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BILL OF COMPLAINT

(Filed August 8, 1916)

IN CHANCERY OF NEW JERSEY.

*To His Honor, Edwin Robert Walker, Chancellor of
the State of New Jersey:*

Complaining shows unto your Honor, Anna Pitel,
of the Borough of Vineland, in the County of Cum-
berland, and State of New Jersey, complainant:

10

1. Complainant was married to her present hus-
band, the defendant in this cause, Abram Pitel, on
April second, nineteen hundred and thirteen, in the
City and County of Philadelphia and State of Penn-
sylvania, by Maurice Rome, a Jewish Rabbi.

2. Immediately after the marriage of complainant
and defendant she and her said husband went to re-
side at Brotmanville, in the County of Salem and
State of New Jersey, and there lived together until
June fifth, nineteen hundred and fourteen, and where
they had co-habited until the desertion and abandon-
ment by the defendant of complainant as hereinafter
complained of.

20

3. There have been no children born to complain-
ant and her said husband as the fruit of their mar-
riage.

30

4. Three months after the marriage of complain-
ant to defendant, her said husband commenced to
neglect her by remaining away from home night after

night and with no word to her of his whereabouts and when complainant remonstrated with her husband as to his neglect of her he struck her and refused to speak to her for a long time thereafter.

5. Complainant shows that from that time on her husband struck her repeatedly, striking her in the face, kicking her and would refuse to give her enough to eat; that he would keep her locked in her home and not allow her to go out or see the neighbors and absolutely refused to allow anyone to see her.

6. Complainant shows that during the month of June, nineteen hundred and fourteen, her husband left her without a word as to where he was going and remained away for three weeks. That during this time he forbid the grocery store in Brotmanville from sending any groceries to complainant and stopped her trust and credit at all the stores in that village; that on his return he struck and knocked complainant down and said that he would leave again and that he did not propose to live with her any longer. He beat her so on this occasion that she fainted from the abuse.

7. Complainant shows that defendant would repeatedly call her a "whore," "God damn son of a bitch," "God damn whore" and other vile names; that he kept this up repeatedly from day to day. That on one occasion he pointed a revolver at her and threatened to shoot her and that he kept up this cruel and abusive treatment until she was a nervous wreck and injured both physically and mentally. That he stole her jewelry and sold it and that this cruel and abusive treatment was kept up daily while he was at home.

8. Complainant shows that in April, nineteen hundred and fourteen, while sick with approaching childbirth her husband kicked and abused her, refused to send for a physician and complainant was sick in bed for three days without any attending physician. As a result of his cruel treatment and neglect complainant suffered a miscarriage.

9. Complainant shows that on June fifth, nineteen hundred and fourteen, her husband, without any provocation, flew into a violent rage and picking up everything that he could lay his hands on from the top of the kitchen stove threw the same at complainant, including dishes and pans, and then tried to scald complainant with boiling water from the tea-kettle, telling her that he was going to leave her and would not come back. She fled from the house in fear for her life. During this occurrence and since that date neither complainant nor defendant have lived together.

10. Complainant shows that her husband had completely terrorized her during their married life with the exception of the first three months; that he had frequently threatened to kill her until she feared for her life and her safety. That her health was undermined and she is a nervous wreck; that she did not dare to return and live with him and has not since June fifth, nineteen hundred and fourteen.

11. Complainant shows that defendant has failed to provide her any support or maintenance since his desertion of her on June fifth, nineteen hundred and fourteen. That shortly thereafter she made complaint to the overseer of the poor of Pittsgrove Township and an order was made by Justice of the

Peace Golder at Centerton, in the County of Salem and State of New Jersey, that the defendant pay to the overseer of the poor the sum of four dollars per week for one year. That her said husband complied with only a part of this order, but failed to make any payment during the last few months that the same was in force, and since September, nineteen hundred and fifteen, has made no payments whatever of any kind or nature for the support of complainant.

10

12. Complainant on August eighteenth, nineteen hundred and fifteen, moved to Vineland, New Jersey, in order to secure work to maintain herself, where she has since resided, utterly penniless and only able to earn enough for her livelihood since her removal to Vineland.

20

13. Complainant states that her husband in June, nineteen hundred and fourteen, went to Reno, Nevada, and she was informed when he had been gone about three months that he had secured a divorce from her; some charitable lady friends in Salem, New Jersey, raised some funds for her to employ an attorney and complainant is informed that said decree for divorce has been set aside on the ground of fraud, but that the original complaint is still pending before the courts at Reno, Nevada. That said divorce or application is a fraud against complainant and without merit.

30

14. Complainant states that her husband is in the business of buying and selling chickens and that he earns on an average clear of all expenses from fifteen to twenty-five dollars per week. That he is in business for himself and that he is also the owner of real estate in Cumberland County, New Jersey, of

the value of two thousand dollars as well as personal property of the value of one hundred dollars and is able to maintain and support complainant.

15. Complainant is informed in such manner that she believes it to be true that the said defendant is about to leave the jurisdiction of this court, leaving the State of New Jersey and locating in some other State in order to escape his obligation as husband to complainant.

10

16. In tender consideration whereof, for as much as complainant can only be relieved in this court. To the end, therefore, that the said Abram Pitel may answer the premises, but without oath and that he may be ordered and decreed to provide such suitable support and maintenance to be paid or provided by him or made out of his property for complainant and for such times as the nature of the case and the circumstances of the parties render suitable and proper; and that the said defendant may be compelled to give reasonable security for such maintenance and allowance and to pay the same from time to time under the compulsory order of this Honorable Court, as provided by the statute; and in case the defendant cannot be found in this State to be served with process that his estate, property and affects in this State may be sequestered to compel his appearance and performance of any decree as may seem fit to your Honor; and that the defendant may be required to pay to complainant the proper amount for counsel fees and that she may have such further equity as to your Honor shall seem meet. May it please your Honor, the premises considered, to grant unto complainant the State's writ of subpoena issuing out of and under the seal of this Honorable

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30

6 *Rule to Show Cause for Alimony Pendente
Lite*

Court to be directed to the said Abram Pitel, commanding him by a certain day and under the certain penalty therein to be expressed to be and appear before your Honor in this Honorable Court, then and there to answer all and singular the said premises and to abide by and perform such order and decree therein as to your Honor shall seem meet, and as shall be agreeable to equity and good sense.

10 Complainant, as in duty bound, will ever pray, &c.
 HERBERT C. BARTLETT,
 Solicitor for and of Counsel
 with Complainant.

**RULE TO SHOW CAUSE FOR ALIMONY
PENDENTE LITE**

(Filed August 8, 1916)

20 IN CHANCERY OF NEW JERSEY.

Between	}	On Bill, &c. Order to Show Cause
ANNA PITEL,		
Complainant,		
and		
ABRAM PITEL,		
Defendant.		

30 On reading and filing the bill of complaint herein and affidavits thereto annexed and for good cause therein shown, it is, on this 8th day of August, A. D. 1916, on motion of Herbert C. Bartlett, of counsel with complainant, ordered that the defendant, Abram Pitel, show cause before the Chancellor at the Chan-

cery Chambers, Trenton, New Jersey, on the 15th day of August, A. D. 1916, at eleven o'clock in the forenoon of said day why an order should not be made for the allowance to the complainant of alimony *pendente lite* and for a reasonable counsel fee.

And it is further ordered that a copy of this order and of the bill of complaint and affidavits thereto attached be served on the defendant within two days from the date of this order, for the purpose of which service uncertified copies of the same may be used. 10

E. R. WALKER,
C.

AFFIDAVIT FOR NE EXEAT

(Filed August 8, 1916)

IN CHANCERY OF NEW JERSEY.

20

Between

ANNA PITEL,

Complainant,

and

ABRAM PITEL,

Defendant.

}
On Bill, &c.
Affidavit.

STATE OF NEW JERSEY, }
CUMBERLAND COUNTY, } ss.

30

Anna Pitel, being duly sworn according to law, on her oath saith that she is the complainant in the above-entitled cause about to be commenced against her husband, Abram Pitel.

I am afraid my husband will leave the State immediately upon the filing of the bill for maintenance by me in this case; he has repeatedly said that he would leave the State of New Jersey and go elsewhere if I commenced proceedings for support against him or any other proceedings; that he left me in June, 1914, and went to Reno, Nevada, and there attempted to procure a divorce against me which was a fraud and without merit; through the
10 assistance of friends I was enabled to prevent his securing this divorce, and after staying for a long time in Reno, Nevada, he returned home to Vineland, New Jersey; but in view of his threats that if I attempted to take proceedings of any kind against him he would leave the State, and I fear that he will at once leave New Jersey and go to some other State when my bill for support is filed and notice of same given to him.

He has furnished me with no support since Sep-
20 tember, 1915, when an order of support made by the overseer of the poor of Pittsgrove Township against her said husband and in her favor expired.

I am without means of support and am now filing my bill for maintenance against my said husband in this court and in view of his threats to leave the State and never come back if I commenced proceedings against him I pray that a writ of *ne exeat re-*
30 *publica* may be issued out of this court to restrain the defendant from departing out of the jurisdiction of this court.

ANNA PITEL.

Sworn and subscribed before me August seventh,
1916.

MAURICE FLORENTINO,
Justice of Peace.

ORDER FOR NE EXEAT

(Filed August 8, 1916)

IN CHANCERY OF NEW JERSEY.

Between

ANNA PITEL,

Complainant,

and

ABRAM PITEL,

Defendant.

Order for Ne Exeat.
On Bill for Maintenance.

10

Complainant having filed her bill against the defendant, to be relieved touching the matters therein contained, and now, upon reading the affidavit of Annie Pitel, whereby it satisfactorily appears that the defendant, Abram Pitel, designs quickly to depart from this State: It is, on this 8th day of August, A. D. nineteen hundred and sixteen, on motion of Herbert C. Bartlett, of counsel with the complainant, ordered, that a writ of *ne exeat republica* be awarded against the said Abram Pitel until he shall fully answer the complainant's bill and this court to be endorsed in the sum of five hundred dollars, in words at length, and not in figures.

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30

E. R. WALKER,
C.

Between
ANNA PITEL,
Complainant,
and
10 ABRAM PITEL,
Defendant.

On Bill, &c.
Affidavit.

STATE OF NEW JERSEY, }
CUMBERLAND COUNTY, } ss.

Charles P. Sharp, of full age, being duly sworn according to law, on his oath saith that he is the deputy sheriff of Cumberland County and that he did on August eighth, nineteen hundred and sixteen, serve personally on Abram Pitel, the defendant in the above-entitled action, a copy of the bill for maintenance and support filed by his wife, Anna Pitel, against the said Abram Pitel as well as rule to show cause issued thereon and returnable next Tuesday before the Chancellor at the State House, in Trenton, New Jersey, by delivering a copy of the said bill of complaint and said order to show cause to the said defendant and informing him of the nature of the same. At the same time I there took the same defendant into custody on the writ of *ne exeat*.

CHARLES P. SHARP.

Sworn and subscribed before me this ninth day of August, A. D. nineteen hundred and sixteen.

IRA P. SHARP,
Notary Public.

WRIT OF NE EXEAT

NEW JERSEY, to wit:—

The State of New Jersey to the Sheriff
(L. s.) of the County of Cumberland, Greeting:

Whereas, it is represented to us, in our Court of Chancery, before our Chancellor, on the part of Annie Pitel, complainant, against Abram Pitel, defendant, that the said Abram Pitel abandons his wife, Annie Pitel, and refuses and neglects to support and maintain her, and that he designs quickly to go into parts without the State of New Jersey, as by oath, on that behalf made, appears which tends to the great prejudice and damage of the said complainant; therefore, in order to prevent this injustice, we hereby command you that you do, without delay, cause the said Abram Pitel personally to come before you and give sufficient bail or security in the sum of five hundred dollars, lawful money of the United States, that the said Abram Pitel will not go, or attempt to go into parts without the said State, without leave of our said court; and in case the said Abram Pitel shall refuse to give such bail or security; then you are to commit him, the said Abram Pitel, to the common jail of your county, there to be kept in safe custody until he shall do it of his own accord; and when you have taken such security you are forthwith to make and return a certificate thereof to our Chancellor, in our Court of Chancery, at Trenton, distinctly and plainly under your hand, together with this writ.

Witness, Edwin Robert Walker, Chancellor of the State of New Jersey, at Trenton, aforesaid, the 8th day of August, A. D. nineteen hundred and sixteen.

ROBERT H. McADAMS,

HERBERT C. BARTLETT,

Solicitor.

Clerk.

BOND TO SHERIFF ON NE EXEAT**BOND TO SHERIFF UPON A NE EXEAT.**

Know all men by these presents, that we, Abram Pitel, of the Borough of Vineland, in the County of Cumberland and State of New Jersey, and Guschel Pitel, are held and firmly bound unto Charles V. Marshall, sheriff of the County of Cumberland, in the sum of five hundred dollars to be paid to the said
10 Charles V. Marshall, sheriff, as aforesaid, or his assigns. For which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals, and dated the ninth day of August, A. D. nineteen hundred and sixteen.

Whereas, the above-bounden Abram Pitel, has been arrested upon a writ of *ne exeat* issuing out of and under the seal of the Court of Chancery of the State
20 of New Jersey, in a certain cause therein depending, wherein Anna Pitel is complainant, and Abram Pitel is defendant, and is now in custody of the said sheriff by virtue thereof:

Now, the condition of this obligation is such that if the said Abram Pitel shall cause his appearance to be entered in the said suit, and continue such appearance by a solicitor of said Court of Chancery, residing in the State of New Jersey, and shall at all times render himself amenable to the orders and process
30 of said court pending such suit, and to such process as shall be issued to compel the performance of the final decree therein, and shall appear before said court, or any officer thereof, when so required by the order of said court, then this obligation to be void, otherwise to remain in full force and virtue.

ABRAM PITEL,
GUSCHEL PITEL.

STATE OF NEW JERSEY, }
 CUMBERLAND COUNTY, } ss.

being duly sworn according to law, on his oath said that he is a freeholder in the County of Cumberland, and owner of real estate of the value of five hundred dollars or more above all mortgages, debts or incumbrances against the same.

