far as Mr. Knittel is concerned? A. Yes, sir.

Q. Did you see Mr. Knittel on all these occasions come in the house? A. Well, I couldn't say come in the house, but I seen him in the room after he started this noise.

Q. And did you see him go out? A. What?

Q. And did you see him go out? A. Took to damn long there. I had to go to sleep there. I couldn't stand it or I went out myself there.

Q. Then you didn't see him go out? A. Sometimes.

Q. Answer my question. Did you see him go out? A. Sometimes.

Q. What did you do, come down stairs and follow him? A. No, I used to leave my door half open. I wasn't afraid of no woman coming in my room and steal me.

Q. On these occasions when you had women there what room did you use? A. I never used my own room. I used other rooms.

Q. Why didn't you use your own room? A. Because I didn't bring any women there.

Q. What had that to do with it? A. What?

Q. What had that to do with it? Why didn't you use your own room? A. Because Mrs. Harrison brought the women there and she supplied the room.

Q. In other words you went where she told you to go? A. Well, not exactly so, if I didn't care for the room or didn't care for the girl there why I didn't go.

Q. And on all these occasions when you saw Mr. Knittel in this house and in these rooms, there was that condition existing between the outside room and the inside that you could see him absolutely naked and see the woman absolutely naked and seeing them in sexual intercourse; is that right? A. Yes, sir.

Q. Door wide open? A. No, sir.

Q. Was it pretended to be closed? A. It was.

Q. Was it pretended to be locked? A. It was.

Q. On all these occasions? A. It was.

Q. And the curtains were down? A. And the curtains were down.

Q. How could you tell that? A. How could I tell? Why there is a porch on the outside there, put your head outside there you could see it.

Q. Did you do that? A. Well, many a time there I was going in and—

Q. Did you put your head out? A. Yes, sir.

Q. Not mad about it, are you? A. No, but I have got to get back on the job there and I don't want to lose my job.

The Advisory Master: Now just stop, sir. Answer these questions and answer them properly. A. Ain't I answering them properly.

The Advisory Master: You heard what I said. Now be careful.

Q. You have testified that you could determine that the curtains were down by putting your head out somewhere on the porch. I am asking you whether you did that? A. The windows all led out

on to a porch there, and you put your head outside and you could see the curtains. I was going in two or three times and tell them to put down the curtains, see them on the outside.

Q. Did you on these occasions when you say that you discovered that the curtains in the room that Mr. Knittel was in were down, did you look out to see if they were down? A. Once I did.

Q. What? A. Once I did to my knowledge.

Q. On the occasions when you didn't do it and the curtains were down how do you know they were down? A. There was a big light in the room.

Q. Well, how could you tell the curtains were down? A. Well, I am saying on one occasion—

Q. Any transom to those doors? A. What? No, no transoms.

Q. No transoms to any of them? A. Not to my knowledge.

Q. But there was a crack in the door big enough— A. Big enough—

Q. —for you to see all that you have testified you saw? A. There was.

Q. At the time that you saw these things did you know that Mr. Knittel was a married man? A. I did not.

Q. Were you friendly with him? A. Well, I guess if he looks me over there I guess he will recognize me.

Q. I say were you—

The Advisory Master: Answer the questions properly.

Q. Were you friendly with him? A. I don't know whether I was friendly or not. We used to have a drink together.

Q. Now, all this that you have testified to happened at what time? A. July and August, 1914.

Q. July and August? You have no specific dates to this, have you? A. Well, I couldn't say the exact dates there. I didn't know I was going to be called in this case.

Q. You made no memorandum of it? A. I did not.

Q. When did you first learn of this proceeding that is now here in Court? A. I learned of it about, I guess, it must be three or four weeks ago.

Q. And how did you learn it? A. Why two men came down there looking for me.

Q. Who? A. One man I don't know and the other was Mr. Herbert.

Q. Find you? A. They did find me.

Q. Where were you? A. Where was I? In the hotel.

Q. Where did he see you? A. In the hotel.

Q. What conversation took place? A. They asked me at the time there whether I knew anything about the case.

Q. Who asked you? A. This other man.

Q. Know his name? A. I did not.

Q. Is he in the room now? A. I don't see him.

Q. White man? A. Well I judge he is white.

Q. Who did the talking, he or Mr. Herbert? A. At that time Mr.—this other man.

Q. All right. Now tell us what he said and what you said. A. He asked me if I knew anything about the case and I says, "No, I don't know anything, don't want to know anything about the case." He says, "Well, you lived there?" I says, "Yes." He says, "That is all I want to know about it." I says, "I don't want to get mixed up in any divorce case or anything else."

Q. Is that all took place? A. At that time.

Q. And they left? A. They left.

Q. That was how long ago? A. I should judge perhaps must be three or four weeks ago, something like that.

Q. Did you ask them or either of them why they came to you? A. I did.

Q. Who did you ask? A. I asked both of them.

Q. What did they say? A. Well, they said they were tracing who was over in that place there to find Mrs. Clark, to see if she was there at that time.

Q. Well, what else? A. And I says, "Why," I says, "I don't want to get mixed up in this case." I says, "If you want me to come up and testify I will, but" I says, "I want to stay out of it as much as I can."

Q. Did that end that conversation? A. That ended that conversation.

Q. Now who did you next meet in connection with this case? A. Mr. Herbert.

Q. And where? A. Up there at the Court there, I think that is—I don't know when that was there about two weeks ago, your Honor, last case.

Q. You mean here in this room? A. In this room.

Q. Did you come here? A. I did.

Q. How did you come to come here? A. How did I come? Came there in an automobile.

Q. How? A. In an automobile.

Q. You mean you were brought here in an automobile? A. Sure.

Q. Who brought you here? A. Jitney driver.

Q. Well but did you come of your own motion or were you asked to come? A. I came of my own accord.

Q. Did you know this case was being tried? A. I did.

Q. How did you know that? A. Seen it in the paper.

Q. And then you came up here? A. I did.

Q. And heard the testimony? A. I did.

Q. You didn't want to be mixed up in the case? A. I did not.

Q. But you came up to hear the testimony? A. I certainly did.

Q. And did you stay all through the case? A. I did not.

Q. How long were you here? A. I came up I guess about half-past two and I stayed until about quarter of four and got disgusted with it and I went away.

Q. Well then when did you next see somebody in connection with it—by the way, while you were here that time can you give us when that was? A. That was, I guess, that is about two weeks ago, if I am not mistaken.

Q. Right in this room, you were? A. In this room somewhere around here.

Q. Have any conversation with Mr. Herbert at that time? A. I spoke to him casually.

Q. Any conversation about the case? A. Not necessarily. He said there, "If you want to go ahead there to go on the witness stand, all right." I says, "Well," I says, "I will let you know," and I didn't go on any witness stand.

Q. When did you next meet anybody in connection with it? A. Didn't see any person there until yesterday.

Q. Then what happened? A. Some person called me up on the 'phone.

Q. Who? A. I don't know.

Q. Where? A. I don't know.

Q. Where were you? A. I was at the hotel working.

Q. What conversation took place? A. The manager of the hotel there called me up stairs and told me there that I am wanted up to the Court. I got on the 'phone there and asked me to come to Court here at three o'clock, I think it was, and I says, "All right, I will be up here."

Q. And you came? A. And I came.

Q. And who did you see when you got here? A. I seen you and Mr. Garrison, the judge, and every person around here practically.

Q. Have any conversation with anybody? A. About half-past four I did.

Q. With whom? A. Mr. Herbert.

Q. What was that conversation? A. Well, he asked me what I knew about the case and I says, "Well," I says, "I am in so far I might as well go the balance and tell all I know," and I told him what I knew.

Q. What did you mean by telling him, "If you were in so far you might as well go to the balance"? A. Well, I said, "They got me up here and might as well go and tell what I did know."

Q. Have a subpoena served on you? A. No, sir.

Q. You came without that? A. I did.

Q. Did you tell Mr. Herbert what you knew? A. What you mean by what you do?

Q. Did you tell Mr. Herbert what you knew about this case? A. Oh, what I knew? I thought you said what I do. I did.

Q. Where were you when you told him that? A. In the hall.

Q. Did he take down your statement? A. What?

Q. Did he take down in writing your statement? A. He did not.

Q. Who did? A. Afterwards he called Mr. Garrison and I went down to his office and he took it down.

Q. You mean to say that up to the time you left here yesterday you had not told anybody what you knew? A. I said up until the time there which I told Mr. Herbert I could tell him what I knew.

Q. When did you tell him what you knew? A. When the case was taken for the day adjourned, I went downstairs there to the office there and I told them there, at least before that I went in there with the stenographer and I told him what I knew.

Q. When was that? A. That was while—that was after I think Policeman Jeffries was on the stand.

Q. Where did you go? A. Down to a private office.

Q. What? A. A private office.

Q. Whose private office? A. I don't know.

Q. Mr. Bourgeois'? A. No, I think it was—

Mr. Bourgeois: One of ours? A. I don't know, I couldn't tell you. Yesterday was the first day I was ever down there in Mr. Bourgeois' office.

Q. So you made a statement to the stenographer? A. I did.

Q. And that was before the case was concluded? A. Before the case was concluded.

Q. Did you see your statement written out before you were sworn on the stand yesterday? A. I did.

Q. Was it typewriting? A. No, sir.

Q. How was it written? A. In pencil.

Q. On what kind of paper? A. Well, I think it was regular, well, what we used to call in New York there stenographer's paper, yellow paper with a line on it.

Q. Have you ever been convicted of a crime? A. I have not.

Q. Have you ever lived around bawdy houses? A. I beg pardon?

Q. Have you ever lived around and in bawdy houses? A. In what, bawdy house?

Q. Bawdy houses? A. No, sir.

Q. Been a man of very dissolute character, haven't you? A. Which?

Q. You have been a man of very dissolute habits? A. I have not.

Q. You didn't regard these instances of 1914 as an evidence of dissolute habits, did you? A. Well, I tell you, animal passion, you know you don't call that dissolute habits or whatever you call it.

Q. You didn't call it that? A. No, I don't.

Q. What is your idea of dissolute habits? A. What?

Q. What is your idea of dissolute habits? A. Well, I don't know exactly what you may call that there, but that is a funny proposition to answer. I guess going up there with a half a dozen different girls every night.

Q. I notice in your testimony, Mr. Wade, that you seemed to be, as it appears to me, not at all reserved about telling, without being asked, about your own misconduct in this house? Were you proud of that? A. I am not.

Q. Why did you tell it without being asked? A. Why?

Q. Yes, why? A. On account of your questions, they came out there so straight that I had to.

Q. Did I ask you any questions about your conduct? A. Well, I had to come through that straight to answer.

Q. You had to answer something you had not been asked, you thought? A. No, not exactly.

Q. Then you are not proud of what you did there, are you? A. What?

Q. You are not proud of what you did? A. No, I ain't proud of it, no.

Q. Are you ashamed of it? A. Not exactly, no, because I figure every man there has to have intercourse.

Q. Now, during these occasions when you were seeing this misconduct on the part of Mr. Knittel was anybody with you? A. There was at one time.

Q. Who? A. I think, if I am not mistaken, he was chauffeur there for Mr. Cramp there of Philadelphia.

Q. What is his name? A. I think his first name is Phil.

Q. Did you invite him to see this or was it a mere accident he saw it? A. He happened to be in my room at the time.

Q. In your room? A. Yes, sir.

Q. Well, did you both go outside to look in the other? A. Didn't have to.

Q. You mean to say you could see between your room and this room? A. Yes, sir.

Q. What is there between? A. There is a door.

Q. Are they communicating rooms? A. I don't know whether you call them communicating or not. There is a door between.

Q. How many doors are there in this room that Mr. Knittel had? A. There was that one and the regular door going in there, two doors going out on the porch.

Q. Mr. Knittel always occupied the same room? A. Every time I seen him there.

Q. I mean your testimony is all addressed to the same room? A. Same room. That was the bridegroom's room.

Q. This driver of the automobile you speak of, is he a white man or colored? A. White.

Q. And what was he doing in your room? A. Mr. Cramp was—

Q. What? A. Mr. Cramp was down here when he was building there, the Traymore.

Q. And you simply invited him up to your room? A. No, he was stopping up there.

Q. Was sleeping in the same room with you, you mean? A. No, sir.

Q. Oh, he was lodging in the same building? A. He was stopping there at the time.

Q. How did he come to get in your room? A. How?

Q. Yes. A. Because we used to go out together and he used to put the car in downstairs.

Q. Well, then he came in your room by invitation, didn't he? A. Well, I guess you may call that so.

Q. You don't recall his name? A. I do not.

Q. How long have you known him? A. From the first time I came there, I couldn't say how long it was.

Q. And who do you say he was driver for? A. Cramp.

Q. Cramp? A. Yes, sir.

Q. Where did Mr. Cramp stop or live in Atlantic, do you know? A. Marlborough-Blenheim.

Q. And do you know where he lived in Philadelphia? A. I do not.

Q. Have you seen this driver since 1914? A. I did.

Q. Where? A. Seen him here this summer.

Q. Still driving for Mr. Cramp? A. I think he is, if I am not mistaken. I didn't ask him.

Q. And you talked with him? A. I just had a casual remark while I was going up to Currie's.

Q. But you still don't recall his name? A. I don't recall his name. I passed by there.

Q. I say, but you still do not recall his name? A. I do not.

Q. Anybody else? A. No, sir, I didn't have any people come to my room.

Q. Whom did you first tell the story of these actions of Mr. Knittel? A. Mr. Herbert.

Q. Never had told it to anyone else before? A. It wasn't necessary.

The Advisory Master: Answer the question? A. No.

Q. And the only way that Mr. Herbert or anyone else knew anything about what you knew about Mr. Knittel's conduct in 1914 was what you told Mr. Herbert quite recently? A. Well, I may have said there before so and so was coming up there having a good time up in the room.

Q. Who did you say that to? A. I may have said that to numerous people.

Q. Can you give us the name and address of anybody? A. I couldn't. It is too long past.

By the Advisory Master: Q. When did you first meet Mr. Knittel? A. I see Mr. Knittel there, I think there in—

Q. When did you first meet Mr. Knittel? A. When Mrs. Harrison was telling me that is Knittel there going up stairs. She used to stay up all night.

Q. And that was during the summer of— A. 1914.

Q. —1914? How many times did you drink with Mr. Knittel? A. Oh, I have had drinks with him down to the Dunlap, over at the Old Vienna, over at the Islesworth.

Q. Who introduced you to Mr. Knittel? A. With me going in the bar there why, met each other there and have a drink, if I am not mistaken I think it—

Q. Did you ever talk about Mr. Knittel's coming to this house on South Carolina Avenue? A. No, sir.

Q. Was it before or after you had seen him in this room that you had the drinks with him? A. Oh, before.

Q. Before? A. Yes, sir.

Q. How long before? A. Well, I think, let me see, I met Mr. Baldwin—I guess you know Mr., heard of Mr. Baldwin here in Atlantic City—I think it must have been perhaps six months before that, five months before that, maybe.

Q. And then sometime before you saw him in this room— A. I knew him.

Q. —you knew him? A. I did.

Q. What did you mean when you said that the woman, Mrs. Harrison, told you that was Mr. was rooming there and she used to tell me every person used to come in the place.

Q. Listen to the question and answer it? (Question repeated). A. I don't understand that.

Q. You say you don't understand the question? A. I don't quite get it.

(Question repeated.) A. Well, the only thing I can answer on that there that she always used to tell me, I used to go downstairs there and sit in the parlor with her, and she used to tell me so and so goes up stairs.

Q. I want you to refer back to the first question. (Former testimony repeated as follows: "When did you first meet Mr. Knittel? A. I see Mr. Knittel there I think there in— Q. When did you first meet Mr. Knittel? A. When Mrs. Harrison was telling me that is Knittel there going up stairs. She used to stay up all night.")

Q. Now, what do you mean when you said that or gave that as an answer? A. Well, I didn't mean that was the first time I met him, I meant that was the first time I seen him in the house.

By Mr. Cole: Q. When did you last see Mrs. Harrison? A. She was down here I guess about April of this year.

Q. Do you know where she lives? A. Not now any more, no, sir.

Q. What? A. Not now any more, no.

Q. Do you know where she lived when she was here in April? A. She was living in Paterson, New Jersey, some place.

Q. Did she tell you that? A. What?

Q. Did she tell you she was living in Paterson? A. She says she is still there.

Q. Did these gentlemen who asked you about this case ask you if you knew where Mrs. Harrison lived? A. They did not.

Q. Did you tell them? A. I did not.

Q. And they made no inquiry about Mrs. Harrison at all? A. None at all.

Q. Do you know when she left Atlantic City, to remain away, I mean? A. I do not.

Q. Sometime that fall of 1914? A. 1914, and I don't know if she ever came back and took a place here.

Q. So far as you know she has not been back since? A. She has not.

Q. And of course she knows all about your unlawful acts there and also about Mr. Knittel's? A. She does. She ought to if she don't.

Witness re-called to the stand.

By Mr. Cole: Q. Mr. Wade, you haven't had any money in this case yet, have you? A. Want me on the stand again?

Q. Yes, come back on the stand again. You haven't had any money in this case yet? A. No, sir.

Q. Don't expect to get any? A. No, sir.

Q. Haven't had any promise of any? A. No, sir.

Q. Now, just one or two other questions. You don't have to work for a living, as I understand? A. Not necessarily, no.

Q. What? A. Not necessarily, no.

Q. From what do you get your income? A. From my mother.

Q. And the mother living? A. Yes, sir.

Q. Where does she live? A. At the present time in New York?

Q. Whereabouts in New York? A. Remember I haven't wrote to her there in a couple of months.

Q. What? A. I have had a fight with her for a couple of months.

Q. Where does she live in New York? A. I

think One Hundred and Fifteenth Street. I have had a fight with her in the last two or three months.

Q. Before you had a fight with her? A. Two hundred and one West One Hundred and Fifteenth Street.

Q. What is her name? A. Mrs. Elizabeth Wade.

Q. What was the fight you had with your mother?

Mr. Bourgeois: I object as immaterial, if your Honor please.

A. I don't see where—

Mr. Bourgeois: Now wait.

The Advisory Master: I will admit the question.

Q. What was the fight you had with your mother? A. Over some money.

Q. What? A. Over some money.

Q. Over money? A. Yes, sir.

Q. This income that you speak of was money that your mother sent you voluntarily? A. Yes, sir.

Q. How much does she send you? A. Fifty dollars a month.

Q. Fifteen? A. Fifty.

Q. And she sends it to you voluntarily? A. Yes, sir.

Q. Don't have to send it? A. I don't know whether you may say don't or do.

Q. That is what you call your income, is it? A. Yes.

Q. The money your mother voluntarily sends you? A. Yes.

Q. And you had some fight with her about it? A. Yes, sir.

CHARLES A. KNITTEL, re-called:

Direct-examination by Mr. Cole:

Q. You understand you are under oath, of course? A. Yes, sir.

Q. The gentleman sitting there who was just on the stand, you were here during the taking of his testimony, were you? A. I was.

Q. Do you know him? A. Never saw him before.

Q. Did you ever drink with him? A. Never had a drink with him, no.

Q. Did you ever see him at 15 South South Carolina Avenue in Atlantic City in 1914? A. I was never in 15 South South Carolina Avenue in my life. I didn't know where it was even.

Q. Have you looked it up since yesterday? A. I went around to see where the house was, yes.

Q. Ever in that house? A. Never in my life.

Q. Did you in July or August, 1914, in that house with women have intercourse with them? A. I was never in the house at all.

Q. Did you ever have intercourse with a woman or women in 15 South South Carolina Avenue at any time? A. No.

Q. You have heard his relation about seeing you and a woman in a room in that house, both of you being naked. Is that true? A. No.

Q. You said something yesterday about knowing a man by the name of Wade, I think? A. Yes.

Q. What had you in mind when you said that? A. I had another party that used to sing down to the Beaux Arts.

Q. This is not the man who just testified? A. No, that is not the one.

No cross-examination.

Mr. Cole: Now, may it please your Honor, we have sent for a witness who will be here in a few minutes, and we want to call Mrs. Clark for a few questions.

MRS. DELLA CLARK, re-called:

Direct-examination by Mr. Cole:

Q. Did you, Mrs. Clark, at one time live in 15 South South Carolina Avenue, in this city? A. Yes, sir.

Q. When did you live there? A. I took that house the tenth of May or fifteenth, last year.

Q. 1915? A. 1915.

Q. And how long were you there? A. I was there until the twenty-seventh of December, 1915.

The Advisory Master: There until when? A. Twenty-seventh of December.

Q. During the time you were there did Mr. Knittel ever visit that house? A. No, sir.

Mr. Bourgeois: I object. There is no allegation that he did.

Q. Now, what did you do, run a lodging house there, boarding house or what? A. Boarders and roomers.

Q. Boarders and roomers? A. Yes, sir.

Q. Are you familiar with the location of the rooms and so on? A. I should say I was, yes, sir.

Q. What was on the street level at the time you were there? A. The street level, we had a front room and a living room.

Q. No, I mean right from the street? A. On the street level, oh, that is the garage under it there.

Q. What was on the next floor? A. The next floor was a front room, which was called the parlor, then there was a living room in back and the dining room and kitchen.

Q. Now, that we will call the second floor. Now what was there on the third floor? A. Well, we would call the third—well, the third floor that was where the bedrooms—

Q. Bedrooms? A. Well, in the front there was a large bed room, and then on the side toward Pacific Avenue there was a smaller bed room and then there was a large room over the living room, and one room over the kitchen and dining room, and a bath room.

Q. That is the third floor arrangement? A. Yes, sir.

Q. Now, when you went into possession of that house did you notice the condition of the doors leading into the rooms and between the rooms? That is I mean whether they were in good condition or bad condition or what? A. Why, in good condition.

Q. Did you notice whether in any of the doors, particularly the doors to these bed rooms in the front, there were such cracks in them that you could see people, what people were doing in the room, if the door was closed and locked? A. No, sir, there were no cracks in the doors that anybody could see from one room to the other.

Q. Can you recall whether the doors had any transoms in or not? A. The door leading into the hall had a transom.

Q. You mean the bedroom? A. Yes.

Q. Which room is that? A. That was in the big room, and also the door leading to the hall

from the small room was a transom in it to the hall.

Q. That is to say each of these two front bedrooms— A. Yes, sir.

Q. —that you have told about had a transom? A. Yes, sir.

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

Q. I ask you was it possible at the time you were in that house, if the doors to those bedrooms were closed and locked, for a person to see through the cracks what one was doing in the bedroom? A. No, sir, it could not be possible.

Q. Was Mrs. Gregory there at the time last year? A. Mrs. Gregory was there part of the time. She knows the situation, and she slept in that room.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Let me ask you one question. Did Mr. Foster come out and talk with you just before you came in? A. No, sir.

Q. He did not? A. No, sir, he didn't come and talk to me, just called me in the room here, called us all in the room, the ones who were out there in the hall.

Q. And he didn't say anything else about your testimony? A. No, sir, didn't say anything about my testimony.

Q. Didn't he carry a note back from you? A. A note from me?

Q. Yes. A. Why, certainly not.

Q. Didn't carry any? Did he carry any out to you? A. Why no.

MRS. OLGA GREGORY, re-called:

Direct-examination by Mr. Cole:

Q. Were you in 15 South South Carolina Avenue sometime? A. Sometime, yes.

Q. When? A. When I came down to visit my auntie.

Q. And when was that? A. In the summer time.

Q. What year? A. 1915.

Q. How long were you there? A. Well, sometimes I was there a week, sometimes two weeks, sometimes only a couple of days.

Q. Did you move all around the house while you were there? A. Oh, yes, indeed.

Q. Did you assist Mrs. Clark in doing any work while you were there? A. In the mornings, yes. I also slept in that little room.

Q. Now, the third floor, what was on it? A. Was a little room led into the hall, then the front room and then another bay window room, and then a back room and bathroom.

Q. Where did you sleep? A. In the little room in the front.

Q. That is the little bedroom? A. Yes.

Q. Which was next to the large bedroom? A. Yes.

Q. Can you recall whether the doors had any transoms in them or not? A. Yes.

Q. Which rooms, which doors had transoms? A. The little room and the one, the one came out in the hall and the other one.

Q. Can you say whether or not, at the time you were there, there were such cracks in the doors of those, either of those bedrooms, that a person standing on the outside could look in and see what people were doing on the inside? A. No.

Q. You mean it could not be done? A. No, the beds were all fixed together.

Mr. Bourgeois: What did you say? A. The beds were in the opposite way, you couldn't see through, because one went this way, and one went this way, door was over there.

By Mr. Bourgeois: Q. Beds were so you couldn't do it? A. Couldn't see in, you would have to look straight, my aunt had the bureau there.

Q. In other words you couldn't see around, you could only see straight through? A. You could only look straight through, you would see the window over there.

By Mr. Cole: Q. Mrs. Gregory, what I want to know is, were there such cracks or openings in the doors, if the doors were closed and locked, that you could see what was going on? A. No. And that note came from me.

Mr. Cole: May it please your Honor, there is a party that we wanted to get here, and we have just sent for him and he says he will not come without a subpoena, and that may take a little while. I understand you have rested.

Mr. Bourgeois: No, because we will want a subpoena too.

Mr. Cole: I thought he had said he had rested again.

Mr. Bourgeois: We have but then it is in rebuttal of what you put on since. So we will both get a subpoena.

The Advisory Master: Now, suppose we adjourn this case until afternoon.

Mr. Cole: Two o'clock we can get our subpoenas out.

SAMUEL SANWICK, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mr. Sanwick, you live where? A. New York City.

Q. Were you in Atlantic City during the summer of 1915? A. Yes, sir.

Q. Were you at that time watching the actions of Mr. Knittel? A. Yes, sir.

Q. Did you have occasion to see him at any time on the beach? A. Yes, sir.

Q. Where? A. On August twenty-seventh, Sunday.

Q. Where were you? A. I was down at the pier in company with Mr. Herbert and a young lady there.

Q. Where was Mr. Knittel? A. He was at the beach.

Q. Anybody with him? A. A young lady with him.

Q. Were they bathing, do you know? A. Well, they were on the beach, walking around in the bathing suits.

Q. Can you describe the young woman who was with him? A. Well, she was a young lady, I should say about twenty-three or twenty-four, medium complexion, kind of light sweater.

Q. What kind of stockings? A. I think they were yellow or green stockings, kind of light-colored stockings.

Q. Did you see where they went? A. Well, they were up and down the beach, and then they went up under the Boardwalk.

Q. Where did they go under the Boardwalk? A. I don't know what avenue it is, it is a few blocks away from the Stratford Apartments.

Q. Did you see where they went after they went under the Boardwalk? A. I did not.

Q. How long did you wait there? A. We waited there about twenty minutes or so.

Q. Did they come out? A. I didn't see them come out.

No cross-examination.

Recess taken until 2 o'clock, p. m.

Afternoon session.

Hearing resumed at 2 o'clock, p. m.

NICHOLAS TURNELLI, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Do you live in Atlantic City? A. Yes, sir.

Q. Where is your business? A. Bootblack.

Q. Where do you have your stand? A. Well, in the summer time I have her outside, sticks out about that much away from the door and in the winter time I have her on the inside of the store.

Q. What store? A. On the inside of the barber shop.

Q. Barber shop where? A. On South Carolina Avenue.

Q. And how far South Carolina Avenue? A. Well, it is about below Pacific, it is nearer Atlantic than it is Pacific.

Q. Between Atlantic and Pacific? A. Yes, sir.

Q. Is it anywhere near Mulock's garage, what used to be Mulock's garage? A. Right there, it is one house between.

Q. Did you have your stand there in the summer of 1914? A. Well, I had it there in the summer time, in the daytime, but not in the night.

Q. Did you know Mrs. Harrison? A. Mrs. Harrison?

Q. Yes, when she ran the Harrison House? A. Yes, I knew Mrs. Harrison.

Q. What house did she run, do you remember? A. Why, she ran number fifteen.

Q. South South Carolina Avenue? A. South South Carolina Avenue.

Q. Did you know a Mrs. Clark? A. Yes, sir.

Q. Did Mrs. Clark used to visit Mrs. Harrison at that time? A. Well, that I don't remember.

Q. You don't remember whether she did or not? A. I was not acquainted with either one of them. I know the two of them now, but I don't know if they were friends then or not.

Q. Do you know if they have been friends since? A. I never seen her, don't know nothing about her.

Q. Did you ever see Mrs. Clark go to Mrs. Harrison's house? A. No, sir.

CROSS-EXAMINATION by Mr. Cole:

Q. Do you know Mr. Knittel? A. Mr. Knittel?

Q. Gentleman here? A. Why, I have often seen him pass by on the other side of the street when I am working.

Q. Ever saw him go into 15 South South Carolina Avenue? A. No, sir.

HARRY FAKE, a witness produced on behalf of the petitioner, being first duly sworn, testified as follows:

Direct-examination by Mr. Garrison:

Q. Mr. Fake, where do you live? A. 15 South South Carolina Avenue.

Q. How long have you lived in this city? A. I have been here about five years.

Q. What is your business? A. Manager for Eveler, rolling chairs and taxicabs.

Q. How long have you lived at number 15 South South Carolina Avenue? A. Since last April.

Q. From whom did you rent the house? A. From Mrs—I rented from the Atlantic Realty Company, they are the agents.

Q. Did you know—do you know the lady's name that you had a conversation with about it? A. About the house?

Q. Yes. A. Mrs. Phillips?

Q. Mrs. Phillips? Mrs. Phillips is the owner, isn't she? A. Yes, sir.

Q. Now when did you have a conversation with Mrs. Phillips about the house? A. Well, about the first of March.

The Advisory Master: Last March? A. Yes, sir.

Q. And before you entered the house did you go through it? A. Yes, sir, I have been in it.

Q. And was your wife with you when you went through it? A. Yes, sir.

Q. Is your wife able to attend Court today? A. No, sir.

Q. She is in bed, isn't she, sick? A. Yes, sir.

Q. What was one of the things if any, you demanded that Mrs. Phillips do before you rented the house? A. Well, have it painted, have the doors all rehung, and it tightened up, and new knobs put on, and some papering done.

Q. Now can you say whether or not some of the doors were actually off? A. Yes, some of them were off altogether.

Q. And have you examined the door today that leads from the small room in the front to the large bed room in front to see whether repairs have been made on that door or were made last April? A. Yes, there have been repairs made to it.

Q. Why did you have these doors rehung, Mr. Fake? A. Well, some of them was off altogether, and some wouldn't go shut.

Q. Now, can you say by your examination of the door which I called your attention to, whether or not that was one of the doors that would not go shut? A. I don't know. I couldn't tell you exactly which ones would not go shut, but there was different ones in the house that would not shut.

Q. And would that leave a crack when they would not go shut? A. Yes, if they would not go shut it would leave a crack there, sure.

Q. Now, is there an opening under the door that leads in between these two rooms? A. Underneath the door?

Q. Yes. A. Yes.

Q. Do you know, Mr. Fake, how many doors were actually rehung? A. No, I couldn't tell, but very near all of them.

By the Advisory Master: Q. What was the condition of the door between the small room on the front on the third floor and the adjoining room or large room at the time you went there? A. Well, there was no knobs on the door and I don't know whether it did go shut or not. I couldn't say about that door.

Q. Now, you are addressing yourself to that particular door between those two rooms? A. They had no knobs on the doors.

Q. No, I want to direct your attention to the door between the small room on the third floor on the front of the house and the large room that adjoined it on the front of the house. Now, what was the condition of that door? A. Why, I don't know just the condition exactly it was in, I can't tell exactly. I didn't notice exactly which doors did go shut and which did not.

Q. Then you don't know the condition of that particular door? A. Not just that particular door, no.

Q. Well, that is the only door I want to know about. Now do you know or not the condition of that particular door? A. No more than I know that there was no knobs on it.

Q. That is all that there was about it that was affected? A. That is all that I just know of. I don't know if he done anything else to it or not.

No cross-examination.

Testimony closed.

Argument

Mr. Cole: I understand your order for amendment is here?

Mr. Bourgeois: Yes.

Mr. Cole: Then our answer is to be regarded as denying the allegation set up in this last amendment, and in the light of the testimony I think we have no desire to further amend our answer.

Argument adjourned until Thursday Evening, December 14th, 1916, at 7:30 o'clock p. m. in the offices of the Advisory Master.

Atlantic City, N. J., December 14th, 1916.

Before Hon. Joseph Thompson, Advisory Master.

Appearances: Same as before.

Hearing of the cause resumed at 7:30 p. m.

Mr. Cole: May it please your Honor, you will recall the motion to amend the petition in this case which came at the eleventh hour, and one Mr. Wade was sworn to support the amendments. In his testimony he referred to a Mrs. Harrison and said that he thought she was now living in Paterson.

With that information we sought to locate Mrs. Harrison and we succeeded. She came here, I think it was yesterday, and she is now in the room. Mrs. Harrison, won't you stand up?

(Lady stands up in the Court room.)

Mr. Cole: There is the lady, and I thought I should call your Honor's attention to the fact that she is here prepared to give testimony touching the instances referred to by Mr. Wade. I don't care to move to open this case in view of the fact that it has been closed several times, but I did think, in view of Mr. Wade's testimony which went so directly to Mrs. Harrison's conduct, that it was our duty to seek to locate her, and we did that, and she is now here, and I proffer her testimony touching those things about which Mr. Wade testified, without taking the responsibility of moving to open the case, leaving it to your Honor to say what course should be taken.

The Advisory Master: What have you got to say, Mr. Bourgeois?

Mr. Bourgeois: Immaterial to us, if your Honor please.

MRS. MINNIE HARRISON, a witness produced on behalf of the defendant, being first duly sworn, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. Harrison, you were living at 15 South South Carolina Avenue, Atlantic City, in the year 1914, were you not? A. Yes, sir.

Q. When did you enter and when did you leave that property? A. I came on May twentieth, and I left the last of September or the first of October.

Q. At any time during that period did you ever see Mr. Charles Knittel? A. No, sir.

Q. In that house? A. Never.

Q. When did you first know Mr. Knittel? A. I met him last Monday.

Q. And where did you meet him? A. At my house in Paterson.

Q. In Paterson? A. New Jersey.

Q. And you saw him at Mays Landing today, did you not? A. Yes, sir.

Q. And you say, do you, that you never saw him in that house? A. Never.

Q. Did you ever see Mr. Knittel going up from the lobby of the first floor, we will say, of the building, into the sleeping rooms, and call Mr. Wade's attention to the fact that that was Mr. Knittel? A. No, sir, I never saw him.

Q. Right there, you saw Mr. Frank Wade in Mays Landing today? A. Yes, sir.

Q. And did he live or rather room with you during that summer? A. Yes, sir.

Q. Can you recall about when he started to room and when he left as nearly as you can recall? A. About in July sometime or June, and he left, I think, in July, but I have the book home with his name in in Paterson.

Q. Which will probably show when he left? A. Yes.

Q. Now did you ever during the time that you lived in that property have women there that you supplied to men for immoral purposes? A. No, sir.

Q. Did you ever know at any time that you were running that house that it was being used for immoral purposes? A. No, sir.

Q. Where were you born? A. Paterson, New Jersey.

Q. Where are you now living? A. Paterson, New Jersey.

Q. Where have you lived during your life time excepting during the time you were living in Atlantic City? A. The same place, Paterson.

Q. What is your business now? A. Furnished room house.

Q. And how long have you been living in the house you are now living in? A. Seven or eight years.

Q. And who is your landlord? A. C. B. Dunn and Michael Dunn lawyers, Paterson.

Q. Is Michael Dunn the lawyer, Prosecutor of the Pleas of that county? A. Michael Dunn is the Prosecutor.

Q. Have you been married? A. Yes sir.

Q. Is your husband living or dead? A. Dead.

Q. When did he die? A. Three years ago.

Q. Did you ever know that Mr. Wade was having intercourse with women while he was rooming at your house? A. No sir. If I had I would have put him out. I did put him out. He owed me money for rent.

Q. Did he ever tell you that any improper conduct was going on in that house? A. Never.

Q. He said among other things that you had been arrested or locked up in Paterson for running a house conducted for immoral purposes; is that true? A. No sir; indeed no.

Q. Were you ever arrested? A. Never.

Q. Were you ever locked up? A. Never.

Q. I think he testified—I am not sure about that —that you yourself, while you were living in that house, was guilty of immoral conduct with men; is that true, if he so testfied? A. That would be impossible, for when I came down here I was a nervous wreck after taking care of my husband, and I came down here for my health, not to make money, not even as a rooming house, if I made it all right, if I didn't it was all right, and I went to Paterson twice a month every month to look after my other business which was run there by a man.

Q. How came this man Wade to leave your house when he left? A. I put him out because he owed me back room rent.

Q. Do you recall the condition of the doors in the bed room facing Atlantic Avenue—I mean South Carolina Avenue—in the corner room and the one next to it? A. Yes, sir.

Q. Do you know whether there was a crack in the door in the corner room so wide that when the door was closed and locked that one could see through what was going on in the bed room? A. No, the doors were all in good condition.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. Mrs. Harrison, did I understand you have lived in the same house where you now reside for seven or eight years? A. Yes, sir.

Q. And who is the owner of it? A. C. B. Dunn and his brother Michael Dunn lawyers.

Q. With whom do you deal? A. Why C. B. Dunn.

Q. C. B. Dunn? A. Yes.

Q. When was it you lived in Atlantic City? A. May twentieth I came here, 1914.

Q. How long were you here? A. Until the last of September or the first of October, I don't know which.

Q. Still live in the house in Paterson at that time? A. Still keeping the house in Paterson.

Q. Still living there; I didn't say keeping, still living there? A. Still live there.

Mr. Cole: Do you mean now or during that time?

Mr. Bourgeois: No, when she was here in Atlantic City she says she lived in that house seven or eight years, and was down here in 1914. I want to know whether she was still living in that house in Paterson in 1914.

A. It was run by a man under my name. I still had the house but it was managed by a man.

Q. What sort of a house did you run there? A. Furnished room house.

Q. But you came here and ran a furnished room house? A. Yes, sir.

Q. Do you know A. Gertrude Tull? A. Not Gertrude Tull, but Alice Tull.

Q. Alice G. Tull? A. Well, I don't remember the middle name.

Q. Did she ever give you one of her cards? A. Yes, she did.

Q. Did it look like that one? A. Yes.

Mr. Bourgeois: That was offered in evidence but it was not marked.

Card produced by Mr. Wade at the previous hearing admitted in evidence and marked Exhibit P-14.

Q. Are you now married? A. Widow.

Q. Widow? A. Yes.

Q. Were you married when you were in Atlantic City? A. No, sir.

Q. Your husband had died just previous? A. Yes, sir.

Q. And what was your husband's name? A. Charles S, Harrison, fireman, city fireman.

Q. And what was your maiden name, please? A. Minnie Metzen.

Q. You say you were in a nervous condition that year. Just what was your state of health? A. What was my state of health?

Q. Yes. A. Nervous breakdown.

Q. A nervous breakdown? A. From taking care of my husband. He died insane.

Q. And of course you had somebody to take care of the house here for you? You were not able, were you, to take care of the house yourself? A. Here?