Sworn and subscribed before me this ninth day of August, A. D. nineteen hundred and sixteen.

10

RETURN TO NE EXEAT

IN CHANCERY OF NEW JERSEY.

Between	}	
ANNA PITEL,		
Complainant,		On Bill, &c.
and		Return to Ne Exeat.
ABRAM PITEL,		
Defendant.		

20

I certify and return that I have caused the within-named defendant, Abram Pitel, personally to come before me and he has found bail in the sum of five hundred dollars according to the command of the within writ.

30

CHARLES V. MARSHALL,
Sheriff.

ANSWER

(Filed Aug. 15, 1916)

IN CHANCERY OF NEW JERSEY.

10	Between ANNA PITEL, <i>Complainant,</i> and ABRAM PITEL, <i>Defendant.</i>	}	Bill for Maintenance. Answer.
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The defendant, residing at Vineland, County of Cumberland, and State of New Jersey, answering the
20 bill of complaint of the complainant, says:

1. Defendant admits paragraph 1.

2. Defendant admits paragraph 2, wherein it is stated that he and the complainant lived together in the Village of Brotmanville, County of Salem, State of New Jersey, until June 5th, 1914.

3. Defendant admits paragraph 3.

30

4. Defendant denies paragraph 4, and says, that up until the 5th day of June, 1914, he was never away from home at night at any time, except when in Philadelphia on business, at which times he remained with his wife's father in the City of Philadelphia; and that his wife never remonstrated with him on his

absences because she knew when he was to be away and the place where he stayed, nor did this defendant strike or refuse to speak to her as alleged in said paragraph.

5. Defendant denies that he struck his wife in the face, kicked her, locked her in a room, refused to permit her to go to see her neighbors or allow any one to see her, or to give her enough to eat as alleged in paragraph 5; on the contrary, he asserts that his wife had full credit at the general store of Samuel Glasser, six doors away from where she and the defendant resided, and that she traded there and had credit for anything that she wanted, this defendant paying the bills; that this credit continued until after his wife had him arrested on the 8th day of June, 1914, when the credit was stopped; that it was not possible for this defendant to lock his wife in the home, because there were no locks on anything but the outside doors, she having the keys in her own possession, and the windows being fastened from the inside and not the outside; and his wife daily, during all her married life until the 5th day of June, made calls upon defendant's family and the neighbors. 10 20

6. Defendant denies paragraph 6 except he admits that after the 5th day of June he did not live with his wife, as will appear in a subsequent part of this answer, but asserts that, up to that time, he had never left her, stopped her trust and credit at the stores or used any violence against her in speech or act. 30

7. Defendant denies that he called her the vile and opprobrious names set forth in paragraph 7 of the complaint, and also denies that he pointed a revolver at her, threatened to shoot her or used any cruel and

abusive treatment toward her whereby her health was injured either physically or mentally; he also positively denies that he took any of her jewelry and sold it, but says that, up to the 5th day of June, 1914, he and his wife lived together in a reasonably peaceful and quiet manner, that they lived as other people in the neighborhood lived and as the Jewish people at that settlement generally lived.

- 10 8. This defendant denies everything stated in paragraph 8, and says that on the day when his wife was taken ill, as stated in paragraph 8, the defendant in the morning asked her if he had not better call a physician, but his wife declined to permit him to do it. About nine o'clock in the morning a woman by the name of Mrs. Reiner came to the house and talked with his wife and told him, after his wife had refused to get a physician, what was the trouble with her, and that then he went to his mother's house,
- 20 several doors away, and asked her to come over and look after his wife; defendant's mother, when she had discovered what was the difficulty, immediately went and telephoned for Dr. George Cunningham, who she found was not at home; that when defendant's mother came over she brought with her defendant's sister, Jennie, and at a later time in the morning the sister sent to the telephone and called Dr. Cunningham; that the doctor came immediately out and assumed charge of the case; that he remained with her
- 30 and took care of her; that after that he came out twice a day for a week; that after the defendant's wife was taken ill at this time, in April, 1914, the defendant wrote to her mother in Philadelphia, and asked her to come down and help care for his wife, but she replied that she herself was ill and could not come. After defendant's wife had recovered, the

mother came and made a visit to the house, remaining there about three weeks, when the mother went away about the last week in May; that during the time of the mother's visit there was no friction or unpleasantness of any character between this defendant and his wife, nor had there been so far as this defendant was concerned, at any time, although the wife was of a high temper and frequently burst into violent fits of rage; that when these attacks were present the defendant did not reply to his wife, but would frequently leave the house and go over to his father's house or to one of the neighbors to wait until his wife had recovered her composure; that the sickness charged to have been brought on by the cruel and brutal treatment of this defendant, as mentioned in paragraph 8, was not brought on by any action of the defendant, but was caused by the indiscreet action of the complainant in carrying a basket of potatoes from defendant's mother's house, five or six doors away, to her own house; that she was cautioned by defendant's family not to lift and carry this heavy basket, but persisted in doing so and on the way from one house to the other she was met by a neighbor, who offered to take the basket from her and carry it to the house, saying that in her then present condition she ought not to lift a load of that character, because it might result in serious consequences, but his wife declined the proffered aid and said she could take care of it herself. Two days after the complainant had carried the basket of potatoes the symptoms of her trouble developed and the sickness resulted.

9. Defendant denies absolutely everything stated in paragraph 9 and says that, on the contrary, defendant's wife drove him from his home; that since

her illness, in the April preceding, defendant's wife had manifested toward defendant antipathy and jealousy, and while there had not been any great outburst of anger on his wife's part, yet she had been petulant, fault-finding and complaining about little things; nothing seemed to go right with her, but there was no open complaint until after the mother had left the house, when his wife complained of all manner of little things, but no serious trouble arose between this defendant and his wife until the 5th of June, 1914. This defendant had been in Philadelphia making collections for shipments of chickens which he himself had made and which his father, who is in the same business, had made; that he made his collections in checks for both himself and his father and received on this occasion no cash payments; that every week it was his habit to make his collections in Philadelphia personally, and when he had finished his business to buy up some kind of fruit and bring it down to his wife; that this had been an invariable custom with the defendant, but, on this occasion, having no money everything being checks, the defendant was unable to make the purchase and when he returned to his home he returned empty-handed; that on his way he called to his father to come over and he would give him his checks; that the father came and received his checks; that this defendant and his father were in the kitchen and this defendant was at the wash basin, washing his hands; that the complainant asked him if he had not brought any fruit for her and where it was; he told her that he had received no money and, having nothing but checks, did not have any money to buy fruit with so he had to let it go; that she was not satisfied with this, but flew into a violent rage, calling this defendant names and ordered him to get out of the house and stay

away; that when defendant remonstrated with her and told her that this was his home and she ought not to complain about it nor use such language, she told him to "go to hell and get out," and ran toward him with a stove poker; that she was in such an uncontrollable rage that this defendant left the house and went over to his father's house where he remained, as he had frequently done before when his wife was in an ill-humor, until nine o'clock at night; that he then returned to his home and tried to get in, but found the doors locked and the windows locked; that he called to his wife and she said she had no room for him, that she could get along without him and he could get out and stay out; that there were in the house two girls whom this defendant afterward found out were the Sklansky girls. This defendant then returned to his father's house where he remained overnight and until Saturday afternoon about two o'clock. At this time the defendant went again to his home and endeavored to reenter his house, but found the doors and windows were locked. The defendant went to the front door and knocked on the door; in response to the knock his wife opened the door a little distance and asked him what he wanted; upon his answering that he wanted to come into the house the complainant spit in his face and told him there was no room in the house for him, Mr. Abraham Lipwock, the landlord of whom the defendant rented the house, had accompanied this defendant from his father's house and was a witness to the complainant's treatment of this defendant; that this defendant then returned to his father's house where he remained; that this defendant on Sunday went over to the house, but finding that things were in the same situation, returned again to his father's house; that on Monday when he came

back from his work the constable, Morris Greenblat, arrested him on a warrant issued by Justice Smith, of Salem, on a charge of non-support; that at the subsequent hearing his wife informed the justice and her attorney, in answer to her attorney's questions, that this defendant had pinched her, but that he had not hit her; that at this time, this defendant, seeing that there could be no present reconciliation between himself and his wife because of her attitude toward him, told the justice that he was willing to
10 pay his wife two dollars (\$2.00) per week and house rent and leave with her the household furniture with which the house was furnished; that this amounted to three dollars and twenty-five cents (\$3.25) per week; that at that time this defendant was making twelve dollars (\$12.00) per week, out of which he had to pay three dollars and fifty cents (\$3.50) for the keep of his horse and the wagon and harness, which he used in the business of buying chickens; that this left him
20 eight dollars and fifty cents (\$8.50) a week, out of which he gave his wife three dollars and twenty-five cents (\$3.25); the balance he used in his own support; that after the hearing at Salem this defendant went to the Glasser Grocery Store and stopped further credit for his wife, but up to that time she had had credit for anything that she wanted to buy; that from the time of the hearing this defendant gave her what he agreed to, together with a chicken every Saturday, until she had him re-arrested on the complaint of the overseer of the poor of Pittsgrove
30 Township, in September, 1914; that a week or so after the hearing at Salem this defendant met his wife at the porch of their home and talked with her about getting together again, but she refused to talk about it; that this same day, after he talked with her, he got his landlord, Mr. Lipwock, to come with him

and together they went over to defendant's wife and Mr. Lipwock talked with her, saying to her that he thought it was best for them both to make up and go away somewhere else to live where she might be better satisfied than she apparently was there, but defendant's wife would not listen to either Mr. Lipwock or defendant; that defendant then asked his wife, since she would not let him come back and live with her as her husband, to give him his clothes and she refused to give them to him, saying that she would rather burn them up than give them to him; that defendant could not get his clothes from her so he had to send the constable, Mr. Greenblat, for them; after that, defendant rented two rooms in Alliance—this was about a month later; that then he went to his wife and told her that he had two rooms and asked her to come and live with him there; that she refused and said she would not live with him there or anywhere else; after that he continued to pay her as he had agreed in Salem to do, until September, when she had him arrested on complaint of the overseer of the poor and he entered into bonds to pay her four dollars (\$4.00) a week. 10 20

Defendant further says that all charges of assault mentioned in paragraph 9 are absolutely without foundation and are false; that the complainant never fled from the house in fear for her life at any time during their life together, but she compelled this defendant to leave the house on June 5th, and never would permit him to return at any time; that while she was living in the house she put new locks on the doors and fastened the outside doors with padlocks, so that this defendant could not enter the house in her absence and this defendant is informed that the windows were fastened down with nails so that they could not be lifted from the outside. 30

10. Defendant denies all the charges mentioned in paragraph 10, and says that he never threatened to kill his wife or do her bodily harm at any time before or since their separation; that her health was never undermined and she was never a nervous wreck, and this defendant would have been glad to have had her return to live with him if she would have done so; and this defendant says that since June 5th, 1914, and for a long period thereafter, his
10 wife pursued him and made his life miserable in every way.

11. This defendant says, that the statement in paragraph 11, that he has failed to provide any support for his wife since his desertion of her on June 5th, is untrue; that he was arrested for non-support, the first time, two days after his wife drove him from the house, and that he paid regularly what he agreed to pay and after the justice at Centerton, in Sep-
20 tember, 1914, placed him under bond, he paid the weekly amounts regularly, and that, for the entire year which was provided for under that bond, he paid her up in full as provided in the bond, except that instead of sending her regularly four dollars (\$4.00) a week, he sent her every two weeks eight dollars (\$8.00); that this was sent to Mr. Davis, the overseer of the poor at Centerton, who paid it to her, with the exception of the last week when his father paid to his wife the last instalment personally,
30 so that what she says regarding his failure to pay during the last few months the bond was in force, is absolutely untrue; that it is true, however, that since September, 1915, after the expiration of the bond, this defendant has not paid her anything, for the reason that his income was meager and she was making good wages—making, in fact, more per week

than this defendant, and was in better shape financially than this defendant himself, and for the further reason that he had asked her to resume their relations as man and wife and she had refused.

12. Complainant denies that portion of paragraph 12 wherein it is stated that the complainant was utterly penniless in Vineland and was only able to earn enough for her livelihood, but says that while he is not acquainted with her earnings prior to December, 1915, he knows that she earned from seven to ten dollars per week, at week work, with the firm of Cohen Brothers in Vineland, and that at the present time her wages have been increased from ten to eleven dollars per week, which she is now getting and having steady work. 10

13. Defendant admits that in the latter part of September, or forepart of October, 1914, he went to Reno, Nevada, and says, in relation to this, that he had been so harassed by his marital situation that he was unable to bear it longer; that he was informed that he could go to Nevada and be relieved of the impossible situation which confronted him and, without taking legal advice upon the subject, he went out there and instituted proceedings; that he returned to New Jersey and on his return he heard it said that divorces, under such circumstances in Nevada, were invalid and he then took counsel upon the question, with the result that the information he ought to have had before he started he got after he returned, and he has not since considered that of any validity, or binding force, at all; that after defendant had been back in Vineland for some little time, he thinks about a month, and before he had taken any steps to ascertain the condition of his Nevada application, he met 20 30

his wife at the West Jersey Railroad station, in Vineland, and he talked with her then about their situation and asked her if she did not think that they ought to come together and live as man and wife ought to, and she declared to him that she did not care to live with him—that she was satisfied since she was making ten dollars (\$10.00) a week and getting four dollars (\$4.00) a week alimony; again after this, some time in May, 1916, defendant met his wife
10 on the street in Vineland and approached her again, as she was going from her work, upon the same subject and she again declared she would have nothing to do with him; again, before this suit was started, this defendant asked one H. Cohen to talk with her and see if he could not persuade her to change her mind and resume her relations with the defendant, but he reported that it could not be done.

14. Defendant denies that he is in possession of
20 the income, clear of expenses, of the sum of fifteen to twenty-five dollars per week, as stated in paragraph 14 of the complaint, but admits that he is in business for himself and says that his income from his business, at the present time and for some time past, has averaged him eight dollars (\$8.00) per week. He further says that he is not the possessor of any real estate, directly or indirectly, of any value whatever, and that all of the personal property of which he is possessed is one horse, upon which he
30 owes one hundred dollars (\$100) and wagon and harness, valued at forty dollars (\$40.00), upon which he owes all but fifteen dollars (\$15.00); that he has no money in bank and no property other than this except a few pieces of wearing apparel which are necessary for his use.

15. Defendant absolutely denies that in January, 1914, he went away from his wife for three weeks without telling her where he was going, or that he stopped her credit at the store, or that when he returned he struck her and knocked her down. He denies also, that he ever struck her with a black-jack or with any other instrument, or threatened to shoot her; he says that when this alleged desertion took place, in January, 1914, this defendant was living with his wife as other good citizens do; that on one day in that month he was away on business and when he came back he went to his father's house, where his wife and his father's family, with his wife's brother and father, were to dine and where they were all gathered for the purpose of the dinner; that they never mentioned his wife or any trouble there and when they were through the dinner, the defendant took the brother to the station and the father of his wife remained with him for a couple of days at his house; that at this time there was no friction between defendant and his wife, and that he did not desert her in any form, or cruelly treat her or abuse her, either with his tongue or with his hands. 10 20

This defendant, therefore, prays to be hence dismissed with his proper costs and charges.

ROYAL P. TULLER,
*Solicitor for and of Counsel
with Defendant.*

CONTINUANCE

IN CHANCERY OF NEW JERSEY.

10	Between ANNA PITEL, <i>Complainant,</i> and ABRAM PITEL, <i>Defendant.</i>	}	On Bill for Maintenance. On Application for Alimony Pendente Lite and Counsel Fees. Continuance.
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20 This matter coming on to be heard on the return of a rule to show cause heretofore allowed in the above-entitled cause as to why said defendant should not pay to the complainant alimony *pendente lite* as well as a reasonable counsel fee to her solicitor, Herbert C. Bartlett, pending the final hearing on said bill:

And it appearing that the solicitor of the defendant is absent from the State of New Jersey and will not return until September:

30 It is on this 15th day of August, A. D. nineteen hundred and sixteen, ordered that the hearing on said rule to show cause as to why the defendant should not pay alimony *pendente lite* and counsel fees to complainant be continued for hearing until the 12th day of September, A. D. nineteen hundred and sixteen, at the State House, Trenton, New Jersey, at eleven o'clock in the forenoon of said day.

E. R. WALKER,
C.

ORDER OF REFERENCE

(Filed September 19th, 1916)

IN CHANCERY OF NEW JERSEY.

Between	}	Order of Reference to Vice-Chancellor.	10
ANNA PITEL,			
Complainant,			
and			
ABRAM PITEL,			
Defendant.			

This matter being opened to the court by Herbert C. Bartlett, solicitor and of counsel with the complainant, and Royal P. Tuller, solicitor and of counsel with the defendant: 20

It is thereupon, on this 19th day of September, nineteen hundred and sixteen, Ordered that the above-stated cause be referred to Hon. Charles V. D. Joline, 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 should be made therein.

E. R. WALKER, 30
C.

TESTIMONY

IN CHANCERY OF NEW JERSEY.

Between
ANNA PITEL,
Complainant,
10 and
ABRAM PITEL,
Defendant.

On Petition, &c.
Testimony.

Vineland, N. J., October 18, 1916.

TESTIMONY

20 Before HON. CHARLES V. D. JOLINE, Advisory Master.

APPEARANCES:

HERBERT C. BARTLETT, Esq., for petitioner;
ROYAL P. TULLER, Esq., for defendant.

30 ANNA PITEL, the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Mrs. Pitel, you are the petitioner in this case?

A. Yes.

Q. And you were married to your present husband, Abram Pitel, where?

A. At Philadelphia, Pennsylvania.

Q. And when were you married?

A. The second of April, 1913.

Q. I show you a paper and ask you what that paper purports to be?

(Examining counsel hands paper to witness.)

A. This?

10

Q. Yes.

A. This is the copy of my marriage license.

Mr. Bartlett: I suppose it is admitted in the answer. I am going to prove where the original is.

The Witness: My husband took away the marriage license and I took a copy.

The Advisory Master: You can call on the other side to produce it. 20

Mr. Bartlett: It is admitted on the other side.

Mr. Tuller: We admit the marriage. I object to this offer of proof.

The Witness: My husband has the marriage certificate.

30

Mr. Tuller: We admit the marriage, if that is the purpose of this proof.

The Advisory Master: You say your husband has the marriage certificate?

The Witness: He had and I went and took the copy of it.

The Advisory Master: Did you make it from the paper that your husband had?

The Witness: No. I went over to Philadelphia, to the City Hall, and they gave me that.

Q. You got that from the City Hall, in Philadelphia?
10

A. From the City Hall, in Philadelphia.

Q. And that is a copy of the original record?

A. Yes, sir.

The Advisory Master: Did you copy it yourself?

The Witness: No.

Q. Did you compare it with the original over there?

A. No; I didn't have the original.

20 Mr. Tuller: I will admit the marriage of this defendant to the complainant. I think that ought to cover it.

Mr. Bartlett: I offer that paper for identification.

(Said paper marked Exhibit P1 for identification.)

Q. You have not got the original certificate?

30 A. No, I haven't.

Q. Where is that, to the best of your knowledge?

A. My husband took it away before he left for Reno and he took it away and I went for a copy.

Q. And you have made search for it and can't find it?

A. No, I can't find it.

Q. And you got this from the City Hall?

A. From the City Hall.

Q. After your marriage, where did you and your husband go to live?

A. Brotmanville, Salem County, New Jersey.

Q. How soon after your marriage did you go to Brotmanville?

A. I guess three days or something like that.

Q. And did you live there until your separation?

A. I lived there until my separation. I lived there until 1915, I guess, last September, or last August, 10 when I moved to Vineland, New Jersey.

Q. And lived there continuously?

A. Lived there continuously.

Q. Have there been any children born of the marriage?

A. I miscarried one.

Q. But no children living?

A. No, sir.

Q. After your marriage, how did your husband treat you? 20

A. My husband treated me the first few months all right, but during this time he visited a woman by the name of Mrs. Noscove while he was there and complained, "Why did you wear glasses," and he took off my glasses and broke them.

Q. Throw them on the floor, did he?

A. Threw them on the floor, and there they are (indicating). He never bought me any glasses.

Mr. Bartlett: We offer those in evidence, the broken glasses. 30

(Glasses admitted in evidence and marked Exhibit P2.)

Q. How was his conduct after this?

A. I can't remember.

Q. After he broke your eyeglasses, threw them on the floor, took them off and threw them on the floor?

A. He took them off and threw them on the floor.

Q. How was his treatment at this time?

A. Then he commenced to stay out day and night and when I spoke to him why he does that, he got me the first time, he smacked me right on the head from my forehead and I get up with a black and blue eye and I felt ashamed and said a basket fell into my head.

10 Q. How long was this after your marriage?

A. About three months.

Q. How long did he continue that treatment?

A. After that all the time he abused me, treated me bad.

Q. And did he stay out nights?

A. He stayed out day and night.

Q. What kind of language would he use towards you? What would he call you?

20 A. He commenced to call me all during the marriage life such vile names that as I were a son of a bitch and a God damn son of a bitch, and he stole my jewelry and didn't give me enough to eat.

Q. What did he steal in the way of jewelry?

A. Two diamond rings and bracelets and a watch.

Q. Did you ever get them back?

A. No; never saw them back before my eyes.

Q. What else would he call you?

30 A. He called me all the times such bad names I am ashamed to tell.

Q. Just tell what they were. You have named some of them. What else?

A. He called me I am supposed to be his grandmother, I am supposed to be his grandmother.

Q. Now, after he struck you about three months after the marriage, when did he abuse you again?

A. Almost during all the time he struck me and kick me and left me alone in the house and left me day and night.

Q. Do you remember in August, 1913, your brother coming to visit you?

A. Yes.

Q. How long did he stay?

A. About six weeks.

Q. During that time, how did your husband treat you, during the time of your brother's visit?

A. He also abused me and I felt ashamed and said he can't look at me many times, he chased me out of the kitchen and many times I was sitting there eating dinner. 10

Q. What else did he do to you in August, 1913?

A. He cursed me and abused me all the time.

Q. Did he strike you during that time?

A. Several times more.

Q. What did he strike you with?

A. With his hands.

Q. Did he knock you down? 20

A. In January?

Q. No. In August, 1913, when your brother was visiting you.

A. He come up, he made up and go out, he always went out dancing with girls, when I said I want him to take me out—he made up with a crowd to go out and I spoke to him and my brother also said—he called me a whore.

Q. This is when you questioned him about going out to dances? 30

A. I asked him why he never took me out. He always went by himself.

Q. Did he ever take you out?

A. Never did.

Q. Did he strike you with anything else besides his fist?

A. He struck me with a blackjack.

Q. Where did he strike you with a blackjack?

A. I don't remember which place, but he struck me not more than once, I got excited and fell into the chair.

Q. Did you grab the blackjack?

A. I helped to grab it and the strap remained in his hand, broke and remained in his hand.

Q. Was your brother present?

10 A. He was.

Q. What did he do?

A. He helped, helped to protect me, and said if my brother interfered he would shoot us both.

Q. Said he would shoot both of you if your brother interfered?

A. Yes.

Q. Now, in January, 1914, what did he do?

A. He left me for three weeks and wouldn't tell me where he was going and wouldn't tell me when he
20 was come back. He left me without a cent to my name and told the grocers not to give me any while he was away.

Q. Did you know where he had gone?

A. No; I never knew.

Q. Did he send any word to you?

A. No.

Q. You stayed there at the house?

A. Yes.

Q. And when he returned, what did he say to you?

30 A. He came home without saying a word and went up to pack some of his suits, and I said, "You must tell where you are going, are you going to treat me so and be locked up in the house?" And he said he was tired of living with me, he didn't propose to live with me any longer.

Q. Did he stay with you that winter after he came back?

A. He got very angry and struck me and he went away and I wrote to my father and my father and my brothers came.

Q. Were they there when he returned?

A. He wasn't here, my father goes, and he said, "Are you going to be good?" And then he said that, I said, "I will give you another trial," if he goes to move to the city, near my friends, and he treats me well, and my father stayed three days more and then he went to the city and come back and said, "Business is very dull, but he will try for after the holidays to move to the city, and he commenced again." 10

Q. How did he treat you through that winter and spring?

A. He commenced the same as he ever did.

Q. That was what?

A. He commenced to treat me in the same treatment he always did.

Q. What do you mean by the same treatment?

A. He used to go out by himself and stay out late, 20 left me in the house, never spoke to me right and wouldn't give me enough to eat.

Q. That continued down to April, 1914?

A. Yes.

Q. What occurred in April, 1914?

A. In April, 1914, I was in a delicate condition, giving birth to a child.

Q. How did he treat you just prior to the birth of this child?

A. That was before Easter. He refused to prepare 30 anything about it and I spoke to him why he don't prepare anything and he said I should go to my father and he would go to his father for Easter and I said, "No, you steal my jewelry and I have nothing to wear, I won't go." And his father came in, Mr. J. Pitel, or some of their children, I can't remember which, and the old man also started to say I shall

obey my husband, "You old whore, you must obey your husband, too." My husband got very angry and said he would pay me \$1.50 a week and he would send me to the crazy house.

Q. What did he do towards preparing for the birth of the child, with regard to engaging a doctor and nurse?

A. Then he struck me and went out.

Q. When was that?

10 A. That was the beginning of April.

Q. In what year?

A. It was 1914.

Q. What effect did that have on the birth of the child?

A. I took sick and was three days sick and he refused to call in a doctor.

Q. He refused to call a doctor?

A. He refused to call a doctor and I was bleeding, and a neighbor across the street, by the name Tucks,
20 across the street she lived —

Q. Did he finally get a doctor?

A. She came in and got him to get a doctor, and then his mother came and made him send for a doctor, Dr. Cunningham, and he was around our neighborhood until they went off and he was away and he said he can't come and he came in the morning around nine or ten o'clock and he was five times to treat me.

Q. What was the result of the birth?

30 A. Miscarriage. If he would treat me nice and would send a doctor, I wouldn't lose my child.

Q. How long before this birth did he kick you and strike you?

A. In the same month of April, when I was miscarried, I was all racked out of my health. I was only six days in bed and he said I got to do housekeeping.

Q. And did he compel you to get up and do your housework?

A. My head felt dizzy and I fell. I didn't have anybody to keep me, he didn't hire any woman to keep me.

Q. He didn't hire anybody to help you?

A. No.

Q. Who did help you?

A. Some of his sisters and sometimes his mother, and one sheet was never changed.

10

Q. Where was he during the evenings or day?

A. He was away. He never came up to my bed to ask me anything.

Q. Did he come to your bed at all?

A. No, sir.

Q. How long were you then sick?

A. Six days.

Q. And you say he never came near you?

A. Never. There was a young man, a friend, of Philadelphia, a cousin, of Philadelphia, stayed with his father and he used to come with him and he got dressed and went out and went out to a hall with him while I was sick in bed.

20

Q. While you were sick there?

A. While I was sick.

Q. Did he stay at home any night while you were sick?

A. He never came over to speak to me.

Q. He was away through the day?

A. He was away through the day.

30

Q. How long after you got better and were able to do some of your work, how did he treat you?

A. He had only one silk shirt and he wanted that silk shirt, he wanted me to wash that silk shirt, and I said there is another shirt and he said no, he wanted only that shirt, and he called me an old maid and chased me over to the wall and while I was stand-

ing there he said he would be able to kill me, he would, and he took out a revolver, and I said, "Come on"—he commenced to kill, but I said, "Come on, I am willing to give my life." He left his hand down and I ran out of the room.