Q. Yes. A. No, I took care of it myself.

Q. Did you have any servant at all? A. No servant whatever.

Q. None whatever? A. No, a girl to come in once in a while and help me do the work.

Q. Now you say only once in a while you had somebody to come in? A. Yes, sir.

Q. But how many rooms were there in that house? A. I think there were ten, nine or ten, ten rooms, I believe.

Q. And you took care of the whole ten in your then state of health? A. Yes.

Q. Now what other girls do you remember who came there during that summer besides this Alice Tull? A. Why, I don't remember any others.

Q. Well, there were others, weren't there? A. Why, of course, there were, a few people came there.

Q. And there were men also came there and took rooms, weren't there? A. Yes.

Q. Didn't you rent just to nightly roomers or to weekly roomers or to any who came? A. Why anyone that registered.

Q. Anyone who registered? A. And looked respectable, yes, sir.

Q. Whether for one night or a week or longer? A. Well, just as long as they were going to stay.

Q. But the house that you ran, I mean, was such a house that if you wanted to come in and just stay over one night, they could be accommodated; that is true, isn't it? A. Yes, sir, I ran it the same as I run my house in Paterson.

Q. That is the kind of a house you run there also? A. Yes, sir, transient as well.

The Advisory Master: As long as this case has been opened I would like, Mr. Bourgeois, for you to produce the colored chauffeur of Mrs. Knittel.

Mr. Bourgeois: I can't do it tonight.

The Advisory Master: Can you do it tomorrow? He is here in town, I think you you can get him.

Mr. Bourgeois: I think we can get him.

The Advisory Master: Now when will it suit you to produce him?

Mr. Bourgeois: I guess we can produce him.

The Advisory Master: Tomorrow morning?

Mr. Garrison: If he is in town we will try to get him.

The Advisory Master: He is in town, I think, Mr. Garrison. I don't think there is any doubt about that.

Mr. Bourgeois: What time tomorrow morning?

The Advisory Master: I will make it as early as nine o'clock.

Mr. Bourgeois: That won't give us time. I don't know where to go to look him up.

The Advisory Master: Mr. Herbert can get him for you. I noticed him with him several times since that time.

Mr. Bourgeois: He has been driving his car. I don't know where to get him except to get in touch with Herbert.

The Advisory Master: Very well. I will suggest tomorrow morning at ten o'clock.

Mr. Cole: May it please your Honor, can we argue this now.

Mr. Bourgeois: I don't think we ought to.

The Advisory Master: I want to ask him a few questions. I didn't expect to open the case for that, but as the case has been opened, which I didn't expect until Mr. Cole made his motion here to night—

Mr. Cole: My thought is this, that we could argue this case and if any additional argument is required—

The Advisory Master: Is required on his testimony I will hear you at that time. Argue this case if you will and if you require after his testimony tomorrow morning, to

add, to supplement what you may have said to night—

Mr. Bourgeois: Well, if the Court please, that would hardly be satisfactory to me, because I want to argue with regard to him, and I don't care about arguing it and then put him on the stand and have him examined again. I would rather wait until it is finished.

The Advisory Master: Very well then, you bring him in tomorrow morning.

Mr. Bourgeois: We will bring him in tomorrow morning and we can finish it tomorrow after taking this testimony, can we?

The Advisory Master: Yes. You can make the argument after his testimony.

Further testimony and argument adjourned until December 15th, 1916, at 10 o'clock, a. m.

December 15th, 1916.

Testimony resumed at 10 o'clock a. m., pursuant to adjournment.

Appearances: Same as before.

Mr. Bourgeois: I would like to put one witness on the stand this morning, as long as the case is opened, in answer to the testimony of yesterday.

The Advisory Master: All right.

JOHN LLOYD, a witness produced on behalf of the petitioner being first duly sworn and examined, testified as follows:

Direct-examination by Mr. Bourgeois:

Q. Mr. Lloyd, you live where? A. 17 South South Carolina.

Q. What is the name of your place? A. The "Lloyd."

Q. What kind of a place is that? A. A boarding house.

Q. And in addition to a boarding house do you have some other business there? A. Barber shop.

Q. How long have you been living at the Lloyd? A. I suppose about seventeen or eighteen years.

Q. And you own the property? A. Yes, sir.

Q. That is right next to 15 South South Carolina? A. Yes.

Q. What is 15 South South Carolina? A. It is a house that Mr. Mulock raised practically above the garage. The office of the garage is under the house.

Q. The house part is over the garage? A. Some of the house in the back is over.

Q. Do you remember the summer of 1914, I think, when a Mrs. Harrison lived at 15 South South Carolina? A. Yes, sir. That is, I remember Mrs. Harrison. I just can't state whether it is 1915. I guess it is, though.

Q. What time of the year was it when she came in there, do you recall, about? A. Probably in June, may be, or may be before that.

Q. Did she come alone or did someone come with her? A. No, a man came with her as far as we knowed him as Mr. Harrison.

Q. How long did Mr. Harrison remain there, if you know? A. Possibly a couple of months. He wasn't there, I don't think, during the month of August. I ain't sure, but I don't think he was there during the month of August.

Q. What sort of a house was this 15 South South Carolina Avenue? A. Well, it was a kind of a rooming house. More on the sporting order, in my mind.

Q. What makes you think it was on the sporting order? Why do you say that? A. Why, because the business was done nearly always late, eleven o'clock at night, and we lived so close, about four feet between us, I think.

Q. What sort of a business do you have reference to? You mean it commenced at that time? A. Yes. Kind of a party affair nearly every night, lot of parties. You could hear the bottles in our place. See the boxes in the back sometimes to the extent of a dozen out on the back porch. Even this morning I can see eight. I counted them.

Q. Was there any noise accompanying those parties? A. Oh, sure, more or less, you know. Not really enough that would wake everybody up, but it would wake some, don't you know, in our house.

Q. Was there enough noise there so that you thought some complaint should be made about it, or complaint might be made about it? A. Yes, there was. My wife was about to have a child and there was considerable noise at that time and our trained nurse was very anxious that I would make a complaint. I said, "No, leave it go and it will fizzle out." That was my idea instead of making the neighborhood considered what it might be.

Q. Was there ever an occasion when they had trouble there in the day time? A. Yes, sir.

Q. What was that? A. Why, Mrs. Harrison went away and while she was away she left, I believe, a girl in charge, a tall slim girl, I don't know her name, and her and Mr. Harrison had quite a tilt. First he claims that she had a man in the room, and she claimed that he was trying to get in her room, and he apparently choked her and the cop got up there and quite a crowd around the front. I think that was eleven or twelve o'clock in the day.

Q. Were you in the crowd? A. I was up on the porch. I got the officer to leave him go. I can't place that officer to save my neck.

Q. Why did you get the officer to let them go? A. I will tell you, if it was a raid or apparent raid next door to me there, the houses would be confused and he said, "If she don't want to make no complaint I will leave him go," and then he come back that evening in the shop and then he was sore. This first time he was pretty well boozed up, and he wanted me to tell him, substantiate his statement, that he would have the place raided, that it would be a benefit to me to get rid of the place. I said, "No, I don't want to get mixed no more; if you go up there you are going to be pinched sure; keep away from the racket," so I don't know whether he ever did go back there or not.

Q. How many people were living in 15 South South Carolina? How many women were there there? Were there many or a few? A. I think there was as far as somewhere around three, Mrs.

Harrison, that tall slender girl, and there was another girl there sometimes.

Q. Do you remember when Mrs. Harrison left 15 South South Carolina Avenue? A. Yes, it was in the fall. She come in the shop herself and she was pretty well soaked.

Q. What do you mean by that? A. She was pretty well boozed up, and she said she was going to go away and that she had got hers, she got her money, she meant, you know.

Q. After that time did anybody else come up there and speak about that house to you? A. Yes, that thin slender girl.

Q. What did she want? A. She wanted to know if I would make any complaints if she rented the house and run it.

Q. Run it how? A. I suppose—

Q. Did she say? A. She didn't just say. I can't remember word for word, but I supposed it was a continuation as it was.

Q. What did you tell her? A. I said, "I don't want no hook house near me," that is all.

Q. Now, Mr. Lloyd, did ever a young man room there by the name of Wade as far as you know? A. I didn't know his name, but I know that boy that I understand his name is Wade.

Q. How long was he there? A. I don't know; probably three months.

Q. Three months? A. Probably. I wouldn't like to say. Six or seven weeks.

Q. What sort of a boy was he as far as you could observe? A. When that boy come there he had considerable money on him at least seventy-five dollars, in my mind, that is, he showed the roll, don't you know and he seemed to be all right,

and he come in the shop one morning and he says, "Well, I was out last night," he says, "and I got doped, and I got touched for seventy-five dollars."

Q. Did he say where he got touched for the seventy-five? A. Well, he told me Mrs. Harrison. He didn't know. He says that he found himself somewhere, that he went away from there in an automobile.

Q. Did you ever have any business transactions with him? A. Only as a barber.

Q. Did you ever loan him any money or anything of that kind? A. No. I shaved him probably a few times and he said he would get some money from home or somewhere, I forget just what he said, and he did come back later on with a check for, I think, thirty-seven dollars or thirty some dollars, and I refused to cash it, and he evidently got it cashed somewhere later on and paid me. He don't owe me nothing, and afterward I seen that boy selling papers on the Boardwalk.

Q. Have you seen him from time to time from the time he lived there until the present time, that is, recently? A. Well, when he was selling papers there, being that he was from next door and wasn't living there no more, I used to go down there and look at the headings of the papers, the war had just begun, and he was in front of the Steeplechase, and he had a line of papers, "All papers from your home town," you know, and I used to look the war news over.

Q. Since that time have you observed him to find out what he does? A. Well, possibly he has been in the shop two or three times, and he generally comes in with a suit of overalls on. I looked at the boy as rather a clean boy. I was rather

sorry, because it was me told George, George came in and asked me about some stuff, and I said, "You go down there and ask that fellow down there, he lived there, I don't know so much about it."

CROSS-EXAMINATION by Mr. Cole:

Q. Mr. Lloyd. did you ever make any complaint to the authorities about this house? A. No, no.

Q. Will you say that this man who came there was known as Mr. Harrison, was he introduced to you as Mr. Harrison? A. Well, not any more than himself, I don't suppose.

Q. Mrs. Harrison didn't introduce him, did she? A. No.

Q. Was there a man there by the name of Hoffman? A. I don't think I know him. Maybe I would if I seen him.

Q. You never heard of a man by the name of Hoffman? A. Not that name. If I see him, maybe I would know he was there.

Q. At all events, you didn't get from Mrs. Harrison that this man's name was Harrison? A. Oh, no. It was a supposition like. He come there and we knowed him as Mr. Harrison, and the name of the house was Harrison.

Q. I only wanted to find out where you got the information he was Mr. Harrison? A. That is the way I got it.

Q. Do you know what this man Wade's business is? A. Now?

Q. Yes. Do you personally know, I mean, outside of what he told you? A. Oh, no, I was never down at the hotel. He told me he worked at the Kingston.

Q. Did he ever tell you he was engineer? A. I don't think so.

Q. Do you know whether or not Mrs. Harrison would leave this place during the summer? A. Why during the early part she went over to Newark, I believe she told me when she was going away. She left this boy in charge, too.

Q. Do you know what the name of this tall slender woman was? A. No, I never did know her.

Q. Never heard her name mentioned? A. I don't think I ever heard her name.

Q. And don't know, of course, where she lived? A. No. No idea.

Q. I mean outside of living there? A. No.

Q. Did you ever make the remark that this man Wade was a mystery to the people around there, a mystery to you? A. A mystery?

Q. A mystery, yes. A. No, I don't think I did.

By Mr. Bourgeois: Q. Mr. Lloyd, you say she left the boy in charge or that boy. What boy do you mean? A. I mean this boy, as far as I know his name is Wade now. I don't know whether that is the right boy or not. If he was in Court here I would know. I never did know his name.

Q. Was it the same boy you saw there and the same boy who afterwards went on the board walk and sold papers and the same boy that came in with overalls on as an engineer? A. Yes.

By Mr. Cole: Q. Why do you say she left him in charge? Did she tell you that? A. No, he told me. He said, "If we get filled up we will fill you up."

Q. He did? A. Yes. In the day time the place was run, as far as I knowed—

Q. Were you discussing business? A. In that way.

Q. Were you taking roomers? A. We take boarders. We got twenty rooms.

Q. He was telling you if he filled that house up he would fill yours? A. Yes.

Q. That is the only way you know she left him in charge? A. Yes.

Q. What he told you? A. Yes, and then he got pretty well filled up.

Q. How was it around 15 South South Carolina Avenue in the day time except on that one occasion? A. Quiet enough. Very nice people to get along with. I was satisfied if it could be kept covered. That was my idea, until she would probably get out on her own hook.

Mr. Bourgeois: That is all.

Mr. Cole: Have you got the chauffeur?

Mr. Bourgeois: We have not got the chauffeur. We tried to get him and he is out of town, as far as I know.

The Advisory Master: Do you know where he is?

Mr. Bourgeois: Have not the slightest idea. Mr. Herbert says he understands he went to Washington.

The Advisory Master: When did you see him last, Mr. Herbert?

Mr. Herbert: Day before yesterday.

The Advisory Master: What time in the day?

Mr. Herbert: About one-thirty.

The Advisory Master: Talking with him?

Mr. Herbert: Yes, sir.

The Advisory Master: Did he say anything about leaving town?

Mr. Herbert: Yes, sir, said he was going to Washington to try to get a job among some of his old people. I asked him if he would—I said, "Will you send me your address back?" He promised so to do.

The Advisory Master: Did he take his wife with him?

Mr. Herbert: He said he was going to take his wife and little baby.

The Advisory Master: You do not know whether they are in town or not?

Mr. Herbert: I do not believe they are. I searched last night and I sent a telegram and I have received no answer from that telegram. I sent a telegram to a man who is a friend of mine and who is working in Washington on another case.

The Advisory Master: Where was he living in Atlantic City up to the time that he left, which you say was day before yesterday?

Mr. Herbert: 1127 Mediterranean Avenue.

The Advisory Master: Did you go there to look for him?

Mr. Herbert: Yes, sir.

The Advisory Master: What did you find out there?

Mr. Herbert: No one there.

The Advisory Master: House empty?

Mr. Herbert: Yes, sir, to all appearances from the outside.

The Advisory Master: Was he living there the day before?

Mr. Herbert: Yes, sir, he was living there the day before he left. At least, I assume that he did. He left me and said he was going to dinner. I had occasion to be on Pennsylvania Avenue above Baltic and he said he was going to his house.

The Advisory Master: He has been working for you the last few days?

Mr. Herbert: Yes, sir, he taught me and also taught my son how to run a Ford car.

The Advisory Master: How long did he work for you?

Mr. Herbert: In the neighborhood of two weeks.

The Advisory Master: When did he stop working for you?

Mr. Herbert: He stopped working for me the day before he went away.

Mr. Cole: Mr. Herbert, do you know whether this man had been in some trouble here lately, the last week or ten days?

Mr. Herbert: I don't know that he has. I don't believe that he has.

Mr. Cole: Have you heard of it?

Mr. Herbert: I have heard of no trouble that he has been in, no, sir. He has been in touch with me pretty near all the time up until three days ago.

Mr. Cole: You had not heard of his having some difficulty with a policeman or making some charge against him?

Mr. Herbert: No, sir, he didn't make any charge against any policeman. He told me of a rumor and I in turn went over to Sergeant Ware to ask the sergeant if he

had heard of any two policemen getting in trouble, because it is Christmas time and I suggested to the sergeant that I look up the trouble and if so, go to the policemen and have them patch it up.

Mr. Cole: This man did tell you of some supposed trouble between officers?

Mr. Herbert: He said what he thought was policemen. He said there were two men that were having a fight over at Baltic Avenue and North Carolina and he thought they were policemen.

Mr. Cole: That is what I am coming to. He did tell you of a fight, some trouble, and he thought they were policemen?

Mr. Herbert: Yes, sir.

Mr. Cole: And upon the strength of what he told you, you started some sort of an investigation?

Mr. Herbert: No, sir, I did not.

Mr. Cole: Did the police start it?

Mr. Herbert: I went to Sergeant Ware—

Mr. Cole: Did you make a report of what he told you to the police department?

Mr. Herbert: Well, some people might call it a report.

Mr. Cole: What do you call it?

Mr. Herbert: I call it a desire if there was any scrap between these two men to have it covered up so they wouldn't be going before the commissioners, there would be no notoriety attached.

Mr. Cole: Do you know whether this man's leaving had anything to do, or

rather, did his connection with this matter in any way have to do with his leaving Atlantic City?

Mr. Herbert: No, sir, because before I communicated that fact to Sergeant Ware, James said he was going to Washington on the 2 o'clock train.

The Advisory Master: How long have you known this man?

Mr. Herbert: I haven't known him until I judge about three weeks ago when he first came to me. The night I first saw him or met him I had with me a Mr. Parsons, a jitney driver who was formerly a Pinkerton man, and related to the Parsons here in town, and had another man by the name of Hartman. I told them I was going to meet this man and the reason I was taking them with me—

The Advisory Master: That is the first time you ever saw him?

Mr. Herbert: Yes, sir. I saw him once before when I was following the car.

The Advisory Master: Do you know how long he had lived in Atlantic City?

Mr. Herbert: No, sir, I do not. My first close touch with him was on that day I met him at Baton Rouge Avenue.

The Advisory Master: Do you know whether he was a chauffeur at one time for Joseph D. Swoyer?

Mr. Herbert: No, sir, I do not.

The Advisory Master: Ever heard him say that he was?

Mr. Herbert: No, sir. The only thing I

ever heard him say about being a chauffeur at all was in Washington, and he said that he came to Mrs. Knittel recommended by his Washington people.

The Advisory Master: He has a brother who is a chauffeur here, has he not?

Mr. Herbert: Not that I know of.

The Advisory Master: You never heard him speak of a brother here driving a car?

Mr. Herbert: No, sir, I heard him state —I heard some talk about a brother in Washington, that was chauffeur in Washington.

The Advisory Master: You never heard him say that that brother was living here now and driving a car—

Mr. Herbert: No, sir.

The Advisory Master: —for someone in town?

Mr. Herbert: No, sir.

Mr. Bourgeois: Mrs. Knittel says that the Swoyer chauffeur was another one entirely. I know nothing about it and do not know what your Honor has in mind, but if you want to follow it up, she is here.

MRS. MINNIE HARRISON, a witness produced on behalf of the defendant, being re-called and examined, testified as follows:

Direct-examination by Mr. Cole:

Q. Mrs. Harrison, what was the name of the man that was at the house 15 South South

Carolina Avenue in the summer of 1914? A. Mr. Hoffman.

Q. What was his first name? A. Harry.

Q. Did you ever introduce him as your husband? A. Never.

Q. So far as you know was he ever known around there as Mr. Harrison? A. They all thought he was my husband until I told them different.

Q. Did you, by anything that you stated, lead anybody to believe he was your husband? A. What say?

Q. Did you try to have anybody believe he was your husband? A. No. They might have thought he was my husband, because when I came down here first he did all the work and put partitions between the rooms, and I went out with him to buy my furniture.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. He came down here with you, did he? A. No, sir, I met him here in Atlantic City; perfect stranger.

Q. He helped you fix the rooms, you say? A. Yes.

Q. And helped you buy the furniture? A. He went out and took me around to the stores.

Q. And lived there how long? A. I couldn't say. I don't know, but I think he went away before July or in July, first of July.

Q. Then where did he go? A. Couldn't say that.

Q. What about these girls? How many of them were there there? A. There was only one there, that tall girl.

Q. She is the only one that was there? A. At that time.

Q. Wasn't there another girl there a part of the time, a short stout girl? A. In that time?

Q. I don't know about that time. May be later than that. A. There was a number of people there. I can't recall.

Q. Do you remember one in particular, this short stout girl, dark complexioned? A. No, I can't say that I do.

Q. Who was this tall girl, the one that was there most, was that the Tull girl? A. Yes, sir.

Q. When did she come down? A. She was one of my first roomers.

Q. How long did she stay there? A. Well, she didn't stay the summer out.

Q. Is she the girl that you left in charge on that day when you went to Philadelphia? A. Yes, sir, to Paterson, I went.

Q. Left her in charge? Did you ever leave this man Wade in charge when you were away? A. At one time, but there were no roomers in the house only himself.

Q. When did you first meet Hoffman? A. Why, I met him when I first came to Paterson or to Atlantic City.

Q. First came from Paterson? A. Yes, sir, when I first came to Atlantic City.

Q. And he was an entire stranger, was he? A. Entire stranger, yes.

Q. And you had him, an entire stranger, to go in and fix up the rooms and help you buy your furniture? A. I told him I was going to start a rooming house and he said he would take a room from me.

Q. So you had him fix it up and had him help you go buy the furniture; is that right? A. That is right.

Q. Now, how long had you known the Tull girl, or have you known her, Mrs. Harrison? A. I never knew her before she came there.

Q. And where is she now? A. I couldn't say. She went to Philadelphia from here.

Q. Was she married? A. Yes, sir.

Q. Living with her husband? A. Yes, sir.

Q. How long did she stay down with you? A. Well, about May—no, she come in June and I don't know what time she left in July, I couldn't say.

By Mr. Cole: Q. Mrs. Harrison, I noticed that you mentioned a name, as I remember, Alice Tull? A. Yes, she went by the name of Alice Tull.

Q. This card that was shown you last night—I see it says Gertrude here? A. Yes.

Q. And you knew her as Alice? A. Yes, I knew her—she went as Alice.

By Mr. Bourgeois: Q. You say that the people around there thought this man Hoffman was your husband until you told them different. Whom did you tell different? What person did you tell he was not your husband? A. I don't remember who the persons was, but someone said they thought it was my husband and I said no, he wasn't.

Q. Then you knew at the time that the people around there thought he was your husband? A. Well, they thought so. How could they tell any different? They didn't know. I didn't introduce him to anyone. I stayed by myself. I didn't mingle with any people. I couldn't tell them any different.

Q. How soon after you started that place and he commenced to live with you was it that you found out that the people around there thought he was your husband? A. That I couldn't say.

Q. Well, was it soon? A. What say?

Q. Was it soon? A. I don't think so.

Q. Well, it was a natural thing, wasn't it, Mrs. Harrison, for people to think he was your husband when they saw him and you go in there together and saw him helping have the rooms fixed up and saw him helping you purchase the furniture for the place? That would be a natural thing, wouldn't it? A. They could have thought he was my brother just the same.

Q. Or your son, may be, if he was young enough, but they would have thought there was some close relationship there, wouldn't they? A. I don't know what they could think. They could think anything they liked.

Q. How soon after you went there and he came to live with you was it that you first learned that people did think he was your husband? A. I don't remember that, because I didn't pay no attention to it. It wasn't their business.

Q. And you can't tell who it was you told he was not your husband? A. I don't remember.

Q. Did you ever tell your neighbors there that he was not your husband? A. I never talked to any neighbors.

Q. Never went in to Mr. Lloyd in the barber shop and told him he wasn't your husband? A. I might have stood at the door and told him that. I think I did.

Q. Did you? I want to know if you ever did tell him that he was not your husband? A. Yes, I think I did.

Q. Are you quite sure? A. Well, I won't swear to it, but I almost think I stood by the door one day and they said they thought he was my husband and I said, "No, he is not; I am a widow."

Q. You are on the stand now and you are swearing to all you say. You can't say something and then say, "I am not swearing to it." A. I think I told him that.

Q. Are you satisfied enough that you told him to swear to it now? You realize that you are swearing to it, do you? A. Yes, sir.

Q. And that you told him he was not your husband? How long after you told him or think you told him that Mr. Hoffman wasn't your husband, was it that he left? A. That I couldn't say. I have a poor memory. I don't remember when he left, the day.

Q. Was it as much as a month afterwards? A. It might possibly have been.

Q. Do you think it was as much as two months? A. Two months afterwards?

Q. Yes. A. That I couldn't say. I have no recollection of the time.

Q. Why did you happen to come to tell Mr. Lloyd that this man wasn't your husband? Why did you happen to stand in the door and tell him, "This man that is here is not my husband"? A. Well, that I don't remember why. Something that he said, I guess.

Q. What did he say? A. I don't remember what he said.

Q. Do you know if he said anything? A. He must have said something or I wouldn't have said anything myself.

Q. Are you willing to say now that you did tell him? A. I think I did.

Q. Well, I don't want you to think. I want to know if you are willing to say that you did, without qualifying it? Are you? A. I couldn't swear to it.

Q. You couldn't swear to it? A. I think I did, though.

Q. Mrs. Harrison, why did you permit this man to remain in the house for the period of time that he did remain there, which was a month or may be two months or near two months, after you learned that people generally or people outside thought he was your husband?

Mr. Cole: She never said that.

The Advisory Master: She has not said that yet. I do not think it is fair to the witness to assume that she said that in answering your question.

Mr. Cole: She simply said she thought perhaps the people may have thought he was her husband.

Q. I understood you to say that people did think he was your husband. Didn't you? Didn't you in answer to Judge Cole's question say that the people thought so, but he wasn't? A. I told you they might have thought he was my brother at the same time.

Q. You told me that, but in your direct-examination, didn't you tell Judge Cole people thought he was your husband but he wasn't? Isn't that what you said to him? A. Yes, thought he was my husband.

Q. I want to know how long after you found out people thought he was your husband you continued to have him in that house with you? A. I don't think he was very long. After he fixed the

work he did in the house he went to work at his trade, masonry.

Q. A little while ago you said it might have been a month, you didn't think it was two months. I now ask you why did you permit him to remain in the house with you after you thought people thought he was your husband? A. Well, he paid his room rent and I was there to make a living.

Q. I see. In other words, you didn't care if people did think that that man was your husband? That is the truth of it, isn't it? A. Well, I didn't think it was anyone's business.

Q. And you didn't care if he did go around and represent himself as Mr. Harrsion, did you?

Mr. Cole: This woman didn't know anything about what he did.

The Advisory Master: There is nothing in this case to show that he did do that and I do not think you should assume that in asking your questions.

Mr. Bourgeois: Mr. Lloyd testified that he represented to him he was Mr. Harrison.

The Advisory Master: She knows nothing about that. She did not hear it. He might have said anything to anyone that he met.

Q. Now, Mrs. Harrison, how long have you known Mrs. Clark?

Mr. Cole: I want to object to this testimony. A lot of it is not proper cross-examination and it is not rebuttal. However, if your Honor wants to hear it—I simply submit it is not cross-examination.

The Advisory Master: I will permit it.

Q. How long have you known Mrs. Clark? A. I have known her after I came to Atlantic City.

Q. How soon after you came to Atlantic City was it that you became acquainted with her? A. I don't remember that.

Q. Well, was it in the middle of the summer some time? A. It was in the summer.

Q. How long had you known her before you left Atlantic City? A. I couldn't tell, because I didn't know when I met her.

Q. How did it happen that you came down here to testify in this cause? Who came to see you? A. Mr. Foster.

Q. Who else? A. Mr. Knittel.

Q. And who else? A. Mrs. Clark.

Q. Came where? Paterson? A. To my house.

Q. At Paterson? When did they come? A. Last Monday.

Q. Where are you stopping down here in Atlantic City? A. Mrs. Clark's house.

Q. Now, do you know if Mrs. Clark took this same house, 15 South South Carolina Avenue after you left? A. She did.

Q. Did she run it for you or for herself? A. For herself.

By Mr. Cole: Q. Mrs. Harrison, while Mr. Hoffman was at your home or place of business in 1914, was there any improper relation between you two? In other words, were you living together as man and wife? A. No, sir.

Exhibit P-1

Atlantic City, N. J. Sept 15 1916 No.

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $15.00
Fifteen ..... Dollars
WM I GARRISON

(Endorsed on back)
MAE ABRAMS.
HUGH THOMPSON

(In rubber stamp on back)
Pay to the order of
BANK OR BANKER
All Prior Endorsements Guaranteed
Sep 18 1916
Atlantic City National Bank,
9 Atlantic City, N. J. 55,139
ELWOOD S. BARTLETT, Cashier

(Perforated on face)
PAID
9 18 16

Exhibit P-2

Atlantic City, N. J. 8/16 1916 No.

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of

Mae Abrams $10.00

Ten ..... Dollars

WM I GARRISON

(Endorsed on back)

MAE ABRAMS.

P. PERFETTI

(Perforated on face)

PAID

8 18 16

Exhibit P-3

Atlantic City, N. J. 8/31 1916 No.

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of

May Abrams $10.00

Ten ..... Dollars

WM I GARRISON

(Endorsed on back)

MAY ABRAMS

(Perforated on face)

PAID

9 1 16

Exhibit P-4

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/5 1916 No. 121

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $50.00
Fifty ..... Dollars
WM I GARRISON

(Endorsed on back)
MAE ABRAMS.

(In rubber stamps on back)
For Deposit
Braunstein, Blatt Co.
Received Payment,
Endorsements
Oct 9 1916
Guaranteed
The Boardwalk National Bank.

(Perforated on face)
PAID
10 9 16

(Stamped on face)
Not over Fifty Dollars 50

Exhibit P-5

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/5 1916 No. 122

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $50.00
Fifty ..... Dollars

WM I GARRISON

(Endorsed on back)
MAE ABRAMS

(In rubber stamps on back)
Received Payment
Endorsements
Oct 9 1916
Guaranteed
The Boardwalk National Bank.
For Deposit
Braunstein, Blatt Co.

(Perforated on face)
PAID
10 9 16
(Stamped on face)
Not over Fifty Dollars 50

Exhibit P-6

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/5 1916 No. 120

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of 50.
Mae Abrams ..... ~~$50.00~~
Fifty ..... Dollars
WM I GARRISON

(Endorsed on back)
MAE ABRAMS

(In rubber stamp on back)
For Deposit
Braunstein, Blatt Co.
Received Payment,
Endorsements
Oct 9 1916
Guaranteed
The Boardwalk National Bank.

(Stamped on face)
Not over Fifty Dollars 50
(Perforated on face)
10 9 16

Exhibit P-7

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/5 1916 No. 119

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $50.00
Fifty ..... Dollars
WM I GARRISON

(Endorsed on back)
MAE ABRAMS

(In rubber stamp on back)
For Deposit
Braunstein, Blatt Co.
Received Payment
Endorsements
Oct 9 1916
Guaranteed
The Boardwalk National Bank.

(Stamped on face)
Not over Fifty Dollars 50

(Perforated on face)
PAID
10 9 16

Exhibit P-8

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/10 1916 No. 394

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Mae Abrams $50.00
Fifty ..... Dollars
WM I GARRISON

(Endorsed on back)
MAE ABRAMS.

(Perforated on face)
PAID
10 11 16

Exhibit P-9

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/10 1916 No. 395

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $50.00
Fifty ..... Dollars
WM I GARRISON

Exhibit P-10

(Endorsed on back)
MAE ABRAMS
MOSS & HAMILTON

(Perforated on face)
PAID
10 11 16

Exhibit P-10

Wm. I. Garrison
Counsellor at Law

Atlantic City, N. J. 10/14 1916 No. 392

THE ATLANTIC SAFE DEPOSIT & TRUST CO.

Pay to the order of
Mae Abrams $219.00
Two hundred and nineteen . . . . . xx/100 Dollars
In full Abrams vs. Cas. Co
WM I GARRISON

(Endorsed on back)
MAE ABRAMS

(Stamped on face)
Not over Two Hundred Thirty 230

(Perforated on face)
PAID
10 14 16

Exhibit P-12

Empowered by Authority of State to act Officially in State of New Jersey

NEW JERSEY STATE DETECTIVE CO.

H. A. Foster Telephone, Bell 752

Incorporated May, 1908; Papers Filed with Department of State, Trenton, N. J.

SHEEN BUILDING : 1538 Atlantic Avenue

Atlantic City, N. J., 9/27/1916.

Mrs. Chas. Knittle
12 S. Brighton ave.

Dear Madam.

Just a line to let You know that I have been waiting to hear from You in regards to the Matter You had Me to look up for You in the Earley part of the Summer,

I have on a number of times this Summer Watched Your Husband and I have Enough Evidence any time You want Me to Close same. in Fact I can put My Hand on the Girl who He has been going with all Summer,

Kindly let Me Hear from You at Your Earlest Convenice as I Expect to have to leave the City and I do not want to Disapoint You.

Hopeing to Hear from you soon I beg to Remain at Your Services

Respecy.
HARRY A. FOSTER

Exhibit P

P. S.

My Wife sends You Her Sympathy and wishes You good luck in Your Trouble. She has not been very well this Summer. She wants to call on You as soon as She can.

Respct—

H. A. F.

Exhibit P

I have known William I. Garrison several years, he is now representing me in two damage suits againts the Shill Rolling Chair Company.

Question by Mr. Garrison:

Did you know that your daughter had made an appointment with one Charles Knittel?

I did Not.

Did you know that he was to meet your daughter up at your apartment on the evening of September Nineteenth?

No sir, I did not. If I had known it I'd have been home.

Did Mr. Herbert or any other person pay you to assist them in getting evidence for Mrs. Knittel?

No Sir they did not, never. If they did I should have stopped it at once.

MAE ABRAMS,
512 Oriental Ave.

Conclusions

(Filed, Jan. , 1917)

IN CHANCERY OF NEW JERSEY

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce.

Garrison & Voorhees, solicitors for petitioner.
Martin E. Keffer, Esq., solicitor for defendant.
JOSEPH THOMPSON, sitting as Advisory Master by virtue of an order by the Hon. E. R. Walker, Chancellor, bearing date October thirteenth, 1916.

The petition is filed by the wife charging the husband with having committed adultery with three different women, unknown to the petitioner, in Atlantic City, New Jersey, at different times during the summer of 1916, and specifically charges the defendant with having committed adultery with one Kitty Murray in Atlantic City on September nineteenth 1916. During the hearing the petitioner asked for leave to amend the petition and charged the defendant with having committed adultery with three other women, names unknown, during July and August, 1914, in Atlantic City at 15 South South Carolina Avenue.

Conclusions

The defendant in his answer denies the charges in the petition, and for defense says that the petitioner condoned the offense with knowledge of said supposed acts of adultery and they continued their matrimonial relations and they cohabited up to and including September fifth 1916; and as a further defense charges that in said supposed acts of adultery the petitioner connived and deliberately sought to entrap the defendant to commit adultery by procuring the parties named in the petition to invite the defendant to commit adultery.

The parties were married in Atlantic City, New Jersey, on December 12th, 1911, and have lived in Atlantic City continuously. There were two children born of their marriage, Elizabeth aged four years, and Helen aged one year.

The petitioner has an income, independent of her husband, of five thousand dollars per year. Her mother also contributed towards her support. Her husband allowed her seventeen dollars per week, and in his testimony claimed that was all he could afford to give her, which statement is uncontradicted. The husband was engaged in the real estate business in Philadelphia and Atlantic City dividing his time between the two offices.

In support of the charges in the petition with respect to adultery with three different unknown women during the summer of 1916 several witnesses were examined, generally detectives employed by Mrs. Knittel to watch Mr. Knittel, who was in the habit of bathing, walking and sitting on the beach with different women during the summer of 1916. The petitioner's witnesses say, and also Mrs. Knittel, on at least one occasion,

that Mr. Knittel's conduct toward these women, both in the water and on the beach was common and vulgar, and that he had his hands on their breasts and legs. This was not denied by the defendant, but on the contrary he admits part of these charges but denies that he ever committed adultery with any of them. On these occasions there was clearly an inclination on his part to commit adultery, but no opportunity so far as shown by the testimony. The beach and Boardwalk were crowded with bathers and sightseers when he was in company with these women.

The charges alleged in the amendment to the petition that the defendant committed adultery at a house number 15 South South Caroline Avenue with women unknown to the petitioner during July and August, 1914, is denied by the defendant. The testimony offered to support these charges was confined to one witness, Frank Wade, who says he was a roomer in the house during the summer and on three separate occasions saw Mr. Knittel in the house with as many different women; that the house was run for immoral purposes and that defendant came there at night and occupied, on each occasion, a room next to his room and he saw through a hole in the door between the rooms and the lights were on, and that he saw and heard him, and that he had sexual intercourse on these occasions, and that he remained in the room for several hours. When asked how he knew that it was Mr. Knittel that was there with these women he said that Mrs. Harrison, who kept the house, told him that it was Mr. Knittel when he came in with a girl. Later during his testimony he said that he had known

the defendant before he saw him at the house, and that they had drank together at several different saloons and hotels. This witness was brought into the case by George Herbert a detective employed by the petitioner to secure evidence against her husband. His direct testimony did not impress me with its truthfulness and after the conclusion of his cross-examination, from the manner he had conducted himself and his general appearance and actions, I was convinced there was no confidence to be placed in any statement he made. A man as anxious as he showed himself to be in telling of his own conduct, depravity and licentiousness must be inherently wrong in his whole make-up and entirely without responsibility, and without any corroboration must be disbelieved. The defendant denied that he was ever in the house and that he ever knew the witness and says he never saw him until in Court that day. I must believe the defendant's statement in this respect.

The petitioner produced a colored man, James Lewis, as a witness who had been employed by the defendant's mother as a chauffeur. On cross-examination the witness said he left Mrs. Knittel's (defendant's mother) employment because he "didn't feel like working around Mrs. Knittel's house, knowing that Mrs. Knittel told me every day that her son Charlie was innocent of this case, coming in and talking to me about that, and I knowing he was guilty of it, and been treating me very funny, and I say to myself I don't like to work for people that way, I know what had been going on around the house, and I didn't feel that I should stay there, so I left."

And he later said, "I didn't like to work for this kind of people." "Q. Why not? A. Because I don't know if people do things like that they could say that—won't say that his mother, either one, I don't know about her—but he could say that I taken a tire off the car and sold it, or any-kind of thing." This witness testified that on several occasions, at night, he took the defendant out in his mother's automobile and he met and took in the car women from the street and took them to saloons and out-of-the-way places. The defendant denies the statement made by this witness and says that he was discharged by his mother under suspicion that he had stolen $43.00 in money left by her in her automobile. Without special reference to this testimony I was not impressed by his manner on the witness stand and cannot accept his statements as true. At a subsequent hearing I requested the production of this witness in order that I might personally further examine him. It was claimed by Mr. Herbert, the detective, that the day before he had left Atlantic City and probably gone to Washington, and that he had tried to reach him by telegraph but had failed. At the time this witness gave his testimony, and for some days afterwards, in fact up to the time it is said he went to Washington, he had been employed by Detective Herbert in teaching him how to run his automobile.

There is one direct charge of adultery with Kitty Murray, so named in the petition, on September 19th, 1916, which is still left to be considered. Most of the testimony in this case is directed to this specific charge and is by far the most important in the petition from my viewpoint.

Conclusions

Kitty Murray was not her right name. It was Kitty Abrams as appears from the testimony of Mr. Garrison, the petitioner's solicitor, who knew her and had represented her in two suits he had previously brought for her, one of which was then pending but in process of settlement. The defendant says in his answer, "Petitioner connived and deliberately sought to entrap the defendant to commit adultery." Kitty Abrams was subpoenaed by the defendant but failed to appear and answer the subpoena. She is now supposed to be beyond this jurisdiction. The last known of her was after the first hearing in this case when the mother of Kitty Abrams called Mr. Garrison on the telephone and told him she had been offered money to testify in behalf of the defendant. She was then supposed to be in Philadelphia.