Q. Now, did that sort of treatment continue down to June, 1914?

A. Yes.

Q. When did he leave you in June, 1914?

10 A. I guess on the fifth.

Q. The fifth of June, 1914?

A. Yes.

Q. What did he do to you just previous to his leaving?

A. He came into the house, very angry. When he gets angry he won't know what he does.

Q. Just tell us what he did.

A. He came into the house, very angry. Whatever he saw on the kitchen stove he threw at my
20 head.

Q. What was it he threw at your head?

A. It was the poker, the handle we take the stove lid.

Q. The stove lifter?

A. The stove lifter.

Q. What else?

A. He took the teapot of water and wanted to spill on me as I was running out of the house.

Q. Was the kettle full of boiling water?

30 A. Yes; and I ran out of the house, out near the kitchen, and I hid myself, and he came out the front door and never came back.

Q. Did he ever come back again?

A. He never did since then, he refused to live with me.

Q. That was the fifth of June, 1914?

A. Yes.

- Q. Have you ever lived together since that?
A. No; not since that.
Q. What steps did you take then, after he left you on June 5, 1914?
A. He was arrested in September.
Q. You had him arrested at Salem, before a justice of the peace?
A. Yes.
Q. And you had a charge made against him for non-support, for not supporting you, did you? 10
A. He was arrested in Centerton.
Q. He was arrested in Salem?
A. But he was arrested in Salem, before Sinnickson, and they made the case.
Q. What did they give you a week for support?
A. \$1.50 a week.
Q. And that was made in June, 1914, was it?
A. 1914, yes.
Q. What did he do after that order was made? Where did he go? 20
A. After that order was made?
Q. Yes.
A. Then I arrested him again before the overseer of the poor.
Q. How soon after?
A. September, I guess, September the first or the fourth, and I remember the eight was the trial. I arrested him before the overseer of the poor.
Q. And what order did they make?
A. And before Squire Golden, at Centerton, Salem 30 County, and they made an order for \$4 a week to pay me for support.
Q. Did he pay you that?
A. Until the last of the month and I complained that he didn't pay.
Q. And when did that stop?
A. Since that he never paid me for support.

Q. When was the last support?

A. Until August.

Q. August of what year?

A. 1914.

Q. Or 1915?

A. 1915, that is right.

Q. Then he hasn't paid you any support since August, 1915?

A. He never gave me, offered me any clothes, no
10 provisions, nothing.

Q. Provided support in any way?

A. No.

Q. Coming back to the time you first had him arrested, did he leave New Jersey?

A. Yes.

Q. To where?

A. About the twenty-fifth of August—of September—he went away to Reno, Nevada.

Q. And what did you hear from Reno?

20 A. I heard he went to file a divorce against me, I find out from his two firms by the name of Hartson & Hartson.

Q. And you found out through them that he had filed a divorce proceeding in Nevada?

A. Yes.

Q. What did your friends in Salem do for you when they heard this?

A. They raised me money.

Q. For what purpose?

30 A. For to set the divorce aside.

Q. To set this Nevada divorce aside?

A. Yes.

Q. How much did they raise for you?

A. I sent \$30.

Q. To whom did you send it?

A. Hartson & Hartson.

Q. And was that divorce set aside?

A. That divorce was set aside, then I served papers on him. Still pending there, the divorce.

Q. What was the condition of your health in the spring of 1914 and up to the separation?

A. My health was very racked out and I felt pains in my side since the miscarriage.

Q. And what brought about this condition of health?

A. On account of his abuse and brutal treatment 10
of me.

Q. And was that the reason you had to leave him?

A. I didn't leave him. He left me.

Q. He left you and went to Reno?

A. Yes.

Q. Did he ever threaten to kill you at this time,
Mrs. Pitel?

A. What time?

Q. June, 1914.

A. No.

20

Q. Did he in April, 1914?

A. In April, 1914, he did.

Q. What did he threaten to do?

A. He tried to shoot me with his revolver.

Q. Were you afraid of him?

A. No. I said, "I give you my life freely," and I
ran out of the house.

Q. Then he dropped his hand and you ran?

A. I ran.

Q. Did he point this revolver at you?

30

A. He did.

Q. Mrs. Pitel, what does your husband do for a
livelihood?

A. He buys chickens and sells.

Q. Is he in business for himself?

A. Yes.

Q. Do you know what he averages a week?

A. About \$25 a week.

Q. How do you know he averages \$25 a week?

A. Because there is more people in the same business and they know it.

Q. Do you know that he does a good business?

A. He does a very good business.

Q. Does he own property, do you know?

A. As far as my knowledge, he owns a property
10 somewheres on Wood Street.

Q. Do you have any knowledge of that, Mrs. Pitel, about his father owning any property for him?

A. The best of my knowledge is that he owned this property on Wood Street, Fourth and Wood, on Wood Street near Fourth Street.

Q. What is it, a house and lot?

A. A house.

The Advisory Master: How do you know your
20 husband owns it?

The Witness: Because I heard him speaking about it, that he is going to buy a house in Vineland.

The Advisory Master: Where did he say he was going to buy it?

The Witness: On Grape Street, then they changed for Wood Street, the house, but I don't know which
30 name he carries the house. But as far as to my knowledge, I know that.

Q. Do you know the value of that property?

A. Yes; \$2,000.

Q. Is it mortgaged?

A. \$1200 first mortgage.

Q. Mrs. Pitel, after your husband left you, or after

you had to go away on account of his conduct, have you worked since that time?

A. I moved to Vineland in 1915, and in August, I guess.

Q. Did you go to work?

A. I had to go in for a living, because I left sick the first time and I had no work, I worked the first time for Krich and I walked around about two months idle.

Q. Had you anything to live on during that time? 10

A. I lived with Chamber family and I didn't have no rent to pay and they gave me eat while I was out of work, I should pay when I have work.

Q. Are you working at the present time?

A. Yes, I do.

Q. Where?

A. At Cohen Brothers.

Q. How long have you worked at Cohen Brothers?

A. The last eight months.

Q. What do you average in wages? 20

A. When I started to work I made \$1.60 the first week when I started to work.

Q. What do you average?

A. About \$7 or \$8. I cannot work a full week because I am sick and suffering with headaches.

Q. Do you have to lose a good deal of time on account of your health?

A. Yes, a good many times.

Q. How much time do you average a week, how much time? 30

A. Well, the first time I didn't average \$5 a week.

Q. Are you able to make full time now every week?

A. About \$7 or \$8 a week.

Q. In time that you put in at the factory, how much time are you able to put in?

A. I am not able to put in a full week.

Q. Why?

A. Because I suffer with headaches and I feel pain in my side often, that I must leave the machine and go home.

Q. You have to leave and go home?

A. Many times.

Q. And you have to take a good many days off?

A. I have to take off and go home in the middle of the work.

10

Cross-examination.

By Mr. Tuller:

Q. Mrs. Pitel, how long were you and your husband living together?

A. I guess about a year. I don't remember. From April, 1913, till June, the fifth of June, 1915—1914.

Q. How old are you?

20 A. 24 the fifth of February. 29 I am now.

Q. You are 29 now?

A. Yes.

Q. How old were you when you were married?

A. I was 24, going on 25.

Q. You were 24 going on 25?

A. About 25. I can't remember how old I was.

Q. You can't remember how old you were?

A. I guess I was 25.

Q. How old was your husband?

30 A. He said he was 24 or 25.

Q. About your same age?

A. Yes, about that. It was written ——

Q. Don't volunteer anything, Mrs. Pitel. Just answer my question.

A. —— in the marriage license.

Q. You and your husband got along all right after you were married?

A. Not exactly.

Q. Then immediately after your marriage you had trouble with him, did you?

A. No, not trouble.

Q. How long was it after you were married that you began to have trouble?

A. Three months around.

Q. You went to live in Broctonville immediately after your marriage?

A. Yes, sir.

10

Q. And you lived in a house belonging to a man by the name of Lipwock?

A. Yes.

Q. And you had the house furnished?

A. Had a house furnished.

Q. Furnished all over?

A. Not all over. What furniture we had. I had presents.

Q. All of the furniture yours?

A. No. I had my wardrobe closet my father gave me when a girl.

20

Q. You brought that down?

A. Yes.

Q. What else?

A. A table.

Q. What kind of table?

A. Round dining room table that my sister gave me.

Q. That was a marriage present?

A. Yes; my sister.

30

Q. The rest of the furniture was put in by Abe or his people?

A. It was more presents.

Q. Did he buy or did they give him presents?

A. They give him presents.

Q. Most of the furniture that was in the house was given to you and him as presents?

A. He got cash money and bought the rest.

Q. So you had the house furnished comfortably?

A. No, not when we moved in.

Q. You afterwards bought more furniture, did you, or did your husband?

A. My husband bought. I gave my money.

Q. So that when you had been married for six or eight months, your house was pretty well furnished?

A. Well, pretty well. I can figure what I had.

10 Q. Now, in May, 1913, he was treating you all right, wasn't he?

A. May?

Q. Yes, 1913, May, he was treating you all right?

A. Yes.

Q. And during the first summer?

A. No, not during the whole summer.

Q. What did he do to you in the summer of 1913?

A. Started to go out and strike me.

Q. Did he strike you?

20 A. He did so.

Q. When did he strike you in 1913?

A. The first time was right over my face, the first visit he made to strike me.

Q. Did he make a visit to strike you?

A. No. I just say a visit, he gave me, the first time, over the eye.

Q. Why should he strike you over the eye?

A. Because I complained he goes out and leaves me all alone in the house.

30 Q. When did he go out?

A. When he came from work. He never stayed home.

Q. Where would he go?

A. I don't know. I never went after him.

Q. You never went out to hunt him up?

A. No.

Q. Wasn't it usual for the men to visit the neighbors in the neighborhood?

A. No. Not many came to visit me.

The Advisory Master: Wasn't it the custom of the men to go around and visit the other men?

The Witness: No, not exactly. He used to go out and stay somewhere else.

Q. Didn't he go out to visit the grocer? 10

A. No; once in a while.

Q. Didn't he go and visit the Rabbi?

A. I don't know.

Q. They lived how far away from you?

A. About three blocks.

Q. Who was your grocer?

A. The first grocer was Mrs. Lipman.

Q. Who was the other grocer?

A. Glaser.

Q. Didn't he go to Lipman's sometimes at night? 20

A. No, I don't know. I never watched him.

Q. Wasn't the grocer's store within six doors of your house?

A. No.

Q. Aren't they pretty close together?

A. No, far away. Not very far.

Q. They aren't any farther away than down to the corner of Landis Avenue, are they?

A. I don't know. I didn't measure.

30

The Advisory Master: It is agreed that Landis Avenue is about 300 feet distant from where the witness is testifying.

Q. Didn't Mr. Pitel's father live within a short distance of you?

A. He didn't live very near.

Q. Didn't he live just a few houses away?

A. About five or six houses away, in the same line.

Q. Five or six houses away, just to the south?

A. Yes, in the same line.

Q. Right on the same street?

A. Same street.

Q. That was just as far away as Landis Avenue?

10 A. I don't know. I can't tell. The country houses are a wide space.

Q. You people over there are pretty closely built up together?

A. Which houses?

Q. There in Brocktonville?

A. Where I live, not very apart.

Q. Mr. Rappwork lived right across the street from you?

A. No.

20 Q. Where?

A. In the same line, far away, near the bushes.

Q. You used to go over to your father-in-law's house very frequently during this summer of 1913?

A. I used to go sometimes there.

Q. Didn't go every day?

A. No.

The Advisory Master: The question is, didn't you go once in a while?

30 The Witness: Very seldom.

Q. During the summer of 1913 did you go very seldom?

A. Not much.

Q. When this husband of yours struck you in the summer of 1913, who was present?

A. Nobody in the house.

Q. Did you go over to his family and tell them about his having struck you?

A. He told me I should not tell anything out of the house.

Q. When did he tell you that?

A. He told me as soon as he began to fight around with me.

Q. The first time he began to fight around with you was when he struck you over the eye?

10

A. Yes.

Q. When he struck you over the eye, he told you not to go to his family?

A. He frightened me not to tell anybody what was happening in the house.

Q. Did he tell you that before then, ever before that?

A. Always he told me.

Q. So as a good, obedient wife to him, you didn't tell anybody about that blow over your eye?

20

A. Positively not.

Q. You never complained to him at all and nagged him a bit?

A. I only said to him that he should be nice to me. He married me to be his wife.

Q. And you never complained about his actions up to the time he struck you?

A. I complained that he should not do that.

Q. Should not do what?

A. Should not mistreat me.

Q. Did he mistreat you before that time, before the time he struck you in the summer of 1913?

30

A. He didn't.

Q. When he struck you in 1913, he just came at you suddenly and raised his fist and struck you in the eye without your saying a word to him?

The Advisory Master: Why did he hit you?

The Witness: Because I complained why he goes out and left me all alone in the house.

Q. And then when you complained, he struck you in the face?

A. He didn't strike me. He struck me with his hand.

Q. The flat of his hand?

10 A. Yes.

Q. Did you have your glasses on?

A. No; because in the house I don't wear them much. I didn't have my glasses much on. Broke my glasses before he commenced to mistreat me.

Q. Was this mistreatment when he broke your glasses in the summer of 1913?

A. He did. He was out to Mrs. Noscove's.

Q. Was this time he began to mistreat you when he struck you?

20 A. Yes.

Q. And that was shortly after you were married?

A. Yes; about two months. He says I am blind and don't need any glasses.

Q. And when he struck you in the eye, you had no glasses on?

A. No.

Q. He didn't strike you with the fist?

A. No.

30 Q. He just took the flat of his hand and struck you that way?

A. I guess he took the flat of his hand. He struck me that way.

Q. Now, when he struck you with the flat of his hand, did he make a black eye?

A. Right over my eye.

Q. Did it swell up any?

A. It made me a black eye, got black and blue, a little swell up.

Q. Where was it?

A. Right on the eye, right on top of the eye.

Q. And did it get black and blue under the eye?

A. Then it got yellow under the eye.

Q. Did his striking you cut the skin above your eye?

A. No.

Q. Did it make a bruise up over the top of the eye? 10

A. Right here, yes (indicating).

Q. There was a bruise right over the eye?

A. A little bit swell right here (indicating).

Q. Was there a bruise, red spot?

A. I don't remember a red spot. I only know he made me a black eye.

Q. After that, you had continual trouble with him, did you?

A. Yes.

Q. And did he continually beat and strike you? 20

A. Yes, he did.

Q. All the time?

A. Certain times he struck me. Can't strike me every day.

Q. But he struck you at various times, did he?

A. He did.

Q. Then, in the fall of 1913 you got along fairly well, did you, up to January, 1914?

A. No.

Q. Didn't get along fairly well? 30

A. No.

Q. Were you left alone in the house all the time?

A. All alone in the house.

Q. And were you alone there in the daytime and evening too?

A. Positive.

Q. And he went off to his business, didn't he?

A. No, he never went to his business, did he?

The Advisory Master: Where did he go?