The defendant, by invitation from Kitty Abrams over the telephone went to number 512 Oriental Avenue, Atlantic City, on the evening of September nineteenth, 1916. She and her mother had an apartment on the ground floor of that building. It was located on the corner of Oriental Avenue and an Alley. There were at least two doors by which the apartment could be entered, one on Oriental Avenue, the other from the alley in the rear. So far as it appears from the testimony Kitty Abrams must have been alone that night in the apartment. The defendant says he first met Kitty Abrams at his office. She and her mother came there and wanted to rent an apartment through him. She came there the second time and he made an appointment to meet her on that same day, which was Saturday, on the beach and bathe with her. During the day of

September 19th she called him on the telephone and made the appointment to meet him that evening between eight and eight-thirty at her apartments 512 Oriental Avenue. He further says that he went there, rang the bell, and was admitted by Kitty Abrams. She took him through the apartment and then to a bedroom where he removed his coat, vest, trousers and underdrawers, and she removed some of her clothing, then stepped out of the bedroom to turn out the light, came back and pretended to lock the door. At about that time, George Herbert, the detective, Miss McGowan, an assistant detective, Edmund J. Shaw and the petitioner came in the room, that he was sitting on a chair and his wife said to him, "Give me the key to the house." The Herbert party then left the room and the house and he then came out the room and went away. The defendant denies that he had sexual intercourse with Kitty Abrams at that time. Unquestionably, however, he went there for that purpose. The defendant, as a matter of fact, denies that he had ever at any time since his marriage been untrue to his wife.

Kitty Abrams rented the apartment 512 Oriental Avenue, which was furnished, for eight months as shown by the testimony of the owner of the property. She paid one month's rent in advance and left about the end of the month without notifying the owner, not even surrendering the keys. Before she and her mother rented the apartment they had rented rooms at Number 11 South Mt. Vernon Avenue from Mrs. Della Clark. Mrs. Clark knew her by the name of Kitty Murray at that time. They moved from Mrs.

Clark's rooms to 512 Oriental Avenue. When they left they owed Mrs. Clark for room rent $16.50. She did not know where they were going, but had one of her nephews follow the wagon that removed some of their things from the rooms that they had occupied, and through this she learned where they were then living. Mrs. Clark wanted her money and says Kitty Abrams told her she was to meet a man in her apartment for the purpose of having his wife come there and catch them together. She says she had called him up on Monday and made an appointment for him to come to her apartment on Tuesday night, between eight and eight-thirty, and she would get two hundred dollars if they pulled the trick off, and she would then pay her. The next day after Tuesday the nineteenth she came to Mrs. Clark and paid her $16.50 and at that time exhibited a roll of bills and claimed that she was paid two hundred dollars for pulling off the trick. Mrs. Clark says that on the Sunday morning before Kitty Abrams vacated her rooms, which she did on Monday, a man came to the house who answers the description of Detective Herbert and asked for Mrs. Abrams. She told Mrs. Abrams and Mrs. Abrams said, "Tell him to step in the bedroom" that he was her cousin, and the party went in the bedroom, and as she was passing back through to the bath she heard him say: "I saw you. I saw you when you met him." And he said something about being on the pier. I believe that man was George Herbert. She says she saw this same man on the night of September nineteenth go in the apartment with another man at 512 Oriental Avenue; later he came out alone and went away

and returned with two women a few minutes later. Shortly after that the defendant (whom she did not know at that time) came and entered the apartment. Soon after this the Herbert party came out and later the defendant, and that one of her nephews, who was with her watching the house, went up to the defendant and called him by name "Charlie Knittel." Mrs. Clark says that she went to Oriental Avenue and took her two nephews with her for the purpose of trying to protect the person whom she did not know from getting in trouble. She says, "I went up there for the full purpose of putting this man wise, for I thought it was a shame to break up a home." Her two nephews, Claude L. Clark and Phineas Long corroborate her statement as to what occurred outside of the apartment that night. All of these three witnesses, from their manner in giving testimony and their appearance and actions on the witness stand, impressed me with the truthfulness of their statements. I believe Mrs. Clark went there for the purpose which she states. They all testified they did not warn the defendant, as they had intended, as they did not know who it was that was to come there in advance, and that he came from a direction and approached the apartment away from them and entered the apartment quickly and they did not have time to warn him.

George Herbert was employed by the petitioner to secure evidence against her husband. He had watched him from time to time during the summer on the beach bathing with different women and had observed his conduct toward these women, and he and other witnesses including Mrs. Knittel

described his actions. Part of this was admitted by the defendant on his direct-examination. The testimony shows that Mr. Herbert was well paid for his services. He also had other operatives on this work. Mr. Herbert had made an investigation which concerned Kitty Abrams and her mother in relation to an accident in which suit had been brought by Mr. Garrison for them against the Shill Rolling Chair Company. Mr. Herbert says that on the morning of September nineteenth he was going to Mr. Garrison's office and Kitty Abrams was passing out of Mr. Garrison's office. He said to Mr. Garrison that she, meaning Kitty Abrams, was in Knittel's office and Mr. Garrison said: "Well she told me that she had a broker putting up for her and that she had a date with him that night, and that he would not be surprised that if Knittel was not the man, because she would go with anybody." Herbert says he followed her and ascertained where she lived. He notified two or three other parties of the supposed meeting that night, including Mrs. Knittel the petitioner. They went up to Oriental Avenue and they all say found the back door unlocked and entered the house through that door, went in and hid, and saw the defendant and Kitty Abrams come through the room where they were concealed and went to the bath room for a moment and that Kitty Abrams struck a match as they were passing through the room, and a few minutes later they all went to the bed room. Mr. Herbert opened the door, which was unlocked, and went in and found the defendant and Kitty Abrams, and that defendant had on only an undershirt, and Kitty Abrams had removed part

of her clothing. Mrs. Knittel said to her husband, "What are you doing here in this shape?" And she said, "Give me the key to my house." The defendant gave her the key and they left. In this party was Mr. Herbert, Mrs. Knittel, Miss McGowan and Mr. Shaw. All of these parties testified to about the same thing with respect to the visit to the apartment. Apparently from their statement all of the doors of the house were unlocked, the rear door and the bedroom door, and evidently the front door, as they say they went out that way. Mrs. Clark, Mr. Clark and Mr. Long all testified that shortly after Mr. Herbert, Mrs. Knittel, Miss McGowan and Mr. Shaw had entered the apartment Kitty Abrams came out on the front in the street and walked up and down and appeared to be watching for somebody, and that she did this several times. I am forced to the conclusion that the Herbert party was concealed in the apartment expecting Mr. Knittel to come, and that Kitty Abrams was impatiently waiting for him as shown by her anxiety in going to the door and looking out. Mrs. Clark and her two nephews all testified positively that the Herbert party used only the front door in going in the building and coming out; that someone came out, as the testimony shows was Mr. Herbert, that he went away and came back with two women, which the testimony shows were Mrs. Knittel and Miss McGowan and that they entered the apartment through the front door, and when they finally left the building they went out through the front door. I believe this to be true, and not the statement made by Mrs. Knittel and her witnesses.

Conclusions

From all the facts and circumstances shown in this case I am entirely convinced that all of this had been prearranged, that Kitty Abrams had been employed to lure the defendant to her apartment, and that she and they connived at the act of adultery. They were all there in good time. They were concealed in the apartment, even according to their own testimony, at the time Mr. Knittel came there, and when Mr. Herbert evidently concluded that the time had arrived for going in the bedroom he was there promptly followed by the other parties. Before that Kitty Abrams had invited him to remove his clothing. She had removed part of hers, everything staged for the entry of the Herbert party. The detective had finished his job and it was so well done that the petitioner, according to her own testimony and Herbert's testimony, paid him five hundred dollars more than she had agreed to.

I cannot believe the testimony of Mrs. Clark, Claude A. Clark and Phineas Long as to what they say occurred that night is false. Mrs. Clark must have known from someone that the defendant was going to that house on the night of September nineteenth, and she must have obtained that information, as she says, from Kitty Abrams herself. I do not believe it was a mere chance that the detective Herbert was taking from the information he says he got from Mr. Garrison's office on the morning of the nineteenth that induced him to go there that night and arrange to have Mr. Shaw go with him, and arrange with Miss McGowan, his assistant, to have her go down and bring Mrs. Knittel uptown that night and take them all to this apartment, unless he was sure the defendant would be there too.

Connivance to have the defendant commit adultery is clearly shown in my mind by every fact and circumstance in the case and admits of no substantial doubt.

My conclusions are a decree should be entered refusing the divorce prayed for.

Final Decree

(Filed, Jan. 8, 1917)

IN CHANCERY OF NEW JERSEY

Between HELEN KNITTEL, Petitioner, and CHARLES A. KNITTEL, Defendant.	On Petition for Divorce.

This cause having been referred by his Honor, Edwin R. Walker, Chancellor, to his Honor, Joseph Thompson, one of the Masters of this Court to hear the same for the Chancellor and report thereon to him what order or decree should be made in the premises and the same coming on to be heard in the presence of William I. Garrison, solicitor for and George A. Bourgeois of counsel with the petitioner, and Martin E. Keffer, solicitor for and C. L. Cole of counsel with the defendant, and the parties by their respective solicitors and counsel having appeared and produced testimony and the same having been heard and considered together with the arguments of re-

spective counsel, and the Court being of the opinion that the petitioner is not entitled to any relief nor to a decree of divorce as prayed for

It Is on this Eighth day of January, 1917, on motion of Martin E. Keffer, solicitor for defendant, Ordered that the prayer of the petitioner for a divorce and for relief be denied and the petition dismissed with costs.

E. R. WALKER,
C.

Respectfully advised,
Joseph Thompson,
Advisory Master.

A true copy.
Robert McAdams,
Clerk.

Notice of Appeal

(Served, Jan. 22, 1917)

(Filed, Jan. 25, 1917)

IN CHANCERY OF NEW JERSEY

Between Helen Knittel, Petitioner, and Charles A. Knittel, Defendant.	On Petition for Divorce.

Petitioner hereby appeals from the final decree of dismissal made in this Court in the above

stated cause to the Court of Errors and Appeals in the last resort in all causes.

Dated, January 17, 1917.

BOURGEOIS & COULOMB,
GARRISON & VOORHEES,
Solicitors for and of counsel with Petitioner.

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

GEO. A. BOURGEOIS,
Of counsel with Petitioner.

Petition of Appeal

(Served, Jan. 24, 1917)

(Filed, Jan. 26, 1917)

IN CHANCERY OF NEW JERSEY

Between
HELEN KNITTEL,
Petitioner-Appellant,
and
CHARLES A. KNITTEL,
Defendant-Respondent.

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

The petition of Helen Knittel, the appellant in the above stated cause, respectfully shows that

your petitioner finds herself aggrieved by a final decree made in the Court of Chancery by his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey, bearing date the eighth day of January in the year 1917, wherein the said Helen Knittel was petitioner and the said Charles A. Knittel was defendant, in that said decree adjudges that said petition be dismissed, and your petitioner humbly appeals from said decree and every part thereof upon the ground that the same is erroneous for that, among other things, said decree is founded on hearsay testimony; that it is contrary to the proven facts established in the cause, and erroneously decides as a matter of fact and law that there was connivance in said cause chargeable to petitioner; and that said decree is contrary to the law applicable to the facts proven therein.

Your petitioner therefore prays that the said decree of the Chancellor may be reversed, set aside and for nothing holden, and that your petitioner may be decreed to be entitled to an absolute divorce from her said husband, Charles A. Knittel, and be awarded the custody of her two children, Elizabeth and Helen, ages four and one respectively, and that your petitioner shall have such other relief in the premises as to this Honorable Court shall seem meet.

BOURGEOIS & COULOMB,
GARRISON & VOORHEES,
Solicitors for and of Counsel with Appellant.

Answer to Appeal

(Filed, Jan. 29, 1917)

NEW JERSEY COURT OF ERRORS AND APPEALS

Between HELEN KNITTEL, Petitioner-Appellant, and CHARLES A. KNITTEL, Defendant-Respondent.	On Appeal.

The answer of the above named respondent to the petition of appeal of the above named appellant;

This respondent, not acknowledging all or any of the matters which in the said petition of appeal are contained to be true, for answer thereto, nevertheless says and admits that a decree was on the 8th day of January, 1917, last past, made and entered in the Court of Chancery in the cause for that purpose mentioned in said petition, as is therein stated, but as to the substance and form thereof this respondent prays to refer thereto when the same shall be produced, and this respondent is advised and believes that said decree is agreeable to equity, and he prays that the same may be affirmed with costs to be adjudegd to this respondent.

MARTIN C. KEFFER,
Solicitor of Respondent.

C. L. Cole,
Of Counsel.

MacCrellish & Quigley Co., Printers, Trenton, N. J

NEW JERSEY
Court of Errors and Appeals

BETWEEN
HELEN KNITTEL,
Petitioner-Appellant,
AND
CHARLES A. KNITTEL,
Defendant-Respondent.

On Appeal from Chancery.

Respondent's Brief.

The case was begun in Chancery by filing the ordinary petition for divorce on the ground of adultery—five specific charges being made. After proof had been submitted in support, or attempt at support of the charges laid in the original petition, and as the case was about to be closed on October 13th, the Advisory Master permitted an amendment to charge an act alleged to have been committed in July and August, 1914. As to all the acts alleged we understand the Advisory Master found that the proof failed, and as to the occurrence of September 19th, 1916, he found there was connivance. From the decree entered upon these findings the petitioner appeals.

We have just been furnished with a very elaborate typewritten brief on behalf of the appellant, and we

find very copious if not unwarranted quotations from the printed testimony, and we shall not undertake to compete assuming that the court will not care to read the testimony in the printed case and also the same testimony in the printed briefs.

The case is one of fact, and its determination based upon correct findings. There is the usual presumption in favor of the correctness of the decree. This court will not overlook the fact that the Advisory Master who heard and decided this case is a man of years, both in age and experience, and is as capable of determining the desire of a witness to speak the truth as can ordinarily be done. He was for years Prosecutor of the Pleas of Atlantic County, five years its Common Pleas Judge and has had a wide and extensive business and legal experience. He had the benefit of the presence and manner of the witnesses of which this court is necessarily deprived. In this posture this court will not reverse the decree on pure questions of fact unless the conclusion is irresistible that there was and is manifest error in his findings.

With this premise we approach the discussion of the several acts alleged, and will first consider the allegation alleged in the amended petition (page 4). To support this allegation one Frank Wade was produced and his testimony will be found on pages 204 and 206. His testimony was wholly unsupported and was met by the express denial of the defendant. The occurrence was more than two years before the filing of the petition. It cannot be said that the Advisory Master was unwarranted in rejecting his testimony. It would be idle to quote his testimony in this brief. We feel content to say in criticism of it that it cannot be read without a revulsion of feeling. It has all the earmarks of the testimony of a man whose sense of honor, decency and morality had long since parted company with him. As a whole it is so unreasonable and improbable as to

stamp it as unqualifiedly false. In his testimony he sought to impeach the reputation and character of Mrs. Harrison, the keeper of the house where the act is alleged to have occurred, and he went so far (page 412) as to say that she had been imprisoned in Paterson for running a disorderly house. If this had been true the records would have shown it, but no such records were produced. Mrs. Harrison was produced on behalf of the defendant to contradict Wade, and it appears (page 447) that she has been living in one house in Paterson for more than seven years and is a tenant under Michael Dunn, Esquire, at one time Prosecutor of the Pleas of that county and a respected and reputable member of our Bar.

The learned Advisory Master comments upon Wade's testimony and at page 488 he says:

> "His direct testimony did not impress me with its truthfulness, and after the conclusion of his cross-examination, from the manner he had conducted himself and his general appearance and actions, I was convinced there was no confidence to be placed in any statement he made. A man as anxious as he showed himself to be in telling of his own conduct, depravity and licentiousness must be inherently wrong in his whole make-up and entirely without responsibility, and without any corroboration must be disbelieved."

From our viewpoint this was a mild characterization and indictment of Wade. It is obvious, therefore, that the Advisory Master's finding touching the Wade testimony cannot be disturbed.

No serious attempt was made to support the allegations in paragraphs 2, 3 and 4 of the original petition, and the Advisory Master finds as a fact that they were not supported. The appellant had employed detectives to follow and watch the respondent and report to her.

This they did and all the incidents referred to in paragraphs 2, 3 and 4 were reported to her before the incident of September 19th, referred to in paragraph 5. After all the incidents named in paragraphs 2, 3 and 4 appellant cohabitated with respondent and hence condoned whatever offense may have been committed within the purview of those paragraphs. Moreover, she admitted (page 164) that Detective Herbert had reported to her as to all such incidents but did not report any act of adultery. Also, at page 154, she said, among other things:

> "Q. So that when you went in that building that night with these three detectives, so far as you were concerned you still believed that he was morally pure? A. Yes."

Again, a reading of the testimony will show that the most that can be deduced from the evidence touching said incidents is, possibly, inclination, but neither opportunity nor commission. We may, therefore, safely dismiss from consideration paragraphs 2, 3 and 4.

This leaves solely for consideration the incident of September 19th, 1916, which after all is the crux of the case, and we think so conceded by counsel for appellant.

The testimony touching this incident should be most carefully read and seriously considered by this court. Our contention is that it shows indubitably that Detective Herbert planned to have the respondent and one Kitty Abrams to meet at 512 Oriental Avenue, Atlantic City, New Jersey, on the night of September 19th, 1916, and there to be found in a compromising position. Of course Kitty Abrams was a party to the connivance. The proof warrants the finding that others were in the conspiracy, but such a finding is not necessary in order to sustain the conclusion of the Advisory Master. At the threshold it may be admitted, as is very seriously and exhaustively discussed by counsel for the appellant, that the Advisory Master admitted hearsay testimony. Doubtless the claim is justified and

it applies to both sides. It will be borne in mind that the State is a partner in the marriage engagement and a party to every divorce proceeding. It may well be doubted if in such a case there is the same rigidity touching the admission of hearsay testimony as in the ordinary case of a strict judicial proceeding between parties, but it is unnecessary to enter upon a discussion of this interesting question. It is enough to say, first, that much of the testimony which it is claimed is hearsay is not, and second, that admitting to be hearsay all that is claimed by counsel for appellant there is abundant evidence not only to warrant but to require the same finding as that made by the Advisory Master. Much stress is laid in the brief of counsel that testimony as to the conversation between Mrs. Clark and Mrs. Abrams and the daughter was hearsay, but we submit that that testimony was admissible as a part of the res and to establish the probability of the presence of Mrs. Clark in the vicinity of 512 Oriental Avenue on the night of the occurrence in question and her reason for being there.

Let us now deal in narrative. Mae Abrams and Kathryn Abrams, her daughter, rented three rooms in the rear of the apartment of Mrs. Clarke, at 11 South Mount Vernon Avenue, Atlantic City, New Jersey, where they lived from June 7th until September 15th, 1916. On the last named date they moved, owing rent to Mrs. Clark. Their things were moved to 512 Oriental Avenue, which premises they leased from Hugh Thompson (page 95). They rented and moved in on the 18th day of September and moved out on the 17th day of October, the check for the first month's rent of fifteen dollars being that of their attorney, William I. Garrison. The apartment had been rented for eight months. Before this date Mr. Garrison represented these two people in suits for damages against the Shill Rolling Chair Company, and about a year or a year and a half before represented Kathryn Abrams in an action

in the Atlantic Circuit Court for damages for an alleged breach of promise. They had been frequent visitors to his office for days before the 19th day of September, 1916, and visited his office a number of days thereafter. A few days before the 19th day of September Kathryn Abrams visited the real estate office of the respondent ostensibly to rent an apartment. A day or two thereafter he saw her in bathing and she opened to him the matter of meeting her, and on the 19th day of September she telephoned him and asked him to meet her at 512 Oriental Avenue that night at eight o'clock. He did meet her, and his testimony tells what occurred and need not be here repeated. Prior to his arrival, according to the testimony of all the parties, Mrs. Clark and her two nephews had arrived in the vicinity in anticipation of some man going to 512 Oriental Avenue to see Kathryn Abrams. (At that time they did not know who the man was.) While they were there Detective Herbert and Officer Shaw appeared and went to the rear of the premises. Shortly after Herbert retraced his steps and being gone a few minutes returned with Mrs. Knittel and a girl detective, Miss McGowan. They all entered the rear of the building, as had Herbert and Shaw theretofore. They had not been there long when Knittel appeared and entered the house by way of the front door, but before his arrival, according to the testimony of Mrs. Clark and her two nephews, Kathryn Abrams had appeared on the sidewalk and was looking around as though expecting someone, but she entered the house by way of the front door before Knittel's arrival. Mrs. Clark and the two nephews remained, and shortly afterwards (the exact time being in dispute) Herbert and his company came from the house the way they had entered, followed shortly thereafter by Knittel, who left the house the way he entered. According to the testimony of Herbert, the rear door of the house was unlocked, as was the door leading to the room in which Knittel and Miss Abrams were

found. Knittel insists that adultery was not committed, and if his testimony is to be believed it is plain that the girl had lured him there for the purpose of having him caught in a compromising position. The mother of Kathryn Abrams was not in the house during any of this time, and this fact, we think, should not be passed without a note of significance. Herbert testified that he had seen Miss Abrams and the respondent in bathing the time the respondent admits that he was there. Mrs. Clark and her niece, Mrs. Gregory, both testified that Herbert was in their home on Mount Vernon Avenue on the Sunday following the bathing incident; that Herbert had a fishing outfit, asked for Mrs. Abrams and entered her room. She (Mrs. Clark) overheard him say, "I saw you in bathing," and Mrs. Abrams introduced Herbert as her cousin, whose name was Thompson Garrison. Mrs. Gregory corroborates Mrs. Clark to the extent of having seen Herbert leave the house with the fishing paraphernalia. Herbert denied that he was there, but the Advisory Master finds that he was. Mr. Garrison knew that his client's name is Kathryn Abrams, and he knew at the time he prepared the petition for divorce on the 20th of September, the day following the incident that she was the co-respondent, and yet he gives her name as Kitty Murray. We will not comment upon the reasons which he assigned for this, asking that the court read his testimony to determine if his explanation be satisfactory. The court is familiar with the rule requiring that the correct name of the corespondent be inserted if known, and Mr. Garrison admitted that he knew the rule. Kathryn Abrams, according to the testimony of the respondent, entered the Guarantee Trust Building, where the office of Mr. Garrison is, about eleven o'clock the morning after the incident and took the elevator, and being gone about fifteen minutes returned to the first floor by way of the elevator. So far as the testimony indicates, there was no one in the building with whom she would have

had any business except Mr. Garrison. Mr. Herbert and Mrs. Knittel were in Mr. Garrison's office that afternoon when the petition for divorce was prepared and sworn to. The answer to the petition was filed on or about the second day of October following (the case does not show the date of filing), and the answer expressly sets up connivance, so that Mr. Garrison knew days before Kathryn Abrams and her mother removed from 512 Oriental Avenue that he had to meet that charge, and both Mrs. Abrams and the daughter visited his office, according to his own testimony, after the answer had been filed. He admits that Mrs. Abrams had said to me that she understood there was a charge of a "frame-up," which she denied, whereupon he asked her to sign a paper saying that there was no "frame-up," that paper was such a paper Mrs. Abrams signed, and a copy is *Exhibit P,* at page 484. It is without date, but in fact was dated 9-20-16. See index, Exhibits, page vi; *"Exhibit P,* statement of William I. Garrison, dated 9-20-16.")

How did it happen that Mrs. Abrams called to see Mr. Garrison the next day after the occurrence, and certainly before Knittel knew or had reason to suspect a "frame-up," and volunteer that there was no frame-up, and why was Mr. Garrison so solicitous about securing her statement? She not knowing anything about the occurrence while he did not secure a statement from Kathryn Abrams who of all persons would know whether there had been connivance—there being a full opportunity, according to his own testimony, of securing such a paper from her, but for which he never asked. His explanation for not asking for it is found in the testimony which the court doubtless has read before it lifted this brief. Our submission is that his explanation is unsatisfactory and unreasonable. He has had considerable experience at the bar, and he must have known how important it was to be prepared to meet the charge of connivance, and it will not be overlooked, at this very time when he was fully apprised of

the claim of connivance, that both Mrs. Abrams and the daughter were his clients still under his control, because he had not yet made a settlement with them for the moneys collected or to be collected in settlement of their claim for damages against the Shill Rolling Chair Company. According to the testimony of Mrs. Clark, Kathryn Abrams was to receive $200 to carry out the plan. Knittel testified that he followed Kathryn Abrams and her mother the morning of the 20th from the Guarantee Trust Building to the home of Mrs. Clark, and Mrs. Clark testifies that they were there and exhibited a considerable sum of money, and she afterwards went with them to certain stores where much of it was spent, Kathryn Abrams having told her that she had done as she had agreed and received her pay. At the same time Mrs. Clark was paid the money which was due her before which time Mrs. Abrams had pleaded financial inability. Mrs. Knittel testified (page 144):

> "*Q.* You were, according to your agreement with Mr. Herbert, to pay him five hundred dollars when he furnished you proof of Mr. Knittel's infidelity, is that right? *A.* Yes, sir.
>
> *Q.* And you considered that he had furnished you with that proof when the Kitty Murray incident occurred? *A.* Yes, sir.
>
> *Q.* When did you pay him the five hundred dollars. *A.* I did not pay Mr. Herbert five hundred dollars. I said I voluntarily—
>
> *Q.* Instead of paying him the five hundred you had agreed you paid him a thousand instead? *A.* Yes, sir."

It will be worth while to dwell upon Detective Herbert's testimony on cross-examination to see how he sought to escape from Mrs. Knittel's testimony to the effect that he was to have his pay when he furnished the proof. Herbert says that he saw Kathryn Abrams in Knittel's office at which time he knew her, having theretofore had her under investigation representing Messrs.

Bolte, Sooy & Gill, attorneys for the Shill Rolling Chair Company, against which company she had a pending suit. On the afternoon of September 19th he entered the central door of the office of Garrison & Voorhees for the purpose of seeing Garrison concerning the Knittel case, and as he entered he saw Kathryn Abrams leave the private office of Mr. Garrison. Upon his entering Garrison's office he referred to the fact that he saw Kathryn Abrams leave, and that he had previously seen her in Knittel's office. Upon the receipt of this information Garrison said in substance to Herbert that the Abrams girl had told him that same broker was supporting her (and we ask that the court dwell somewhat upon the statement of Mr. Garrison touching the colloquy between him and Miss Abrams) and he, Herbert, then suspected that Knittel was running with Abrams. He left Garrison's office fifteen minutes thereafter (page 300), and saw Abrams in front of Braunstein's store on Atlantic Avenue and followed her to 512 Oriental Avenue, and it was then for the first time that he knew where she lived. His whole case of being at the apartments that night together with Mrs. Knittel, the girl detective and Officer Shaw was based upon the hypothesis that Knittel would come there that night. The mind stops to inquire as to the probability of this story. Does it accord with human observation and experience? Unless Herbert was quite confident that Knittel and Miss Abrams were to be found in the house that night, why have Mrs. Knittel present? If he went to the apartments that night on a speculation that he might be there would it not have been enough to have taken his girl detective and Officer Shaw? Isn't it well nigh a demonstration that he knew that Knittel and Kathryn Abrams would be found in the house that night? If he knew, how did he know? The answer is plain and easy. He had undoubtedly thrown Kathryn Abrams in the way of Knittel on the bathing ground and had instructed her

to engage with him to meet her at her home which she did and thereafter advised Herbert of the fact. It was a certainty so far as he was concerned and he thought he would add a little of the dramatic by having Mrs. Knittel present to witness his marvelous detective work. Now let's inquire about Herbert. We suppose we are justified in calling the court's attention to the record of the Supreme Court in the case of Herbert against Atlantic City (93 *Atlantic Reporter, page* 80). He had been a police officer of Atlantic City in the detective department and was dismissed because of misconduct and was convicted on four charges, one for misconduct as a member of the police department; 2, for malfeasance in office as such; 3, for conduct unbecoming an officer as such member; 4, being intoxicated while a member of the police department. This conviction was sustained in the Supreme Court. The court will read the opinion for the facts which were the basis of the charge. Being guilty of those charges it does not require a great stretch of the imagination to believe that he could and did "frame-up" as was found by the Advisory Master. If it be true, as Mrs. Clark testified, that Herbert was in her house on the Sunday preceding the event in question, then this court need not take another step. He denied being there. The Advisory Master finds as a fact that he was there, and in finding that fact disbelieved him and believed Mrs. Clark and her niece. Being there, the question is why was he there? We have his testimony that he had seen Knittel and this girl in bathing on the preceding Saturday. He could have had no purpose in going except to see either Mae Abrams or her daughter Kathryn, or both. There was no one else in the house with whom he could have had an errand. Mrs. Clark has told us what he said and from her testimony it is a demonstration that he went there to either initiate or complete arrangements for the climatic event of September 19th, 1916. Now the Advisory Master had the benefit

of the presence of Mrs. Clark and her niece as well as the benefit of the presence of Mr. Herbert. We submit that it is well nigh impossible to take Mrs. Clark's testimony as a whole, having in mind her very severe cross-examination, and fail to reach the conclusion that she spoke the truth. At all events it so impressed the Advisory Master and his finding ought not to be lightly disturbed.

A side light on the testimony of Herbert is to be gathered from his cross-examination on page 357. He was called as a witness for respondent; between the time of the taking of the first testimony and the time he was called, a certain individual had gone to the home of Mrs. Clark and engaged a room, and while there Mrs. Clark suspected that he was a detective and not there for any good purpose, and she discovered some torn paper in a basket which she put together and which turned out to be a report which said among other things: "Receiving instructions from Mr. H. I proceeded, &c.," (top page 357). Our purpose was to show that Herbert was responsible for the detective being there and to ascertain if we could why he was there. The ultimate of it was that Herbert had to confess that he had sent the man there to try and secure evidence against Mrs. Clark, but his efforts at evasion and his parrying to prevent counsel from learning the truth makes it clear to any honest mind that in his case at least upon any important phase his testimony is unworthy of belief. In commenting upon Herbert the Advisory Master says (page 496):

> "The detective had finished his job and it was so well done that the petitioner paid him five hundred dollars more than she had agreed to."

Again:

> "I do not believe it was a mere chance that the detective Herbert was taking from the information he says he got from Mr. Garrison's

office on the morning of the nineteenth that induced him to go there that night and arrange to have Mr. Shaw go with him, and arrange with Miss McGowan, his assistant, to have her go down and bring Mrs. Knittel uptown that night and take them all to this apartment, unless he was sure the defendant would be there too."

So far as the testimony discloses, Mrs. Abrams and the daughter were not seen in Atlantic City after they left 512 Oriental Avenue on October 18th until their return to Mrs. Clark's house in the early morning of October 24th, 1916. Word reached Mr. Knittel of their presence in the Clark house, and counsel for Knittel immediately prepared a subpœna and handed it to Detective Foster for service. His testimony will show his effort to make service upon them. They refused to accept the subpœna and said they would not appear. They did not appear. The testimony of Mr. Garrison shows that on at least two occasions after the service of the subpœna and during the progress of the trial he was in telephone communication with Mrs. Abrams, but at no time did he ask her or Kathryn Abrams to be present. He certainly knew the value of their testimony if he thought there was no connivance. As we read his testimony we conclude that he thought the burden was upon us to produce them. We did our best. At the oral argument ingenious counsel sought to have the Advisory Master believe that we were not sincere in our effort to have Mrs. Abrams and the daughter present, and inquired why, if we thought there was a conspiracy, we did not have them arrested for such. Of course, it seems idle to suppose that we did not regard the testimony of Miss Abrams at least as being important to our client's interest. The court cannot read the testimony without finding that our effort was honest and sincere. We felt satisfied that notwithstanding the evident interest that Mrs. Abrams and the daughter would have in supporting Mr. Garrison and

Mrs. Knittel that the daughter could not satisfactorily explain the many unusual coincidences of this case. Since Mr. Garrison knew from the written statement of Mrs. Abrams that there was no connivance, and since they were his clients, it seems abnormal, to say the least, that he was not interested in seeing that they were present during the hearing. It cannot be that a woman of the character and type that Mr. Garrison's testimony indicates she is, could or would have had any scruples about appearing and testifying to her part in the drama. He refers to her as a "lively critter," and admitted without blushing the conversation between him and her in his own office where she was telling of being kept by a broker. She is young in years, and Mr. Garrison old in years and experience, and yet it seems that it did not occur it him to warn her against the impropriety of her conduct. It is passing strange that after hearing this statement from her lips and the appearance of Herbert following close upon her heels with the suggestion that she was the woman with whom Knittel was immorally intimate that he would not have thrown out the danger signal to one so young, and who at the time was his client. After all, didn't Officer Shaw tell the unvarnished truth when, at page 236, he said on cross-examination:

> "What did Herbert say to you? *A.* He says, 'I have got a man up here by name of Knittel that I am going to try to trap to-night. I think I will catch him coming in this house.' "

Perhaps we should not leave the brief without adverting to what may seem to the court to be a very unusual condition. The Advisory Master permitted respondent's counsel to introduce testimony, notwithstanding counsel for the petitioner did not move his case. It will be noted that the case was set for hearing for November 2d, 1916. On that day Mr. Garrison appeared without the petitioner or any witnesses to support her case and moved for a postponement. It

seemed strange to counsel for the respondent that Mr. Garrison should have presumed upon securing a postponement, and we say presumed because of the fact that he had no witnesses in court. Having in mind the firm belief in connivance on the part of the petitioner or her agents, or both, and knowing the wealth of the petitioner, and being fearful of the possibility of her using her wealth to the destruction of respondent's testimony, we thought it vital to our client's interest that some of the testimony at least which would throw light on the occurrence of September 19th should not slip from the possession of the respondent. Counsel for the respondent then asked that his testimony be heard, and we do not understand that counsel for appellant objected. In the testimony thus produced we exposed our hand and gave to counsel for petitioner a full opportunity to know what he had to meet. From our standpoint the case was unusual in character, and we felt justified in taking this unusual course, and we believe that, taking the case as an entirety, there is complete moral and legal justification for the attitude, assuming that we have demonstrated in the record the truth of the claim that we made at the threshhold of the proceeding.

To us it seems impossible for the court to reverse the decree based upon the finding of the Advisory Master without saying that no value is to be placed upon long experience in the trial of causes and the appearance of witnesses before the court with the opportunity thus afforded to have something more than mere printed matter as an aid in arriving at and determining the truth.

The decree should be affirmed.

Respectfully submitted,

MARTIN E. KEFFER,
Solicitor for Respondent.

C. L. COLE,
Of Counsel for Respondent.

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New Jersey Court of Errors and Appeals

Between HELEN KNITTEL, Petitioner-Appellant, and CHARLES A. KNITTEL, Defendant-Respondent.	On Appeal.

BRIEF FOR APPELLANT

General Statement of Case

This is an appeal from a final decree dismissing petitioner's petition in the Court of Chancery by Joseph Thompson, Advisory Master.

On the 19th day of September, 1916, petitioner, with three other persons, surprised the defendant in a bedroom with one Kitty Murray or Kitty Abrams, she being known by both names, in her home on Oriental Avenue in Atlantic City, New Jersey, about nine o'clock at night.

The petitioner in the spring or early summer of 1916, had been told by a woman friend of hers that she had seen petitioner's husband in a certain cafe in company with another woman, which aroused petitioner's fears, and thereupon she con-

sulted Mr. Garrison of the firm of Garrison & Voorhees as to the course she should pursue. He advised her to do nothing at the time, that her fears were possibly unfounded, and that she should wait. Sometime later, she again consulted him, renewing her fears, and requested Mr. Garrison to procure someone to watch the defendant and ascertain what he was in fact doing.

George Herbert, a resident of Atlantic City, and a former police detective, was engaged to investigate Mr. Knittel. Then followed two or three months' investigation by Mr. Herbert and a Miss McGowan, an assistant of his, who frequently called on Mrs. Knittel to personally investigate with them.

Mr. Knittel is a real estate agent or broker, maintaining an office in Atlantic City and also in Philadelphia, spending Mondays, Wednesdays and Fridays in Philadelphia and Tuesdays, Thursdays and Saturdays in Atlantic City. On a number of occasions during the summer he was seen by petitioner, Mr. Herbert and Miss McGowan bathing with other women, and on each of these occasions, numbering more than half a dozen, he was observed taking undue liberties with the person of those with whom he was bathing.

Petitioner, Mr. Herbert and Miss McGowan chose the days on which he was in Atlantic City as the time when they visited the beach to observe his conduct, they knowing that he bathed on those occasions.

After Mr. Garrison had engaged Mr. Herbert to investigate Mr. Knittel's conduct, an accident happened to Kitty Abrams while riding on the Boardwalk in one of the rolling chairs owned by Shill Rolling Chair Company, which company was insured against damage from accident in an In-

demnity Company, represented in Atlantic City by Bolte, Sooy & Gill, Esquires. Suit was instituted by Kitty or Katherine Abrams against the Shill Rolling Chair Company by her attorneys, Garrison & Voorhees, about the first of August, to recover damages for the alleged injury, and thereafter Bolte, Sooy & Gill, Esquires, engaged Mr. Herbert to investigate the actions of Kitty Abrams to ascertain if in fact she was suffering from the injuries claimed. Before accepting this commission, Mr. Herbert, realizing that he was asked to investigate a client of Mr. Garrison, notified Mr. Bolte that he was then engaged in investigating a matter for Mr. Garrison. Notwithstanding that fact, he was asked to make the investigation by Mr. Bolte. Mr. Herbert did not at any time inform Mr. Garrison that he was investigating Kitty Abrams for Mr. Bolte, nor did he tell Mr. Bolte whom he was investigating for Mr. Garrison.

On the morning of September 16, 1916, Mrs. Knittel, Mr. Herbert and Miss McGowan were on one of the piers for the purpose of watching Mr. Knittel if he should come to bathe. During the morning Mr. Knittel came to the beach with a woman who was none other than Kitty Murray or Kitty Abrams, or Katherine Abrams, she being known equally well by all the three names; bathed with her, took improper liberties with her person in full view of his wife, Mr. Herbert and Miss McGowan, as well as the other bathers, which acts he admitted when on the witness stand.

No report was made by Mr. Herbert to Mr. Garrison of the incident until the following Tuesday afternoon. On that afternoon Kitty Abrams visited Mr. Garrison's office in connection with her then pending suit against the Shill Rolling

Chair Company. She was unusually well and tastefully dressed, to such an extent that Mr. Garrison said to her: "Where did you get all your nice clothes?" to which she replied, "From my broker." He then said, "What need have you of a broker?" to which she replied, "I have one." He then said, "Does he ever come to see you?" She replied, "Yes, he comes to see me most every evening." Nothing was said by either as to who her broker was, and Mr. Garrison did not know. After concluding the business she had in hand, she left Mr. Garrison's office, and in leaving passed into the hall by one door as Mr. Herbert entered from the hall by another door, he having in the meantime come to Mr. Garrison's office to report on the conduct of Mr. Knittel the Saturday previous. He entered immediately after Kitty Abrams left, and as he entered Mr. Garrison's office he smiled, and Mr. Garrison inquired what it meant. He said to Mr. Garrison, "That is the girl Knittel is running." Garrison said "Is that so? She just told me she got her fine clothes from her broker and that he is coming to see her tomorrow night." Nothing was said by either to the other about what course Herbert should pursue, nor was any intimation given Herbert that he should follow her or watch her on the following night. Soon afterward Mr. Herbert left Mr. Garrison's office, and without informing Mr. Garrison of his intentions, he went to look for Kitty Abrams, located her on Atlantic Avenue in front of Braunstein's Department Store, and followed her to her home on Oriental Avenue to learn where she was living.

On the next day, which was Tuesday, the 19th, about five o'clock in the afternoon, Mr. Herbert saw Policeman Shaw of the Atlantic City Police

Force and asked him if he would accompany him that night to watch a house? He received an affirmative reply, and about six or seven o'clock in the evening he met Mr. Shaw and the two of them proceeded to watch the Abrams' house. On his way to the house, he requested Miss McGowan, his assistant, to go to Mrs. Knittel's home and bring her to a designated place where he, Mr. Herbert, would meet them. Mrs. Knittel, as she had frequently done before, accompanied Miss McGowan without knowing where she was going, only knowing that she was going for the purpose of watching Mr. Knittel. Miss McGowan and Mrs. Knittel met Mr. Herbert, and accompanied him to the Abrams' house, arriving there a little before half-past eight.

The Abrams occupied the first floor of a two-story apartment house, being the second house from the corner of a small street, and on the far side of the house from the street was a walk or alleyway leading along the side of the house to the rear thereof. Mr. Shaw, Mr. Herbert, Mrs. Knittel and Miss McGowan secreted themselves in this alleyway, Mr. Shaw being nearest to the street and Mr. Herbert being furthest from the street.

About half-past eight, Mr. Shaw saw Mr. Knittel enter the house by the front door. He thereupon notified Mr. Herbert, who went to the rear door to see if he could gain admittance, and found it unlocked. This door led directly into the kitchen. When Mr. Herbert found the rear door unlocked, he notified the other members of his party, and they quietly entered through the rear door, which was located near the northeast corner of the room, and diagonally opposite this door was another door leading from the front of the house to the kitchen. In one of the opposite corners

was a door leading to the bathroom, and in the corner diagonally opposite from the bathroom door was a door leading to the furnace room, and by the same means to a stairway leading to the second floor, so that occupants of either the first or second floor apartment had access to the heater. There was a dim light in one of the front rooms which shone through the door leading from the front room to the kitchen, and onto the door leading into the bathroom. When Mr. Herbert heard footsteps approaching, he motioned those with him into the corner diagonally opposite the bathroom, in other words, into the dark corner of the room. They there found the door leading to the heater room and an upstair apartment, and three of them entered that door, Mr. Shaw standing farthest up the steps, Mrs. Knittel and Miss McGowan on the lower steps, and Mr. Herbert just outside the door. The room was practically dark, except for the dim ray of light along the opposite side of the room from the front. The Abrams girl and Mr. Knittel passed through the room and into the bathroom, where one of them made a light either by striking a match and permitting it to burn or by striking a match and lighting the gas. They remained there for a short space of time, and then extinguished the light and retraced their steps through the kitchen to the front part of the house. After the sound of their steps had died out and some minutes had elapsed, Mr. Herbert tiptoed to the front of the house to endeavor to locate them, and after ascertaining in which room they were, he quietly retraced his steps and asked the others to follow him. They then all tiptoed to the room in the front part of the house, and Mr. Herbert quickly opened the door where there was a dim light, stepped in, and

Mrs. Knittel followed him; Mr. Shaw followed her, and Miss McGowan remained at the door entrance. As Mr. Herbert opened the door, Mr. Knittel quickly went from the bed to a chair, and sat down; the Abrams girl jumped up off the bed and stood before the bureau mirror, apparently adjusting her hair. The Abrams girl was robed in an undervest and underskirt. Mr. Knittel was entirely nude except for his shirt and undershirt, as admitted on the witness stand.

The tenseness of the situation seemed to have precluded conversation. Mrs. Knittel demanded of Mr. Knittel the key to her home. Mr. Shaw testifies that Mrs. Knittel was so white that he feared she was about to faint, and hurried her out of the house, the others following.

The bedroom in which they were, opened off of the living-room, which was at the extreme front of the house. They left the house through the front door, and went directly to Mrs. Knittel's home, where she immediately went to the second floor and dressed her two children. While she was in the act of dressing them, Mr. Knittel came to the house and requested her to see him. She refused. He, surmising that she would go to her mother's home, which was nearby, left and went to the mother's home. After Mrs. Knittel had dressed the children, she with the children and maid, Mr. Herbert and Mr. Shaw, who had been requested to follow them by Mr. Herbert, left Mrs. Knittel's home and went to the home of her mother, Mrs. Brown, about one square distant. When they arrived there, they found Mr. Knittel there. Some conversation took place between them in which Mr. Knittel was charged with his various indiscretions and adulterous acts, which he excused but practically admitted on the ground that his wife, the petitioner, was cold to him.

The following afternoon, at about four o'clock, Mrs. Knittel went to Mr. Garrison's office, and the petition for a divorce was drawn and sworn to, and immediately thereafter filed. The answer alleged a "frame-up," the details of which, as gathered from the testimony, were that Kitty Murray or Kitty Abrams prior to the 18th day of September had rooms on Mt. Vernon Avenue with a woman named Della Clark, and owed Della Clark at that time $16.50 for rent of the rooms. Della Clark either requested, or Kitty Abrams notified her that she was about to take other rooms, but did not inform Mrs. Clark where she was going, and when she moved on Monday, September 18th, Mrs. Clark had a nephew follow the moving van to learn where she located, and on Tuesday night, Mrs. Clark and her two nephews, one of whom had followed the moving van the day before, went to Connecticut and Oriental Avenues and watched the Abrams' house. They saw Mr. Herbert and Mr. Shaw go into the alleyway, they apparently thought, however, that they went in the front door. They saw Mr. Herbert when he went to meet Mrs. Knittel and Miss McGowan, and saw him return with them and go into the alleyway, or, as they said, in the front door. They saw Mr. Knittel go into the house; they later saw Mr. Herbert, Mrs. Knittel, Mr. Shaw and Miss McGowan leave the house by the front door. Later they saw Mr. Knittel leave the house, and one or both of the nephews talked with him, and one of them then found that he was acquainted with him.

Mrs. Clark testified, over objection, that on the Sunday night, September 17th, while Kitty Abrams, who had been known to her until a short time previous thereto as Kitty Murray, was still

in her apartment, she told Mrs. Clark that on Tuesday night she expected to get $200.00 for laying a trap for someone, and after she got this money she would pay her the $16.50, and that she and her two nephews had gone to the Abrams' home for the purpose of notifying the intended victim and preventing him from being taken in. They all admitted that they saw him enter, and although they claimed to have gone for the purpose of notifying him, that none of them did notify him but permitted him to enter the house unmolested and uninformed. They all testified that as he came out, the two nephews talked with him. One of them was personally acquainted with him. They all testified that when he came out, none of them told him that a trap had been set for him or that he had been imposed upon. The following day, September 20th, one of the nephews went to him and then, for the first time, informed him that a trap had been set for him.

One of Mrs. Clark's nephews claimed to have had a watch with him on the night in question, and that exactly seven minutes elapsed between the time that Mr. Knittel entered the front door of the house and the time he left the front door of the house. They testified that it was about twenty-five minutes past eight when he entered. Policeman Shaw testified that he entered the house about twenty-five minutes past eight, and it was exactly five minutes of nine when they entered the bedroom door; that he at that time looked at his watch to ascertain the time. The other witnesses for petitioner testified that Mr. Knittel was in there from twenty to thirty minutes.

Kitty Abrams, or Kitty Murray, continued to occupy the Oriental Avenue apartment to Mr. Knittel's knowledge until the end of the month,

or for twenty-nine days after this alleged "frame-up" had been brought to his attention. During that time no effort was made by him to apprehend her or to detain her as a witness in the cause.

This testimony of a frame-up was flatly denied by Mr. Garrison, by Mr. Herbert and by Mrs. Knittel. Mr. Garrison testified as to the visit of Kitty Abrams to his office, and as to Mr. Herbert seeing her as she left the office, and also produced checks he had given her from time to time, and which in the whole aggregated the total amount of the settlement received by him for her in the suit against Shill Rolling Chair Company. Mr. Herbert flatly denied any frame-up, corroborated Mr. Garrison's statement as to how he had received information that Knittel might call on the Abrams girl on the night in question; and Mrs. Knittel flatly denied that there was any "frame-up" or that she had any knowledge of any "frame up."

Just prior to the day set for the trial of the cause, as appears from the testimony of Mrs. Clark and Mr. Foster, defendant's witnesses, the Abrams girl and her mother and a small child arrived from somewhere unknown, at Mrs. Clark's home at two o'clock in the morning, and took lodging there until about nine or ten o'clock in the morning of the same day. That a subpoena to testify addressed to the Abrams girl had been issued and placed in the hands of Foster on the preceding day, and at about nine o'clock in the morning of the day on which they arrived at the Clark home, Foster went there for the purpose of serving the subpoena on them. They refused to see him, and about an hour later left the house. He saw them and served the subpoena on them in the street. This subpoena they did not honor.

At the first hearing the case was brilliantly launched on a voyage of sensationalism by defendant's counsel stating that they expected to show a "frame-up," and on their inability to secure the Abrams girl hung a tale. Sensational accounts of what counsel stated he hoped to show were published in the papers, including the Philadelphia papers, as facts. Mrs. Abrams read the account the following morning, and immediately telephoned to Mr. Garrison that she considered her daughter's reputation had been injured; that the defendant had offered her a thousand dollars to testify, and that if petitioner wanted her testimony, she would testify for a like sum. He notified her that if she know anything in the case to come and testify, but that nothing would be paid to her.

In the evening of that same day, Mrs. Abrams, the mother of Kitty, and some woman, presumably Kitty, went to the home of Mrs. Knittel's mother where Mrs. Knittel was living. Mrs. Abrams went into the house, the other woman did not, and there again stated that she had been offered a thousand dollars to testify on behalf of Mr. Knittel but would not do so, but that if she were paid a thousand dollars, they would come and testify for Mrs. Knittel. This proposition was turned down with a threat to hand them over to the police if she did not at once leave the house. She left. Neither of the Abrams women appeared or testified in the case.

During the course of the trial James Lewis, who was chauffeur for Mr. Knittel's mother, communicated with Mrs. Knittel, the petitioner, and offered to testify in her behalf. He gave testimony damaging to the defendant, against the defendant's brother as well as the defendant him-

self. Defendant had the opportunity through his brother to contradict the testimony given by this chauffeur, but offered only his denial of the chauffeur's testimony, and did not produce the brother.

During the trial also, petitioner was advised that one Frank Wade had certain knowledge of defendant's wrongdoings, and he appeared at the trial and gave testimony which was objected to because not within the allegations of the petition, and thereupon the petition was amended and the testimony received. This witness testified that the defendant had been guilty of adultery within his view on at least three different occasions, naming the place, person and circumstances. This testimony was denied by the defendant.

The Advisory Master, with no apparent excuse for so doing, concluded that James Lewis, the chauffeur, was unworthy of belief, and that Wade, who testified to actual incidents of adultery, was likewise unworthy of belief, and apparently ignoring the fact that the whole charge of connivance or "frame-up" rested upon the hearsay evidence of Mrs. Clark as to what the Abrams girl had told her, and totally disregarding the testimony of Mr. Garrison, Mr. Herbert, Mrs. Knittel, Mr. Shaw and Miss McGowan, concluded that Mr. Knittel had been induced to visit the Abrams girl on the 19th day of September through connivance or a frame-up, and because Herbert and the others with him had found the kitchen door unlocked and were able to leave the house through the front door without unlocking it on the inside, found as a fact that the doors were unlocked and concluded that was evidence supporting a "frame-up"—entirely ignoring the well known fact that every well-made outside door lock at the present time is so arranged that one

may open the door from the inside by merely turning the knob, although the door is locked and can only be opened by means of a key from the outside.

Points

1. The Court erred in making a decree dismissing petitioner's petition because petitioner's petition for divorce and the custody of the children should have been granted.

2. The Court erred in disregarding the testimony of James Lewis.

3. The Court erred in disregarding the testimony of Frank Wade.

4. The Court erred in finding there was connivance practiced upon the defendant.

5. The Court erred in basing its conclusions upon the hearsay testimony of Della Clark.

6. The Court erred in giving credence to the testimony of Della Clark.

ARGUMENT

It is submitted that the Advisory Master erred in his judgment as to the value of the testimony and the weight thereof, and erred in giving to the hearsay testimony of Della Clark the force of direct testimony in basing a decree thereon, and that the decree of the Court of Chancery should

be reversed and a decree of absolute divorce and for the custody of the children awarded in petitioner-appellant's behalf.

Adultery

The evidence shows the positive commission of adultery on three occasions, the opportunity on another occasion, and an inclination on various occasions. The testimony as to the acts of adultery was the testimony of FRANK WADE, the petition being amended to let in his testimony.

He testified, page 402, line 9, as follows:

Q. How long have you lived in Atlantic City? A. Five years.

Q. What is your business. A. At the present time engineer.

Q. Where? A. Hotel Kingston.

Q. Hotel what? A. Kingston.

Q. Where did you live during the summer of 1914? A. Fifteen South South Carolina.

Q. What sort of a place is Fifteen South South Carolina Avenue? A. South South Carolina Avenue, Atlantic City, do you mean? A. Yes.

Q. What sort of a place was that, boarding house? A. At the present time or then?

Q. Then. What I want to know was it a boarding-house, hotel or what? A. Well, you may call it a boarding-house, rooming-house, or boarding-house either, I don't know which you call it at that time.

Q. Rooming-house or boarding-house? A. I wouldn't call it either one.

Q. How long did you live there? A. I lived there about eight months.

Q. Did you ever see Mr. Knittel, the defendant in this suit, there? A. I did.

Q. On how many occasions, many or few? A. Numerous.

Q. On numerous occasions? Did you ever see him there in a room with a woman during the month of July or August of 1914? A. I did.

Q. On how many occasions? A. Numerous.

Q. Will you state— A. Women.

Q. —the details of these cases as far as you can. A. I think, your Honor, if I state the details, I think the ladies ought to remove from the room.

Mr. Cole: I can't understand.

The Advisory Master: He seems to think his testimony is such it is not fit for the ladies to hear.

Ladies leave the room.

Q. Now, Mr. Wade, tell what you saw. A. Well, there was one young lady which I just happened there, which I looked last night and I found her name, I think I have got the card in my pocket, which I looked over, which I myself seen Knittel—

A. What is the woman's name? A. Her name is Gertrude Tull.

Q. Now, what did you see take place between Mr. Knittel and Gertrude Tull? And what kind of a looking girl was she? A. She was a tall blonde.

Q. Now, what did you see take place? A. Very thin. Friend of Mrs. Harrison's which ran the place, and I had a room, which was right up at the top of the steps, right connecting with the room there next door. There was a door in between there which could have been room enough there to put your fist through, almost, and I seen Mr. Knittel and this here Miss Tull, Gertrude, which I always called her, in the room undress and have a good time.

Q. Now, what do you mean by having a good time, have intercourse? A. Have intercourse, two or three times there between half-past ten and twelve.

Q. At night time? A. At night.

Q. Was the room dark or light? A. Had the light lit and the blinds pulled down.

Q. Did you know this girl? A. I did.

Q. Did you know Mr. Knittel? A. I did.

Q. Did you ever see him there on any other occasions than that? A. I did.

Q. With whom? A. I seen him there with a little short dark girl. Jewish persuasion.

Mr. Cole: Now, Mr. Wade, may it please your Honor, I call attention to the fact this witness is offering, without any suggestion from counsel in this case, this card. I want the record to show that. Needn't be showing this, sir.

A. Put it on the record.

Q. Now, what did you see take place between Mr. Knittel and the short girl of the Jewish type? A. They came in about half-past eleven in the evening.

Q. Have you got the date? A. That was somewhere around the end of July or first of August. He comes in and they have intercourse.

Q. Did they undress? A. Certainly did. Didn't have anything on, and after their having intercourse three or four times, about 2 o'clock in the morning he gets up there to go home and she demands her money and Mr. Knittel there says, "I won't pay that much."—

Q. And were you in a position where you could both see and hear? A. I could see and hear everything.

Q. Could you hear through the door? A. I could hear through the door, and see, it is only a little wall.

Q. Now, was there another occasion when you saw Mr. Knittel there with another woman? A. I did.

Q. What kind of a woman was that? A. It was a tall dark woman.

Q. And when was it, about? A. That was during the months of July and August.

Q. And what did you see on that occasion? A. I seen him having intercourse with her during the months of July and August three or four times.

Q. Where? A. In the same room.

Q. Did you know who that woman was? A. I did not.

Q. Did you know who the Jewish type girl was? A. I did not.

Q. Now, you say that you had the name of the first girl on a card? A. Looked that up last night.

Q. Could I see the card? (Witness produces card and I ask him): Where did you get this? A. She gave that to me there—well, if I go into the trouble there of staying there, I have to commit myself there having intercourse with her myself. She is from Philadelphia.

Q. That has "A. Gertrude Tull" on it? A. A. Gertrude Tull.

The Advisory Master, at page 487, says:

> "The testimony offered to support these charges was confined to one witness, Frank Wade, who says he was a roomer in the house during the summer and on three sep-

arate occasions saw Mr. Knittel in the house with as many different women; that the house was run for immoral purposes and that defendant came there at night and occupied, on each occasion, a room next to his room and he saw through a hole in the door between the rooms and the lights were on, and that he saw and heard him, and that he had sexual intercourse on these occasions, and that he remained in the room for several hours. When asked how he know that it was Mr. Knittel that was there with these women he said that Mrs. Harrison, who kept the house, told him that it was Mr. Knittel when he came in with a girl. Later during his testimony he said that he had known the defendant before he saw him at the house, and that they had drank together at several different saloons and hotels. This witness was brought into the case by George Herbert a detective employed by the petitioner to secure evidence against her husband. His direct testimony did not impress me with its truthfulness and after the conclusion of his cross-examination, from the manner he had conducted himself and his general appearance and actions, I was convinced there was no confidence to be placed in any statement he made. A man as anxious as he showed himself to be in telling of his own conduct, depravity and licentiousness must be inherently wrong in his whole make-up and entirely without responsibility, and without any corroboration must be disbelieved. The defendant denied that he was ever in the

> house and that he ever knew the witness and says he never saw him until in Court that day. I must believe the defendant's statement in this respect."

It is contended that the Advisory Master erred in two respects in rejecting this testimony: First, in his conclusion that the testimony was uncorroborated; and, second, in his determination to accept the denial of the defendant as against the positive statement of the witness.

To be sure, there was no corroboration of Wade's testimony as to his vision of the occurrence. Such acts are not committed in public. In the vast majority of cases there is no eye witness, and to require corroboration of the vision would practically eliminate what is considered the most certain source of evidence from the domain of divorce litigation. However, there is corroboration as to practically all of the remaining portion of Wade's testimony.

Corroboration

HARRY FAKE, on page 441, line 20, testified:

Q. How long have you lived at number 15 South South Carolina Avenue? A. Since last April.

Q. From whom did you rent the house? A. From Mrs.—I rented from the Atlantic Realty Company, they are the agents.

Q. Did you know—do you know the lady's name that you had a conversation with about it? A. About the house?

Q. Yes. A. Mrs. Phillips?

Q. Mrs. Phillips? Mrs. Phililps is the owner, isn't she? A. Yes, sir.

Q. Now when did you have a conversation with Mrs. Phillips about the house? A. Well, about the first of March.

The Advisory Master: Last March? A. Yes, sir.

Q. And before you entered the house did you go through it? A. Yes, sir; I have been in it.

Q. And was your wife with you when you went through it? A. Yes, sir.

Q. Is your wife able to attend Court today? A. No, sir.

Q. She is in bed, isn't she; sick? A. Yes, sir.

Q. What was one of the things, if any, you demanded that Mrs. Phillips do before you rented the house? A. Well, have it painted, have the doors all rehung, and it tightened up, and new knobs put on, and some papering done.

Q. Now can you say whether or not some of the doors were actually off? A. Yes, some of them were off altogether.

Q. And have you examined the door today that leads from the small room in the front to the large bed-room in front to see whether repairs have been made on that door or were made last April? A. Yes, there have been repairs made to it.

Q. Why did you have these doors rehung, Mr. Fake? A. Well, some of them was off altogether, and some wouldn't go shut.

MRS. HARRISON, the woman who conducted the house in 1914, was called as a witness, and on page 446, line 28, she testified:

Q. And did he (Frank Wade) live or rather room with you during that summer? A. Yes, sir.

Page 449, line 28:

Q. Do you know A. Gertrude Tull? A. Not Gertrude Tull, but Alice Tull.

Q. Alice G. Tull? A. Well, I don't remember the middle name.

Q. Did she ever give you one of her cards? A. Yes, she did.

Q. Did it look like that one? A. Yes.

Mr. Bourgeois: That was offered in evidence but it was not marked.

Card produced by Mr. Wade at the previous hearing admitted in evidence and marked Exhibit P-14.

Q. Are you now married? A. Widow.

Q. Widow? A. Yes.

Q. Were you married when you were in Atlantic City? A. No, sir.

Q. Your husband had died just previous? A. Yes, sir.

Q. And what was your husband's name? A. Charles S. Harrison, fireman, city fireman.

Q. And what was your maiden name, please? A. Minnie Metzen.

Q. You say you were in a nervous condition that year? Just what was your state of health? A. What was my state of health.

Q. Yes. A. Nervous breakdown.

Q. A nervous breakdown? A. From taking care of my husband. He died insane.

Q. And of course you had somebody to take care of the house here for you? You were not able, were you, to take care of the house yourself? A. Here?

Q. Yes. A. No, I took care of it myself.

Q. Did you have any servant at all? A. No servant whatever.

Q. None whatever? A. No, a girl to come in once in a while and help me do the work.

Q. Now you say only once in a while you had somebody to come in? A. Yes, sir.

* * * * *

Q. Now what other girls do you remember who came there during that summer besides this Alice Tull? A. Why I don't remember any others.

Q. Well, there were others, weren't there? A. Why, of course, there were, a few people came there.

Q. And there were men also came there and took rooms, weren't there? A. Yes.

Q. Didn't you rent just to nightly roomers or to weekly roomers or to any who came? A. Why anyone that registered.

JOHN LLOYD, at page 454, line 15, testified:

Q. And in addition to a boarding-house do you have some other business there? A. Barber shop.

Q. How long have you been living at the Lloyd? A. I suppose about seventeen or eighteen years.

Q. And you own the property? A. Yes, sir.

Q. That is right next to 15 South South Carolina Avenue? A. Yes.

Line 29:

Q. Do you remember the summer of 1914, I think, when a Mrs. Harrison lived at 15 South South Carolina? A. Yes, sir. That is, I remember Mrs. Harrison. I just can't state whether it is 1915. I guess, it is, though.

Q. What time of the year was it when she came

in there, do you recall, about? A. Probably in June, may be, or may be before that.

Q. Did she come alone or did someone come with her? A. No, a man came with her as far as we knowed him as Mr. Harrison.

Q. How long did Mr. Harrison remain there, if you know? A. Possibly a couple of months. He wasn't there, I don't think, during the month of August. I ain't sure, but I don't think he was there during the month of August.

Q. What sort of a house was this 15 South South Carolina Avenue? A. Well, it was a kind of a rooming house. More on the sporting order, in my mind.

Q. What makes you think it was on the sporting order? Why do you say that? A. Why, because the business was done nearly always late, eleven o'clock at night, and we lived so close, about four feet between us, I think.

Q. What sort of a business do you have reference to? You mean it commenced at that time? A. Yes. Kind of a party affair nearly every night, lot of parties. You could hear the bottles in our place. See the boxes in the back sometimes to the extent of a dozen out on the back porch. Even this morning I can see eight. I counted them.

Q. Was there any noise accompanying those parties? A. Oh, sure, more or less, you know. Not really enough that would wake everybody up, but it would wake some, don't you know, in our house.

Q. Was there enough noise there so that you thought some complaint should be made about it, or complaint might be made about it? A. Yes, there was. My wife was about to have a child and there was considerable noise at that time and

our trained nurse was very anxious that I would make a complaint. I said, "No, leave it go and it will fizzle out." That was my idea instead of making the neighborhood considered what it might be.

Page 456, line 36:

Q. How many people were living in 15 South South Carolina? How many women were there there? Were there many or few? A. I think there was as far as somewhere around three, Mrs. Harrison, that tall slender girl, and there was another girl there sometimes.

Q. Do you remember when Mrs. Harrison left 15 South South Carolina Avenue? A. Yes, it was in the fall. She come in the shop herself and she was pretty well soaked.

Q. What do you mean by that? A. She was pretty well boozed up, and she said she was going to go away and that she had got hers, she got her money, she meant, you know.

Q. After that time did anybody else come up there and speak about that house to you? A. Yes, that thin slender girl.

Q. What did she want? A. She wanted to know if I would make any complaints if she rented the house and run it.

Q. Run it how? A. I suppose—

Q. Did she say? A. She didn't just say. I can't remember word for word, but I supposed it was a continuation as it was.

Q. What did you tell her? A. I said, "I don't want no hook house near me," that is all.

Q. Now Mr. Lloyd, did ever a young man room there by the name of Wade as far as you know.

A. I didn't know his name, but I know that boy that I understand his name is Wade.

Q. How long was he there? A. I don't know; probably three months.

Q. Three months? A. Probably. I wouldn't like to say. Six or seven weeks.

Q. What sort of a boy was he as far as you could observe? A. When that boy came there he had considerable money on him at least seventy-five dollars, in my mind, that is, he showed the roll, don't you know and he seemed to be all right, and he come in the shop one morning and he says, "Well, I was out last night," he says, "and I got doped, and I got touched for seventy-five dollars."

Q. Did he say where he got touched for the seventy-five? A. Well, he told me Mrs. Harrison. He didn't know. He says that he found himself somewhere, that he went away from there in an automobile.

MRS. HARRISON testified at page 467, line 10:

Q. So far as you know was he (Hoffman) ever known around there as Mr. Harrison? A. They all thought he was my husband until I told them different.

Q. Did you, by anything that you stated, lead anybody to believe he was your husband? A. What say?

Q. Did you try to have anybody believe he was your husband? A. No. They might have thought he was my husband, because when I came down here first he did all the work and put partitions between the rooms, and I went out with him to buy my furniture.

CROSS-EXAMINATION by Mr. Bourgeois:

Q. He came down here with you, did he? A. No, sir. I met him here in Atlantic City; perfect stranger.

Q. He helped you fix the rooms, you say? A. Yes.

Q. And helped you buy the furniture? A. He went out and took me around to the stores.

Q. And lived there how long? A. I couldn't say. I don't know, but I think he went away before July or in July, first of July.

Q. Then where did he go? A. Couldn't say that.

Q. What about these girls? How many of them were there there? A. There was only one there, that tall girl.

Page 468, line 16:

Q. Who was this tall girl, the one that was there most, was that the Tull girl? A. Yes, sir.

Q. When did she come down? A. She was one of my first roomers.

Q. How long did she stay there? A. Well, she didn't stay the summer out.

Q. Is she the girl that you left in charge on that day when you went to Philadelphia? A. Yes, sir; to Paterson, I went.

Q. Left her in charge? Did you ever leave this man Wade in charge when you were away? A. At one time, but there were no roomers in the house only himself.

Q. When did you first meet Hoffman? A. Why, I met him when I first came to Paterson or to Atlantic City.

Q. First came from Paterson? A. Yes, sir; when I first came to Atlantic City.

Q. And he was an entire stranger, was he? A. Entire stranger, yes.

Q. And you had him, an entire stranger, to go in and fix up the rooms and help you buy your furniture? A. I told him I was going to start a rooming house and he said he would take a room from me.

Q. So that you had him fix it up and had him help you go buy the furniture; is that right? A. That is right.

Page 469, line 19:

Br. Mr. Cole: Q. Mrs. Harrison, I noticed that you mentioned a name, as I remember, Alice Tull. A. Yes, she went by the name of Alice Tull.

Q. This card that was shown you last night—I see it says Gertrude here? A. Yes.

Q. And you knew her as Alice? A. Yes, I knew her—she went as Alice.

By Mr. Bourgeois: Q. You say that the people around there thought this man Hoffman was your husband until you told them different. Whom did you tell different? What person did you tell he was not your husband? A. I don't remember who the person was, but someone said they thought it was my husband and I said no, he wasn't.

Q. Then you knew at the time that the people around there thought he was your husband? A. Well, they thought so. How could they tell any different? They didn't know. I didn't introduce him to anyone. I stayed by myself. I didn't mingle with any people. I couldn't tell them any different.

Page 470, line 25:

Q. How soon after you went there and he came to live with you was it that you first learned that

people did think he was your husband? A. I don't remember that, because I didn't pay no attention to it. It wasn't their business.

Q. And you can't tell who it was you told he was not your husband? A. I don't remember.

Q. Did you ever tell your neighbors there that he was not your husband? A. I never talked to any neighbors.

Q. Never went in to Mr. Lloyd in the barber shop and told him he wasn't your husband? A. I might have stood at the door and told him that. I think I did.

Q. Did you? I want to know if you ever did tell him that he was not your husband? A. Yes, I think I did.

Page 472, line 25:

Q. I understood you to say that people did think he was your husband. Didn't you? Didn't you in answer to Judge Cole's question say that the people thought so, but he wasn't? A. I told you they might have thought he was my brother at the same time.

Q. You told me that, but in your direct-examination didn't you tell Judge Cole people thought he was your husband but he wasn't? Isn't that what you said to him? A. Yes, thought he was my husband.

Q. I want to know how long after you found out people thought he was your husband you continued to have him in that house with you? A. I don't think he was very long. After he fixed the work he did in the house he went to work at his trade, masonry.

Q. A little while ago you said it might have been a month, you didn't think it was two months. I now ask you why did you permit him to remain in

the house with you after you thought people thought he was your husband? A. Well, he paid his room rent and I was there to make a living.

Q. I see. In other words, you didn't care if people did think that that man was your husband? That is the truth of it, isn't it? A. Well, I didn't think it was anyone's business.

In view of this testimony, can there be any doubt but that there were cracks in the doors of that house. Can there be any doubt but that Mrs. Harrison at the time was running the house and a man was living there whom she knew people regarded as her husband, and she did not care but considered it nobody's business. Can there be any doubt but that the house was run as a sporting house?

Mrs. Harrison was in court at the time Mr. Lloyd testified, and she did not deny the statements made by him. She admits that the girl, A. Gertrude Tull, or Alice Tull, or Gertrude Tull, or Alice Gertrude Tull, whichever you choose to call her, was a roomer there during this time. She admits that she went away and left Alice or Gertrude Tull in charge. She admits that Wade lived there; that she went away and left him in charge, and the question cannot help but arise, in view of all this testimony, what the Advisory Master considers corroboration.

In view of what would seem to be full corroboration, should the testimony of Wade be believed? It is quite true that his statement concerning his own acts was not a delicate one. However, if the testimony of every witness who presumes to be smart on the witness stand is to be disbelieved,

many a litigant will be handicapped in prosecuting or defending litigation, but in determining the weight of a witness' testimony, the surroundings and environment of the witness should be considered. It does not follow that an opinioned, uncouth man or woman lies, and you could scarcely expect a man of refined tastes and sensibility to live at such a place as 15 South South Carolina Avenue apparently was during the summer of 1914. Men of a high degree of refinement might occasionally visit the place, but you would hardly expect men of high class, such as ministers, lawyers and physicians, to permanently live in such surroundings. It seems quite clear that Wade's mental status and vocabulary were in keeping with his surroundings, and it is quite clear that if evidence of acts such as he testified to is to be procured in such places, it must come from men of his standing in life, and in view of the corroboration of every part of his testimony that was reasonably capable of corroboration, it is submitted that the Advisory Master erred in concluding that his testimony was unworthy of belief. He was wholly disinterested. He had nothing to gain and everything to lose in giving this testimony. He had nothing to gain by false testimony. On the other hand, Mr. Knittel, the defendant, had everything to gain by the denial which he gave. The Harrison woman testified that she had never seen Mr. Knittel there. She did not testify that he had never been there, but that she had never seen him there. She, too, had everything to gain by this denial. She attempted to give herself a standing before the court by naming her landlord. She probably realized that in order to maintain her standing with her present landlord, she would not dare to admit that she knew that Mr. Knittel had come

to her house in Atlantic City for an immoral purpose.

If the Advisory Master, in commenting on lack of corroboration, had in mind the general rule of law in divorce cases which requires corroboration, it need only be suggested that the rule of law requiring corroboration in divorce cases applies only to parties to the suit and not to the testimony of disinterested witnesses.

At the argument the case of Garrett v. Garrett, 98 Atl. (November 16, 1916) page 848, was cited by the defendant in support of a proposition by defendant that a divorce could not be granted on Wade's testimony because of lack of corroboration, but this case, as all other such cases, applies only to parties.

Inclination

That the defendant had the inclination to commit adultery is shown by the testimony of Mrs. Dr. Canning, Esther Davis, a colored girl, Charles Bossert, Mrs. Knittel, the petitioner, Mr. Herbert, and the defendant himself.

MRS. CANNING testified, page 289, line 10:

Q. It was stated in the early part of the day that you had told Mrs. Knittel that on one occasion, I think on the fourteenth of May, you had seen Mr. Knittel in a cafe with his arm around some woman's waist? A. Coming out of a private room in the Extra Dry.

Q. Where was it? A. Extra Dry Cafe.

Q. And what time of the day or night was it? A. It was a Saturday evening about, I should

think, quarter after eleven, it was after the circus.

Q. Now just tell us what you saw.

The Advisory Master: Q. What date was this?

A. I think about the fourteenth or fifteenth, Judge Thompson, of May.

Q. Now, tell us what it was you saw. A. Dr. Canning and myself and another couple were in one of the rooms and we heard talking around, I didn't pay any attention to it, but a man and girl came out, and the fellows said, "Come on, Charlie, let's go home, or let's go out," and I looked out and I saw Mr. Knittel come out with his arm around this girl, and of course I didn't say anything at all whatever, I just stayed where I was, and told Mrs. Knittel the next day, and she wouldn't believe me, but I had seen him before.

ESTHER DAVIS (colored) testified, page 292, line 30:

Q. Did you ever see Mr. Knittel? A. Yes, sir.

Q. Do you recall one evening when you had been out somewhat late and you saw him in the evening, I think at the corner of Suffolk and Atlantic Avenue? A. Yes, sir; about half-past ten.

Q. About half-past what? A. About half-past ten in the evening.

Q. What did you do at Mr. Endicott's? A. I was nurse, child's nurse.

Q. Now, what took place that evening between Mr. Knittel and you? A. Why, when I got off the car at Suffolk and Atlantic Avenues Mr. Knittel was standing on the corner and I walked on just as going towards home, and in a few minutes

Mr. Knittel passed me, and when he passed me he jingled money in his pocket and cleared his throat like that.

Q. Cleared his throat? A. Yes, sir; and he went about twenty yards in front of me and turned around and came back and pushed against my arm, with his, and jingled this money again.

Q. Did you know it was Mr. Knittel? A. Yes, sir; I knew him.

Q. How near to Mr. Endicott's did Mr. Knittel live? A. On the other corner, right across.

Q. On the same street? A. Yes, sir.

CHARLES BOSSERT testified, page 297, line 20:

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

Q. Did you ever see him on the beach? A. Yes, sir.

Q. Ever see him with any women? A. Yes, sir.

Q. On how many occasions? A. Well, at least eight or ten occasions.

Q. Eight or ten occasions. A. Yes.

Q. I show you a photograph and ask you if you have seen him in company with that woman? A. Yes.

Photograph offered and admitted in evidence and marked Exhibit P-11.

Q. Where did you see him with that woman, Doctor? A. Why, South Carolina Avenue and the beach; on the beach.

Q. What was he doing? A. Just talking to her.

Q. I beg pardon. A. Seemed to be talking to her.

Q. Did he go in bathing with her? A. Yes, sir.

MRS. KNITTEL, the petitioner, testified page 121, line 35:

Q. And then when it came along in the summertime what did you and Mr. Herbert and this operator that you met do? What did you do? A. Well later on in the summer we then went to the Pier.

Q. Did what? A. To the Piers.

Page 122, line 18:

Q. How many different women did you see him in bathing with, do you think? Do you know? A. Three different women that I have saw him.

Q. That you saw yourself? Can you describe them? A. Yes, I think I can.

Q. What? A. Yes, sir.

Q. Describe the first one, if you can, the one I guess along in July. A. Well, she was short and stout.

Mr. Cole: Mrs. Knittel, I will have to ask you to speak a little louder. I can scarcely hear you. A. She was short and stout.

Q. What colored hair? A. Dark hair.

Q. Dark hair, yes; and what did you see Mr. Knittel do with this woman? A. Well hold her very close to him in the water and fondle her breasts, and taking liberties, taking liberties with her.

Q. How frequently did you see this? A. I saw that on two occasions.

Q. And where would Mr. Knittel and the woman go after they came out of the water? Where did they go? A. Well underneath the Boardwalk by the chairs.

Q. And couldn't you see them then? A. No, I couldn't then.

Page 123, line 24:

Q. Now did you see him with some other woman? A. Yes, sir.

Q. Yes? A. Yes, sir.

Q. Can you describe that woman? A. Well, a medium height, slender, and dark bathing suit on. That is as near as I can describe.

Mr. Garrison: A little louder, Mrs. Knittel. A. Medium height, slender woman, with dark bathing suit on.

Q. Did that woman, as you recall, wear a sweater? A. I don't recall that.

Q. You don't recall that? A. No.

Q. Now what were his actions with that woman? A. Very familiar.

Q. In what did they consist? A. Well, holding her very close to him in the water and fondling her breasts.

Q. And how many times did you see him in the water with that woman? A. Once.

Page 124, line 35:

Q. Now from the time you saw this first woman and time you saw Kitty Murray did you see another woman with him? A. One other woman, yes, sir.

Q. What kind of woman was she? A. Short medium sized, slender woman.

Q. And when was it that you saw her? A. Well, it was sometime in September.

Q. Can you tell me where you saw her? A. On the beach.

Q. And where were you? A. I was on the Steeplechase Pier.

Q. And what did you see him do with that woman? A. Simply walking along and then they

disappeared under the Walk, but that is the last I saw of them.

Q. And how was that woman dressed? A. She had red stockings on and a yellow sweater.

Q. Now did you see him take any liberties with her? A. No, sir.

Q. Now going back to the case you spoke about Kitty Abrams, one you afterwards heard was Kitty Abrams, what did you see him do with Kitty Abrams? A. I saw him take her into the water.

Q. Yes, did you see him put his hands on her? A. Yes, sir.

Q. Where? A. On her breasts.

Q. Any place else? A. No, sir.

Q. Did he hold her—what other actions did he have besides putting his hands on her breasts? A. Holding her very close to him, his arms around her.