The Witness: My husband? I didn't understand you. My husband went to his business.

Q. Was he always home to meals?

A. Sometimes he came late, sometimes he didn't
10 come at all to meals.

Q. He had a horse and wagon?

A. Yes.

Q. Gathered up chickens around the country for
the market?

A. Yes.

Q. And he drove all over the country?

A. I don't know. I never went after him. He
never told me his business.

Q. He had to drive in order to gather these chick-
20 ens?

A. Maybe he did.

Q. When he went out, he frequently didn't come
home until late at night?

A. No, he used to come home early, sometimes
three and sometimes twelve, sometimes three o'clock.

Q. Sometimes he wouldn't get back until late at
night?

A. Before night time.

Q. In January, 1914, you say he went away from
30 you and stayed away for three weeks?

A. He did.

Q. Had you before that complained to anybody
about his treatment of you?

A. The neighbors didn't know it. I never said
anything.

Q. I asked you if you ever said anything to any-
body?

A. Yes; I told my neighbors Cromsky.

Q. Did you go to his people and tell his people about it?

A. They know that he treats me bad.

Q. Did you go to his people and tell his people?

A. I was afraid for to tell them.

Q. Did you go to anybody else except Cromskys and tell them?

A. I never told anybody. I never told them of his abusing me. I just told them of him treating me 10 not right.

Q. In January, 1913, you said he went away and stayed away for three weeks—in 1914, I mean.

A. Yes.

Q. Did he tell you where he was going?

A. He never told me.

Q. Did he take his horse and wagon?

A. No, I don't know. He didn't have no stable. He didn't leave his horse and wagon with me. He just went out by himself. 20

Q. Didn't he have the horse and wagon somewhere?

A. I don't know where he kept it. By his father or somewheres.

Q. He had a horse and wagon all the time he was married?

A. Yes.

Q. And went out to gather chickens?

A. Yes.

Q. And took his horse and wagon, didn't he? 30

A. When he was out those three weeks, no.

Q. Where did he keep that horse and wagon?

A. He had sometimes a place and sometimes with his father.

Q. Did he keep it there at your house?

A. No.

Q. Did you know where he kept it?

A. Across the street somewhere.

Q. When he was gone for three weeks, where did he keep the horse?

A. I don't know.

Q. Did you go to find out?

A. I guess it remained with his father. I found out he went away by himself.

Q. Did you go to find out where he kept this horse?

10 A. It didn't go to my mind to see.

Q. You didn't care anything about it?

A. No; I didn't know about his horse.

Q. Did you go to his father or mother?

A. Yes.

Q. What did they say?

A. They said they don't know where he is going, whether a year, two years or when.

Q. How long after he had been gone was it that you went there and asked them about it?

20 A. A few days before he returned back.

Q. Now, he returned back after three weeks?

A. Yes.

Q. And you didn't go to his father and mother to find out his whereabouts until a few days before he came back?

A. Yes.

Q. Why didn't you go there before?

A. Because they said always they don't know where he is going, and I went over to find out.

30 Q. You didn't go near them until about the end of the three weeks?

A. I did go, but they said he is away and don't know where, then I wanted to find out exactly where he was going to.

Q. Then you wrote to your brother?

A. No; then he returned back.

Q. Didn't you say you wrote up to your brother?

A. Not before he came back. He returned back after these three weeks, he came after for his suit and clothes, and I asked him where he was going to and I said, "What, is he going to leave me again like that?" And he said, "Yes, I propose to leave you again."

Q. This was after he came back after three weeks?

A. Yes.

Q. Nobody was there?

10

A. Nobody was there.

Q. And nobody had been there during the three weeks that he was away?

A. No, not during those three weeks.

Q. Your brothers weren't there, your father wasn't there?

A. No.

Q. Mr. Pitel's father wasn't there?

A. No.

Q. His mother wasn't there?

20

A. No; they sent a child to sleep with me sometimes.

Q. His mother wasn't there, his sister didn't come in?

A. No.

Q. Only they sent a child once in a while to sleep with you?

A. Yes.

Q. When he came back he didn't go away again?

A. He did.

30

Q. Where did he go?

A. He packed up his valise.

Q. Where did he go?

A. I don't know.

Q. How long was he gone?

A. The second day I wrote to my people, and three days around after he was gone, or two days around—

The Advisory Master: The question is, how long was he gone that second time?

The Witness: As soon as he was away, my father and my brothers came.

Q. And then he was gone more than three weeks?

A. No.

10 The Advisory Master: He was away for three weeks at one time?

The Witness: Yes.

The Advisory Master: And came home and packed up his things?

The Witness: Yes.

20 The Advisory Master: And how long was he gone that time?

The Witness: I wrote to my people and they came two or three days and my father and brother and they gave me money to make supper and a short while he came up himself.

Q. He came to his father's house?

A. Yes.

Q. Were you all there?

30 A. I was there.

Q. And your father and two brothers?

A. Yes.

Q. What time did you go over to Pitel's house? What time of day was it?

A. It was noontime.

Q. And you stayed there all afternoon?

A. No.

Q. Did you have dinner there?

A. No.

Q. What time did Abe come back?

A. My father came there.

Q. Answer my question. What time did Abe get there?

A. About a half hour after I came there.

Q. About a half hour after noon?

A. It was noontime, after dinner.

Q. Did Abe come there a half hour after noontime? 10

A. He came there after I being there a half hour around.

Q. Then Abe came?

A. Yes.

Q. How long did you stay after Abe got there?

A. I went out of the house and went home to make supper.

Q. Why did you go when Abe had just come back?

A. Because they were talking and never talked to me right, never paid attention to me. 20

Q. Who was there when Abe came back?

A. My father and two brothers and his father and mother.

Q. Did you have dinner there?

A. No; I made supper for my parents in my house.

Q. You didn't have an arrangement made to eat dinner there?

A. No, indeed.

Q. Had you eaten any dinner there during his absence? 30

A. No.

Q. Who took these people to the station?

A. I don't remember.

Q. Did they walk?

A. They didn't walk, but I can't remember who took them to the station.

Q. Abe didn't take them?

A. Maybe he did. My two brothers went home the same day and my father remained for three days more. I don't know who went with them, no.

Q. Of course, while your father was there Abe treated you nicely?

A. He didn't treat me bad or nice. He wouldn't speak to you.

Q. Wouldn't speak to you while your father was
10 there?

A. Maybe he spoke a word or two.

Q. Did your father say anything about his bad treatment?

A. I suppose he did. That is what he came for.

Q. Didn't you say that after this return of his, he treated you well for a short time?

A. Not when he returned by September time.

Q. He abused you all the time, did he, from the time he came back?

20 A. Continually all the time.

Q. What did he do? Did he strike you?

A. Not many times, but he called me such names.

The Advisory Master: What did he call you?

The Witness: Son of a bitch, God damn son of a bitch, all during our married life.

Q. What did you call him?

A. Names? I was there to talk to him.

30

The Advisory Master: Did you call him any names?

The Witness: I never called him any names. If I did he would have killed me on the spot.

Q. You were afraid to look at him?

A. I was afraid for his looks.

Q. And he threatened to shoot you?

A. He did.

Q. Did he have a revolver?

A. He did.

Q. Did he take the revolver when he went away?

A. I don't know.

Q. Did he have a blackjack?

A. He had.

Q. Did he have a shotgun?

A. No.

10

Q. But he had a blackjack and revolver?

A. He had it.

Q. And he used both the revolver and blackjack on you?

A. All the time, no.

Q. Did he at all?

A. Not at all he did.

Q. When?

A. Once he used the blackjack while my brother was in the house.

20

Q. When was that?

A. It was in the year 1913, when my brother was in the house.

Q. What time in 1913?

A. I guess about August, if I am not mistaken.

Q. Did he hit you over the head with it?

A. Over my side.

Q. Where?

A. Over my back.

Q. Did he see your brother there then?

30

A. My brother was there.

Q. Did your brother jump in and take the blackjack away from him?

A. I tried to pull the blackjack out and my brother came to help me out.

Q. When he struck you, did he raise this blackjack up and let it come down?

A. I didn't take notice how high.

Q. Did you scream?

A. I suppose when it hurt me, and I am not made of iron.

Q. Did you scream loud enough for the neighbors to hear you?

A. I don't know whether they heard. I suppose they did.

Q. But your brother was in the same room?

10 A. Yes.

Q. Did you take the blackjack away from your husband?

A. I pulled it and the strap remained in his hand.

Q. How did he hold the blackjack?

A. How did he hold it? He held it with the hand.

Q. You grabbed the strap, did you?

A. Yes.

Q. And then put the blackjack away in the house?

A. I hid it, he should not find it.

20 Q. When did you get the blackjack?

A. When I pulled it out of his hands.

Q. Oh, he let you take it?

A. The strap remained in his hand and the blackjack I pulled out of it.

Q. Did he have hold of the handle?

A. I got the blackjack, pulled out.

Q. Did he have hold of the strap when he hit you with it?

A. I didn't take notice.

30 Q. You were standing back to him when he struck you?

A. I was sitting in the rocking chair and my brother came up to protect me and I stood up.

Q. You were standing with your back to him, weren't you?

A. I don't remember whether he turned around with my back.

Q. How could you grab the blackjack with your back to him?

A. I didn't. I got hold of his blackjack.

Q. Then he struck you with a blackjack in 1913 and threatened to shoot you in 1913. Did he do it any time afterwards?

A. Shoot me, no.

Q. Did he threaten to strike you with the blackjack afterwards?

A. No.

Q. You had the blackjack?

10

A. Yes.

Q. One of the Pitel boys didn't bring the blackjack to you?

A. No.

Q. And you took the blackjack from the boys?

A. No. They never bring any blackjacks.

Q. You never saw any revolver in Abe Pitel's possession?

A. I did.

20

Q. After you married him?

A. He always kept a revolver in the drawer of the wardrobe closet.

Q. You saw it there?

A. Yes.

Q. Did you see any blackjack there in the wardrobe drawer?

A. Many times he kept it there.

Q. Did you ever ask him what it was for?

A. No. It wasn't my business.

Q. Now, Mrs. Pitel, you went along up until April of 1914, when you say you were kicked by your husband, you were in the family way?

30

A. Yes.

Q. And he kicked you and beat you then, did he?

A. He struck me and beat me.

Q. Where did he kick you?

A. All over my body.

Q. Did he knock you down?

A. Not at that time.

Q. Did he strike you in the stomach with his foot?

The Advisory Master: When was this?

Mr. Tuller: April, 1914.

10

Q. Did he throw you down on the floor and kick you?

A. Not at that time.

Q. When?

A. In January, when he left for those three weeks.

Q. He threw you down and kicked you all around then?

A. He kicked me and threw me down.

20 Q. After he left, you didn't make complaint against him?

A. No.

Q. You didn't say anything to anybody?

A. No.

Q. You stood his kicking and stayed there?

A. I didn't go nowheres.

Q. Then you had a miscarriage in April?

A. In April, yes.

Q. Did you go over to the Pitel's house several days before you were taken sick?

30 A. I didn't go very often to Pitel's house.

Q. Did you go over several days before you were taken sick?

A. I don't remember.

Q. Did you go over there and carry anything from Pitel's to your house?

A. No.

Q. Did you go over there and carry anything back?

A. No.

Q. Any basket or anything, a basket of potatoes?

A. No, sir, I didn't.

Q. They didn't tell you that in your condition you ought not to carry anything heavy?

A. I never carried anything.

Q. Then they could not have told you anything?

A. I guess not.

Q. Did you meet anybody on the road and they speak to you about carrying a load of stuff? 10

A. No.

Q. Nobody ever said anything to you about it?

A. No.

Q. You didn't see a man by the name of Lipwock?

A. No.

Q. And who told you you should not carry any such things?

A. I didn't see any man.

Q. Did you see any other man or woman?

A. For I didn't carry anything. 20

Q. So you were not told that? Did you see a man named Stevitsky?

A. I never knew anybody by that name.

Q. Did he take your pack away from you?

A. Maybe he did sometimes.

Q. Did he on this occasion take it away from you and take it up to the house?

The Advisory Master: That is, a few days before you had the miscarriage? 30

The Witness: No, I never carried any potatoes before I had the miscarriage.

Q. You had the miscarriage and were sick three days before the doctor came?

A. Yes.

Q. And were bleeding three days before the doctor came?

A. Yes.

Q. And nobody was there to take care of you?

A. His mother came once in a while. I was the whole day all alone in bed. The last night she came in I was screaming sick and Mrs. Tucks came in and she asked me what was the matter.

Q. What did you say about a physician?

10 A. I was sick and I didn't have any treatments those three days.

Q. Did they tell you anything about a physician?

A. Mrs. Tucks came out, I said.

Q. When you were there, Mrs. Pitel, you say you were three days without any medical attention?

A. The month of April.

Q. You were three days sick without any doctor?

A. Yes.

Q. And they knew all about it, did they?

20 A. Yes.

Q. Well, then, they got Dr. Cunningham finally?

A. Yes.

Q. Who called Dr. Cunningham?

A. I was sick in bed. I don't know which party called.

Q. But Dr. Cunningham came?

A. He came.

Q. And delivered you of a child?

A. Yes.

30 Q. And treated you there?

A. Yes, five times.

Q. And you had been very sick in bed, bleeding, three days, at that time?

A. When?

Q. When the doctor came?

A. I was sick in bed for six days.

Q. And you had been bleeding three days when the doctor came?

A. Before the doctor came I was sick in bed.

The Advisory Master: The question is whether you were bleeding for three days.