Q. Did you see him do anything with his mouth? A. No, sir.

Q. Did not? A. That was another girl.

Q. Oh, that was another one? A. Yes, sir.

Q. Now tell us about the other one. A. That was a short girl, a short stout girl, he bit her on the back.

Q. Where were they when he bit her on the back? A. In the water.

Q. And when was that with relation to the time that you saw him with Kitty Murray? A. That was prior to that time, it was perhaps a month prior to that time.

Q. And how was that girl dressed, do you recall? A. She had on a dark bathing suit.

Q. Now did he do anything else to her besides bite her back? A. Yes.

Q. What? A. He ran his hand up the bloomer.

Q. She had a bloomer suit? A. Yes.

Q. Now do you remember what day of the week it was that you saw him in the water with Kitty Murray? A. Well, as near as I can recall it was on Saturday.

GEORGE HERBERT testified, page 175, line 29:

Q. Now, tell us about when this was, each time so we will know. A. This was about the tenth day of June, I saw him talking to women around that lifeguard stand at the foot of Ocean Avenue, and would go in the water with them.

Q. And when he would be in the water with them what would his conduct be? A. Well, he would take hold of them and float them, push them through the waves, and have at times, he would put his arms around them, and acted in a familiar manner.

Page 176, line 17:

Q. How long did he continue to bath with that woman? A. Well, that was one, the woman I speak of in June was only on the one occasion with that woman. There were two or three women that he bathed with at that particular point during the month of June.

Q. Yes. Now, who were the other women you saw him bathe with or what were his actions with them? A. Later on in July there was a woman that came up from Ventnor that had a nurse and two children with her.

Q. Yes. A. And he went bathing with her.

Q. What became of the nurse and two children? A. They stayed off to one side on the sand.

Q. And what were his actions with that woman? A. He stood he was under the Boardwalk at South Carolina Avenue and had his hands on her breasts. He then had her out in the water and he pulled that woman with him and dived down underneath of her, and at one time she fell over when he dove—whether it was caused by him when he dove or the waves I couldn't say.

Q. But at any rate he dove under her and she fell? A. Yes, sir.

Q. Did he do anything except hold her breasts, take hold of her breasts, that you saw? A. Not that woman.

Q. How many times did you see him with that woman? A. I saw him on two occasions.

Q. Where would they come or go after they came out of the water? A. Well, at one time she left him. The first occasion was when he felt of her breasts. I didn't continue to watch them after I saw him bathing, after they had come out from under the Boardwalk.

Q. Now, the next time then she left him, did she? A. I don't know that day.

Q. You don't know? A. I didn't continue to watch him.

Q. Now, the next time? A. The next time he just was in bathing with her and floating her, and I didn't continue to watch him that day.

Q. Did you see what his actions were that day when he was floating her in bathing? A. Yes, about the same.

Q. Do you know who that woman was? A. No, sir, I didn't try to find out.

Q. Why didn't you try to find out? A. Well, there were two little children and I had had—

Page 178, line 1:

The Advisory Master: You didn't puruse it any further, as I understand?

Mr. Cole: I am not going to argue he ought to have found out if you don't put any more proof in it than that.

Q. How many times do you say you saw him in with that woman? A. Two occasions.

Q. On two occasions? A. Yes, sir.

Q. Now, did you see him again later? A. Yes, sir.

Q. With whom? A. I saw him—

Q. When was the next time you saw him? A. This was about the tenth of July.

Q. Yes. A. He was in the water with a woman near the Alamac Pier, and on that occasion he bit this woman on the back, reached down and grabbed her with his mouth on her back.

Q. Yes. A. He also ran his hand up this woman's bloomer. From there he went back—

Q. Did he fondle her other than that? A. Yes, he had his arms around her and would pull her towards him, they went out in deep water after that and then he went back under the walk in the neighborhood of the Dunlop Hotel.

Page 179, line 1:

Q. How many times did you see him in the water with that woman? A. I only saw him on the one occasion in that month.

Q. Then later, did you see him again in the water, with some woman? A. Yes, sir.

Q. About when? A. During the month of August.

Q. Same woman or another woman? A. I couldn't swear positively it was the same woman

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because they were in bathing suits, the bathing suit didn't look the same. I couldn't swear as to the woman. On, I think, about the twentieth of August or somewhere near that date, or maybe the twenty-third of August, he was in the water with a woman right near the Steeplechase Pier. He was pressing that woman towards him, he kissed her on one occasion and he raised her up on a wave and put his head down between her limbs. There were two boys in a canoe that came by him and he—one of them came near striking this woman.

Page 180, line 36:

Q. Now, did you see him with another woman after that? A. Yes, sir.

Q. When? A. On September fifteenth.

Q. And where was he on September fifteenth? A. He was in front of the Dunlop Hotel or the end of Ocean Avenue.

Q. On the beach, you mean, on the beach? A. Yes, sir.

Q. Tell me what you saw and give me the description of the woman and see what she is like. A. The woman was a slender woman, had on a dark bathing suit, medium height.

Q. What was his conduct toward her? A. Well, he pressed her to him.

Q. Put his hands on her breasts?

Mr. Cole; Let him tell.

A. Put his hands on her parts. Saw his hand go down in the water and he would float her.

Q. What parts do you mean? A. Limbs and breasts.

Q. How many days did you see him bathe with that woman? A. Only the once.

CHARLES A. KNITTEL, the defendant, testified, page 25, line 30:

Q. When was the arrangement made between you and this girl (Kitty Abrams) to bathe? A. She came in my office on Saturday morning and she said—

Q. I ask you when the arrangement was made, not what she said. A. Saturday morning.

Q. And what time did you bathe, Saturday? A. Twelve o'clock.

Q. How long were you in bathing with her Saturday morning? A. Was in the water about ten or fifteen minutes.

Page 26, line 10:

Q. Did you sit down with her at all? A. Sat down in the sand, yes.

Q. And did you fondle her breasts during that time? A. In the water.

Q. Either in the water or out of the water? A. In the water.

Q. Did you play with her breasts? A. In the water.

Q. In the water you played with her breasts? A. Yes.

Page 26, line 28:

Q. Were there other people in the water while you were playing with her breasts? A. Yes.

From the foregoing testimony and the admission of the defendant of his acts while in bathing with Kitty Abrams on the Saturday preceding the 19th, it would seem quite clear that his inclination was of a definite character, and in a state of mind fully prepared to embrace the first opportunity. The opportunity came on the night of

Tuesday, September 19, 1916, at 512 Oriental Avenue, Atlantic City, as appears by the testimony of Mrs. Knittel, the petitioner, George Herbert, Edward Shaw, Gertrude McGowan and the defendant himself.

Opportunity

Mrs. Knittel testified page 146, line 1:

Q. What time did she (Miss McGowan) get to the house? A. I suppose about ten minutes past eight.

Q. And she came in a jitney? A. No, I met her on the corner of Stenton and Pacific.

Q. You and she got in the jitney? A. Yes, at Stenton.

Q. And went where? A. To Massachusetts Avenue.

Page 129, line 18:

Q. Now then, when Mr. Shaw told Mr. Herbert that Mr. Knittel had gone in, what did Mr. Herbert propose that you do? A. Just repeat the question again, Mr. Bourgeois.

(Question repeated.) A. Well, we waited a few minutes and Mr. Herbert tried the back entrance and found it unlocked, and tiptoed in, and we all tiptoed into a darkened room, and as we got into the room we heard footsteps coming, and Mr. Herbert said "Quick get out of the road," and Mr. Shaw and Miss McGowan and myself and Mr. Herbert, we got into a stairway right where we were standing, seemed to be stairway there, and we heard voices coming towards that room, and then—

Q. Was there any light in it? A. No, it was quite dark, and then this girl came first and Mr.

Knittel after the girl and they came through this darkened room in which we were, into the room beyond, and the girl struck a match.

Q. And what did she say? A. I heard her say "That is the bathroom there."

Q. How long were they in the bathroom? A. Just a minute, not a second.

Q. And then what? A. Then they came through, through the darkened room again, and went to another room beyond, where they had come from.

Q. And could you see them when they went through the first time? A. How do you mean? Do you mean as they came into the darkened room where we were?

Q. Where you were could you see them? A. Yes, sir.

Q. Did you know then it was Mr. Knittel? A. I knew him when I saw him, yes.

Q. And when they went back again could you see them? A. I saw them as they came through the room in which we were in, yes.

Q. Yes, I mean that, as they passed through the the room to go back again. A. Yes.

Q. And what was done after they passed back through the room you were in, that is the room where the stairway was, what did you then do? A. We waited just where we were for a few minutes, possibly ten minutes, I guess eight or ten minutes.

Q. Yes. A. And then Mr. Herbert tiptoed through the room to look where they had gone to, to find the room where they had gone to.

Q. Yes. A. And he tiptoed back again and told us that they were in this bedroom.

Q. And then what did you do? A. Then Mr. Herbert led the way to the room, he had found them in and I followed him.

Q. Yes, and then what was done? A. Mr. Herbert opened the door.

Q. And stepped in? A. Yes, sir.

Q. And what did you do? A. I followed him.

Q. And who else followed him? A. Miss McGowan, and Mr. Shaw, I suppose, because I was directly behind Mr. Herbert.

Q. When you went in the room what did you see? A. Mr. Knittel was sitting there.

Q. When you went into the room what did you see? A. I saw Mr. Knittel and this girl.

Q. In what position was Mr. Knittel? A. He was sitting on a chair.

Q. Dressed? A. No, sir.

Q. What clothing did he have on? A. He had his undershirt on.

Q. Is that all? A. Yes, sir.

Q. Where was the girl? A. She was standing in front of a mirror arranging her hair.

Q. And do you know if she was dressed? A. She had a petticoat and a little vest on.

Q. Did you say anything to Mr. Knittel? A. I said I wanted the key to my home.

Q. Did he give you the key? A. Yes, sir.

Q. And then what did you do? A. Well, I felt sick then and I turned to Mr. Herbert and I said, "Please take me home."

Q. And did they take you home? A. Yes, sir.

Page 150, line 8:

Q. Will you venture your best judgment as to how long it was from the time you saw the match lighted until you went into this bedroom? A. You mean to my best judgment how long it was?

Q. Yes. A. It was at least fifteen minutes.

Q. From the time the match was struck until you went to the bedroom? A. Yes, sir.

Page 133, line 8:

A. He wanted to see me alone and I said no, and then I spoke to him about the way he had acted on the beach.

Q. You spoke to him about the way he acted on the beach? A. Yes.

Q. Now go on. A. And I spoke to him about the way he had acted on the beach.

Q. Yes. A. And he asked me to have some consideration and not, and to keep it out of the papers, and I promised, I said yes I didn't want it known, and he begged me to keep it out of the papers, and not tell anyone, and I promised, I said I didn't want it known.

Q. Now when he wanted you to have some consideration for him what did you say? A. I said, "I think I have had consideration for you right along."

Q. And then what did he say? A. He said, "Oh, I know I have been a dog. You have been too good to me."

Q. And then what? A. And then I spoke of the way he had acted on the beach with a woman from Ventnor that had two little children.

Q. Yes. A. And then Mr. Herbert said that, he said "Look here, Knittel, I could have closed that case on you then if I had wanted to break up that home, couldn't I?" He said, "Yes, you could." He (Herbert) said, "I didn't want to break up a home with children there."

Q. And then what? A. Well, that was the extent of the conversation as far as I remember.

Page 136, line 36:

Q. Now then during the period between the first of May and the time when you caught or saw

him in this Abrams girl's room did you have intercourse with him? A. Yes, sir.

Page 137, line 16:

Q. Have you since that time had sexual intercourse with him, I mean since the nineteenth day of September? A. No, sir.

Q. Now when you saw him the next day on the porch what took place then? A. He begged me to drop the charges that I had against him, and he begged me to get the divorce on other grounds.

Q. What other grounds than what did he mean? A. Than adultery, he said anything but that, I don't care about you getting a divorce, he said anything but those grounds.

Q. And what did you tell him? A. I said he had furnished me the grounds and I said that I couldn't consider anything else now after what I had seen.

GEORGE HERBERT testified, page 188, line 28:

Q. And then what did you do? A. Shaw saw Mr. Knittel enter the front door.

Q. Yes. Did you see him enter the front door? A. No, sir, Shaw communicated that to me, he said "That is Knittel and he is going in, gone in the house."

Q. Yes. A. I listened and I couldn't hear a thing, couldn't hear voices or anything, so I went around to the back part of the house and tried the door. The door was closed but it wasn't locked, and I went back and told the rest that we could get in the back door, to come all in the kitchen.

Q. Had you ever been in that kitchen before? A. No, sir, and after we got in the kitchen two or three minutes I was trying to listen and we heard footsteps coming towards the rear, and I said, "Get back," and we backed toward what I thought was the corner of the kitchen, but there was a hanging curtain across the doorway there that Mr. Shaw and Miss McGowan in backing into this corner went through this curtain, and made some little noise and it wasn't, I didn't have time enough to back any further than what I was or at least when I had backed I bumped into someone, and I couldn't get back any further, so that I was in the kitchen proper and Mrs. Knittel I believe was right back of me.

Q. Where was this curtain with regard to you? A. Well, this curtain was—I can give you the exact—

Q. I don't mean the location of the room, was it in front of you or where was it? A. Well, it was in back of me.

Q. Back of you? A. Yes, sir.

Q. All right, now then? A. I was facing the west side of the house, and these footsteps continued on up to the bath room, and I saw Mr. Knittel, there was just light enough to tell that it was him, and he and Miss Murray went into this bath room and the light when she struck it, if they had looked they would have saw us, saw me standing there because I didn't get back quite far enough. They were in there about a moment and came out.

Q. Was the light still burning, the match, or had it gone out then? A. No, the match had gone out and the light had been put out, Kitty Murray put the light out.

Q. Did they light the light in the bath room? A. Yes, sir, they lit the light in the bath room, they went along the hall and I heard their footsteps die away when they entered the bed room.

Q. Now, where you were standing did the light in the front room shine on you or were you in the dark part of the room? A. I was in the dark part of the room, the only light was there came along what I thought at that time was the hall, it was between the kitchen door and this bed room, it was the go-between between the kitchen door and the bed room we went in and the light must have been about midway between that hall or room, wherever it was.

Q. Did you notice particularly where that light was or did you not? A. No, I did not.

Q. Did not? A. I noticed it was somewhere about the center, and if my memory served me right it was on the west hall about midway between the kitchen and the door that we went into.

Q. That is the bed room door? A. Yes, sir.

Q. Now after they had gone from the bath room back what did you do? A. Stayed there and listened to see if I could, we all listened to see if we could hear any noise.

Q. Yes. A. So then I told them that I would tiptoe in this hall and see if I could see if I could locate them, and I went in on my tiptoe, I had to take it very easy because I am so heavy, and I can't get on my tiptoes very easy without making a noise, so I slowly made my way far enough along the hall till I heard noises.

Q. Did you find it a hall or did you find it a room? A. Well, it may have been a room, Mr. Bourgeois. At that time I thought it was a hall.

And then when I heard these noises and located the sound by a bed room, or room door, I didn't know whether it was a bed room then or not, then I took them to this room.

Q. Well, you had to tiptoe back again? A. I did, yes.

Q. To where they were? A. To where they were.

Q. And then you tiptoed back again where the room was, is that right? A. Yes, sir. In fact we all then walked to where the room was.

Q. Now what time, Mr. Herbert, in your judgment elapsed between the time that Knittel and this girl left the bath room and went to the front before you led Mrs. Knittel and Mr. Shaw and Miss McGowan to the bed room door? A. About fifteen minutes.

Q. And when you got there what did you do? A. Opened the door and went in.

Q. And what did you see? A. I saw Mr. Knittel quickly sit on a chair.

Q. Could you tell from where he had come? A. Yes, this chair he sat on was about three feet from the bed.

Q. Yes. A. And his pants were on the bed, he pulled his undershirt down over his person, crossed his legs. The girl says, "My God," and jumped and Mrs. Knittel, I saw her turn as white as a sheet, and I told Shaw to look out for her.

Q. Yes, where did the girl jump up from? A. Jumped up from the bed.

Q. And what did she do after she jumped up and said, "My God?" A. She said, "My God."

Q. And then what did she do? A. She started to arrange her hair in front of the mirror, her hair was all disheveled.

Q. With her face or back towards you and the others? A. Her back was towards me, but she was facing Mrs. Knittel at that time because I got close to Mr. Knittel, because I was between, it was a very small room, I was between him and the door.

Q. Could you see how this girl was dressed, the Abrams girl? A. Yes, sir.

Q. What did she have on? A. A shirt and petticoat.

Q. What did Mrs. Knittel or Mr. Knittel say, either of those two? A. I remember of Mrs. Knittel saying, "What are you doing here in this shape?" And she said, "Give me the key to my house."

Q. And what did he do? A. Then she said, "Take me out of here." She became very faint then and hysterical.

Q. Did he give her the key? A. Yes, he went over to the bed and took the key out of his pants pocket and gave it to her.

Q. And then when she wanted to go out you took her out? A. Mr. Shaw led her out by the arm and we all went out then.

EDWARD J. SHAW testified, page 229, line 38:

Q. Do you know at what time? A. As near as I can judge it was about half-past eight.

Q. And did you have a watch to look? A. I had a watch to look but I didn't look on account of the darkness.

Q. Now do you know within what time it was, for instance, was it later than half-past eight or

might it have been earlier than that? A. It might possibly have been five minutes earlier than that.

Q. But somewhere from twenty-five minutes past eight to half-past eight, was it? A. Yes, sir.

Q. Now who went in? A. There was a man went in.

Q. You didn't know who it was? A. Didn't know who it was.

Q. And what did you do when the man went in? A. I went back and told the folks I thought Mr. Knittel had went in.

Q. Did you tell them Mr. Knittel or a man?

* * * * *

A. I said that there was a man went in the front door.

Q. Now, what did you folks then do? A. Why, I followed them to the kitchen door, the back door, and they listened for a minute or so and we walked inside, and we was in there about a minute or so; I believe, when we heard footsteps coming, and I got pushed over in the corner, and I got landed on a pair of steps there in the corner back of a curtain, and the rest of them there with me.

Q. And then what happened? A. The next thing I heard was a man and woman's voice, I heard one of the two strike a match, and a woman's voice say "Here is the bath room."

Q. Now from where you were could you see them? A. I couldn't see a thing.

Q. How long did they remain in that bath room? A. Just a matter of about a minute, I guess, not more than that.

Q. And then what? A. Then it sounded to me as if they went to the front part of the house. I didn't see.

Q. And then what did you do? A. We stayed there in that corner there I imagine about ten minutes, and I heard Herbert talking to one of the women he said, "I will be back in a minute," and he left us. He came back and he says, "Follow me," so he went ahead and Mrs. Knittel followed him and I followed her and Miss McGowan followed me, and we went through from the kitchen through the dining room there and from that into kind of a hallway, looked to me as if it was one room made into two rooms, a bedroom and hallway, and Herbert went and opened the door and of course when he got in front of the door I couldn't see nothing, but when he moved aside I saw this gentleman here sitting on a chair with his legs crossed, with an undershirt on, and a young girl in front of the bureau, looked like an undershirt or a vest, and a petticoat, and arranging her hair, and I heard her say, "My God," and then Mrs. Knittel had some conversation about she wanted her key, and I kept watching Mrs. Knittel afraid she was going to faint or something, that is all that passed.

Q. And then you went out? A. Well, they stood there talking a few minutes about different things and I led Mrs. Knittel out.

Q. Now did Mr. Knittel go out or did he remain in there when you folks went out? A. He remained in there.

Page 237, line 14:

Q. You didn't tell Mr. Herbert, as he has testified, "Knittel has gone in the house" did you? You said a man has gone in. A. I said a man went in.

Q. And he told you, as you have testified, that he was going up there to trap Knittel? A. Yes.

Q. Did he mention Knittel's name? A. I don't believe he mentioned Knittel's name.

Q. Then how much of your testimony are we going to cut out? You said first he used the word trap and now you say he didn't, and you say he used the word Knittel and now you say he didn't. A. I want to be truthful in what I say.

Q. I have no doubt of it, but that is what I don't understand, did Mr. Herbert tell you that night he was going up to catch or trap Mr. Knittel? A. I am not positive.

Q. When did you first hear the name Knittel mentioned? A. I think it was in the alley when I heard him say, "Mrs. Knittel."

Page 238, line 39:

Q. Did you know—did you look at your watch and do you know what time it was when you came out of there? A. I looked at my watch when I went into the front room and it was five minutes of nine.

Q. Five minutes of nine when you went in that front room? A. Yes.

GERTRUDE Mc GOWAN testified, page 280, line 37:

Q. What did you do after you got in the alley-way? A. We stood there for a few minutes, when Mr. Shaw came back and said that someone went in or he went, I don't know just the words.

Q. And then what? A. And then we listened and everything was quiet and Mr. Herbert went to the back and he said everything was dark, that he thought that he could hear from the kitchen, so we all went in the kitchen.

The Advisory Master: Said what? A. He said he thought he could hear something from the kitchen, or this dark room, so we all went in this dark room, and we were not in there very long when Mr. Herbert told us to get back, and we couldn't very well get out of the door because we were near the other end of the room, so the only place we could get was the corner near us, and it happened it be a stairway, and we went in the stairway and I was sitting on the third step, and then we heard voices and I could see a light, but I didn't know what it was or where came from, and I heard the voice say, "And this is the bath room." Of course I couldn't see, I was too far back.

Q. And then how long did they remain in the bath room? A. They came right out.

Q. And then where did they go, if you could tell from the sound? A. Well, it sounded as if they walked toward the front.

Q. And then what did you all do? A. Stayed there a few minutes and Mr. Herbert left us and he was gone about five minutes and he came back and he says, "I think they are in the front room," so we got out in the kitchen again and he waited a few minutes and he said, "Follow me," and we followed him just as we were and he led us to this room.

Q. To the front room, and did you open the door? A. Mr. Herbert opened the door.

Q. Did you see what was on the inside? A. When I looked in Mr. Knittel was sitting on a chair and the girl had her back to me standing in front of the bureau.

Q. The girl had her back to you and Mr. Knittel sitting on the chair? A. Yes.

Q. How long did you stay there then, I mean after you went in there? A. Well, just a few minutes, just long enough for Mr. Knittel and Mrs. Knittel to say a few words.

Q. And then you went out? A. And then we went out.

CHARLES A. KNITTEL, the defendant, testified, page 18, line 12:

Q. Mr. Knittel, it is a fact, I believe, that you were caught in a room with a woman, somewhere in Atlantic City on or about the nineteenth day of September last, were you not? A. Yes, I was.

Q. Where was it? A. The apartment at 512 Oriental Avenue, basement apartment.

Q. Did you go to that house—what time was it, night or day? A. It was eight-thirty in the evening.

* * * * *

Q. And at that time did you know the name of the woman? A. Her name was given to me as Kitty Murray.

* * * * *

Q. Now state what occurred that night. A. I went there and it was just eight-thirty when I arrived there, and she took me through the apartment, showed it to me, and then she took me in the bedroom, and there was nothing said about what we were going to do or anything, and she started to disrobe and told me to get undressed, and she kept urging me to get undressed, and as soon as I had taken my clothes off, she says I will—

* * * * *

Q. Proceed. A. She kept urging me to get undressed, when I got my clothes off, that is my coat and vest and trousers and underdrawers, she says, "I will go out and put the light out in the living room," and she went out and put the light out in the living room, and had no sooner got back to the apartment with Herbert—she came back into the apartment, she made believe she was going to lock the door, but she didn't lock it, and she no sooner got back into the room than my wife and George Herbert and some woman and another man came into the apartment and they accused me of committing adultery. I told them I had never committed adultery in my life. And they says, "Well, you are here for that purpose." I says, "I know, but I haven't committed adultery," and then they went out and I got dressed and went right out after them.

Page 29, line 32:

Q. Now there was a bed in this room? A. Yes.

Q. Were you in this nude condition when they rushed in on you? A. Yes.

Page 30, line 8:

Q. Didn't she (Mrs. Knittel) say to you at that time, "Why did you do this?" A. No, she did not.

Q. And did you say in reply, "Well, if you were not so cold toward me I would not have to to go outside?" A. No, I didn't say that.

Q. Did you say that to her at any time? A. I didn't use—

Mr. Cole: I object. Any time you mean on this night?

Mr. Garrison: I mean on this night.

Q. Did you say that to her at any time that night? A. I said she treated me so rotten.

Q. You said that she used you so rotten that was the reason you went outside? A. No, I said, "Any man would be untrue to you."

From this testimony it clearly appears that Knittel arrived at the house between eight-twenty-five and eight-thirty o'clock in the evening, and left at five minutes of nine. The testimony is uncontradicted except for the testimony of a nephew of Mrs. Clark and Mrs. Clark herself, who testified from hearsay in the matter, both stating that Knittel was in the house only seven minutes. This testimony of Mrs. Clark and her nephew is so improbable that it is disregarded as being valueless because it is submitted that a man could not do what it is testified and admitted that Knittel did do in the period of seven minutes. The Clark nephew is attempting to testify with precision and if his testimony is inaccurate in part, it must be inaccurate in all.

It appears by the admission of the defendant and the uncontradicted testimony in the case that after Knittel entered the house the Abrams girl showed him through the house; that they went for some purpose to the bathroom, and then retraced their steps to the bedroom in the front part of the apartment; that he disrobed and she partially disrobed; that they were surprised by Herbert and his party; that Mrs. Knittel demanded the house key from him; that he went to his trousers pocket and got it for her; that they thereupon left and he thereafter clothed himself and left the house. It is respectfully submitted that all this could not have been done in the space of seven minutes. On the contrary the ad-

mitted fact is that he arrived between 8:25 and 8:30 p. m. The testimony of Mr. Herbert and Mrs. Knittel is that he was there about fifteen minutes before they left.

The testimony of Mr. Shaw, a disinterested witness who observed his watch at the time they entered the room where Mr. Knittel was, states that it was then five minutes of nine. It is submitted that this testimony of Mr. Shaw as to the time is the most reliable testimony in the case. He had no object to prevaricate. He looked at his watch at a time when the situation was tense for the purpose of learning the time. He was a police officer and accustomed to securing information for use, and his testimony practically corresponds with the testimony of Mr. Herbert and Mrs. Knittel as to the time, and it conclusively shows that Mr. Knittel had the opportunity to commit adultery, and in view of his inclination in that direction, there is but one rational conclusion, and that conclusion in the law to be drawn from the circumstances, and that conclusion is one of guilt. To be sure the defendant denied that he had committed adultery, apparently contenting himself with the admission that he had gone to the house for that purpose.

To prove adultery by circumstances, a criminal desire and an opportunity to gratify it must be shown. Where these both occur, guilt is presumed.

Black v. Black, 30 Eq., 328.

It is not requisite to a decree for divorce that there shall be direct proof of adultery. To establish adultery by inference, the circumstances from which the inference is drawn must be such

as would lead the guarded discretion of a reasonable man to the conclusion of guilt.

Hurtzig v. Hurtzig, 44 Eq., 329.

The Advisory Master concluded that this charge was important, but escaped the decree that should ordinarily follow it by concluding that the petitioner and her agents had connived at defendant's being found in such a compromising position. This connivance is based upon the hearsay testimony of Della Clark, supported by the testimony of her two nephews, Phineas Long and Claude Clark, the basis of each of whose testimony is likewise hearsay.

Connivance

DELLA CLARK testified, page 32, line 12:

Q. Do you know Miss Kathryn Abrams and her mother Mrs. Mae Abrams? A. I do.

* * * * *

Q. Did they rent from you? A. Yes, sir.

Q. What did they rent? A. Why, three rooms in the back of my apartment.

Q. Up until what time did they live there? A. Well, they lived there from the seventh of June until the fifteenth of September.

Q. Do you know where they moved when they left your house? A. Well, I didn't know at the time. I found out afterwards.

Page 37, line 3:

Q. Now without stating the conversation that you had with these people, why were you interested—were you interested in knowing where they had moved? A. Yes.

Q. And did you find out where they had moved? A. Yes.

Page 49, line 38:

Q. Didn't ask you to come? A. No because they didn't want me to know where they lived.

Q. Now did you have occasion to go to this place at Oriental Avenue where they lived on that night of the nineteenth of September last? A. Yes.

Page 37, line 13:

Q. Had you had any information before you went there that night that this Katie Abrams was to meet a man in her apartment for the purpose of having his wife come there and catch them together? A. Yes.

Q. Who had given you that information? A. Katie and her mother, also Mrs. Abrams.

Q. When was it that Katie and her mother told you that they were to, that they had arranged to have this man come there in order that his wife might catch them together. A. She was to call him up on a Monday, she went in his office on Saturday and told him that she would call him up on a Monday in order to make a date of the time set to make the date, she made the date to go in bathing on Saturday.

Q. Never mind about the bathing. I am speaking now about the occasion of the meeting that night. A. Yes.

Q. Did she tell you? A. She told me.

Mr. Garrison: We object if your Honor please. You ruled that out twice.

Page 38, line 10:

The Advisory Master Now there must be some latitude given, it seems to me. It is

important that the Court should have all the light possible in a matter of this kind and if testimony is admitted that might be irrelevant or irregular, I don't think it will influence me in my judgment and it is pretty difficult to know exactly where to draw the line in this matter.

Page 39, line 5:

Q. What time did she say she had the engagement with this defendant? A. She was to call him on Monday night or Monday, I should say, and make the arrangements. When she made the arrangements she told me she had the appointment between eight and eight-thirty.

PHINEAS LONG testified, page 89, line 36:

Q. Are you the one that followed them after they left the house to see where they went? A. I followed the wagon.

Q. That is you mean the time they moved? A. Yes, sir.

Q. From your aunt's house? A. Yes, sir, I followed the wagon to Congress Avenue.

Q. And you saw where it went? A. Yes, sir.

Q. Did you report to your aunt where they moved? A. I did.

Q. And was it in this house 512 Oriental Avenue? A. Yes, sir.

Page 89, line 25:

Q. Well how did you happen to be in the—where were you when you first heard about this meeting up there? How did you come to meet Mr. Clark

and Mrs. Clark? A. Why my aunt told me to follow them to the real estate office, she says that she didn't know where at, but follow them, they got in a jitney, I don't know where they went to.

DELLA CLARK testified, page 32, line 32:

Q. Now did you have occasion to go to this place at Oriental Avenue where they lived on that night of the nineteenth of September last? A. Yes.

Q. And did you go up there? A. I did.

Q. Now about what time did you arrive? A. Well, somewheres after seven o'clock, between seven and half past.

Q. Now about where did you stand? Did you go inside the house? A. No.

Q. Where were you with relation to the house? A. I was on the corner of Connecticut and Oriental Avenue.

Q. Did anyone go with you? A. Yes, my two nephews.

Q. And give me their names. A. Claude Clark and Phineas Long.

Page 39, line 15:

Q. And then why did you go up there? A. Well, I went up there for the full purpose of telling the man that there was a trap set for him.

By the Advisory Master: Q. Did you know Mr. Knittel personally? A. I did not, no, sir. I took chances.

Q. Took chances? A. Yes, sir.

Q. Why were you interested enough in going up there to tell him that some trap was being set for him? A. I tell you truthfully I felt sorry for any-

body who would have a trap set for them. I didn't think it was the right thing at all.

Page 40, line 5:

Q. Mrs. Abrams owed you some rent, did she not? A. Yes.

Q. How much? A. Sixteen dollars and fifty cents.

Page 48, line 25:

Q. Did they have anybody coming to see them in your apartment? A. Yes, they had company.

Q. Gentlemen company? A. Yes.

Q. You ever make any inquiry to find out what sort of people they were? A. No, she claimed that they were brothers, her sons visited there.

Q. And you just assumed they were and thought they were all right for you to associate with? A. Certainly. I didn't have any doubt that they were not.

Q. Did you ever visit their apartment? A. Yes, I have been in there on different occasions.

Q. On a few occasions? A. Oh, yes, quite a few.

Q. Very few. And what would be the object of your going in there, just social visit? A. Well, I went in there to collect my rent at times, and oft times she would call me in, if she heard me in the hall, come out in the hall and talk to me.

Q. And it came to the time when they owed you some rent and they left your apartment? A. Yes.

Q. And then after they moved out, as I understand it, they came back and saw you? A. Yes.

Page 50, line 5:

Q. Why did you go up there? A. I went up there for the full purpose of putting this man wise, for I thought it was a shame to break up a home.

Q. And you saw him when he went in? A. I did.

Q. And didn't say anything to him? A. I wasn't close enough.

Q. If you went there for that purpose, why didn't you see you got close enough? A. I stood to the corner, I am not familiar with Atlantic City and I didn't know how close I could be, I didn't want her to see me.

Q. I know, but you wanted to put this man wise? A. Yes.

Q. Now why didn't you get close enough so you could tell him? A. Well, I didn't know the man's name, and I only knew him by the description, seems though I thought that he would come around the corner.

* * * * *

Q. And you went up there for the avowed purpose of putting him wise and took two friends with you, a nephew and another man? A. I took my two nephews.

Q. Now what became of the two nephews? A. They were right with me.

Q. Right there with you? A. Right with me.

Q. And you saw the man coming down? A. Yes.

Q. Towards the house? A. Yes.

Q. You saw him go up, you saw him ring the bell, didn't you? A. I saw him ring the bell.

Q. Saw all that, you and the two nephews there, for that very purpose and you didn't notify him? A. I wasn't close enough. If I had been—

Q. I know, but couldn't those two nephews of yours run? A. He turned the corner so quick, a very short distance between there and the corner.

Q. Now when you saw this man going towards the house, couldn't you have said to one of the nephews that may be the very fellow? A. He did try to get him.

Q. Then why didn't he tell him? A. He got in

the house before he could tell him. Just as soon as he saw him turn the corner he quick went towards him.

Q. And your good intentions were frustrated because he got in there too quick; that is right, isn't it, is that right? A. He got in there too quick and we didn't inform him.

Q. And there all your good intentions were lost, frustrated because he got in there too quick; is that right? A. I suppose, to put it that way.

Q. And except the sixteen and half, you got the sixteen and a half? A. That didn't make a particle of difference.

Q. I say you got the sixteen and a half? A. Yes.

Q. You got the sixteen and a half out of the two hundred dollars you thought had been paid to her for criminal purposes, for trapping him, didn't you? A. I didn't question her how she got the money to pay me. She owed me the money.

Q. I say you thought that was the two hundred dollars she had gotten for getting this evidence against Knittel, that is what she told you what for? A. I can't just say what I thought at that time.

Q. Why can't you tell us? Where did you think she got the money if she didn't get it that way? A. She said she would pay me Wednesday.

Q. Where did you intend the Court to believe she got the money if you didn't intend the Court to believe she had gotten it from having put this trap up on Knittel? A. She told me that was the way she was going to get it.

Q. She told you and you believed she did get it? A. Undoubtedly.

Q. And you believed this money you saw her have was the money she had been paid for this job? A. Certainly.

Q. And you believed that at the time she gave you the sixteen dollars and a half? A. I suppose that is where she got it, of course.

Q. And you think it is all right— A. I think it is all right for anybody to pay their debts.

Q. I know, but you thought it was all right for you to take the money for that rent that had been gotten in that way when you knew all about it before it happened, didn't you? A. I thought it was all right to take money owing to me.

Q. Without regard to where it came from or how it came? Is that right?

Mr. Cole: We are not trying her morals.

Mr. Bourgeois: I know. I am glad you are not, Judge.

Q. Now after you had gotten your sixteen dollars and a half and you had seen that she spent that sixteen and a half correctly, you were not quite yet satisfied, were you, but you went on around with her when she spent all the rest of it? A. I went by her invitation.

Q. Her invitation? A. Yes.

Q. Did it ever occur to you, Mrs. Clark, that maybe she was not just the kind of a girl that you ought to associate with?

* * * * *

A. No, didn't occur to me.

Q. Didn't occur to you at all? A. Not at the time, no, sir.

Q. You saw no reason then why, after she had collected this money from doing this job, as you believed she had done— A. No, I didn't say—

Q. Wait a minute until I finish the question—

(Question repeated.)

Q. —there was no reason why you should not go around with her and see where she spent the money? A. Probably, I had an object in view.

Q. You had an object in view? A. Probably.

Q. I see. What was the object? Must have been an object in view unless you wouldn't have gone. Now what was the object?

Mr. Cole: The Court says you may answer it. I am not going to object to it. Tell us what the object was.

A. Well, she told so many lies in the first place, and I just wanted to see how far she would get.

Q. In other words she lied to you so much that you sort of didn't believe her? A. Yes.

Q. And you didn't know whether the two hundred dollars she got come from putting up this job or whether it came from Mr. Knittel for the pleasures and so forth she had furnished to him? A. Only what she told me.

Page 56, line 25:

Q. Then if you were anxious to protect Mr. Knittel or whoever it might have been, why did you care whether she should see you or not? Why didn't you go right there and stand at her step so that you could certainly tell the man as he came along? You weren't anxious for the friendship of a woman of that kind, were you? A. No, I don't know as I was.

Q. Then why didn't you go there and post yourself right at the entrance door so you would be certain to be able to tell him, accomplish your purpose? A. I didn't think anything about that. I thought that I was near enough to tell him.

Q. Then why didn't you tell him? A. When I was on the front of Connecticut Avenue I thought I was near enough because I thought possibly he would come around that way.

Q. Then why didn't you tell him, why didn't you go and make sure to accomplish your errand?

You could certainly have gotten to him if you had tried? A. Well, I suppose I could. I had time enough, I suppose, but where I stood I thought sure he would pass or I possibly would have gone further.

Q. Then why didn't you tell him? A. I would have told him if I could have got the chance.

Q. Now, tell us the real purpose of your going up there? A. The real purpose to tell him that there was a trap set for him.

Q. That seems strange if you went there to tell him and you fell down so completely. A. I am sorry I did.

Q. Because one might feel there was some other purpose? A. No other purpose.

Q. Not even the purpose to find out whether Kitty was going to get the money to pay the rent? A. No, that didn't bother me.

Q. Then after you found out all this about them, you still went around with them, didn't you? A. I was on the street with them, yes.

Q. And when they came down here a week and a half ago you took them in? A. Yes, they had a little baby with them.

Q. You took them in notwithstanding the fact that you knew, at least you believed that she had put up this job on Mr. Knittel? A. Yes.

Q. Or didn't you believe it? A. Certainly I believed it.

Q. You believed it, and believing that and believing she had gotten that money that way, and believing you had that party, you again took her in? A. She came to my house on several occasions and I took her in.

Page 59, line 15:

Q. Tell me why you were interested in learning

just what they spent the money for, all these little items? A. I don't know why I was interested. I knew they had the money and I thought at the time people getting money that way was very common in them to go around and spend it on their back, and knowing they were breaking up a home.

Q. I see. A. I just couldn't help but think.

Q. And you thought that was kind of what you call dirty money? A. Yes, it was dirty money.

Q. But when it came to you to pay rent it was clean? A. Well, I wouldn't question anybody how they got their money to pay me, anybody owed me, of course I wouldn't question anybody. I guess none of us would.

Q. It wouldn't make any difference to you if it was stolen? A. I guess none of us would, I guess they all take the dirty money.

CLAUDE L. CLARK testified, page 80, line 16:

Q. How came you to go there? A. Well I knew that this thing was being pulled off.

Q. Who told you? A. My aunt.

Q. And as a result of what she told you you went, did you? A. Yes, sir.

Q. Anyone go with you? A. Yes, sir.

Q. Who? A. My aunt and cousin.

Q. Did you know when you went up there who the woman was that was to pull it off? A. How is that?

Q. Did you know, when you started up that night, who the woman was that was to pull this trick off? A. Yes, sir.

Q. Who? A. Kitty Abrams.

Q. Had you met her at your aunt's apartment? A. Yes.

Q. And had you met her mother? A. Yes, sir.

Q. At that time did you know who the man was? A. No, sir.

Q. Why did you go up there? A. I wanted to put him wise.

Page 81, line 3:

Q. Where did you stand? A. Why I was not standing any place particularly, I was riding around.

Page 85, line 22:

Q. Now how close were you to Mr. Knittel that evening on your bicycle? A. Why he was just stepping in the door as I went by, she was just closing the door on him.

Q. And why didn't you holloa to him? A. He was inside then.

Q. If she was just closing the door he would have heard you, wouldn't he? A. I know that, but I didn't want—

Q. If you were there at that time why didn't you go up on the front steps and knock at the door and tell him? A. At that time I didn't know who to ask for. He came out Congress Avenue, I couldn't tell you who he was then.

Q. Would it make any difference if you were there for the purpose of protecting someone whether you knew his name, couldn't you ask for the gentlemen who had just gone in? A. I could, yes.

Q. Why didn't you do that? A. I wasn't disposed to do that. I didn't want them to know I was in the affair at all, the Abrams.

Q. How did you expect to tell him without him knowing you were in the affair? A. Not him, the Abrams.

Q. What did you care about the Abrams? A. They always had been friends with my aunt in an offhand way, they lived there, they owed her money and I didn't want her to lose her money.

PHINEAS LONG testified, page 86, line 32:

Q. Were you in the neighborhood of 512 Oriental Avenue on the night of the nineteenth of September last? A. Yes, sir.

Q. How came you to go there? A. I went up with my aunt and cousin.

Q. I know, but why did you go? A. Why did I go?

Q. Yes. A. To inform Mr. Knittel there was a plot for him.

Q. I know, but what was the object in going? A. Why to warn the man.

Q. Well, when you started up there did you know who it was you were going to warn? A. No, sir.

Page 88, line 10:

Q. Now what next occurred with respect to that house? A. Why I seen a man come out of Congress Avenue with a light suit on, turned right around and went right in the house.

Q. Was that the one you mean that went in, was it Mr. Knittel you are talking about? A. Mr. Knittel.

Q. You mean before he went in the house that you saw him come around Congress Avenue? A. Came around Congress Avenue.

Page 90, line 12:

Q. Mr. Long, did your aunt notify you or re-

late to you the story that she says Katie told her previous to your going up there? A. Not until then.

Q. Not until then? A. Not until afterwards.

Q. What? A. Not until afterwards, after it was all over.

Q. What did you think you were going up for? A. Why my aunt told me to come along and we would go and warn the man.

Q. What did you think you were going to warn him against? A. Why she told me that day just before I went up about it.

Q. And then you knew what you were going for? A. Yes.

Q. How near to the house or Knittel, I mean the 512 Oriental Avenue were you when Mr. Knittel turned the corner of Congress Avenue? A. How near were we?

Q. Yes. A. Why Congress Avenue comes in the middle of the square, we was on Connecticut and Oriental.

Page 91, line 1:

Q. You went there for the purpose of warning? A. Yes.

Q. What distance do you think you were away from the 512 Apartment House when you were standing there, how many feet, three hundred? A. No, sir. Over half a square.

Q. If you went there for the purpose of warning him, why did you stand three hundred feet away? A. Why, I expected to see Mr. Knittel come around the other way.

Q. You knew Congress Avenue was there and you knew the Boardwalk was there, didn't you? A. Yes.

Q. And you knew he might come from the other way, didn't you? A. Yes.

Q. Then why didn't you get nearer to the house so you would be able to warn him if that is what you went for? A. Well, we had, in fact I thought the brother-in-law or cousin being on the wheel would have, be able to overtake him if he came up the other way, and I stayed on that corner.

Q. Why should you take any chance about it if you go there for that purpose, why didn't you go down there where you would be sure to be able to accomplish it without taking chances? A. Well, the place is far enough away from the corner, thought maybe we would catch him, in fact didn't know the man's name, didn't know how to trace the man only had his description.

Q. Didn't make any difference about his name or anything you were going up there for the purpose of preventing this trap? A. Yes.

Q. Didn't make any difference about the man's name, did it? A. No.

Q. Why didn't you get up there and notify him? A. Why didn't I notify him?

Q. Why didn't you get up there and notify him when he went in? A. Man came right around the corner and went in the house?

Q. I know, but why didn't you get up there close enough? A. I didn't care for them to see us.

Q. Why didn't you go to Kitty Abrams and tell her you were going to prevent this thing from happening, going to warn the man? A. Didn't know the girl well enough for that.

Q. Did you know that Kitty owed your aunt sixteen dollars and a half? A. I did.

* * * * *

Q. And when he came you didn't get him? A. No.

Page 88, line 32:

Q. Now did you come in contact with Mr. Knittel that night? A. I did. I walked over to him.

Q. You saw him, did you, this gentlemen here? A. Yes, sir.

Q. And did you then know him to be Mr. Knittel? A. I did not.

Q. How did you know it was Mr. Knittel? A. By my cousin speaking.

Q. By who? A. By my cousin speaking.

Q. The witness just on the stand? A. Yes, sir.

Q. What did he say? A. Why he says, "Mr. Knittel."

Q. Had you ever met Mr. Knittel before? A. I had not.

Page 93, line 15:

Q. Why did you speak to him when he came out inasmuch as you had permitted him to go in without notifying him? A. I tell you the man went in so quick we couldn't notify him.

Q. How? A. I tell you the man went in so quick we couldn't notify him.

Q. Well, why did you go up closer then after he went in, after he went up there and stood at the corner and you failed to notify him, why did you remain around there? A. Why, I felt sorry for the man, to let him know that we knew it.

Q. Then if you felt sorry for him why, after he went in, didn't you go up and knock on the door and notify him? A. How did we know him to be the right man? How did we know that was the man they was supposed to trap?

Q. Why didn't you notify the police department?

Mr. Cole: Ask him why he didn't call out the militia.

Mr. Bourgeois: If you don't mind, let me cross-examine him.

Q. If you believed this thing were about to happen, why didn't you notify the police department and let them go and see about it? A. Well, detective on the job there.

Q. How is that? A. I say there was a detective on the job there.

Q. Who was the detective? A. Well, afterwards I found out it was Herbert.

Q. Well, he wasn't on the job for Mr. Knittel nor for your aunt, was he? A. No.

Q. But your aunt and you and your cousin were the ones going to prevent this thing. You knew there was something criminal going to happen there? A. Yes.

Q. Now, why didn't you notify the police department? A. I only went up to warn him. I had nothing else to do besides that.

Q. And you didn't do that? A. Didn't do that.

By Mr. Cole: Q. How far did Mr. Knittel have to go before he turned Congress Street until he stepped into this door? A. Why, I judge about fifteen feet.

By Mr. Bourgeois: Q. Why didn't you stand on the corner of Congress Avenue instead of on the corner of Pacific Avenue? A. Because we didn't want them to see us. We thought we had time eonugh to catch him right there.

By the Advisory Master: Q. Mr. Long, did you know who was going to that house that night to meet this woman? A. I did not.

Q. Didn't know his name? A. Didn't know his name. Only had his description, that was all.

CHARLES A. KNITTEL, the defendant, testified, page 73, line 35:

Q. How long after this incident happened up at 512 Oriental Avenue was it before you knew about what the Clarks have told here, Mrs. Clark has told here today? A. The next day I had Mr. Phineas Long up at Mr. Keffer's office.

Q. Had who? A. Mr. Phineas Long up in Mr. Keffer's office.

Q. That is one of the nephews? A. Yes.

Q. How soon after that was it you heard Mrs. Clark's story? A. Mrs. Clark's story.

Q. Yes. A. I didn't go to see Mrs. Clark until after I had had the petition served on me.

Q. And how long was it after you talked with Phineas that you saw Clark? A. I went down to see him one day in the garage.

Q. And how long after that was it? When was it? A. Couldn't say.

Page 76, line 1:

Q. I understood you to say, Mr. Knittel, that the next day you either sent for or met Phineas? A. I went up to his house to see him.

Q. And had a talk with him? A. Yes.

Q. After you were served with the petition then you had a talk with Claude? A. Yes, I went to see him.

Q. Now what I am trying to get at is this, Phineas told you in substance the same story Mrs. Clark has told here, I assume? A. Yes, some of it, yes.

Q.That this was simply a trap set upon you by this Abrams girl? A. Yes.

Q. And after that time she remained here in town for practically twenty-eight days? A. Yes.

Q. Now during those twenty-eight days did you take any steps to have her apprehended for conspiracy or for having set up this job on you? A. No because I didn't have absolute proof at that time.

From the foregoing testimony the Advisory Master arrived at the conclusion that Mrs. Clark and her nephews had gone to the Oriental Avenue house with the avowed intention of preventing a trap being set for the real estate broker.

At page 493, line 22 he says:

> *"All of these three witnesses, from their manner in giving testimony, their appearance and actions on the witness stand, impress me with the truthfulness of their statements. I believe Mrs. Clark went there for the purpose which she states."*

It seems incredible that anyone's mind could be so completely dominated as to be made to believe that those three persons went to the Oriental Avenue house for the purpose of notifying this real estate man. It is inconceivable why if they had gone there for the purpose of notifying him, they should not have succeeded. It is unbelievable that the three of them should have gone for that purpose, and so completely failed. The falsity of their claim is shown by the testimony of Claude Clark when he says he rode past the house just as the man was entering the door, and that he did not then speak to him. Their actions speak louder than their words, and it is respectfully suggested that the words of Claude Clark on page 86, line 10, speak loud enough for any person to learn why they were up there and why they did not notify Knittel when he says:

> "Q. What did you care about the Abrams? A. They always had been friends with my aunt in an offhand way. They lived there. They owed her money and I didn't want her to lose her money."

The Abrams had been tenants of Mrs. Clark. She claims to have been friends with them. Kitty Abrams had apparently told her that she was going to meet a man on Tuesday night and would pay her the rent on Wednesday. However, she would not give Mrs. Clark her address. They moved out without letting her know where they were going. For the purpose of learnig if a man did call on Kitty on Tuesday night from whom she could get money, Mrs. Clark caused her nephew Long to follow them and learn where they moved. On Tuesday night, for the purpose of ascertaining if the man did come, Mrs. Clark and her two nephews went to watch, not to warn, not to prevent the payment of the money to Kitty, but to put Mrs. Clark in the position where on Wednesday she could say to Kitty that they knew the man came, and she wanted the rent money. Not for the purpose of preventing the man from going there and giving up the money, but, as Claude Clark says, "They owed her money, and I didn't want her (Mrs. Clark) to lose her money."

Their actions support this theory while they are absolutely inconsistent with the theory put forth by them and adopted by the Advisory Master. Of course, the theory which coincides with their actions is not placed on that high moral plane and does not have that elevated moral tone that goes with an attempt to warn people against impending wrong, but it is respectfully submitted that their actions with regard to their errand to

512 Oriental Avenue are quite as elevated from a moral standpoint as Mrs. Clark's attitude in seeking the money to pay the rent from a girl who she believed had gotten the money by immoral acts or by the perpetration of a conspiracy of which she had full knowledge before-hand, and it is respectfully submitted that it should require more than appearance and demeanor upon the witness stand to control the balance of the scales when weighing testimony of a witness who is the self-confessed recipient of money taken in payment of debt through the perpetration of a conspiracy, which she believed had been perpetrated and of which she claims to have had full previous information, nor does there seem to be any reason why the appearance and demeanor of Claude Clark who while on the stand testified that he went for the laudable purpose of warning Knittel and utterly failed to do so when he had the opportunity of doing so, should outweigh his subsequent testimony that the reason he did not notify him was because he wanted his aunt to get her money. In other words, the practical interpretation of this testimony is that they went up there for the purpose of bettering their position to compel the payment of the $16.50 rent.

DELLA CLARK testified, page 32, line 32:

Q. Now did you have occasion to go to this place at Oriental Avenue where they lived on that night of the nineteenth of September last? A. Yes.

Q. And did you go up there? A. I did.

Q. Now about what time did you arrive? A. Well, somewheres after seven o'clock, between seven and half-past.

Q. Now about where did you stand? Did you go inside the house? A. No.

Page 33, line 11:

Q. Now with relation to Mr. Knittel and Miss Murray or Miss Abrams tell us what you know. A. Well, that night I saw two gentlemen go in the house about—well about twenty minutes, fifteen or twenty minutes past seven, one of them a tall, slim gentleman, and a stout gentleman, one of them came out, the stouter gentleman came out in a few minutes, a very few minutes after he went in.

Mr. Garrison: Will you talk a little louder.

The Advisory Master: Yes, a little louder.

Q. Now then speak up a little, Mrs. Clark. You needn't be nervous about it, just tell us it in a perfectly natural way. Speak a little louder. A. I saw these gentlemen come in the house, they came from Massachusetts Avenue, down Oriental, and they went in the house. In about two or three minutes, not later than that, one of them came out, the stouter gentleman, and went towards Massachusetts Avenue and turned the corner towards the beach. Immediately my nephew, Mr. Long, rode around on the wheel to see where he was, and stood up against the hotel in about, well, in about fifteen or twenty minutes later he came around the corner.

Q. Who? A. This stout gentleman.

Q. Yes. A. Came around the corner of Massachusetts and Oriental Avenue with two ladies, one a short lady and a taller lady. They three went in the house. In about—well I guess that might have been about ten minutes after eight, something like that, ten or fifteen minutes past eight. Then about eight-thirty, this gentleman, Mr. Knit-

tel, he turned the corner of Congress Avenue and went in the apartment. In the meantime Katie Abrams, she came to the door several times and looked up and down the street and walked up and down the pavement.

Q. Now was that before Mr. Knittel came? A. That was before Mr. Knittel came.

By the Advisory Master: Q. Did you know Mr. Knittel at that time? A. No, sir.

Mr. Cole: I will show how she came to know him afterwards.

By Mr. Cole: Q. Right now is this the gentleman? A. That is the gentleman.

Q. You saw come that you call Mr. Knittel? A. That is the gentleman.

Q. The defendant in this case? A. Yes, sir.

Q. You saw him go in, you say? A. Yes, sir, saw him turn the corner and go in the apartment.

Q. Proceed; just what happened after that? A. Well they had not been in there, I don't think over seven minutes, if it was that long. It seems as though it was like a flash, out comes the stout gentleman, the two ladies and the tall gentleman, in less than five minutes, in about two minutes Mr. Knittel came out, I think it was less time than that, because they seemed to all come out together. They hadn't any more than gotten to the corner of Connecticut Avenue and Oriental when my nephew crossed the street, and met Mr. Knittel in the middle of Oriental Avenue, in the middle of the street, and they walked up on the sidewalk together and stood talking.

Page 35, line 11:

Q. And when did you first learn that the name of the defendant here was Knittel? A. When my nephew met him and said, "Oh my God that is Charlie Knittel" that night.

* * * * *

Q. Now did you after that see either Mrs. Abrams or her daughter again? A. Yes, sir, on Wednesday morning they came to my house.

CLAUDE CLARK testified, page 80, line 15:

Q. How came you to go there? A. Well, I knew that this thing was being pulled off?

Q. Who told you? A. My aunt.

PHINEAS LONG testified, page 90, line 18:

Q. What did you think you were going up for? A. Why, my aunt told me to come along and we would go and warn the man.

Q. What did you think you were going to warn him against? A. Why she told me that day just before I went up about it.

WILLIAM I. GARRISON testified, page 239, 17, as follows:

Q. Mr. Garrison, you are a counsellor-at-law? A. Yes, sir.

Q. You are the solicitor of record in this case? A. Yes, sir.

Q. Representing Mrs. Knittel? A. Yes, sir.

Q. When did Mrs. Knittel first come to you with relation to her domestic affairs? A. Well, I think it was sometime in May.

Q. And when she came there what was her object, what took place between you, what conversa-

tion took place between you? A. She came there and told me about what somebody had told her about her husband and that she would like to have my, like to consult me about it.

Q. Yes. A. And I told her that my idea was that she didn't know enough against her husband to consult a lawyer, just merely being at the Extra Dry with a lady, and she went away. She came back afterwards—

Q. About how long afterwards? A. Oh, I can't recollect that. She came back afterwards and she seemed to be worried, and seemed to be anxious to know whether her husband was true to her, that seemed to be the burden on her mind, and I said there was no way for a lawyer to tell her. The only thing she could do was to get a detective or somebody and follow him up, and she told me that she had had a detective and had dismissed him or something. I don't know.

Q. That she had had one or consulted one, which? A. Consulted one, I think, consulted a detective, and I told her she had better get somebody to investigate the matter, and I suggested Mr. Herbert and Mr. Herbert began the investigation.

Q. Now what was she going to investigate for? What did she have in mind, if you know? A. Her whole mind seemed to be on getting her mind relieved. She was worried. She didn't know whether the man was true to her or untrue, and she wanted to know, she wanted to know whether he was really true to her or not.

Q. Now did you know anything about her? Did you know—was she a stranger to you? A. Never had seen her before.

Q. Did she tell you anything about what family she had or whether she had any family? A. She said she had two children and a mother.

Q. Tell you the age of the children, did she? A. Well, she may have. I don't recollect now. I can't remember all those things.

Q. Now as a result of these visits was Herbert employed? A. He was employed.

Q. Were you present at the time the engagement was made? A. Yes.

Q. Will you tell the Court what it was? A. Well, Mr. Herbert was to receive a retainer, and he was to report back in two or three weeks, I can't remember all those details, and if it warranted further investigation he was to investigate further, and when she was satisfied or I was satisfied that the investigation was completed then she was to pay him five hundred dollars.

Q. Now at that time was there anything said about her divorce? A. Not a word.

Q. What was he to investigate for? A. The investigation was to be made, as I understood it, to find out whether he was true to her. She seemed to be in a nervous collapse from these reports that she had had.

Page 241, line 33:

Q. Now it is in testimony here that during this time you were representing Mae Adams and her mother in a suit, is that true? A. I had brought two suits against the Shill Rolling Chair Company for damages.

Q. And who represented the defendant in those suits? A. Bolte, Sooy and Gill.

Q. Did you know that Herbert was engaged to investigate Mae Abrams? A. I did not.

Q. Were those suits in course of settlement about the nineteenth or twentieth of September? A. We were dickering from the first of September until they were finally settled around the first of October.

Q. Now did Mae Abrams come to your office sometime during the day of September twentieth —September nineteenth I mean, September nineteenth? A. Mr. Bourgeois, they were there very often.

Q. Do you recall an instance when she came to your office, and after she went or just as she went Mr. Herbert came? A. I remember Mr. Herbert saying that this girl is mixed up with Knittel. I remember that.

Q. You remember the girl had been in there just prior to that? A. Well, I can't remember that. Probably she was.

Q. Do you remember—let me ask you this—do you remember how she was dressed on the nineteenth, I mean on the nineteenth, same day that this happened? A. Well, she was dressed in a purple robe, purple dress, purple hat, purple shoes and purple stockings, and she had some sort of, I can't tell the things that the women wear that make them look pretty, but I thought she was dressed the prettiest of anything I ever saw.

Q. And what did you say to her? A. I said, "Kitty, where did you get the pretty clothes?" Now I don't know whether it was that day that Mr. Herbert told me about Knittel or no, but it was one day, I said, "Where did you get the pretty clothes?" "Why," she says, "A broker put them up." I says, "A broker?" "Yes," I said, "Where does he come from?" "Oh," she says, "He is in town." And I said, "Does he live with you?" "Oh, no," she says, "don't live with me, but he comes most every night to see me," and that is about all the conversation I had about that.

Q. Now when Herbert came in and said that the Abrams girl was going around with Knittel

what did you say to him? A. Why, I said that the girl told me that she had a broker and a broker was putting up for her, that is all I told him.

Q. Did you tell him that she said he came to see her most every night? A. Yes, I told Mr. Herbert she said the broker came to see her most every night.

Q. Now at the time Kitty was in your office and you were complimenting her for her pretty clothes, did you know she was in with Knittel? A. No, I didn't know it until I got the report.

Q. You didn't know it until Herbert— A. I didn't know it until Herbert told me.

Q. When he came to make the report? There is testimony here that you gave your check to her for fifteen dollars and she used it to pay the rent? A. Mr. Bourgeois, she got a hundred and some dollars, these checks that you have there will show, prior to the settlement of her suit, she drew money on those suits, because I expected those suits to be settled early in September, and she drew money from time to time on the strength of that settlement, and when the settlement was made all the money she had coming to her was either two hundred and sixty-nine or two hundred and nineteen.

Q. How much was the amount of the settlement, how much money was there coming to her, total amount? A. Well, her release is there— just wait a minute and I will figure it for you. Six hundred and seventy-five dollars.

Q. Now, I show you a check dated September fifteenth, 1916, drawn by W. I. Garrison to the order of Mae Abams, endorsed Mae Abrams, and Hugh Thompson, and ask you if that is your check? A. Yes, sir.

Q. You gave it to her? A. Yes, sir.

Q. At whose request? A. At her request.

Q. For any specific purpose? A. Oh, no. No, I didn't know what she wanted it for. She never consulted anything with me about house or renting houses, I didn't know anything about their family life.

Check offered and admitted in evidence and marked Exhibit P-1.

Q. I show you another check bearing date August sixteenth, 1916, drawn by William I. Garrison to Mae Abrams for ten dollars and endorsed Mae Abrams and P. Perfetti, and ask you if that is your check? A. Yes.

Check offered and admitted in evidence, and marked Exhibit P-2.

Q. I show you another check bearing date of August thirty-first, 1916, drawn by William I. Garrison to the order of Mae Abrams and by her endorsed, and ask you if that is your check? A. Yes.

Check offered and admitted in evidence and marked Exhibit P-3.

Q. Now, I show you another check bearing date October 5, 1916, drawn by you to the order of Mae Abrams on the Atlantic Safe Deposit and Trust Company for fifty dollars and by her endorsed and ask you if that is your check? A. That is my check.

Check offered and admitted in evidence and marked Exhibit P-4.

A. There is four of them. They are all same date.

Q. I show you another check bearing date of October 5, 1916, made by yourself to Mae Abrams for fifty dollars on the Atlantic Safe Deposit and Trust Company and ask you if that is your check and by her endorsed? A. That is right.

Check offered and admitted in evidence and marked Exhibit P-5.

Q. I show you another check bearing date October 5, 1916, made by yourself to the order of Mae Abrams for fifty dollars, drawn on Atlantic Safe Deposit and Trust Company and by her endorsed and ask you if this is your check? A. Yes, this is right.

Check offered and admitted in evidence and marked Exhibit P-6.

Q. I show you another check bearing date October 5, 1916, drawn by yourself to the order of Mae Abrams for fifty dollars on the Atlantic Safe Deposit and Trust Company and by her endorsed and ask you if that is your check? A. Yes, sir.

Check offered and admitted in evidence and marked Exhibit P-7.

Q. Now, Mr. Garrison, had you at that time received the moneys with which to make this settlement? A. No. A draft, Bolte and Sooy's draft had been given, but we were not certain that draft would be honored. It was given on the Georgia Casualty Company, not given on any bank, it was deposited over here in the Safe Deposit and Trust Company, but I felt pretty sure that draft would go through, and on the strength of that I gave the two hundred dollars.

Q. And those four checks are the two hundred? A. Drawn in four checks so that they could handle the four checks.

Q. Now, I show you another check drawn by yourself to the order of Mae Abrams dated October 10, 1916, for fifty dollars and by her endorsed, and ask you if that is your check? A. That is mine.

Check offered and admitted in evidence and marked Exhibit P-8.

Q. I show you another check dated October 10, 1916, drawn by youreslf on the Atlantic Safe Deposit and Trust Company and endorsed Mae Abrams and Moss and Hamilton, and ask you if that is your check? A. That is right.

Check offered and admitted in evidence and marked Exhibit P-9.

Q. Now, I show you another check bearing date October 14, 1916, drawn by yourself to the order of Mae Abrams for $219 on Atlantic Safe Deposit and Trust Company and by her endorsed and marked at the bottom "In full, Abrams v. Cas. Co." and ask you if that is your check? A. That is right, that was the balance of the settlement.

Check offered and admitted in evidence and marked Exhibit P-10.

A. You will find in the check stub that that is $269 instead of $219 but you will find that that check number does not correspond with the stub number because after that check had been drawn for $269 they said they owed their doctor fifty dollars and they had a check drawn for $219 and then I paid their doctor the fifty dollars.

Q. Did you speak to Mae Abrams when she was in your office anything about Knittel on the nineteenth of September, 1916? A. No, sir; I didn't speak to them about it.

Q. It had been intimated here that there was some conspiring, some connivance with regard to trapping Mr. Knittel; was there any such connivance within your knowledge? A. No, sir.

Q. Was there any money paid to you by Mrs. Knittel for the purpose of paying anybody to go and secure evidence. I mean trap Mr. Knittel there? A. No, sir; but you can put the evidence in, if you want to, for I never received any money from Mrs. Knittel for Mr. Herbert.

Q. Did you ever hear of any claim that this had been a set-up case prior to coming here to Court? A. Yes, sir.

Q. Now when did you first hear it? A. On the twentieth.

Q. Mr. Garrison, I neglected to ask you, do these checks that I offered in evidence cover all the moneys that you paid to Mae Abrams on account of the moneys that you collected from the Casualty Company? A. No, there is some cash moneys she received.

Q. And were there some other checks you drew in your other bank account or are they all in this bank account? A. That I don't know, Mr. Bourgeois, I don't know that.

Q. But whatever other moneys you had and these checks cover all the moneys that were paid for the purpose of settling that suit? A. Yes, sir; I never paid her a cent of money in my life otherwise.

Q. Except what came about in your business connection with relation to these suits, you mean? A. Those suits.

Q. Did you pay her any money out of the other suit? A. What other suit?

Q. Judge Cole spoke about a Gaskill suit? A. No, sir; I hadn't anything to do with that suit so far as that was concerned.

Q. The only suit you had to do with was this present one? A. Yes, sir.

Q. The one I mean with the Shill Rolling Chair people? A. Only two suits I ever collected any money for her.

Q. Now, Mr. Garrison, you said, the next day you heard something about this case. Did she come in your office the next morning? A. She

came, well, I don't know whether it was morning or afternoon, but she came in the next day.

Q. She was in there how many times that day? A. I don't know, she was so mad, she may have been in there two or three times.

By Mr. Cole: Q. Which one are you referring to now? A. Mrs. Abrams.

* * * * *

A. She came in to me and wanted me to bring a suit against Mr. Knittel.

Q. For what cause? A. For disgracing her daughter.

Q. Did she tell you they had been up there the night before? A. She told me that an awful thing had been perpetrated and I knew about it because Mr. Herbert had 'phoned me and told me that they had caught him and, "Well," I said, "I wouldn't bring suit for you. I don't think your daughter has been disgraced." I said, "He was putting up for her." "Well," she says, "It is awfully disgracing." "Well," I said, "I wouldn't bring a suit for you." "Well," she said, "I know who will." I says, "You get them." She said, "I will get Clarence Goldenberg. He will sue him," and then she came in again either that day or the next day, and I don't know which and she says "What do you think," she says, "They say that thing was put up on him."

Q. Well, now, who did she say said it? A. She said that Knittel had told Kitty, Kitty was her daughter, and I said, "I don't know a thing about that, Mrs. Abrams," I said, "Did you receive any money?" She said, "Why, of course we didn't." I said, "Didn't anybody pay you anything?" She says, "No." I says, "You are quite sure now that this wasn't a put-up game?" She says, "No, sir." and she says, "You know it too." "Well,"

I said, "I don't know anything about it." I says, "Are you willing to put that in writing?" She says, "I am." I called my stenographer in and I had her put it in writing.

Q. Have you got that? A. It is around here somewheres.

Mr. Bourgeois: If your Honor please, at this point I want to offer in evidence a writing signed by Mae Abrams touching on this subject. I haven't got it here unless you will let me go down to the office and look it up.

Mr. Cole: Assuming it is produced I want to object to it as wholly immaterial and irrelevant.

Q. Did she sign the statement? A. She did.

Q. Who was the stenographer took the statement? A. Miss Sullivan.

Q. Is she still in your employment? A. She is still in my employ.

Q. Has she the shorthand notes she transcribed at that time? A. She has.

Q. And did she see her sign it? A. I suppose she did. I don't know.

Q. Now, Mr. Garrison, since that time have you heard from this Abrams woman? A. Three times.

Q. And where and under what circumstances? A. I received a letter while she was at Riverton, at least that is where the letter came from, asking me what progress had been made about getting the goods that she had in Philadelphia which she had pledged for some purpose. Before that letter was answered she telephoned me from Philadelphia about these very same goods, and I told her she had better get somebody in Philadelphia to investigate those things because I didn't care

to send it to anybody in Philadelphia. On the morning after the hearing, the day of the hearing—

Q. That must have been on what? A. Well, it was the first time it came out in the Philadelphia papers, I think it was Friday.

Q. That was Friday morning, Friday, what time on Friday? A. I suppose it was about 10 or 11 o'clock, maybe, maybe it was earlier than that, maybe it was about 9 o'clock, I don't recollect the time, it was in the forenoon, and she said, "Do you see how we have been disgraced?" And I said, "Well, nobody's fault but your own." I said, "If you have men running to your houses and putting up for you you must expect to be disgraced." "Well," she says, "Do you know that we can get a thousand dollars"—

Mr. Cole. I object to all this testimony as incompetent, immaterial and irrelevant.

Mr. Bourgeois: If the Court please, it is along the line of all the testimony that they have taken. Theirs is hearsay evidence and this is hearsay evidence.

The Advisory Master: There has been a great deal of hearsay evidence admitted in this case simply with a view of, on my part, to get the truth.

Mr. Bourgeois: Well, we are willing you should have it so far as our case is concerned. You can have it all.

The Advisory Master: And I don't see that there is any better reason to exclude this testimony than the testimony that was admitted for you, Mr. Cole. I think in that aspect of the case I shall admit it.

A. —to come down and testify," I said, "Who offered you a thousand dollars to come and tes-

tify?'' She says, ''It was a dark complected man with a dark mustache.'' Well, I said, ''You better take the thousand and come on down and testify.'' She says, ''When does the case go on again?'' I told her that I didn't know, for I didn't at that time. We came here Friday morning and it was continued until the following Tuesday. I said, ''I learned that you have been subpoenaed in this case. You ought to come back and testify.'' I said, ''If you know anything in this case that will hurt or help you ought to come and testify.'' She says, ''Everybody else seems to have gotten something out of this but me, and all I have gotten out of it is disgrace,'' and that is all I said to her.

Q. And that is the only communication you have had with her? A. Only communication I had had those three times.

Q. Do you know where she is? A. I do not.

Q. Have you known where she was at any time since this case has been going on? A. No, the—letter came from Riverton, I assumed she was there, for I think she has a family there. I don't know. I heard so.

Q. That is all you know about it? A. That is all I know about it, and when she telephoned she gave me an address, and I will tell you what the address was as near as I can recollect, 3400 Chelten Avenue, if there is such a place, Philadelphia, that is all I know about it. I never called on her nor looked her up and don't intend to.

Q. Now, Mr. Garrison, it appears that she said that Mr. Knittel said a trap had been set for him or been a put-up game. Was there anything in this case so far as you know of the nature of the connivance to get the testimony against Mr. Knittel. A. No, sir.

Page 310, line 22:

Q. Did you anticipate at the time that you got her to sign the statement that there might be a claim in his case of a frame-up? A. I did not, except so far as Knittel had so stated to Kathryn Abrams and Mae Abrams had so stated to me.

Q. Well, having had that so stated to you, I ask you whether you anticipated that the defense in this case might be that there was a frame up? A. Well, I can't say. I don't know. I didn't know that I did. I wouldn't say.

Q. Well, if you didn't have that in mind, why did you think it necessary to take the statement? A. I wanted to protect Mrs. Knittel if such a thing did occur.

MRS. KNITTEL, the petitioner, testified as follows: page 128, line 15:

Q. And did you meet him? A. Yes, sir.

Q. And Miss McGowan with you? A. Yes, sir.

Q. Where did you go then? A. Well, we met Mr. Herbert on Massachusetts Avenue, got out of the jitney, then he took us around down Massachusetts Avenue.

* * * * *

Q. On which side of the house that you later went in was that alleyway, on the side towards Massachusetts Avenue from which you had come? A. Yes, sir.

Q. Or on the other side? A. On the side towards Massachusetts Avenue.

Q. Now the three of you go in there, did you? A. Yes, sir.

Q. Anybody else in there? A. Mr. Shaw was there.

Q. And Mr. Shaw, had you ever met Mr. Shaw before? A. No, I had never met Mr. Shaw before.

Q. Did you know who he was? A. No, I didn't know who Mr. Shaw was.

Page 140, line 36:

Q. Now, Mrs. Knittel, did you in any matter connive with Mr. Knittel's going to this Abrams house on the nineteenth day of September? A. No, sir.

Page 141, line 10:

Q. Did you ever pay to anybody any moneys for the purpose of having them induce Mr. Knittel to go to that house and there be trapped? A. No, I did not.

Q. Did anybody pay moneys for that purpose to your knowledge? A. Not to my knowledge, no, sir.

Q. You paid Mr. Herbert, I suppose, for his work? A. For his work, for his services as investigator, yes.

Q. Now, how much money in all did you pay Mr. Herbert? How did you pay him? Did you pay him in a lump sum or did you pay him his expenses first along? A. No, I paid him from time to time his expenses as he asked me for them, operator's expenses for investigations.

Q. And you paid them? A. Yes, as he asked me.

Q. Now, after this nineteenth of September, then did you pay him for his services? A. Yes, sir; I paid him for his services.

Q. Had you had an agreement with him as to the cost of those services, a tentative agreement? A. Yes, sir.

Q. That was to be for how much money? A. When Mr. Herbert was first hired as investigator he told me that he would charge one hundred dollars for investigation in the case. If at the end of two weeks the investigation warranted him going no further, then there was no money, but if the investigation warranted him going further, then I was to pay him five hundred dollars when he gave evidence of infidelities.

Q. Now after this nineteenth of September, did you pay him? A. After the nineteenth of September?

Q. Yes, after the case was finished. A. Yes, sir.

Q. How much did you give him? A. Well, my original contract called for five hundred dollars, and Mr. Herbert had worked night and day and I had seen him frequently, I knew he gave a great deal of his time to the case, he had consulted with me frequently, reported to me from time to time, and I knew he had sometimes as high as six and seven operators working on the case, and I felt that the five hundred dollars did not compensate for the amount of work he had given to the case, so I voluntarily wrote out a check of one thousand dollars to Mr. Herbert because I felt that he had worked extremely hard on it.

Q. Now when you gave the check for a thousand dollars to him what did Herbert say and do? A. Well when I gave it to him he said, "Why, Mrs. Knittel, you don't owe me this," and I said, "I know I don't, Mr. Herbert, but I want you to accept it because I feel that you have earned it," and he put it on Mr. Garrison's desk and he said, "I don't want to take it." "Well," I said, "You may take it. I wish you to take it." That is the extent of what I gave Mr. Herbert.

The Advisory Master: When was that, after the nineteenth of September?

Q. After the nineteenth of September, wasn't it, Mrs. Knittel? A. Yes, sir.

Q. Now, Mrs. Knittel, you knew this one operator, what was her name you mentioned a little while ago, Miss— A. Miss McGowan.

Q. Did you ever make her any presents? A. I gave her a little pendant that I had had.

Q. That you had had? A. Yes, sir.

Q. When did you give that to her? A. Sometime in July.

Q. And why was it given to her? A. Because she knew I was ill, she knew I was worrying, and she used to call me up on the 'phone, many times she used to call me up in the evenings when she knew I was alone, and she seemed to take an interest in me, and I simply gave it to her as a little token because I thought she took an interest in me, I gave it to her sometime during July. It was a little pendant that I had had.

Q. Now did you ever give her anything else except that pendant in July? A. No, sir; I never gave her anything else except that pendant in July.

Q. Never gave her any money? A. Not a penny, no.

Q. Did you ever give anybody any moneys excepting Mr. Herbert? A. Nobody.

Q. When you mention nobody you mean that to include your lawyer; haven't you given him something for his services? A. I gave Mr. Garrison something on account of it, yes, sir.

Q. What you mean you never gave anybody any money for the purpose of trapping Mr. Knittel? A. No, sir; I did not.

Q. Nor in connection with the getting of the investigation?

* * * * *

Q. I say you never gave anybody any money except Mr. Herbert in connection with this investigation? A. No, nobody but Mr. Herbert; no.

* * * * *

Q. You were, according to your agreement with Mr. Herbert, to pay him five hundred dollars when he furnished you proof of Mr. Knittel's infidelity, is that right? A. Yes, sir.

Q. And you considered that he had furnished you with that proof when the Kitty Abrams incident occurred? A. Yes, sir.

Q. When did you pay him the five hundred dollars?

Mr. Bourgeois: The five hundred? The thousand.

A. I didn't pay Mr. Herbert five hundred dollars. I said I voluntarily—

Q. Instead of paying him the five hundred you had agreed you paid him a thousand instead? A. Yes, sir.

Q. That was your check? A. Yes, sir.

Q. To his order? A. Yes, sir.

Q. And it was delivered in Mr. Garrison's office? A. Yes, sir.

Q. On the morning of the twentieth of September? A. A few days after that.

Q. Wasn't it the day after this incident? A. Yes, I believe it was the day after.

Q. In Mr. Garrison's office at the time you swore to this petition for divorce? A. I didn't swear to this petition for divorce until the afternoon about 4 o'clock.

Q. Following day? A. Yes, sir.

Q. At all events then you were in Mr. Garrison's office twice on that day? A. Only once.

Q. What time in the morning was it that you passed the check of a thousand dollars to Mr. Herbert? A. It was in that afternoon, it wasn't in the morning.

Q. Both occurrences in the afternoon? A. Yes.

Q. Well, was it the same time that you swore to this petition for divorce? A. Well, just how do you mean?

Q. Was it the same trip, same occurrence? A. It was at the same—one trip.

Q. You were not there twice? A. No, sir.

Page 146, line 25:

Q. Now what conversation took place between you and Miss McGowan on the way up in the jitney? A. I asked her what Mr. Herbert wanted to see me about and she said, "I don't know, he just merely wants to see you."

Q. She told you she didn't know what Mr. Herbert wanted to see you for? A. Yes, sir.

Q. And you didn't know up to that time? A. No, I did not.

Q. I understand you asked her what he wanted and she said she didn't know? A. Yes.

Q. Now you got out of this jitney and where did you stand? A. We got out and Mr. Herbert took us around to Massachusetts Avenue around to Oriental Avenue.