The Witness: Before the doctor came I was bleeding for three days, I was bleeding.

Q. Now, the doctor came. Who was there when the doctor came? 10

A. I can't remember.

Q. Was Abe there?

A. When the doctor came in, noontime, I don't know.

Q. Had Abe been there all the time?

A. He came in in the evening. I guess he was out to eat somewheres.

Q. He went on his business in the daytime?

A. Of course.

Q. And his family came in, his mother and sisters? 20

A. His mother once in a while she didn't, sister came in.

Q. Didn't the sisters come over there and look after you?

A. Came over and once in a while came up to see me.

Q. And the stairs led up to your room?

A. Yes.

Q. And they came in the house and would sit downstairs and leave you upstairs alone? 30

A. Wouldn't stay all the time exactly.

Q. Did the sister, any of the sisters, come up?

A. Some of the sisters, because they didn't have anybody to take care of me, so they send once in a while.

Q. And didn't Jennie, the sister?

A. Jennie, the sister, and once in a while ——

Q. Is the sister's name Jennie?

A. Yes.

Q. Did she come up and change your clothes?

A. She never did.

Q. Never came up and took your shirt off and looked after you in any way?

A. No.

10 Q. She used to come in occasionally?

A. She came in and gave a look maybe when I was laying in bed sick, I can't remember, but she didn't treat me, maybe they bring me something to eat.

Q. Then you got over ——

The Advisory Master: You say they brought you things to eat?

The Witness: Yes; they brought me two eggs, a
20 little chicken soup and motza.

Q. That was all you required, wasn't it, or did you want a good hearty meal?

A. Whatever they brought me I ate.

Q. You didn't starve to death, did you?

A. If I am living now, I guess I didn't starve.

Q. Then you got well again, did you?

A. No, I didn't get very well again.

Q. You got up out of bed?

A. I got up.

30 Q. And just as soon as you got up, he started to abuse you again?

A. In the same month.

Q. Would he beat you and strike you with his fist?

A. No; he kicked me over. That wasn't the same month. So he chased me and I fell against the wall.

Q. Did he strike you and knock you against the wall?

A. I ran backwards and he struck me and pointed that time the revolver on me.

Q. Did he point the revolver on you April, 1914?

A. Yes.

Q. How long was this before your mother came down?

A. That was after my mother left, I guess.

Q. Your mother came down right after you were sick?

A. Yes.

10

Q. And did Abe beat you up while your mother was there?

A. No; he only knocked on the table and said, "Take her away," he don't want to live with me.

Q. After that he beat you up, did he?

A. That abuse that I told.

Q. Then in June, on the fifth day of June, he came in, did he, to the house?

A. Yes.

Q. And what time of day was it when he came back?

20

A. About noontime.

Q. Who was with him, anybody?

A. No.

Q. Where had he been before this?

A. I don't know.

Q. He had been away from town?

A. Yes.

Q. How long?

A. He went up in the morning and came back in the afternoon.

30

Q. He got back to your house about noon?

A. Yes.

Q. And didn't he go away the night before?

A. No.

Q. Then when he came in about noon, who was with him?

A. Nobody.

Q. Then he threw a poker at you?

A. He threw whatever he could lay his hands on.

Q. What did he say?

A. He got very angry and never said anything.

Q. Just as soon as he came in he grabbed the poker and threw it at you?

A. I said, "What is the matter?" I don't know, I suppose he had some trial in the afternoon or some-
10 thing.

Q. You knew that he went to the city every week?

A. He used to go pretty near every week.

Q. For what purpose?

A. Many times to enjoy himself.

Q. Didn't he go up there to settle up his dealings with the men he sold chickens to?

A. I suppose he went with his business, too, but he stayed and enjoyed himself.

Q. Didn't he go up there every Friday to settle up
20 his business with his dealers in Philadelphia?

A. I don't know.

Q. Did he ever bring anything down to you from Philadelphia?

A. He never did bring anything to me.

Q. Never made any present to you of any kind?

A. When he brought he brought it to his father's, never bring me any food.

Q. Never bring you any this day when he came back on the fifth of June?

30 A. He never bring me anything.

Q. Did you look for him to bring you anything?

A. No.

Q. Then when he came in the house immediately he was angry?

A. He immediately got angry.

Q. You weren't angry?

A. No.

Q. You were nice, were you?

A. I didn't have anybody to be angry with.

Q. Were you nice to him when he came in?

A. Yes.

Q. Did you go up to him and put your arms around his neck and kiss him?

A. No, indeed, because he came with such an angry face I was frightened to look at him.

Q. Did you ever do that to him?

A. No.

10

Q. When he came to the house in the first place, he picked up a poker and threw it at you?

A. Yes.

Q. And then when he was throwing the poker, not striking you, he picked up the stove lifter?

A. He did.

Q. And you were there alone with him?

A. Nobody else was there.

Q. Did anybody else come in afterwards?

A. Nobody else.

20

Q. When he threw these things at you, you went out in the back shed?

A. Yes.

Q. And he went out the front door?

A. Yes.

Q. And when he had gone out the front door, you came in?

A. I came in before.

Q. And you saw him going out the front door?

A. Yes.

30

Q. And what did you do?

A. What did I do?

Q. Did you stay in the house?

A. Yes.

Q. What did you do to the house?

A. Nothing at all. I was excited.

Q. Did you tell him to get out of the house and stay out?

A. No.

Q. He just simply went out?

A. Never came back.

Q. You didn't tell him to go?

A. No, indeed.

Q. He didn't tell you he was going to go?

A. Said he was going to leave.

10 Q. Didn't take his clothes?

A. No.

Q. Went right out in the same suit he came in with?

A. Yes.

Q. Didn't take anything at all?

A. The second day he sent for it.

Q. He didn't take anything when he went out?

A. No.

Q. This was what day, Friday or Saturday?

A. I can't remember what day.

20 Q. It was Saturday, wasn't it?

A. I think so, I think Saturday night, because Saturday we don't cook.

Q. This night when he went away from you, you didn't go over to his family, did you?

A. No.

Q. You didn't go to anybody at all, did you?

A. No.

Q. Did he come back that night?

A. He never did.

30 Q. Who did you get to stay with you?

A. I was sick and crying about one or two o'clock in the morning, the neighbors were afraid to go and sleep with me and two girls came to sleep with me.

Q. Did he come there at one or two o'clock?

A. He never did.

Q. Didn't come back at all?

A. No.

- Q. The next day was Sunday, wasn't it?
A. I don't remember, Sunday or Saturday.
Q. Did they send a chicken over to you on Saturday?
A. No, Saturday.
Q. You locked the doors?
A. No, I didn't lock the doors.
Q. Did you lock the doors on this night Abe went away?
A. No. 10
Q. Left the doors open?
A. I don't know whether the girls locked the door, I was too excited.
Q. Why should you be so excited?
A. I didn't like my husband, I didn't like my husband, I wouldn't like that he should leave me.
Q. Hadn't he gone away before and stayed over night?
A. Over night no, just those two weeks, those three weeks, and when he was away in the city, of course, he stayed over night many times. 20
Q. But he was usually home in the house all night?
A. No, he used to go out and come late.
Q. Then on the next day did he come back?
A. No.
Q. The next day was Sunday?
A. I don't think, I guess it was Saturday.
Q. This was on the fifth of June, wasn't it, when he left you, on the fifth of June?
A. I don't remember the day, whether it was Saturday or Sunday. 30
Q. Now, on Monday —
A. It was Sunday.
Q. On Monday did he come back there?
A. No.
Q. Didn't come back there at all?
A. Never came back.

Q. Where did you go on Monday?

A. I had to go arrest him before the Judge at Salem. I sent after my father.

Q. So on Monday, before he came back, you went over to Salem?

A. I can't remember exactly.

Q. Two days after he went out, you went over to Salem?

A. Not two days.

10 Q. And had him arrested?

A. Yes.

Q. And took him over before 'Squire Smith at Salem?

A. Yes, and they dismissed the hearing.

Q. And he gave you how much per week?

A. \$1.50 a week.

Q. How did you get your pay?

A. They used to send me to Mrs. Greenblack.

Q. Wouldn't you get checks for the money?

20 A. Yes; cash, money or checks.

Q. You got \$1.50?

A. Yes.

Q. That is all you got?

A. Yes, and he paid for the first month's rent.

Q. Didn't he supply the house after that?

A. No.

Q. Didn't he give you \$2 a month?

A. Never did.

Q. Besides the 75 cents for house rent?

30 A. He never did, \$1.50, maybe \$2, I can't remember.

Q. Witness being shown check drawn by G. Pitel to the order of Anna Pitel, dated 7-24-14, on the Tradesmen's Bank, and purporting to be endorsed by Anna Pitel, is asked whether that check was received by her?

A. That is what I said, \$1.50 or maybe \$2 a week.

Q. That is your handwriting?

A. Yes, I can't remember exactly.

Q. Part of this you got from Mr. Pitel?

A. No, never direct.

Q. After you had Abe arrested over to Salem, did he come back to the house?

A. No; he came back to take his clothes.

Q. When?

A. With a constable he came.

Q. Did you say anything to him at that time? 10

A. No.

Q. Did you let him in the house?

A. Yes, indeed.

Q. And you gave him his clothes?

A. He took them himself, went upstairs for his clothes and his other clothes and everything he took himself.

Q. Hadn't he been back and tried before?

A. No.

Q. How long after he was arrested in Salem? 20

A. A few days around.

Q. Was he gone all this time with one suit of clothes?

A. Saturday or Sunday he sent one of the children to take some clothes out and I gave them.

Q. Who went up?

A. His little brother, because he took me keys to the house. He took the keys away, so he sent his little brother with the keys.

Q. How did you lock the house up? 30

A. That was keys for the wardrobe.

Q. Not the keys for the house?

A. No.

Q. Did you nail down the windows?

A. No.

Q. Did you lock up the doors?

A. No.

Q. Put a padlock on the doors?

A. No.

Q. Wouldn't let him in?

A. No.

Q. Did anybody come to see you about making peace between you?

A. No.

Q. His father didn't come?

A. No.

10 Q. His mother didn't come?

A. No.

Q. Mr. Lipwock didn't come?

A. No.

Q. He didn't come?

A. No.

Q. Nobody else came?

A. No.

Q. Then you went to Centerton and had him arrested there?

20 A. Yes.

Q. You went over to Centerton and had him arrested?

A. Yes.

Q. And when he got there he was put under bond to pay you \$4 a week?

A. Yes.

Q. Did he at any time during the summer come back to you and want to straighten out these things?

A. He did come that I should give him a divorce.

30 Q. You didn't talk to him about coming back to live with you?

A. No; only sent up people that I should divorce him.

Q. Didn't he come back there with Mr. Lipwock and didn't you spit in his face?

A. No, indeed.

Q. Didn't you meet him at the door and spit in his face and call him in Yiddish a tramp?

A. No, I never did.

The Advisory Master: Is Lipwock an uncle of Mr. Pitel's?

The Witness: An uncle. He never came to my house.

Q. After that, Mrs. Pitel, did Mr. Pitel come to you and ask you to live with him again? 10

A. No.

Q. Never sent anybody?

A. No.

Q. After he was put under bond, he went out to Nevada?

A. He did.

Q. And when he came back—he did come back, didn't he?

A. Yes.

Q. How long was he away? 20

A. About ten months.

Q. Then when he came back did you see him and talk to him?

A. No; never spoke to him; just served papers on him.

Q. Who came to serve the papers on him?

A. I don't remember the name.

Q. Did Abe come with a man to serve any papers on you? 30

A. He didn't have to serve any papers on me.

Q. Did he come with this man to see you?

A. He came with this man to see me.

Q. What did you do when this man got there? When Abe, your husband, came with this man from Salem, what did you do at that time?

A. What did I do at that time Mr. Pitel was in Salem with a man?

Q. Didn't Mr. Pitel come to the house where you were living?

A. Yes.

Q. With this man from Salem?

A. Yes.

Q. What did you do?

A. I was in the house.

10 Q. What did you do?

A. What did I do? I can't understand that.

The Advisory Master: What did you say when he came there with this man from Salem?

The Witness: He didn't come to the house, into my house he didn't come. He was sitting in the wagon.

20 The Advisory Master: Did they say anything to you, either of them?

The Witness: I don't remember what.

Q. Didn't they say to you that you better make this thing up and come to live together again?

A. The officer, you mean?

Q. Either of them?

A. I says after he came, after he went to preach my name for divorce so he came to live with me
30 and I said I want security.

Q. You wouldn't have him back to live with you?

A. I said I am afraid to live with him.

Q. You said to this man that you were afraid to live with him?

A. Yes.

Q. And did you say you wouldn't live with him?

A. I said I am afraid to live with him.

Q. What did Abe say?

A. He didn't speak to me at all.

Q. He didn't say to you that he would come back and live with you?

A. No, never speak to me.

Q. Did any other man ever come to you and say you had better make up with Abe? Did a man by the name of Cohen come to see you?

A. At my house?

Q. Any time?

10

A. I don't know how you mean. When?

Q. Any time, come to see you?

A. When I arrested him he came and said I should give him a divorce and settle up with him.

Q. Mr. Cohen didn't see you and say you had better live with him?

A. No; he said I should better make a settlement with him after he was arrested the last time.

Q. Then Cohen came to you?

A. To make any settlement up. I said he never 20 offered me to tell me anything.

The Advisory Master: Was he arrested about four weeks ago?

Mr. Tuller: On a ne exeat.

Q. Did Mr. Cohen talk with you about going back to live with him?

A. He just made up —

30

Q. Answer the question yes or no.

A. Not exactly. Once he came to see to live with me and once he came to settle. He didn't know what to say.

Q. Did Abe himself come to see you at any time?

A. He came to see me after I arrested him this last time.

Q. Didn't he come to see you last summer?

A. With officer.

Q. Didn't he come to see you last May or June?

A. No; he never came or never spoke to me.

Recess from 12 noon to 1 o'clock P. M.

10

AFTERNOON SESSION.

ANNA PITEL, recalled for further cross-examination.