Q. How is that? A. We got out of the jitney and Mr. Herbert took us around Massachusetts Avenue.

Q. Was he there waiting? A. Mr. Herbert was there, yes, sir.

Q. When you arrived? A. Yes, sir.

Q. Did you get out right where he was standing or some distance from him. A. Got out right where he was.

Q. Right where he was standing? A. Yes.

Q. Did he tell you how long he had been waiting there? A. No, he did not.

Q. What time did you get there? A. Well, I suppose it was between quarter-past and half-past eight.

Q. And then you three walked from there, what became of the jitney? A. I suppose the jitney drove off, I didn't look to see.

Q. And you three then left the place where you got out of the jitney and went into this house? A. Yes, sir.

Q. You found the back door open? A. Mr. Herbert went to see if the back door was open.

Q. Then the back door was open? A. Yes, sir.

Q. Did you go into what is known as the heater-room? A. No, we went into a kitchen, it was a kitchen.

Q. Can you describe how the rooms were located from the place where you entered until you got to the bedroom? A. Well, we went in from the alleyway, right into this one room, the kitchen.

Q. You call it a kitchen then, what room came next, was it a hallway all the way down from where you entered until you got to the bedroom? A. As near as I can remember it was a hallway to the bedroom? Yes, sir.

Q. And it was all on the same floor, wasn't it? A. Yes, sir.

Q. Now where were you all the time that you and Mr. Herbert and Mr. Shaw and Miss McGowan from the time you entered this building until you went to this building? A. Well, at first

we were in this apartment alleyway before we entered the kitchen.

Q. Then you entered the kitchen? A. Yes, sir.

Q. And you remained in there until you went to this bedroom? A. Yes, sir.

Q. And you all four went from there to the bedroom? A. Yes, sir.

Q. Did you notice before you went to the bedroom the light was turned down or turned out? A. Where do you mean?

Q. Anywhere on that floor? A. Well, I could see that there was a light beyond.

Q. Well, was it turned low or turned down while you were there? A. It seemed to be turned low, I could see the light beyond it, in the room we were in it was dark.

Q. Now when Mr. Knittel and this woman came in, did they pass you? A. We heard them coming and we got into a stairway.

Q. Well, did you have to come out of the kitchen to get in the stairway? A. No, it was right there, it seemed to be right there, right at the kitchen, the stairway seemed to lead, it started right in the kitchen.

Page 150, line 33:

Q. The door was not unlocked while you were there, was it, for you? A. No, Mr. Herbert opened the door.

Q. That is to say, he simply had to turn the knob and go in? A. Yes.

Page 151, line 30:

Q. Did you see anyone that night after you got in this building before you saw this woman and Mr. Knittel pass when the match was struck? A. How do you mean?

Q. Had you seen anyone in that building that night after you went in? A. You mean in that house?

Q. Yes, in that house before this girl and Mr. Knittel passed while you were in the stairway or near the stairway? A. No, I didn't see anyone.

Q. That was the first time you had seen anybody in the house? A. Yes, sir.

Q. Did you suspect when you saw this woman pass and Mr. Knittel that they were going to commit adultery? A. I didn't believe it, no.

Q. You still thought, did you, notwithstanding the fact that you saw him in that house with a woman that he was not going to commit adultery? A. I did.

Q. You didn't think it necessary, notwithstanding all that had been reported to you and all that you had seen, to stop your husband or warn him against committing adultery, did you? A. Well. I determined then to learn the truth if the truth—

Q. You were quite willing to catch him, weren't you? A. Well, after I found—

Q. Pardon me, I say you were quite willing to catch him at that time? A. I wanted to find the truth.

Q. Will you answer my question, Mrs. Knittel? You were quite willing to catch him in adultery that night? A. Yes, sir.

Q. Why didn't you warn your husband, when you found him pass you, and this woman with him? A. I didn't believe he would do that. I didn't think so. I didn't believe it.

Q. As you were anxious to catch him in adultery? A. I wasn't anxious to catch him in adultery.

Q. You just said you were quite willing to. I

will change that, now being quite willing to catch him in adultery, and being there with these detectives whom you had hired, you mean to say that you did not suspect that your husband was going to commit adultery? A. Well then I suspected, yes, when I saw him in the house, but I didn't—

Q. As you then suspected him, I ask you why you didn't stop him, warn him? Why did you wait until you supposed he might commit the act? A. Well, I didn't wait there for the purpose of him committing the act. I wasn't there for that purpose. I didn't wait for that purpose.

Q. What did you understand you were waiting there fifteen minutes for? A. I determined to learn the truth.

Q. Truth about what? A. Whether he was untrue to me or not.

Q. Weren't you waiting there this fifteen minutes for the purpose of catching him in adultery? A. I didn't look upon it as that then. I can't say truthfully, no.

Q. Won't you please tell the Court what you were waiting for those fifteen minutes? A. To find out whether he was untrue to me or not.

Q. In order to find that out didn't you have to wait to see whether he was going to commit adultery or not? A. Yes, sir.

Q. I ask you then why didn't you warn your husband not to commit adultery? You knew he was in the building, did you? A. Yes, sir.

Q. You knew where he had gone? A. I didn't know he was in a bedroom in there.

Q. You suspected he had gone in a bedroom, didn't you? A. Until I went in there, no, I didn't believe he would be in a bedroom.

Q. Now, Mrs. Knittel, frankly do you mean to say to the Court notwithstanding the fact your detectives in the room had sent for you and you went there with them, that you didn't go there with them and know when you went there that the object of that meeting was to catch your husband in adultery? A. I didn't know and feel that he would commit adultery. I didn't believe it.

Q. So that notwithstanding anything that you had seen with your own eyes up to that time, and notwithstanding anything that these men had reported to you, these detectives, you still did not believe that he was unfaithful, did you? A. I did not, no.

Q. You had no ground from anything that had been reported to you up to that time to suspect that he was guilty of infidelity, did you? A. I had grounds to suspect his indiscretions.

Q. But not infidelity? A. No.

Q. So that when you went in that building that night with these three detectives, so far as you were concerned you still believed that he was morally pure? A. Yes.

Page 155, line 9:

Q. When did you first learn the name of this woman? A. Which woman do you mean?

Q. That was in this house that night? A. I didn't learn it till the next day.

Q. And you learned that in Mr. Garrison's office? A. Yes, sir.

Q. Mr. Garrison told you who the woman was? A. He told me her name, yes, sir.

Q. From any personal knowledge, not what someone may have told you, but from any personal knowledge, do you know whether Mr. Knit-

tel was in that building that night before you arrived? A. Do you mean did I know?

Q. Yes. A. Before I—

Q. Did you personally know whether or not Mr. Knittel was in that house before you entered that night? A. No, I did not.

Q. How many times did you meet Miss McGowan? A. Well, I met Miss McGowan frequently to go to the bathing beach here.

Q. Did she make reports to you? A. No, she never made any reports to me.

Q. The only reports you ever received were from Mr. Herbert? A. Yes, sir.

Q. Did you ever get a report from Mr. Shaw? A. No, sir.

Q. Did you ever meet him before this night? A. No, sir; never saw Mr. Shaw.

Q. Did you ask Mr. Garrison the name of this woman or did he tell you without being asked? A. No, I didn't ask him.

Q. What? A. No, I didn't.

Q. How did he come to tell you her name? A. He simply told the name, that is all.

Q. Did he tell you that was her stage name? A. No, didn't speak about any stage name.

Q. Just told you that her name was Kitty Murray? A. Yes, sir.

Q. Did you read this petition or have it read to you before you made the affidavit? A. Yes, sir.

Q. And you knew then that this woman was referred to as Kitty Murray? A. When I read the petition the next afternoon.

Q. Did you go there the next afternoon at the request of Mr. Garrison or voluntarily? A. Voluntarily.

Q. And was this petition drawn while you were there? A. Yes, sir.

Q. Was Mr. Herbert there when you arrived? A. No, Mr. Herbert wasn't there when I arrived.

Q. How did he happen to get there? Was he sent for? A. No, sir.

Q. He did arrive while you were there? A. He came there while I was there, yes. He had frequently come there while I was in Mr. Garrison's office.

Q. Have you talked with Mr. Herbert about this case, about the way he got this evidence since the nineteenth of September? A. No, I have not.

Q. Have you talked with Mr. Garrison about it? A. No, I have not.

Q. You haven't talked with anybody about it, have you? A. No, sir.

Q. All you know is that you went to Mr. Garrison's office on the twentieth and signed this petition and that ended your connection with the matter? A. Well, I told him then to draw up a petition for divorce, my mind was made up.

The Advisory Master: Told him what? A. I had made up my mind then to have a petition for divorce drawn.

Q. On what bank were your checks drawn? A. The Atlantic Safe Deposit and Trust Company.

Q. And how many checks have you drawn in connection with this matter? A. Just how many I couldn't say. Mr. Herbert asked me for money from time to time for the operators' expenses and I gave them to him, but just the number of checks I couldn't say.

Q. Can you approximate the total amount of the checks to Mr. Herbert? A. Possibly a half a dozen.

Q. I don't mean the number of checks but I mean the amount of them, what is the total

amount of checks you have drawn to Mr. Herbert? A. I couldn't tell the total amount, I could not.

Q. Fifteen hundred dollars? A. I don't think it is that much, no.

Q. Well, you gave him a check for a thousand? A. Yes.

Q. You don't think the other checks amounted to five hundred? A. I don't think they did.

Q. Without regard to the amount that you owe Mr. Garrison had you paid him any money up to the twentieth of September? A. In June I gave Mr. Garrison on account.

Q. In June? A. Yes, on my consultation fees.

Q. Now from June to September twentieth had you paid Mr. Garrison anything? A. No, sir.

Q. Did you pay him anything on September twentieth? A. No, sir.

Q. Do you know when you arrived at Mr. Garrison's office on the twentieth that Kitty Murray had been to his office before that? A. I did not, no.

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

Q. Do you know where she is now? A. I do not.

Q. Is she here in Court this morning? A. I don't know. I couldn't say.

Q. You mean you wouldn't recognize her? A. I don't believe I should.

Q. Would you mind looking around the room and see whether you recognize Kitty Murray or not? A. I don't think I see her, no.

Page 159, line 1:

Q. Now Mrs. Knittel, you are a woman of considerable means in your own right, are you not? A. Yes, sir.

Q. Have an income of five thousand dollars a year or thereabouts? A. Yes, sir.

Page 161, line 16:

Q. Now, Mrs. Knittel, when was it that you determined that you would apply for a divorce? A. I didn't determine to apply for a divorce until the twentieth day of September.

Q. And that was after you had seen him up to 512 Oriental Avenue? A. Yes, sir.

Q. And after he had made the confession to you about the—but there is one I forgot about, the one down in Ventnor? A. Yes, sir.

Q. Now, at that time was there something said about another woman, a Chelsea woman? A. Yes, sir.

Q. Who made the statement about the Chelsea woman? A. I did.

Q. And what was it you said to him and what did he say to it? A. I said, "The disgraceful way you acted on the beach with a woman from Chelsea."

Q. And what did he say? A. He said, "Well, I understood she was divorced."

Q. Did he tell you who she was? A. No, he did not.

Q. And that is the end of the conversation? A. Yes, sir.

Q. And it was after these confessions of his and what you saw that you determined that you wanted a divorce and not a separation? A. Yes, sir.

Q. Now this Abrams woman, have you ever talked with her? A. No, I never have.

Q. Did you have any conversation with her that night in the room? A. I did not, no.

Q. Have you ever seen her? Have you ever

talked with her since that time? A. Miss Abrams, you mean?

Q. Yes, Mrs. Abrams or Miss Abrams, either of them? A. No, I have not.

Q. Was anybody else in that house that night that you saw excepting Mr. Knittel and this woman he was with, and the four of you that you have spoken of? A. I saw nobody else.

Page 165, line 25:

Q. Never exhibited any paper at all? A. No.

By the Advisory Master: Q. Mrs. Knittel, I understood you to say that in entering this house on Oriental Avenue it was through a back door? A. Yes, sir.

Q. And you entered the kitchen? A. Yes, sir.

Q. Was there any light in the kitchen? A. No, sir.

Q. Entirely dark? A. Yes, sir.

Q. Was there any light admitted to that room from any other room? A. No light—very dim light beyond, that it all I could see.

Q. Well, was that dim light beyond through a door, through a doorway? A. Yes, sir.

Q. Then it was an inner room with a door that opened into this kitchen, there was a dim light? A. Yes, in a room beyond.

Q. Was that an arc light or an electric light or was it a gas light? A. Well, as near as I could judge it must have been a gas light, it was not bright.

Q. Did the door stand open when you went in the kitchen, that is the door leading into this inner room? A. In the which inner room do you mean?

Q. The one in which the dim light was showing? A. Yes, it was open.

Q. Was there light enough in that room to show

the stairway? I understood that you got in the stairway. A. Yes. No, there was not light enough in that room to show the stairway. We simply were right there and got back into the stairway. There was no light.

Q. Did Mr. Herbert know where to take you to the stairway? A. No.

Q. Well, how did you happen to get in this stairway? A. It was the nearest place to hide, just by accident we just got in this stairway, it seems it was right there, just merely by accident.

Q. Now when your husband, Mr. Knittel, first appeared where were you with respect to the room that you had entered? A. In that same room, but in the stairway, in that stairway, the stairway was over in that corner of the room.

Page 169, line 31:

Q. Mrs. Knittel, was there any conversation between you and Mr. Herbert or did he say anything to you from the time you got out of the jitney until you got in this kitchen or room where the stairway was? A. You mean what conversation I had with Mr. Herbert?

Q. Yes, or that he said in your presence, was anything said during that period? A. Well, when I met him, I said, "What is the matter, Mr. Herbert, what is wrong, what is wrong?" He said, "There is nothing wrong, don't be nervous."

The Advisory Master: Don't what? A. Don't be nervous.

Q. He said, "There is nothing wrong," he said, "Don't be nervous." He said, "Just follow me."

Q. Just follow? A. Yes.

Q. Did you have any idea then what he meant? A. No, I did not.

Q. Did you ask him? A. No, I didn't.

Q. And having asked what the trouble was, he said, "Nothing, follow me." A. Yes.

Q. And you followed him? A. Yes.

Q. Did any other conversation take place from that time until the time you got in this house? A. Well, when we got into the apartment alleyway Mr. Shaw was there and Mr. Shaw said Mr. Knittel had gone in there.

Q. Oh, then you knew when you got in this apartment alleyway and Mr. Shaw told you that Mr. Knittel had gone in? A. Yes, sir.

Page 173, line 18:

Q. Mrs. Knittel, when you left that house you left by which door, the rear or the front door? A. We left by the front door.

Q. Had you ever passed through that front door before the time of your leaving? A. Had I ever passed through?

Q. Yes. A. No.

By the Advisory Master: Q. Was that front door locked or unlocked when you went out? A. I don't remember. I couldn't say. It was closed. I don't remember.

GEORGE HERBERT testified, page 184, line 35:

Q. So that when you saw the woman in Mr. Knittel's office you knew it was Kitty Abrams? A. Yes, sir.

Q. Now did you see her in his office before or after you saw him in bathing? Well, can you remember if it was before or after? A. This was sometime after, I believe.

Q. That is after you had been investigating, but I mean when you saw her in his office? A. No, I mean after I saw, what I now believe was Kitty Abrams in bathing on the fifteenth, this was two or three days afterwards.

Q. Oh, that you saw her in his office? A. Yes, sir.

Q. And at that time you knew it was Kitty Abrams? A. Yes, sir.

Q. Now Mr. Herbert, in the investigation of Kitty Abrams for Bolte, Sooy and Gill did you ever go to Kitty Abrams' home? A I went in that neighborhood.

Q. I didn't mean that. Did you go in her house, in her home? A. No, sir.

Q. It has been testified that you went in her home under the name of, assuming it was you, under the name of Garrison Thompson; did that refer to you, if anybody went there? A. No, sir.

Q. Now on the fifteenth you saw her in Mr. Knittel's office? Now do you remember being in Mr. Garrison's office on possibly the Tuesday following? A. Yes, sir.

Q. While you were there what did you see? A. On the nineteenth of September I was going into Mr. Garrison's office to make a report to him on the Knittel case when I saw Kitty Abrams pass out and I said to Mr. Garrison, I said, "That girl was in Knittel's office."

Q. And what did Mr. Garrison say? A. Mr. Garrison said, "Well, she told me that she had a broker putting up for her and that she had a date with him that night and that he would not be surprised if that, that if Knittel was not the man because she would go with anybody."

Q. Did Mr. Garrison tell you where she lived? A. No, sir.

Q. Did you know where she lived? A. No, sir.

Q. Did you afterwards find out where she lived? A. Yes, sir.

Q. How did you find out? A. I immediately went out, as soon as he said that, I went out and picked her up on the Avenue and followed her to 512 Oriental.

Q. Where did you pick her up? A. On Atlantic Avenue by Braunstein's store.

Q. Was anything further said between you and Mr. Garrison about the incident at that time? A. No, sir.

Page 186, line 34:

Q. Now after you followed her to her home what did you then do? A. I went down—that is I, that night I told Miss McGowan to go down to call Mrs. Knittel up on the 'phone and tell her we wanted her go with us.

Q. But what time was that, let's get the time straight? A. Well, that was around 7 o'clock in the evening or 7:30.

Q. Where were you that you telephoned her from? A. Miss McGowan's home.

Q. Telephoned her from Miss McGowan's home? A. I had Miss McGowan telephone her from her own home.

Q. Where were you when you telephoned to Miss McGowan? A. I went to Miss McGowan's home, I didn't telephone to Miss McGowan.

Q. I see, and you asked her to telephone to Mrs. Knittel? A. Yes.

Q. Now what did you do? A. I went down, at suppertime and told Mr. Shaw to meet me, asked Shaw if he would meet me at North Carolina and Atlantic, and I wanted him to go with me that night.

Q. Now did you know that Knittel was going to Kitty Abrams' house that night other than what Mr. Garrison said he suspected might happen? A. No, sir.

Q. Where did you meet Shaw? A. North Carolina Avenue and Atlantic about seven-thirty.

Q. And who is Shaw? A. Shaw is a patrolman in the police department, I believe.

Q. Was he in the employ of either you or Mrs. Knittel? A. Not at that time, except he assisted me when he was off duty.

Q. He had done some work for you when he was off duty, is that the idea? A. Yes.

Q. Now where did you and Shaw go? A. Shaw and I went up to Oriental Avenue.

Q. To the same place where you traced Kitty to? A. Yes, sir.

Q. And what did you do after you got there? A. Stood in the alleyway.

Q. Which alleyway, which side of the house? A. On the uptown side of the house.

Q. Then what? A. And I asked Shaw to stand right there and watch to see if anybody came to that house.

Q. Yes. A. I then went around to Massachusetts Avenue between Oriental and the Boardwalk and waited for Miss McGowan to bring Mrs. Knittel to me.

Q. When they came then what did you do? A. Took Mrs. Knittel and Miss McGowan and walked around in the alleyway and met Shaw again.

Q. Did Mrs. Knittel know where she was going or what she was going for? A. No, sir, except that she had on a couple of occasions, I had sent for her to come watch her husband, and I suppose she assumed that that was what it was for.

Q. To watch him? A. Yes, sir, she had been sent for before on two or three occasions.

Page 189, line 1:

Q. Had you ever been in that kitchen before? A. No, sir, and after we got in the kitchen two or three minutes I was trying to listen and we heard footseteps coming towards the rear, and I said, "Get back," and we backed toward what I thought was the corner of the kitchen, but there was a hanging curtain across the doorway there that Mr. Shaw and Miss McGowen in backing into this corner went through this curtain, and made some little noise and it wasn't, I didn't have time enough to back any further than what I was or at least when I had backed I bumped into someone, and I couldn't get back any further, so that I was in the kitchen proper and Mrs. Knittel I believe was right back of me.

Page 192, line 32:

Q. Out of which door did you pass when you left the house? A. Out of the front door.

Q. Had you passed through that door ever before? A. No, sir.

Q. Ever since? A. No, sir.

Q. Had you passed through the rear door ever before that night when you went there and found it open? A. No, sir.

Q. Ever since? A. No, sir.

Page 194, line 88:

Q. Mr. Herbert, after this night of the nineteenth of September when did you next see Mrs. Knittel? A. On the afternoon of the twentieth.

Q. Where? A. In Mr. Garrison's office.

Q. At that time did she give you some money as compensation for your services? A. Yes, sir.

Q. What moneys had she given you prior to that time? A. Well she had just paid me the ex-

penses of the case as it went on, week to week, as I need money, as I needed money.

Q. Did she pay you the hundred dollars that was spoken of as the initiatory charge? A. Yes, sir.

Q. Has she paid you that? A. Yes, sir.

Q. Now relate the circumstances under which she paid you on the afternoon of November twentieth. A. I went to Mr. Garrison's office and was admitted to Mr. Garrison's private room and Mrs. Knittel was sitting there and she said, "Mr. Herbert," she says, "I want to pay you your money." I said, "All right, Mrs. Knittel," and she then told me that she felt that I had put in an awful lot of time on the case and that I had worked very hard and she said, "You know my contract called for five hundred dollars," and she said, " I believe you are entitled to a thousand."

Q. And what then? A. And she then laid the check on the desk.

Q. And what did you do with it? A. I told her that she didn't owe me that much money, that I didn't feel justified in taking it. She said, "Yes, you go ahead and take it. I want you to have it." I took that check, and it was too late to go to bank, I the next morning, the next day, I was sent for to come to your office by you and you were talking about fees relative to another case and I told you that my fees had run all the way from one hundred to a thousand dollars, and I displayed this check for a thousand dollars.

Q. Now what did you do with that check finally? A. I went over to the Atlantic Safe Deposit and Trust Company and had it cashed.

Q. And what did you do with it? A. I then went from there to the Second National Bank where I have my savings fund and had that added on to my saving account.

Q. Has any part of that money been drawn out since you deposited it? A. No, sir, it is there now.

Mr. Bourgeois: If your Honor please, we can't get in the bank today and I would like to hand, to have a statement made by the bank handed to you. Are you content with that, Judge, to show what the deposits are there, and when they were put there, and when they were taken out, if there were any taken out?

Q. Were you ever paid any moneys by Mrs. Knittel or anybody else for the purpose of entrapping or decoying Mr. Knittel to this Abrams' house or any other place yourself? A. No, sir.

Q. Did you ever pay any moneys to Miss Abrams or anybody else for the purpose of having him decoyed there and trapped? A. No, sir.

Q. Do you know of anybody who ever did pay any moneys for that purpose? A. No, sir.

* * * * *

Q. Do you know Mrs. Clark who has testified in this case? A. No, sir.

Page 197, line 1:

Q. Have you ever seen that lady before? A. I never saw her in my life to my knowledge until I saw her in here today.

Q. You were not in her home ever? A. No, sir.

Page 198, line 32:

Q. Now when did you first know that this woman in Oriental Avenue was named Kitty Murray? A. This woman, I first knew that this woman was named Kitty Murray when I made an investigation on twelfth, thirteenth and fourteenth, that is before I knew of the woman con-

necting in any way with Mr. Knittel. I have reports showing what her name is in my pocket that were duplicates of what were given in to Mr. Bolte's office.

Q. Who told you her name was Kitty Murray? A. Mr. Bolte first told me that this girl represented that she had danced under the name of Kitty Murray.

Q. Well, but at that time didn't you know, didn't Bolte know and didn't you know that a suit had been brought by her against the Shill Company in the name of Kathryn Abrams? A. Yes, sir.

Q. Well why were you hunting for somebody by the name of Kitty Murray when you knew her name at that time was Kathryn Abrams? A. Because in the claim Mr. Bolte sent me over to talk with Dr. Stewart and Dr. Stewart told me, in talking with Dr. Stewart, he told me about what injuries this woman claimed, and then I came back to Mr. Bolte and he said that she claimed that she was deprived of earning her livelihood because she was a dancer, that she had danced one time at the Islesworth Hotel under the name of Kitty Murray, and that she had also given an exhibition at the Hotel Dunlop, and that Mr. Hyman had intended to hire her for the season.

Q. But didn't you know at that time that the suit against the Shill Rolling Chair Company that you were investigating was brought in the name of Kathryn Abrams? A. Well no I didn't know just exactly what name it had been brought in, I knew that she had an alias Kitty Murray.

Q. I am not asking you about an alias. Have you got a book—when did you first begin that investigation? A. September 12th.

Q. Will your books show by what names you were investigating? A. My reports will show.

Q. Let me see your first reports in that case. A. My report will show, the report I made to Bolte, but it won't tell me, show what Mr. Bolte said to me.

Q. What I want to know why you were talking about Kitty Murray when you knew all the time this girl as Kathryn Abrams? A. Well, I didn't know it made much difference as to what name she was called by when she answered to both names.

Page 201, line 26:

Q. Now after September fifteenth when did you next see this woman that you had seen in bathing with Mr. Knittel? A. Somewhere between the fifteenth of September and the nineteenth of September that I saw her in Knittel's office.

Page 202, line 1:

Q. Did you see her in the office or see her coming out? A. No, sir, I passed the office and saw her in the office.

Q. Then did you recognize her as the one you seen him in bathing with? A. No, but I thought it was.

Q. And when you had before that had her photograph, so that you then knew her name was Abrams? A. I had her photograph in the same clothing which she had on when she were in, was in Knittel's office.

Page 202, line 25:

Q. When did you next see Mr. Garrison after seeing this Abrams girl in Mr. Knittel's office? A. On the afternoon of the nineteenth.

Q. What time in the afternoon? A. Shortly after dinner.

Q. How came you to go to Mr. Garrison's office? A. To make a report on the Knittel case.

Q. What had you to report at that time? A. The fact that he had been in bathing with a woman on Saturday prior.

Q. That was the fifteenth? A. No, sir. The fifteenth was the day that he was in bathing with a woman, and I didn't go in his office to report until the nineteenth.

Q. What did you say to him? A. I saw her going out and I said, "Why that is the girl is mixed up with Knittel."

Q. Do you know what she was doing there? A. No, sir.

Q. Had she actually come out of his office when you went in or just where was she when you went in? A. She was, had passed, was passing right out, I went in one door when she was passing out the other.

Q. What door did she pass out of, Mr. Garrison's private office? There are three offices there, aren't there? A. Yes.

Q. And the middle door is the one that is generally used? A. Yes, she had just passed out the corridor door when I went into the corridor door.

Q. Same door or different doors? A. No, there is two doors, one enters into the general office of Garrison and Voorhees, and the other door enters into Mr. Garrison's private office.

Q. Now out of which door did she come? A. She came out of the private door, the far door.

Q. And you went in the general entrance? A. General entrance, yes, sir.

Q. Did you see her as you were going in coming out? A. I passed her as she was coming out.

Page 203, line 38:

Q. And she had to come out of Mr. Garrison's office the door farthest to the left, didn't she? How did she pass you? A. I was coming east and she was going west, she was coming out of the door, I went to the left, and I had gone by the door and was just beyond the door as she came out, and I went in.

Q. Was Mr. Garrison's door closed out of which she came? A. No, but she closed it.

Q. Very well, she had closed that door before you entered, had she? A. Before I had fully entered the other one, yes, sir.

Q. Very well, then after you entered you had to go from the general office into Mr. Garrison's room, didn't you? A. Yes, sir.

Q. What was the first thing you said after you got to Mr. Garrison's office? A. I said, "That Abrams girl is mixed up with Knittel. I saw her in his office."

Q. You called her by the name of Abrams, did you? A. Yes, sir, I call her in this same report by the name of Abrams.

Q. Did you mention the fact she had just gone out of his office? A. Yes.

Q. How did he know what girl you were referring to? A. I don't know how he knew.

Q. Do you know whether he knew or not? A. I was satisfied he knew her.

Q. What made you think so? A. Mr. Bolte—

Q. What made you think Mr. Garrison knew who this girl was? A. Because Mr. Bolte told me, when I first took the case, asked me if there was any reason why I should not take the case against W. I. Garrison and I said, "No, I am in the investigating business." That was the first thing Mr. Bolte asked me, and I told him I was investigating the Knittel case, and I saw her,

I knew that Mr. Garrison must know the Abrams woman.

Q. But when you entered this office, after she had gone out of the private office, then that had been closed, that is when you said to him "that Abrams girl is mixed up in the Knittel matter?" A. Yes, sir.

Page 205, line 15:

Q. Now that was the afternoon of the nineteenth. What next took place? A. I went to Miss McGowan's that night—

* * * * *

A. I went to Miss McGowan's home that night after supper—first I went down, at supper time I went down to Mr. Shaw's house and told him to be at North Carolina and Atlantic that night, I wanted him to go with me.

Q. Now at that time did you know where she lived? A. Yes, sir.

Q. Where did you get the information? A. I followed her from the front of Braunstein's store that afternoon, after Mr. Garrison told me that she said she had a broker on her staff, or broker putting up with her.

Q. You had been investigating her the twelfth, thirteenth and fourteenth of September, where did she live then? A. She lived at 11 South Mt. Vernon Avenue.

Q. You had seen her going out of that house, hadn't you? A. No, sir.

Q. How did you know she lived there? A. Because Mr. Bolte told me she did.

Q. Do you know when she moved? A. No, sir, I do not.

Q. Had you ever been in her company? A. No, sir.

Q. Before that time? A. No, sir.

Page 206, line 24.

Q. Well, when you started up that night after having sent for Mrs. Knittel did you expect to find Knittel there? A. I didn't know for sure. I had went—

Q. I say did you expect to find him there? A. Well, I thought that he would be coming there, didn't know for sure.

Q. What made you think that Knittel would be coming there? A. Because of the fact that she had said she had a broker putting up for her, and she had a date with him that night.

Q. When did she tell you that? A. She never told me that.

Q. How did you find it out? A. By Mr. Garrison told me that.

Q. Told you what? Just wait a moment.

(Former answer repeated as follows: "Because of the fact that she had said she had a broker putting up for her and she had a date with him that night.")

A. She had told that to Mr. Garrison, so Mr. Garrison informed me.

Q. Mr. Garrison told you that she had told him that she had a broker putting up for her? A. Yes.

Q. Did Mr. Garrison tell you that that afternoon when you went in his office? A. Yes, sir.

Q. Did he say when the Abrams girl told him that? A. Well, I assumed that she had told him that that day.

Q. That very afternoon? A. Yes, sir. I don't know.

Q. What made you assume that it was that afternoon that she had told Mr. Garrison that? A. That was only my thought if Mr. Garrison told me when she told him.

Q. Did he tell you how she came to tell him that? A. No, sir.

Q. Up to that time, so far as you knew, he was representing Mrs. Abrams or Miss Abrams in this suit against the rolling chair company? A. Yes, sir.

Q. And after you had said that that girl was mixed up with Knittel he said, "Well she told me that some broker was putting up for her," is that right? A. Yes, sir.

Q. And then you immediately connected up that it was Knittel because you seen her in Knittel's office? A. Yes, sir.

Q. And as a result of that you thought you would catch them there that night? A. As the result of that I went up there that night to see if he came there.

Page 209, line 17:

Q. Do you say that you came out of that house that night by a different way than you went in? A. Yes, sir, I went in the back and came out the front.

Q. I am asking you the question did you come out a different way than you went in? A. Yes, sir.

Q. And you found all the doors open wherever you went? A. I didn't find any doors locked.

Q. No doors were locked at all? A. No, sir.

Q. When you found Mr. Knittel and this woman were in that house you, of course, supposed they were going to commit adultery, didn't you? A. Well, I really didn't know.

Q. I ask you whether you thought so, I didn't ask you whether you knew. I asked you whether you expected that they would commit adultery? A. I had an idea they might become intimate, yes.

Q. Did you tell Mrs. Knittel that? A. No, indeed. I had all I could do to keep Mrs. Knittel quiet.

Q. I didn't ask you about that. Did you tell her that? A. No, sir.

Page 210, line 8:

Q. How many times were you in Garrison's office on the nineteenth? A. I was only in Garrison's office once on the nineteenth.

Q. That was in the afternoon? A. Yes, sir.

Q. Same instance you have told about? A. Yes, sir.

Q. Weren't you in his office that evening? A. No, sir.

Q. On the nineteenth? A. No, sir.

Q. What time did you go there on the twentieth? A. It was in the afternoon, I know the banks were closed.

Q. Did Mr. Garrison know about having caught Knittel when you arrived? A. I suppose he did. In fact I know he did.

Q. Why do you think he knew it? A. Because I called him on the telephone.

Q. Then you knew he knew it, didn't you? A. How is that?

Q. When did you call him on the telephone? A. I called him on the telephone that morning.

Q. Of the twentieth? A. Yes, sir.

Q. What time? A. I judge it was around, might have been around the noon hour or may have been eleven o'clock.

Page 211, line 16:

Q. What did you tell him over the telephone? A. I told him that Knittel had went up there and that we had caught him in a room with this woman.

Q. What woman? A. This Abrams.

Q. Did you tell him that? A. Yes. I don't know that I just used that language.

Q. Well did you tell him it was the Abrams woman? A. Yes, sir, I told him it was with that woman, that was the Abrams woman. I may have said Abrams or I may have said Kitty Murray.

Q. Why would you say Kitty Murray if you knew her name was Abrams? A. Because at that time I had learned from Mr., through the investigation of the other case, I had learned that she had two names.

Q. What did Mr. Garrison say to you in reply? A. Well, he said that was all right, I remember that he told me to come down to his office that afternoon on the 'phone.

Page 212, line 20:

Q. Yes. On the afternoon of the twentieth you didn't know when you went there that you were going to meet Mrs. Knittel? A. No, sir, I did not.

Q. You were surprised to see her there, weren't you? A. No, sir.

Q. Was this case all talked over then? A. No, there wasn't much talk only in reference to this check.

Q. Was there anything said about the occurrence up to the house that night? A. At this time? Not that I know of.

Q. That is the time I am talking about, on that occasion when you got that thousand dollar check, was this incident at Oriental Avenue talked about at all? A. Well, I remember that Mr. Garrison was talking something another about this case but I didn't pay much attention to it because when I came in—

Q. I don't want you to tell me why it was not

done. I am asking you what was done. The reason I don't care anything about it. A. I don't know. I got my money and left.

Q. And you didn't give him any detailed information about this over the 'phone, did you? A. No, sir, I supposed Mrs. Knittel had told him.

Page 215, line 16:

Q. Did you see Mr. Knittel go in that house that night? A. No, sir.

Q. Did you see him come out? A. No, sir.

Q. You don't say that he was in the house when you went in there, do you? A. Yes, sir.

Q. Why do you say so? A. Because Shaw said that that was Knittel going in.

Q. Going in where? A. Went in the door.

Q. What door? A. Front door.

Q. Then you were there, weren't you? A. I was in the alleyway.

Q. I say you had gotten there in advance of Knittel's coming in, hadn't you? A. In the alleyway, yes, sir.

Q. Yes. Was there anything to prevent anybody seeing you in the alleyway if they stood on Oriental Avenue? A. Yes, sir.

Q. What was in the way? A. Building.

Q. And a stairway? A. No, sir.

Q. You mean you were behind a building that would prevent them from seeing? A. I was between the building that Knittel entered, the building at 512 Oriental Avenue, and the building adjoining it. Now if they stood opposite the alleyway on Oriental Avenue then they could have saw me.

Q. Well from where you were standing could you see anybody go in the front door of this building? A. No, sir.

Q. Where was Shaw standing when he told you that Knittel went in? A. On the front of the building.

Q. How far away from you? A. About three or four feet.

Q. Well, from where Shaw stood he could see somebody go in, could he? A. Yes, sir.

Q. Had Mrs. Knittel arrived at the time that Shaw told you Knittel had gone in? A. Yes, sir.

Q. And Miss McGowan had arrived? A. Yes, sir.

Q. You were all there at the time Knittel arrived, were you? A. Yes, sir.

Page 220, line 26:

Q. Mr. Herbert, I am going to ask you this plain question: Was there ever a time from the time you began this investigation until you were paid that money that you understood that you had to get evidence of Mr. Knittel's adultery before you were entitled to have the five hundred? A. No, sir.

Q. You were not hunting for evidence of adultery, were you? A. Well, I was hunting—

Q. Were you, now were you hunting for evidence of adultery? A. I was hunting for anything he might do.

Q. Won't you please answer my question. Were you hunting for evidence of adultery? A. Oh, yes, I was looking for it if it was there.

Q. And don't you know you had to secure evidence of adultery before you had evidence satisfactory to Mr. Garrison? A. No, sir, she would have had to pay me that five hundred if he had never went into 512 Oriental Avenue.

Page 223 line 10:

Q. And Mr. Garrison has not told you that the defendant in this case has made an effort to subpoena Mrs. Abrams and the daughter? A. No, sir.

Q. And he has not asked you to try and locate them, has he? A. No, sir.

Q. Nobody else, Mrs. Knittel or nobody for her asked you to locate them? A. No, sir.

Q. Do you know where they are? A. No, sir.

Q. Did you ever see them after the night of the nineteenth? A. Did I ever see them?

Q. Yes. A. No, sir.

Q. Or either of them? A. Yes, sir.

Q. Where did you see them? A. On the night of the day that that newspaper article appeared I was in Mrs. Knittel's home when Mrs. Abrams came up to the door and demanded to see Mrs. Knittel. I was in the dining room of the Knittel home and I believe a Mrs. Hanstadt opened the door and she said that—

Q. Now outside of the conversation I want to know, you did see Mrs. Abrams at that time, did you? A. Yes, sir.

Q. Was she alone? A. Yes, sir.

Q. Kathryn was not with her? A. I didn't see her.

Q. See anybody with her? A. No, sir.

Q. Now just fix that date, please. A. On the night of the day that the Review published the story of a hearing being had.

Q. Well outside of that, was that before you went away? A. No, sir, it was the night of the day that I came back.

Q. What date did you come back? A. I came back on the next day after the hearing.

Q. That is on Friday morning of last week you were down to Mrs. Knittel's? A. No, sir, not on Friday morning of last week.

Q. What? A. Not on Friday morning of last week on Friday evening, Mr. Cole.

Q. Very well, Friday evening of last week while you were at Mrs. Knittel's home Mrs. Abrams came there? A. Yes, sir.

Q. And you were in the house? A. Yes, sir.

Q. Did Mrs. Abrams come in? A. Well, she wasn't let in at first but she brushed by the door, I believe.

Q. Well, first or last did she come in? Did she get in? A. Yes, sir, she got in.

Q. Any conversation take place between her and Mrs. Knittel? A. No, sir.

Q. Any conversation between you and her? A. Yes, sir.

Q. Did she tell you she had been subpoenaed? A. No, sir.

Q. She told you that Mr. Foster had tried to serve a subpoena on her? A. No, sir.

Q. Did she tell Mrs. Knittel that? A. No, sir.

Q. What was her errand there? A. Demanding a thousand dollars.

Q. What did she say? A. She said that a Mrs. Clark had told her that she could get a thousand dollars to testify for Knittel and that her daughter was given a bad name through it appearing, through her daughter's name appearing in this case, and that somebody had to pay for it and that she wanted a thousand dollars from Mrs. Knittel and her daughter would testify for her.

Q. Now with whom was that conversation? A. That conversation was with me.

Q. What did you say? A. I told her if she didn't get out of there right away that I would have her locked up for blackmail. She said she could get it from the other side. I said, "Well, you go and get it."