By Mr. Tuller:

Q. Mrs. Pitel, last summer, that is, the summer of 1916, did your husband come to you and talk with you about making up with him and coming back?

20 A. He did not come.

Q. And he didn't send anybody to you to talk with you about it?

A. He did not send.

Q. Did he meet you on the street on one or two occasions and try to have a conversation with you?

A. He never stopped me on the street; he always calls me names.

Q. (Question repeated.)

A. He never did.

30 Q. Did he meet you on Sixth Street and try to have a talk with you?

A. Since he met me, he never met me to speak to me.

Q. He never walked up to you and tried to talk with you, and you told him to go away, "you tramp"?

A. He never did.

Q. And did you turn and spit in his face?

A. Spit in his face? I don't know nothing about it.

Q. Did you meet him up here in front of the City Hall, when Mr. Chasen stood by?

A. I never met Mr. Chasen. They pointed him out who he was and I asked him ——

Q. And didn't Mr. Pitel come to you down here and step up to you and try to speak to you?

A. He never did.

Q. Never did anywhere? 10

A. He never did anywhere but once in the house but never meet me on the street.

Q. Did he come to the house to make up with you?

A. No; only to give me \$300 that I should divorce him. He will give some money that I divorce him.

Q. He came and talked to you about it?

A. I didn't speak to him, he spoke to the lady of the house.

Q. He didn't talk to you? 20

A. He only said one word, "Listen, do you want \$200 to divorce me?"

Q. When you were living together, you say that he didn't give you enough to eat?

A. Whatever he bought ——

Q. Did you say that?

A. Yes.

Q. Where did you get your groceries?

A. On the store.

Q. Didn't you have an open account to go there 30 whenever you wanted to?

A. I took once two oranges for three cents and two oranges for five cents.

Q. Didn't you go and have an open account at the grocery store?

A. I took an open account and he paid for it but he instructed me what to get at the grocery.

Q. You had that open account, didn't you, up until the time you had him arrested?

A. I don't remember exactly how it was.

Q. Didn't you go there, right up the street, and get your groceries whenever you wanted to?

A. I don't remember. I can't remember everything.

10 Q. You took him over to Salem and got him to give you \$2 a week and the house rent, and then he came back and stopped the credit?

A. I think he stopped before. I don't know. I guess he stopped before the grocery—before he left me. I can't remember everything.

Q. You didn't drive him out of the house?

A. I never did.

Q. Didn't lock the house up and put a padlock on it?

20 A. No.

Re-direct examination.

By Mr. Bartlett:

Q. Did he stop your credit when he was away the three weeks?

A. He did.

30 Q. What were the names of the two girls who slept at your house while he was away?

A. Mollie Greenblat and Rhoda Sklansky.

Q. I show you a paper and ask you what is that paper?

(Examining counsel hands paper to witness.)

A. That is in Jewish.

Q. What was it for?

A. Because the way I said before, I took three eggs and two oranges for three cents and two cents cash.

Q. Whose handwriting is that in?

A. My husband's.

(Said paper is marked Exhibit P2 for identification.)

10

Q. When was that?

A. When he was living with me he left me that note of course.

Q. That is in his handwriting?

A. That is his handwriting.

Re-cross examination.

By Mr. Tuller:

20

Q. Mrs. Pitel, you say that in January, 1914, when he was away these three weeks, he stopped your credit at the store?

A. Yes.

Q. Did he tell you that you couldn't get anything before he went away?

A. Yes.

Q. He told you not to run any credit at the store before he went away?

A. Yes.

30

Q. And he told you that he was going to go and stay away?

A. He told me that he was going to leave again and he was tired of me.

Q. That was when he came back the second time or was it the first time?

A. When he went away the first time, when he was away the first time he never let me know where he was going to.

Q. Did he say you could not go to the store and get any credit?

A. Yes; he told me I should not go to the store and get it, I should buy for cash.

Q. Did you have any cash money?

A. I didn't have any.

10 Q. Didn't he know that you didn't have any cash money?

A. I suppose he did know.

Q. How did he tell you to go with your cash money and buy groceries?

A. I don't know.

Q. Didn't you go and buy groceries in 1914 and buy groceries from Lipman and Glaser?

A. From my money.

Q. Didn't you buy that on the book?

20 A. You bother me with such questions I don't understand.

Q. You understand if I ask you if you went to Glaser's in 1914 and got groceries on the book?

A. No.

Q. Did you go to Lipman's?

A. I took the cash money.

Q. You didn't buy any groceries on credit during January, 1914, while he was away?

A. No; I bought with my money.

30 Q. And then when he told you he was going to leave you and go away, and didn't leave you any money and was gone three weeks, you never made any inquiry where he had gone, never asked anybody where Abe was?

A. Those three weeks, no. I was over to his father's house and I asked him where was my hus-

band and the old man said, "I don't know whether a year or two years."

Q. How long had Abe been gone then?

A. I guess more about two weeks. I don't remember exactly.

Q. And you didn't make any inquiry where he was for two weeks?

A. No.

Q. And then when he left you for two days in June, 1914, you had him arrested, did you? 10

A. He said he was going to leave me and I had him arrested.

Q. After two days?

A. No, not after two days.

Q. You arrested him on Monday, didn't you?

A. I don't remember.

Q. You sent him out Friday night, didn't you?

A. I guess he left Friday night.

Q. And on Monday morning you had him arrested? 20

A. Maybe. I don't remember Monday morning.

Q. Who did you say slept with you?

A. Miss Mollie Greenblat and Rosie Sklansky.

Q. When did they sleep with you?

A. From the very first night he left me.

Q. How long did they sleep with you?

A. About two weeks.

Q. How long did you live in the house there?

A. I don't remember till the last time.

Q. Two or three months? 30

A. I can't remember that.

Q. Did they sleep with you all the time?

A. They slept with me.

Q. They slept with you after one o'clock Friday night or Saturday morning?

A. Yes; I was crying.

Q. They came to sleep with you?

A. Yes.

Q. How did you come to get this paper Exhibit P2?

A. I got up in the morning and found it on the mantelpiece, and he left that note on the mantelpiece in my house. I got up in the morning and he left me that note.

Q. It was on the mantelpiece?

10 A. All my stuff.

Q. When did you find this?

A. Right early in the morning when I got up.

Q. When?

A. I don't remember that date. I didn't mark it down.

Q. There is no date on this, is there, Exhibit P2?

A. I don't think. No, he didn't mark a date on this, but it was the evening before I came into the grocery and I took three eggs and two oranges.

20 They left me that note in the morning.

Q. When did he leave you this note, in June, 1914?

A. Before he left me in June, 1914.

Q. He left you this note in June, 1914?

A. I don't remember in 1913 or 1914, because he never treated me right, this morning he left me that note.

Q. You don't remember whether this was June, 1913 or 1914?

A. Yes, I don't remember, but he left me.

30 Q. This note, I suppose it is his handwriting?

A. That is his handwriting. Nobody else was in the house and right early in the morning that note was on the mantel.

Q. Why should he write it on the blank check?

A. I suppose no other paper.

Q. Wasn't there any other paper?

A. He took out a piece of paper and wrote it.

The Advisory Master: Can't you read this note?

Mr. Tuller: I object unless it is stricken out, as having no relevancy.

The Advisory Master: I won't strike it out. I will let the witness read it. I can't tell whether it has any relevancy.

Mr. Tuller: I object to it.

10

The Advisory Master: Madam, translate that, please, and then Judge Tuller can make his objection.

The Witness: "You shall not take more oranges and no eggs and no cash. I will not pay. I am not satisfied." I can't make—"just for bread." I can't understand the last word.

20

The Advisory Master: Is that all?

The Witness: Yes, that is all. "You shall not take more oranges, no eggs, no cash."

Mr. Tuller: I object to it.

The Advisory Master: I will allow it to remain.

30

SAMUEL POKROSS, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. You are a brother of the petitioner in this case?

A. Yes, sir.

10 Q. Where do you live?

A. I live in Philadelphia.

Q. Did you visit your sister, Mrs. Anna Pitel, in August, 1913?

A. Yes, sir; I did.

Q. Where did you visit her?

A. 1913, in August.

Q. Now, where did you go?

A. In Brotmanville, where she lived.

Q. Salem County?

20 A. Salem County, New Jersey.

Q. How long did you stay on that visit with her?

A. About six weeks, pretty near seven.

Q. And you stayed in her home during all this time?

A. In her home; yes, sir.

Q. Was her husband, Abe Pitel, living with her?

A. At that time, yes, sir.

Q. How did he treat her during that time?

30 A. As far as I knew, a few days later, when I came visiting, there was an argument between them. She was kind that time.

Q. What was the argument about?

A. I could not tell exactly. It was just when I came in the house, in the front room, and they was in the kitchen arguing and she was crying and I started to ask her, so he came over to her and he

gives her a knock with a blackjack, because before he said, "If you talk much, if you will tell your brother our argument what is going on, so I will take out the revolver if you talk," so I came in and started to talk.

Q. You got to the house this day in August —

A. Yes, sir.

Q. — and when you got there they were in an argument?

A. Not the same day, a few days later.

10

Q. Did you hear her say anything to him then about going out nights and going away?

A. She started to ask him what was the matter. It was a couple of nights he was dancing there and she wasn't feeling well —

The Advisory Master: Was Mr. Pitel present?

The Witness: When the argument, sure.

Mr. Tuller: Did you hear this argument?

20

The Witness: I heard some kind of argument. I was standing a little, so then he had a blackjack and he give her a knock and she was falling down to a chair and I said, "What is going on?" and "Ain't that nice?"

Q. What else did you do?

A. I came over and started to cry and said, "What is going on here?" I never believed, she never told me anything, she was always crying.

30

Q. Did you see the blackjack?

A. Yes, sir.

Q. What happened when he struck her?

A. She started to tell me what was going on.

Q. Did she get hold of the blackjack?

A. She got hold and pulled it out.

Q. What happened to the blackjack?

A. It was left only the strap in his hand with the blackjack and she pulled him out and didn't let him fight again.

Q. Have you got that blackjack?

A. Yes, sir.

Q. Will you produce it?

A. I got it. My sister saved that blackjack and I got it from that time.

10 Q. Witness produces from his pocket a blackjack and is asked, is that the blackjack that Abe Pitel struck his wife with in your presence?

A. Yes, sir.

Q. Where did he strike her?

A. On the shoulder (indicating left shoulder).

Q. Did she grab hold of that blackjack while it was in his hand?

A. Yes, sir.

Q. What happened then?

20 A. I don't know exactly but she pulled it out.

Q. How did you come in possession of that blackjack?

A. She gave it me after then and she said, "In case anything happens, I just show how he treated me."

Q. And you kept it ever since?

A. No, she held it in case anybody asked about it.

Q. She kept the blackjack, did she?

30 A. Yes, sir.

Q. When did she give it to you?

A. When I came in here last night.

Q. She has had possession of it all the time?

A. Yes, sir.

Q. Now, what names did you hear her call him—
hear him call her, during that visit?

A. Once it was dinner time, he called her "whore," "bitch," something like that.

Q. How many times?

A. Very often.

Q. How many weeks were you there?

A. I was there over six weeks.

Q. Did he call her those names every day?

A. For the least little thing. I could not tell you exactly every day, but I heard it often, many times in a week.

10

Q. How many times did you see him strike her during your visit there?

A. Twice.

Q. What was the second time?

A. The second time, once he was in the kitchen shaving himself, so I came, it was for supper, and she asks him if he wants to have supper, and he didn't want to answer, because the night before he came very late, it was a dance there and he was there until twelve o'clock, so she sent me out to his parents, maybe I will get him there.

20

Q. She went out to ask him to supper and he was shaving?

A. Yes, and he started to call her the same names, "whore, old bitch."

Q. What else?

A. That's all.

Q. Called her a whore and a bitch?

A. Yes, and "I don't want to live with you any more; go to your father."

30

Q. Then what did he do? Then did he strike her?

A. That time he didn't strike her. It was once with a blackjack and a couple of weeks later.

Q. Two weeks later, after the blackjack incident, you saw him strike her again?

A. It was only with his fist.

Q. Was his fist closed?

A. Yes.

Q. Did he knock her down?

A. She fell to the wall.

Q. Why did he strike her that time?

A. Once she didn't feel so well and she sent me to see where he is.

Q. You saw him strike her the second time?

A. I saw him; yes, sir.

10 Q. Did you hear him call her names?

A. Yes.

Q. Did you interfere either the time he struck her with the blackjack or the second time?

A. I never interfered. I only asked him once why he shall not treat her good. He used to come every night late.

Q. Was he home any night when you were there, through the evening?

A. Not every night. He used to keep very late,
20 not every night; when he used to stay, why, he played cards until morning. There was a couple of boarders in the house.

Q. How long did you stay on this visit?

A. About six weeks.

Q. What was his treatment of his wife during that time?

A. The first week she started to ask him she would take a ride together because she was never taken around, they shall go out somewheres to-
30 gether and he shall not stay late, and at that time he didn't want to hear it, he insulted her.

Q. What did he say to her?

A. He said whatever you want to do he can do, he is the boss himself. Once he was dancing in a dancing hall and when I find him there he said I shall not tell his wife he was dancing with strange

girls. I find him there a couple of times. I want to find him, maybe I will see him by his father and I didn't find him there.

Q. Did you go out after him?

A. Yes.

Q. Who sent you?

A. His wife.

Q. Where did you find him?

A. To go to his father, maybe I will find him there, and there was a dance I passed by over there. 10

Q. And you went to this dance?

A. Yes.

Q. And was he dancing with a girl there?

A. Yes, sir.

Mr. Tuller: Where was that?

The Witness: A hall not far away, across from the house where they were living.