Q. Now you knew, of course, that this daughter of hers was the woman that was in that room that night, didn't you? A. Yes, sir.

Q. Did you ask her where her daughter was? A. No, sir.

Q. Did it occur to you, as a detective, that it might be well, in view of that statement she was making, which you regarded as blackmail, to find out where she could be located? A. No, sir.

Q. You dismissed the matter at once, didn't you? A. I dismissed her at once.

Q. And the matter didn't you? A. I didn't dismiss the matter.

Q. Have you since that time tried to locate her? A. Yes, sir. That is I haven't gone out of my way. I supposed she would be here.

Q. Why have you tried to locate her? A. Because I thought there must be some connection with her and the Clark woman.

Q. Talk to Mr. Garrison about this matter? A. Yes, sir.

Q. Did you tell him about this woman being there and demanding this thousand dollars? A. Yes, sir.

Page 226, line 1:

Q. When did you tell him that? A. The next day.

Q. Did Mrs. Knittel hear this? A. No, sir.

Page 226, line 28:

Q. Coming back to this thousand dollars, because that is interesting, did you tell Mrs. Knittel that? A. Yes, sir.

Q. What did she say? A. Well, she said that, in fact, I forget just what she did say.

Q. When did you tell her, that night? A. Yes.

Q. You told her just what you have told me in answer to these questions, did you? A. Well, no, I can't say that I did tell Mrs. Knittel. My talk was with Mrs. Hanstadt afterwards.

Q. Do you mean to say, Mr. Herbert, that representing Mrs. Knittel and knowing this woman had come there to make a demand of a thousand dollars, which you regarded as blackmail, that you never communicated that to Mrs. Knittel? A. I can't remember that I did and it may be possible that I did not, because Mrs. Brown and Mrs. Knittel has been in a very hysterical condition ever since this trial, and I have been down there trying to—

Q. Well, Mrs. Abrams told you, did she, that her daughter had been given a bad name? A. Yes, sir. Articles appearing in the newspapers.

Q. And that is why she was entitled to have a thousand dollars? A. No, she didn't say that was why, she said Mrs. Clark had told her she could get a thousand dollars.

EDMUND SHAW testified, page 228, line 38:

Q. Mr. Shaw, you are a police officer in Atlantic City? A. Yes, sir.

Page 229, line 5:

Q. Do you recall this night of September nineteenth, this year? A. I do.

* * * * *

Q. Do you remember having a conversation or meeting Mr. Herbert on that night? A. Yes, sir.

Q. Where did you meet him? A. At my home.

Q. And where is that? A. Two hundred thirty-four North Texas.

Q. And did he ask you to go with him to make an investigation? A. He did.

Q. And did you go? A. I did.

Q. And where did you go? A. I went to 512 Oriental Avenue.

Q. And where at that residence did you station yourself? A. He stationed me in the alley.

Q. And then what did he do? A. He told me to keep my eyes open and see if there was any men went in there.

Q. And did he leave you? A. He left me.

Q. Did he later return? A. He later returned with two ladies.

Q. And where did they go? A. They went back in the alley where I was.

Q. Stand in front of you or further in the rear than you? A. Back of me.

Q. And did somebody go in that house? A. They did.

Page 233, line 15:

Q. Mr. Shaw, what time was it that you heard from Mr. Herbert that night first? A. Why, it was around supper time.

Q. What hour? A. About around about five or half-past five.

Q. And did he come to see you? A. He came down there in a jitney, yes, sir.

Q. Anybody with him? A. He asked me if—

Q. Anybody with him? A. No.

Q. What did say to you? A. He asked me if I would do him a favor and I asked him what it was, he says he was going to watch a house that night and asked me if I would go, I say, "I certainly will. I am on my vacation now, anything I can do for you I am perfectly willing to do it."

Q. Tell you what house? A. He didn't say, no.

Q. Tell you who he was going to watch? A. Not then, no.

Q. Tell you why he was going to watch? A. No.

Q. All that you knew was that he was going to watch a house? A. He was going to watch a house.

Q. Now, when did you next see him? A. I met him at North Carolina and Atlantic Avenue, possibly.

Q. By arrangement? A. Yes.

Q. What time were you to meet him there? A. Half-past seven.

Q. Did you meet him half-past seven? A. A little later than that, must have been twenty-five minutes to eight.

Q. And you went from there to this place? A. We got in a jitney.

Q. So you left North Carolina and Atlantic twenty-five minutes of eight, took a jitney and went to this place? A. We went to Massachusetts and Oriental Avenue.

Q. And you both got out of the jitney? A. Yes, sir.

Q. And dismissed the jitney? A. Yes, sir.

Q. Where did you go from there? A. He took me right down to this house.

Q. So that you must have arrived at this house even before eight o'clock? A. Oh, just a matter of about five minutes, I guess, from the time I got in the jitney.

Q. So that by quarter of eight o'clock you were there, weren't you? A. Yes.

Q. Now how long did you remain before Mr. Herbert left, he left to bring the women folks around? A. He left me right away as soon as he placed me in the alley.

Q. Right away? How long was he gone? A. He was gone, I guess, possibly fifteen minutes.

Q. Did he walk or ride? A. I couldn't tell you.

Q. And where were you all that time? A. In the alley.

Q. And then he came back with these people, didn't he? A. Yes, sir.

Q. Then you had to come out of the alley, didn't you, in order to see this man go in? A. No, I saw him going by. I was in the alley and I saw him pass.

Q. Pass the alley? A. And then I heard the bell ring, I heard him walk on the porch and the bell ring.

Q. That was while you were all standing there? A. They was in the back part of the house and I was about middle way.

Q. Let me see if I understand, you saw this man pass in front of you? A. He passed along the street. I was back in the alley.

Q. In front of you? A. Yes.

Q. While you were in the alley? A. Yes, I was in the alley.

Q. And where were the other people at that time? A. They was right back of me.

Q. In the alley or in the house? A. In the alley.

Q. And the bell rang? A. The bell rang.

Q. Then you assumed, didn't you, that the man who had passed you was the man who was ringing the bell? A. I did.

Q. Didn't actually see him enter? A. I didn't see him enter because I couldn't.

Q. Then you reported immediately when you heard the bell ring to Mr. Herbert and those standing there that this man had gone in the house? A. Yes, sir.

Q. As soon as you reported the man had gone in then you all went in, didn't you? A. Yes, sir.

Q. The back door? A. The back door.

Page 236, line 1:

Q. I say how long had you and the other three been standing in the alley when this man passed? A. Why didn't seem over five minutes.

Q. But at least five minutes? A. Because I was wondering why he didn't, afterwards I was wondering why he didn't see him coming down the street, it was that close.

Q. You think it may have been five minutes? A. I imagine about five minutes.

Q. Which way did you come out, Mr. Shaw? A. I came out the front door.

Q. Did you see the rest of them come out that way? A. Yes, sir.

Q. Who came out first? A. Mrs. Knittel and I.

Q. How did you get from there down to Knittel's home that night? A. Why, I went to Delaware Avenue and Pacific and jumped in a jitney and rode down.

Q. When did you first understand that they were there to catch a man? A. Going up in a jitney.

Q. How did you find out? A. From North Carolina and Atlantic.

Q. What did Herbert say to you? A. He says, "I have got a man up here by name of Knittel that I am going to try to trap tonight. I think I will catch him coming in this house."

Q. Well, anything else? A. That is all.

Q. He used the word "Trap him" did he? A. Catch him or trap him.

Q. Pardon me. A. Now I won't be positive of

that, Judge, whether it was "Trap him" or whether it was "catch him."

Q. He may have used the word "trap?" A. He might have used the word "Trap" but I won't be positive.

Q. Don't you think he did, Mr. Shaw? A. I won't swear to that.

Q. You said so now until I tried to correct you, you said he was going to trap the man? A. It is my way of talking sometimes.

Q. Do you know Mr. Knittel? A. I saw Mr. Knittel.

Q. Did you know him that night when he passed? A. No.

Q. You didn't tell Mr. Herbert, as he has testified, "Knittel has gone in the house" did you? You said a man has gone in? A. I said a man went in.

Q. And he told you, as you have testified, that he was going up there to trap Knittel? A. Yes.

Q. Did he mention Knittel's name? A. I don't believe he mentioned Knittel's name.

Q. Then how much of your testimony are we going to cut out? You said first he used the word trap and now you say he didn't, and you say he used the word Knittel and now you say he didn't. A. I want to be truthful in what I say.

Q. I have no doubt of it, but that is what I don't understand, did Mr. Herbert tell you that night he was going up to catch or trap Mr. Knittel? A. I am not positive.

Q. When did you first hear the name Knittel mentioned? A. I think it was in the alley when I heard him say, "Mrs. Knittel."

Q. And then you concluded that they must be after Mr. Knittel, did you? A. I didn't even know Mrs. Knittel, never saw the lady.

Q. I say you concluded after you heard him call her Mrs. Knittel that they must be after Mr. Knittel? A. I wasn't positive because he had two ladies with him and I couldn't see in the alley who they were.

Q. Didn't you say on your way going up that you didn't think it was a nice thing for him to do to trap this man? A. No.

Q. Sure about that? A. No, sir.

Q. What reply did you make when he told you that he was going to trap or catch this man? A. I didn't know what his object was.

Q. What did you say? A. I knew he had been working on non-support cases and such as that, and that is what I thought I was going on.

Q. Now, Mr. Shaw, when he said he was going up there to trap or catch a man what did you say to him? A. I told him I would go with him.

Q. Didn't you make any reply to the suggestion that he was going to trap this man? A. No.

Q. Didn't make any reply at all? A. No.

Q. Didn't Mr. Herbert tell you he was working for Mrs. Knittel and he wanted to get evidence against her husband for adultery? A. No.

Q. Nothing was said about that at all? A. No.

Q. Mr. Shaw, had you been in the house before Herbert came there? A. No, sir.

Q. Had Herbert been in before? A. Not as I know of.

Q. You and Herbert arrived together, didn't you? A. Yes, sir.

Q. And so far as you know all four went in at one time? A. All four went in at one time, yes, sir, back way.

GERTRUDE McGOWAN testified, page 274, line 34:

Q. You have been working with Mr. Herbert in his business for some time past? A. Almost two years.

Q. Almost two years? A. Yes, sir.

Q. There is also evidence in this case that you wore a lavalliere. Do you, sometimes? A. Yes.

Q. What? A. Yes, sir.

Q. Haven't it on today? A. No, but I have it with me if you wish to see it.

Q. Have it with you, and also that you wore rings? A. Yes, I do.

Q. Now have you the rings with you too? A. Yes, sir.

Q. Where did you get the lavalliere? A. Mrs. Knittel gave me the lavalliere.

Q. And when did she give it to you? A. Well, as near as I can remember it was sometime in July.

Q. And why did she give it to you, do you know? A. No, I don't know, she showed it to me one day and asked me if I liked it, and I said very well, said, "That is for you."

Q. Will you produce it, please?

(Lavalliere produced and shown to Court to examine.)

Page 276, line 38:

Q. Now during the time that you were investigating Mr. Knittel do you know if Mr. Herbert had some work to do for Bolte and Sooy? A. He did.

Q. By shadowing Miss Abrams? A. He did.

Q. Did you work on that case also? A. I went down one day on the Boardwalk to snap their pictures.

Q. Then these pictures that he showed me the negatives of, were they taken by you? A. Some of them.

Q. Who was it snapped this girl or the woman when she was reading the paper? A. Well, I snapped a couple of them while they were reading.

Page 280, line 10:

Q. Now do you remember the night of September nineteenth? A. Yes, sir.

Q. Were you requested by Mr. Herbert to go some place? A. Yes, sir.

Q. Where? A. Mr. Herbert came to my home and told me that he wanted me to go down and get Mrs. Knittel and bring her to Oriental and Massachusetts Avenue.

Q. And did you go? A. I first called her up on the 'phone and told her that I wanted her to come with me. She said that she had made an engagement with her mother and I said, "Well, I would like very much to have you with me tonight." She said, "Well then I must go and tell my mother," so I said, "Well, you go over and I will meet you at Pacific Avenue and Stenton Place."

Q. And you met her? A. And I met her.

Q. And from there you went where? A. Got in a jitney bus and went up to Massachusetts Avenue between Oriental and the Boardwalk.

Q. Did you there meet Mr. Herbert? A. There met Mr. Herbert.

Q. Then where did you go? A. Mr. Herbert took us around on to Oriental Avenue into an alleyway.

Page 282, line 16:

Q. Which door did you leave (Abrams' house) by? A. The front door.

Q. And which door did you enter by? A. The back door.

Q. Now were you ever in that house on any other occasion except that night? A. Never.

Q. Were you ever in or out of the back door except on that one occasion when you went in? A. No, sir.

Q. Were you ever in or out of the front door except on the one occasion when you went out? A. No, sir.

Q. Did you know where you were going when Mr. Herbert asked you to get Mrs. Knittel and bring her to Massachusetts and Oriental Avenue? A. I didn't know and I didn't ask for it was nothing strange for Mr. Herbert to tell me to meet him.

Q. All you knew was you were to meet Mr. Herbert? A. I knew that I was going to get Mrs. Knittel and bring her there.

Page 283, line 19:

Q. Now did you ever have any conversation with Kitty Abrams? A. Never did.

Q. Or her mother? A. Never did.

Q. It has been intimated that a trap was set for Mr. Knittel on that night. So far as you know was any trap set? A. Not that I know of.

Q. Were you a part of it? A. No, sir.

Q. If there was a trap you didn't know it? A. No, sir.

Q. It has also been intimated that you got a lot of money out of it. Did Mr. Herbert or did anybody else ever give you any money for the testimony or the, not the testimony, but the fact that you went up there and found what Mr. Knittel was doing? A. Never gave me any money for that, no sir.

Q. What did Mr. Herbert give you the money for? A. He paid me three dollars for every day I worked on the case.

Q. That is three dollars for each day you worked? A. Yes, sir.

Q. And that is all? A. That is all.

Page 284, line 38:

Q. Did you ever display goods at your home at 17 North North Carolina Avenue and say that Mr. Herbert had bought them for you? A. I never did.

Q. Nor that he was with you when you bought them? A. He wasn't with me when I bought them.

Q. Has he ever paid, since the nineteenth of September for any clothes for you? A. He has never paid for any clothes for me.

Q. Whatever clothes you bought did you pay for them yourself? A. Yes, sir.

Page 285, line 30:

Q. Did you suspect, when you were going down to see Mrs. Knittel that night with a request from Mr. Herbert that you meet him at a certain place, that they were going to catch Mr. Knittel? A. No, sir.

Q. What did you think you were going for? A. I didn't know. Mr. Herbert had sent me often for Mrs. Knittel.

Q. You didn't ask him? A. No, I didn't ask him.

Q. After you got around to this building, did you notice what was going on? A. Well Mr. Herbert was talking to Mrs. Knittel and when Mr. Shaw came back and said he had gone in of course I thought it must be Mr. Knittel.

Q. Up to that time you didn't know what you were there for? A. No, sir.

Q. Hadn't the slightest idea? A. No, sir.

Q. Didn't even know you were going on Mr. Knittel's errand? A. I had an idea it was Mr. Knittel's case when I had his wife.

Q. And you had an idea also Mr. Knittel was going in that house, didn't you? A. I didn't know whether he was going in that house or not.

Q. Did you think he was? A. I didn't stop to think.

Q. Didn't have any intimation from Mr. Herbert that he thought he was going in? A. No, sir.

Q. These people, when you said they passed you, this woman said, "This is the bath room," is that right? A. I heard her saying that.

Q. Did you think he didn't know where the bath room was? A. It didn't sound as if he did when she said that.

Q. It didn't occur to you that he was entirely new there and she was trying to find the bath room for him, is that right? That is the impression you received when you heard this woman say, "this is the bath room," you thought he was not familiar with those premises, didn't you? A. I thought she was showing him the apartment.

Page 287, line 8:

Q. What time do you say it was when you arrived there? A. Why it was between eight-fifteen and eight-thirty when we arrived there.

Q. What time do you say you left? A. Why, it was very near nine o'clock.

Q. How long were you in the alley? A. Why, we were in the alley about ten minutes.

MISS MARTINE HANSSTAD testified, page 301, line 30:

Q. Miss Hansstad, you live where? A. Thirty-five South Stenton.

The Advisory Master: Thirty-five what? A. South Stenton Place.

Q. Is that near where Mrs. Knittel lived? A. It is her mother, Mrs. Brown.

Q. You live at the same house? A. Yes.

Page 302, line 12:

Q. The evening after the, next after the first day that she was here? She was in Court first on Thursday. A. Yes.

Q. Now do you know where you were on Friday evening? A. Yes.

Q. Where? A. Home, Thirty-five South Stenton Place.

Q. Did any person call at Mrs. Brown's home, that is where Mrs. Knittel was stopping on that evening? A. Yes.

Q. Who was it? A. It was a woman, elderly lady. She was dressed in black.

The Advisory Master: Speak a little louder. A. It was an elderly lady. She was dressed in black, had two veils on her face.

Q. Who went to the door? A. I went to the door.

* * * * *

Q. What did the woman say to you? A. She wanted to see Mrs. Knittel and I said she could not see Mrs. Knittel. Well she says, "I want to see her." She says, "Are you Mrs. Knittel?" I says, "No." Well she says, "I want to see Mrs. see her." She says, "Are you Mrs. Knittel?" Well she said, "This is awful." She says, "My daughter's name is in this paper, and in this di-

vorce case, and it is terrible," and she say, "I have to wait till I see her." I says, "You cannot see her in this house." I says, "You will have to wait outside," and then Mr. Herbert came out.

Q. And what did she say? A. She says that a Mrs. Clark had told her that she could get a thousand dollars if she would testify for Mr. Knittel and that she says she wants a thousand dollars, she said, "This is awful." So then I held the door, I hadn't shut the door yet, and I see an automobile in front of the house, and I go down, there was a young woman in there had also a black veil, could just see the face over this, and only see her skin was white, comparing to the black veil, and she says, "Are you Mrs. Knittel?" I says, "No," but I says, "You better get away." So I ran in up the step, two steps and then Mr. Herbert say, "you better get out." He tells to the old lady who stays in the house, he says, "You better get out or," he says, "I will lock you up for blackmail."

Q. And did she get out? A. Yes, she got out, but she was very stubborn.

Q. Did she say what her name was at all? Did she give her name at all? A. No, she didn't say. She only tell me her daughter's name was in the paper and she say this was terrible.

Page 304, line 10:

Q. I didn't ask you if you knew who she was. I said didn't you know at the time that this lady called at the house that night that testimony had been taken in the divorce suit of Mrs. Knittel against her husband? A. I read in the paper, yes.

Q. Hadn't Mrs. Knittel told you that she had been up to Court? A. No, Mrs. Knittel was sick.

Q. Now, are you talking about the first day that the Court sat to take testimony in this case or are you talking about the first day the Court in fact took testimony? Which day are you talking about? A. I thought about Friday night, when this woman was there.

Q. Well at that time hadn't Mrs. Knittel been up to Court to give testimony? A. No.

Q. Why do you say that? A. Because Mrs. Knittel was sick in bed.

Q. Do you mean that up to the time of the night when this woman was there Mrs. Knittel had not yet been in Court? A. No.

Q. You are sure about that, are you? A. Yes, I am positive.

Q. Whatever night it was that this woman was at the house Mrs. Knittel had not yet attended Court, had she? A. No, sir.

Q. You refused to communicate to Mrs. Knittel the fact that this woman was there, didn't you? A. Yes.

Page 306, line 10:

Q. Did you go upstairs and tell Mrs. Knittel that there was a lady downstairs wanted to see her? A. Yes.

Q. Did you tell her who it was? A. Why no.

Q. Why not? A. I didn't know the name.

Q. Why didn't you ask her name? A. She wouldn't tell the name.

Q. Did you ask? A. No, I didn't ask anything.

Q. How do you know she wouldn't tell? A. She wanted to see Mrs. Knittel.

Q. Exactly, but didn't you ask who the lady was? A. No.

Q. Well, ordinarily you do ask, don't you, the name of the party who wants to see your employer?

Mr. Bourgeois: She is not a maid there.

Q. What is your position there? A. I am an artist.

Q. An artist? A. Yes.

Q. What were you doing going up to ask her whether she would see Mr. Herbert? A. Because the maid was out.

Q. Was the maid out when this lady called? A. She was her day out.

Q. What? A. It was her day, afternoon out.

Q. Very well. Now, you being there and this lady calling, why didn't you go upstairs and ask Mrs. Knittel if she would see this lady? A. Because she had gave me nobody could see her because she was ill.

Page 307, line 12:

Q. Now Mrs. or Miss Hansstad, won't you please tell me why it was that you thought it proper to go upstairs and see Mrs. Knittel and ask her whether she would see Mr. Herbert and you didn't think it was proper to go up and ask her whether she would see this lady? A. I didn't ask because she wanted to force her way in.

Page 307, line 31:

Q. And you sent out on the pavement? A. I went out.

Q. Look to see who was in the automobile? A. I seen the automobile there and I just stepped out, and she says, "Are you Mrs. Knittel?" That was the young woman, well, very young girl, right away.

Q. But you didn't think to inquire who the parties were? A. No; she asked me if I was Mrs. Knittel.

Q. I say you didn't think to inquire who they were? A. No, I didn't inquire.

Q. Did you afterwards communicate to Mrs. Knittel what you had heard downstairs? A. I told her there was a woman there.

Q. When did you tell her that? A. I told her after.

Q. What? A. I told her after.

Q. After she had gone? A. Yes.

Q. Is that all you told her? A. Yes.

Q. Simply told her there was a woman there? A. I saw there was a woman there and I told her she was chased out of the house.

Page 308, line 30:

Q. Well, tell it again, please. Tell us all you told Mrs. Knittel when you went upstairs after this lady left? A. I told her there was a woman downstairs and wanted to see her. I told her exactly the same thing as I told you.

Q. Well, then, what did Mrs. Knittel say? A. She said, "This is awful."

Q. How? A. She says, "This is awful."

Q. Who said that? A. Mrs. Knittel.

Q. Is that all she said? A. Yes.

In the case of *Thornton v. Thornton,* 67 Eq. 499, the Court of Chancery in discussing the question of connivance, at page 502 stated the rule as follows:

> "The burden of showing connivance is, of course, on the party setting it up, and the evidence to sustain it should be substantially conclusive and practically admit of no dispute. Yet the Court ought not to require such an absolute demonstration as the admission or confession of the conniver would afford. Conclusiveness should be interpreted to mean that no other logical result could be reached by a fair mind seek-

> ing for the truth after careful consideration of every fact and circumstance bearing on the question, and if the facts, circumstantial or otherwise, in combination show intentional connivance, the bar to petitioner's relief becomes effective."

In the case of *Lehman v. Lehman,* 78 Eq., 316, the Court of Chancery held that in a suit for divorce on the ground of adultery, the watching of a suspected husband and suffering him to avail himself of an opportunity created by himself without any previous knowledge or encouragement on the part of the wife is not a connivance or consent on her part which will bar the divorce.

In that case the Court distinguished the *Delaney* case, and showed that it was not the intention of the Court of Errors and Appeals to hold that watching the actions of the husband would defeat a divorce by the wife, showing that it was only in those cases where the wife had taken some active part to bring about the misconduct of the husband that she would be barred.

From this testimony, the Advisory Master concluded that Mrs. Knittel had connived at having defendant caught in the Abrams' apartment. If the Abrams girl had been present and she had been permitted to testify and had testified to the story that Mrs. Clark said she told her and had been cross-examined, and the Advisory Master thereafter had concluded her testimony was worthy of belief, I can understand how he might have refused to believe the testimony of all the petitioner's witnesses, but in view of the fact that the testimony of Mrs. Clark in all particulars except as to what she saw on the night in question was hearsay let in by the Advisory Master over objection, it is difficult to understand how he could

have concluded that this story, having for its basis only hearsay, should outweigh the positive denial of petitioner, Mr. Garrison, Mr. Herbert and Miss McGowan and Edmund Shaw.

That the Advisory Master realized that the story was based on hearsay testimony is evident from his conclusions found on page 492, at line 10, wherein he says:

> "Mrs. Clark wanted her money, and says Kitty Abrams told her she was to meet a man in her apartment for the purpose of having his wife come there and catch them together. She says she had called on him on Monday and made an appointment for him to come to her apartment on Tuesday night between eight and eight-thirty, and that she would get $200 if they pulled the trick off, and she would then pay her. The next day after Tuesday, the 19th, she came to Mrs. Clark and paid the $16.50 and at that time exhibited a roll of bills, etc."

The evidence quoted by the Advisory Master and on which he based his conclusion of connivance was purely hearsay and inadmissible. It had no place in this case, and could not legally form the basis of a final decree.

Assuming that connivance is to be treated on the same basis as conspiracy, so that the statements made by one may be used against the others, as was argued by the defendant's counsel before the Advisory Master, the evidence was still clearly inadmissible.

The rule applying to conspirators is:

> "When two or more persons conspire together to commit an offense or actionable

wrong, anything said, done or written by any one of them in the execution or furtherance of their common purpose is deemed to be said, done or written by every one, and is deemed to be a relevant fact as against each of them, but statements made by individual conspirators as to measures taken in the execution or furtherance of any such common purpose are not deemed to be relevant as such as against any conspirators except those by whom or in whose presence such statements are made. Evidence of acts or statements deemed to be relevant under this article may not be given until the Judge is satisfied that apart from them there are *prima facie* grounds for believing in the existence of the conspiracy to which they relate."

Stevens Digest on the Law of Evidence, Art. 4.

Nothing was said by the Abrams girl to the Clark woman in the execution or furtherance of this conspiracy or connivance. The Abrams girl was not seeking the assistance of Mrs. Clark in bringing it about, nor was she taking any steps toward that end when the conversation took place, if in fact such conversation did take place. If it took place, the Abrams girl was simply relating what she proposed to do or what it was proposed to do, therefore, inasmuch as her conversation was not something said in execution or furtherance of the wrong, it was clearly inadmissible, nor was her later statement made the following day admissible. It is only such measures as are taken in furtherance of the common purpose that are admissible, and after the wrong has been committed, one of the co-conspirators is not the agent of the

other co-conspirators for the purpose of making statements concerning it. Aside from this also was the fact that this evidence was admitted by the Judge, and no *prima facie* case was made out aginst the petitioner, and it is only after a *prima facie* case has been made that the statements of one co-conspirator can be admitted in evidence against other alleged co-conspirators.

If the hearsay statement of the Abrams girl is eliminated from the Clark woman's testimony, then you have the simple fact that Mrs. Clark and her two nephews went to Oriental Avenue on the night of September 19th, and while there saw a number of persons enter the Abrams apartment, and saw them leave the Abrams apartment; that her two nephews spoke to Mr. Knittel, the defendant, and that she and the nephews then went home, and the next day received a visit from the Abrams girl, who paid the rent, and that she accompanied the Abrams girl out on a shopping expedition and from this must be drawn the conclusion of conspiracy and "frame-up," if drawn at all.

As opposed to this was the conduct of Knittel, the defendant. He knew on the 20th day of September, to wit, on the day following the night on which he was caught, from the lips of Phineas Long that an alleged trap had been imposed upon him. Within a comparatively short period, probably two weeks, he filed his answer to the petition for divorce, and in that answer alleged as a defense the connivance of his wife to bring about his misconduct. He knew from Phineas Long's statement that Kitty Abrams was a party to this conspiracy or connivance which he proposed to urge as a defense to his suit, and with this knowledge on his part, he took no steps to cause the arrest of the principal conspirator but permitted

her to remain in Atlantic City for a period of twenty-eight or twenty-nine days after he was caught and after he knew from the lips of Phineas Long that a trap had been set for him, and permitted her to remain in Atlantic City unmolested for practically two weeks after he had filed his answer setting forth this connivance as a defense to the suit, and later, and after the said Kitty Abrams had moved from Atlantic City and returned, the defendant sought not to cause her arrest for the wrong and crime she had committed, as he alleges in his answer, but contented himself with the service upon her of a subpoena to testify.

It is submitted that this conduct upon his part is inconsistent with his defense and by reason of this inconsistency his defense upon this ground should not be supported except on proof beyond a reasonable doubt or such proof as admits of no conclusion of innocence but only of a conclusion of guilt. Such proof is not to be found in this case.

We have the positive denial of any "frame-up" or conspiracy of the petitioner, of Mr. Garrison, of Mr. Herbert, of Miss McGowan and Mr. Shaw. It would seem as though the denial of all these witnesses should have been sufficient to convince the Advisory Master that the defense had failed of proof, but such was not the case. He states, "Mrs. Clark wanted her money, and says Kitty Abrams told her she was to meet a man in her apartment for the purpose of having his wife come there and catch them together," and this hearsay statement the Advisory Master evidently believed and accepted as a basis for a decree, inferentially implicating a reputable member of the bar, notwithstanding the positive denial of all petitioner's witnesses and a clean, clear statement of those implicated of their part in the transaction.

Mr. Garrison was placed in a most unfortunate position when he came into possession of evidence valuable to his client, Mrs. Knittel, which evidence implicated another client of his. It will be observed, however, that the statement made by the Murray girl to Mr. Garrison was not in the course of his employment for her, and therefore it was in no manner privileged. It may have been indiscreet for him to have told of it. On the other hand, Mrs. Knittel, who had engaged him for the purpose of securing whatever evidence there was touching her husband's conduct, had the right to expect him to furnish her with whatever evidence he should learn in her behalf. On the other hand, while the Abrams girl had the right to have Mr. Garrison represent her interests fully and fairly in all matters entrusted to his care, she had no right to expect him to regard as sacred information coming to him from her outside of his employment.

Whether Mr. Garrison's conduct was ethical is not the question. It is whether he connived at having Mr. Knittel trapped. His uncontradicted testimony is that immediately upon the Abrams girl having left his office, Mr. Herbert walked in with a smile, and upon inquiry as to what it meant, Herbert stated to him that the girl who had just left his office was the girl Knittel was running, and Mr. Garrison, without pausing to consider what the effect might be, repeated to him what the Abrams girl had stated about her broker. Nothing was said as to any arrangements; nothing was said as to where she lived; nothing further was said between them excepting with regard to Herbert's report as to the occurrences on the Saturday previous. Garrison knew nothing whatever of what took place until the following day when

Mr. Herbert informed him. Mrs. Knittel, when 'phoned by Miss McGowan, did not know what she was called for nor where she was going until after she was in the jitney and told by Miss McGowan they were to meet Mr. Herbert at Massachusetts Avenue. The McGowan girl knew nothing about it until that evening when Mr. Herbert asked her to go and bring Mrs. Knittel to Massachusetts Avenue. Shaw was the first who knew from Herbert that Herbert was going up there that evening, and he did not know till four-thirty that afternoon.

The Advisory Master concludes that because Herbert went there with all these people on that night, that there must have been some previous arrangement. The testimony shows that Herbert had called on Mrs. Knittel on previous occasions to watch defendant, sometimes they succeeded in seeing and other times failed to see Mr. Knittel, and the question arises, Was it in fact strange that Herbert on that night should have watched the Abrams apartment? We respectfully submit that this must be answered in the negative. Herbert had seen the defendant in bathing and taking liberties with the Abrams girl on the previous Saturday. He was told by Mr. Garrison that the Abrams girl claimed to have a broker who came to see her every night. This information Herbert gained on Tuesday afternoon, September 19th. The testimony shows that the defendant spent Mondays, Wednesdays and Fridays at his office in Philadelphia. He spent Tuesdays, Thursdays and Saturdays in Atlantic City. In the investigation that Herbert had been making of the defendant, it had been confined to the days when he was in Atlantic City, and it is respectfully submitted that with Mr. Herbert's knowledge that the de-

fendant had been in bathing with the Abrams girl on the previous Saturday and had taken improper liberties with her, the information he had gained from Mr. Garrison that she claimed to have a broker who came to see her every night, the knowledge that he then had that Tuesday was one of the days the defendant spent in Atlantic City, was ample to suggest to him that he should watch that apartment immediately, and there is nothing strange in the fact that he concluded to watch him that Tuesday night. The presumption is if he had not caught Mr. Knittel that night, he would have watched the next night or possibly the following Thursday night. Therefore, it is contended that the acts of Herbert and the others were rational, honest and consistent with the innocence of petitioner and her witnesses. In determining if their acts were consistent with innocence, it must be assumed that the statements made by them are true, and assuming these statements to be true, we claim the statements themselves are entirely consistent with innocence. The more important question arises, What was the Clark woman doing in the neighborhood of the Abrams apartment on that night? That the Clark woman and the Abrams girl were not on intimate terms is indicated by the fact that the Abrams girl did not tell the Clark woman where she was going to move, and by the fact that the Clark woman had her nephew follow the moving van so as to learn their new address. This was the first night after they had got settled. It may be that the Clark woman had her nephew or nephews take her to the house on that night for the purpose of showing her where they had moved, or it may be that the Clark woman, acting upon her previous knowledge of the girl and her life, thought she might be

able to gain some knowledge that would enable her to collect the $16.50 rent, as the Clark woman testified that when the Abrams had lived in her apartment, she knew they had men visiting them. She knew and must have known the character of the Abrams girl, and it is not unlikely that she made the visit to Oriental Avenue on the night in question with the thought that she would probably see some person go in that house, and thus enable her to the more forceably urge the payment of her rent; or it may be that the Abrams girl did tell her that she had a man who was coming to see her on Tuesday night and she would get some money, and would pay the rent on Wednesday. It is quite evident, however, that the Clark woman did not go to the Abrams home for the purpose of notifying any man, because if she had gone for that purpose, she or her nephews would have notified him, and if they had not notified him before he went in, they would have notified him that night when he came out, when they were in conversation with him, but such was not their purpose and that thought had not entered their heads at that time, and apparently did not until later, either that night or the next day after the Abrams girl had called on Mrs. Clark. It will be remembered that Mr. Clark's testimony shows that the Abrams girl called on her in the morning and paid the $16.50, and that that afternoon Phineas Long informed Mr. Knittel that a trap had been set for him.

It is further contended that the Clark woman, after this time and just prior to the trial of the case, induced the Abrams girl to come to her home, on the visit when the Abrams girl arrived at two o'clock in the morning, apparently from nowhere, with no apparent object or purpose in coming, and

there is no reasonable doubt but that the Clark woman expected at that time to induce the Abrams girl to enter into her scheme and swear to a conspiracy or frame-up, and realizing and believing in her ability to bring this about, a subpoena, not a warrant, had been already issued and placed in Foster's hands for service so as to make it appear that it was a real bona fide effort to get her testimony. This scheme apparently went astray and the Abrams girl refused to be a party to it, and thereupon refused to see Mr. Foster in the Clark home, after which Foster served them on the street.

That the Abrams woman had in fact been offered a thousand dollars to go through with such a scheme by the Clark woman for the defendant on this midnight trip is quite likely, and Mrs. Abrams probably spoke the truth when she told Mr. Garrison that she had been offered a thousand dollars by the other side, and when she told Mr. Herbert and Miss Hansstadt at the petitioner's home that if she was worth a thousand dollars to the defense, she was worth that much to the petitioner.

Except upon the theory that the Clark woman expected to secure the Abrams girl as a confederate in her scheme, there is no rational reason or excuse for the Abrams girl having arrived at the Clark home at two o'clock that morning and leaving at nine o'clock the same morning. She apparently came for no purpose and apparently had no business here except such business as she had with Mrs. Clark.

In this case Mrs. Clark was the whole thing. She was the chief witness at all times, and when the defense thought they wanted the Harrison woman from Paterson as a witness, it was Mrs.

Clark who went for her. "Birds of a feather flock together," and it was Mrs. Clark who procured the midnight visit of the Abrams girl; it was Mrs. Clark who furnished the alleged conversation of the Abrams girl; it was Mrs. Clark who went to Paterson and furnished the Harrison woman. The interest taken in the matter by Mrs. Clark was so active that it cannot help but suggest something more than the mere service of a subpoena and the continuous question is, what was that interest?

It is testified by Mrs. Clark that Mr. Herbert, under the name of Thompson Garrison, called on the Abrams girl on the Sunday morning after he had seen Knittel in bathing with her, and she overheard him state to Kitty Abrams that he, Herbert, had seen her, and that she overheard certain conversation between them relating to entrapping Mr. Knittel, and called her niece in corroboration thereof. The testimony of the niece, however, did not go so far.

Mr. Herbert denied that he had ever been there, and it is submitted that this whole testimony touching connivance by Mr. Garrison and Mr. Herbert is so unlikely as to be unworthy of belief. In the first place, it is submitted that the fact that Mr. Garrison, who is a member of this Court and has been in active practice for fifteen years or more, whose reputation heretofore has been unassailed; should give him a standing with this Court, and should have given him a standing in the Court below, higher than that accorded to an utter stranger, other things being equal. He has never been accredited by his associates as being a fool, and that a man of his standing and ability would enter into such a scheme with one of his own clients is so impropable as to render its existence

beyond belief. If his moral sense had been so dulled as to permit him to enter into such a scheme, his knowledge and experience would have forbade him selecting one of his own cilents as a tool with which to pepertrate it, and the claim of this Clark woman, intensely directed as she showed herself to be, should not have been permitted to outweigh Mr. Garrison's testimony.

Her testimony with regard to Herbert is equally unthinkable. Herbert, while he may not be brilliant, has ordinary common sense. He has been engaged in investigating for years. He knew that he was engaged in the case by Mr. Garrison, and it goes without saying that if he had gone to the Clark home under an assumed name, he would not have assumed the name of Thompson Garrison. It is quite evident that the woman was not expecting to be asked the name which Herbert assumed, and that on the spur of the moment she selected as the name which he gave the name of the two people who were then most prominent in her mind, Judge Thompson, who was hearing the case, and Mr. Garrison, whom she desired to disparage. Had Mr. Herbert gone to this house under an assumed name, instead of selecting the name of Garrison, for whom he was working, he would have selected a name as far distant from Garrison or Knittel as was possible. That this was built-up testimony on the part of the Clark woman there can be no doubt, and there is no doubt but that the Clark woman, having a slight recollection of a visit made by Mr. Garrison to the Abrams woman, seized upon her recollection of that visit as a basis for this charge. She, the Clark woman, testified that this Thompson Garrison came to her house and asked for Kitty Abrams; that up to that time she had known the girl

as Kitty Murray, and she told him there was no Kitty Abrams living there, but the Abrams girl, overhearing the conversation, came to the door and the man was admitted; that the Abrams girl afterward told Mrs. Clark that her real name was Kitty Abrams and not Kitty Murray. Mr. Garrison explained this incident when he testified that in connection with the suit he had pending for the Abrams women, and some considerable time before the 19th day of September, when the defendant was caught, that he called at the Abrams apartment, and a woman came to the door, who might have been Mrs. Clark although he did not recall, and that he asked for Kitty Abrams and was told that there was no such person there, and that the Abrams girl came to the door and he was admitted, so that it is respectfully submitted that there was no evidence in this case that would fairly support the conclusion of the Advisory Master that there was connivance.

It is respectfully submitted that the decree of the Court of Chancery should be reversed and the Court of Chancery should be directed to enter a decree for divorce in favor of the petitioner, and awarding the custody of the two children to petitioner.

BOURGEOIS & COULOMB,
GARRISON & VOORHEES,
Solicitors of Appellant.