Q. After you returned from your visit to your sister in August, 1913, when did you again visit her? 20

A. About a year later.

Q. When?

A. In January.

Q. 1914?

A. Yes, sir; but I don't remember what day.

Q. Who went with you on the second visit?

A. My brother Albert Pokross and Jake Schlusberg and my father.

Q. Your father's name is what? 30

A. Abraham Pitel.

Q. What day of the week was it you made this visit?

A. I believe on Sunday.

Q. What time did you get to Brocktonville?

A. Sometime in the afternoon, something like that.

Q. In the afternoon?

A. Sunday, twelve or one o'clock.

Q. Did you go directly to your sister's house?

A. We went there and I find my sister there.

Q. Did you find her husband?

A. No, sir; he wasn't home, and we thought he went for business and she said he was gone three weeks pretty near.

Q. Only your sister was home?

10 A. He was away.

Q. What condition did you find her in? Was she crying?

A. Of course she was crying. She tell her troubles and ask my father for a dollar that she should go and buy something for dinner, and he give her a dollar and she make dinner for her.

Q. Did your brother and your father and you go out to look for him?

A. We went to his father and asked where Mr.
20 Abe Pitel was.

Q. You went to G. Pitel?

A. Yes, sir.

Q. What did he tell you?

A. We didn't see the old —

Q. You went to see G. Pitel and he told you to go somewhere and find the son?

A. Yes, sir.

Q. Where did he send you?

A. He don't know where he is.

30 Q. Where did you find him?

A. It was in a couple of hours later they found him somewhere, they will phone for him somewhere and he came home.

Q. To his wife's home?

A. To his father's home.

Q. Were you at his father's home?

A. He was in his father's house and he didn't want to speak to her. She asked him, "Abe, where was you?"

Q. You and your brother, your father and your sister were all over to old man Pitel's when Abe came there?

A. Yes.

Q. They sent for Abe?

A. I don't know exactly, but he came.

The Advisory Master: You said he didn't want to speak to his wife? 10

The Witness: Yes, sir.

Q. What did you say to Abe about coming back to live with his wife?

A. First my father said, "Well, my son, what is going on?" And he said he was out, he was there, he didn't answer exactly, and after all he said, well, he don't care to live with her, didn't want to live with her any more. 20

Q. What else did he say?

A. Well, he said my father, if my father is rich, if he could help with some money we will try to be good, but my father said, "Do you think the only thing is money? If you spend your money what will you do after with your wife?"

Q. Didn't you and your brother and your father ask him to go back and live with his wife?

A. Yes, sir.

Q. What did he say to that? 30

A. He said they wanted help for some money. My father said, "If you spend your money and lose your money again is that the only thing you don't want to live with your wife?" That was the only thing, and then we was trying our best to make supper, my sister make the supper.

Q. Did he go back and live with his wife?

A. Yes.

Q. Do you know how long he lived with her after that?

A. I could not tell you exactly.

Q. When did you hear he had left her again?

A. In a short time, in a few months later.

Q. Do you know where he went then?

A. I heard he went to a different town to divorce
10 her, where he could get a divorce.

Q. How do you know that?

A. That is what I heard my sister say.

Cross-examination.

By Mr. Tuller:

Q. You say you came down there in January,
1914?

20 A. In August. I didn't say January, but the second time something like that, I believe it was in January, I don't remember exactly, something like that.

Q. Did Abe come up to your house or your father's house, to your knowledge?

A. When?

Q. In January, 1914?

A. We didn't see him. I didn't see him.

Q. Did he come up there with or without his wife,
30 about Christmas, 1913?

A. I don't remember exactly.

Q. Do you remember that he came up there and took his wife to your father's house and then to a doctor?

A. I don't know that. I don't live with my father.

Q. So you don't know whether he was there or not?

A. He used to come there often for business. When he was good he used to come.

Q. And very frequently he came to your father's house—very often he came to your father's house and stayed there for several days at a time?

A. Not very often, for a half hour.

Q. Over night?

A. He used to come to stay there in the morning to go for business but he didn't stay all night. He used to come in the morning. 10

Q. Do business with your father?

A. Never.

Q. Just to visit your father?

A. Just to visit.

Q. When you came down to Brockmanville in January, 1914, you went to his father's house?

A. The first time, my sister.

Q. (Question repeated.)

A. I was to his father, but afterwards, yes. 20

Q. Who went to his father's house with you?

A. We were all together.

The Advisory Master: Who?

The Witness: My father, my brother-in-law, my brother, we all were together.

Q. Did the wife go too?

A. We sent for her afterward.

Q. She didn't go along with you? 30

A. She didn't.

Q. How long afterward did you send for her?

A. We find out about our man and he came a couple of hours later and we sent for her and try to make him good.

Q. He was already there when she got there?

A. She was before.

Q. Then he wasn't?

A. He wasn't there.

Q. When was it that she came there?

A. Before.

Q. Your sister?

A. She was before. We sent for her.

Q. When?

10 A. A half hour later.

Q. After you got there?

A. Yes.

Q. So she was there a half hour after you got there, and then he came?

A. Yes, sir.

Q. And Mr. Pitel went and telephoned for him?

A. We heard something, they were getting him, telephone for him.

Q. The old man, Gershel Pitel, telephoned?

20 A. I don't know if the old man or who was telephoning.

Q. Gershel Pitel, then said to you, "I will go and telephone"?

A. He didn't tell me that.

Q. Or, "I will send somebody and telephone for Abe"?

A. He didn't tell me anything before. Afterward I heard they were phoned for him.

Q. You don't know anything about it at all?

30 A. I know it all right.

Q. Did they say they would telephone?

A. I don't know who.

Q. Did Mrs. Pitel?

A. I don't remember who it was.

Q. You don't remember whether it was a man or a woman?

A. I don't remember exactly who it was.

Q. Mrs. Pitel, your sister, had been there some time when Abe got there?

A. Yes; a couple of hours.

Q. And she heard you talking with Mr. Pitel and Mrs. Pitel about Abe's treatment of her?

A. We was arguing with her husband, Mr. Pitel, outside, and we started to talk business and tried to find out what was going on.

Q. You didn't talk about it before he came?

A. We didn't know anything to talk about, if he comes or not. 10

Q. How long were you down at your sister's house?

A. We was trying to make him get ——

Q. How long were you there?

A. Only until evening.

Q. Who took you away from the house?

A. Mr. Pitel.

Q. Which one?

A. Young man, Abe Pitel. 20

Q. Where did he take you?

A. To the station.

Q. To send you back home?

A. Yes.

Q. Take you over to Vineland?

A. In North Vineland.

Q. That is up above Vineland, toward the city?

A. North Vineland.

Q. Your father stayed down there, didn't he?

A. Yes, sir. 30

Q. Two or three days?

A. A couple of days.

Q. Stayed with Abe, his son-in-law?

A. Yes.

Q. He had a pretty decently furnished house?

A. Not extra.

Q. As good as the other people living over there?

A. Not so extra.

Q. As good as the average young couple over in Brockmanville?

A. It wasn't exactly fixed not as good as some other people.

Q. You came down there in the summer of 1913, didn't you?

A. Yes, sir.

10 Q. When did you come down there in 1913?

A. In the month of August.

Q. Month of August?

A. Yes.

Q. And from August you stayed how long?

A. About six weeks or maybe a couple of days later.

Q. You stayed then until sometime in October, 1913?

A. Yes, sir.

20 Q. Working down there?

A. I had work a couple of weeks.

Q. Did you work?

A. A couple of weeks, yes, sir.

Q. At the Brockmanville factory?

A. Yes, sir.

Q. And then you stopped work?

A. Yes, sir.

Q. On account of what?

A. There wasn't no more work.

30 Q. Why didn't you have work?

A. Maybe they was settled.

Q. Was there a strike there?

A. There was no strikes.

Q. When you were there, there was no strike?

A. Maybe, I don't know.

Q. Who lived there at your brother-in-law's house when you were living there?

A. Two boarders staying there about a week and a half.

Q. When did they come there?

A. I can't remember. It was, I believe, in a couple of weeks later or a week.

Q. How long had you been boarding there when they came to board?

A. I don't remember exactly.

Q. How long did they stay?

A. About a week and a half.

Q. You remember that they stayed a week and a half? 10

A. Something like that.

Q. But you can't remember how long you had been there after they came?

A. I can't tell you.

Q. Were any other boarders there during this time that you stayed there?

A. No other.

Q. And so when Abe sat up all night to play 20 cards, he played cards by himself, did he?

A. People what used to work in the factory came to play with him.

Q. The people in Brockmanville used to come there and play cards?

A. Together.

Q. Most every night?

A. Not exactly. Saturday, Sunday, and in the middle of the week once.

Q. But every Saturday and Sunday and then two 30 or three times during the week?

A. Altogether, two or three times a week.

Q. Did you sit in and play?

A. Sometimes he give me a dollar.

Q. You said you sat in occasionally and played with them?

A. Only once.

Q. Was that soon after you came there?

A. I don't remember.

Q. When you came there, were there any boarders there?

A. I don't remember exactly.

Q. Did Abe Pitel strike his wife before the boarders came or after?

A. Before.

Q. You had just come there at that time, had you?

10 A. Well, it was a few days later.

Q. And just before the boarders came?

A. Nobody was there.

Q. Just before?

A. Before.

Q. And you were there alone with these two people, were you?

A. Yes.

Q. And you saw him strike her with a blackjack on the left shoulder?

20 A. I don't remember the left or right.

Q. And she fell over into a chair?

A. Yes.

Q. And then she grabbed this thing, this blackjack?

A. Oh, she got hold before and he gave her a push and she fell off the chair.

Q. Did she grab the blackjack before he struck her?

30 A. She held the blackjack that time and tried to protect herself.

Q. (Question repeated.)

A. Not before. Afterwards.

Q. And then did he strike her while she was falling down in the chair?

A. Yes.

Q. And what did you do?

A. Nothing. If a fool mix in we got shot both.

Q. And he had turned and before you could interfere he had turned around and told you ——

A. Both get shot if I mix in.

Q. Did he draw a revolver and point it at you?

A. I didn't see any revolver.

The Advisory Master: He told you if you mixed in you would get shot?

The Witness: Yes.

10

The Advisory Master: That is when he hit her with a blackjack?

The Witness: Yes.

Q. And he called her "whore" and "bitch" all the time and you stayed there six weeks and put up with it?

A. Not the first couple of days.

Q. When would he call her this, night time or day-time?

A. Dinnertime and sometimes on Sunday.

Q. He always ornamented his conversation, did he?

A. For the least little thing, if he didn't like things she prepared and once she asked him why he came so late and his father give an order she should wake him up and she was doing that and he would call her all kinds of names.

Q. You stayed there and put up with it for six weeks?

A. Yes, sir.

Q. And it was an every-day thing with him?

A. Most every day he had arguments and she used to get insulted every day.

Q. And then he told her at that same time ——

A. Yes, sir.

Q. — that she could go to her father?

A. Not that time. Always for the least little thing, "You could go to your father, I don't care to stay."

Q. And you were there at this time?

A. Yes, sir. I came to visit the first time.

Q. And you stayed and he talked this right along to her, to go to her father?

A. Yes, sir; many times.

10 Q. You say that he treated her badly?

A. Yes, sir.

Q. Did she ask him to get her a sewing machine at any time while you were there?

A. I don't know that.

Q. Did he get her a sewing machine?

A. I don't know if he had it. I saw it there.

Q. A machine came to the house while you were there?

A. Not at that time.

20 Q. You saw a sewing machine there?

A. I can't remember.

Q. Didn't you see a sewing machine there?

A. I could not tell you exactly.

Q. Did you hear her say anything to him about buying a sewing machine for her?

A. No, sir.

Q. You know a sewing machine was there?

A. I could not tell exactly.

30 Mr. Bartlett: I offer the blackjack in evidence.

(Blackjack admitted in evidence and marked Exhibit P3.)

ALBERT POKROSS, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. You are a brother of the petitioner?

A. Yes, sir.

Q. And reside where?

A. Philadelphia.

10

Q. And did you visit your sister, Mrs. Pitel?

A. Yes, sir.

Q. In January, 1914?

A. Yes.

Q. Where?

A. In Brockmanville, New Jersey.

Q. Who went with you?

A. My father, brother and brother-in-law, Sam Pokross, Jacob Siklob and Abraham.

Q. On reaching Brockmanville, did you go directly to your sister's home? 20

A. Yes.

Q. And who did you find?

A. Just all by herself.

Q. And when you got there —

A. She just begin to tell her troubles.

Q. What did you do after she told you her troubles?

A. We went to Mr. Pitel, his father's house.

Q. You went to the father of Abe Pitel?

30

A. Yes, sir.

Q. What for?

A. To see where Abe was.

Q. And why did you do that?

A. We wanted to talk the matter over.

Q. Why?

A. To make everything nice and good.

Q. In other words, you wanted to see what the trouble was between your sister and him and settle the matter?

A. Yes.

Q. You went to Gershel Pitel's home?

A. Yes.

Q. Did you find Abe there?

A. No.

Q. Did you ask his father?

10 A. Yes; he said he don't know and he don't want to butt into that business.

Q. How long did you stay?

A. Over an hour.

Q. While you were there, did Abe come?

A. Afterwards he came.

Q. Did somebody send for him?

A. I suppose so.

Q. What was said when he came?

20 A. We shook hands in a good way and after that we went outside, walking to my sister's home.

Q. What did you say to him about going back to live with your sister?

A. He said, "Why, you know I could not live with her."

Q. What else did he say? What did he call her?

A. He didn't call her much names then.

Q. What did he say?

A. He says, "You know, I can't live with her. She ain't for me."

30 Q. Did you continue down to the house?

A. Yes.

Q. And you met your sister?

A. Yes; she came over to the house before we went back.

Q. And went back with you?

A. Yes.

Q. To her home?

A. Yes.

Q. Now, was there any trouble that day?

A. Not at all. We made everything nice and smooth and he promised he would never go away any more.

Q. Have you ever heard him call her any names?

A. Not much, as I say, because I was never there.

Q. Did you ever hear him curse her?

A. Well, the time he just cursed her he said she 10
was no good and she was too old for him.

Q. He said it when?

A. That was between him and me, the time before we went into the house.

Q. What else did he say outside the house?

A. He told she was no good and she was too old for him.

Q. Did you say anything to him about his abusing or striking her?

A. Not at all. I just told him he should come 20
back and make everything right.

Q. Did you visit your sister again?

A. Not at all.

Cross-examination.

By Mr. Tuller:

Q. Mr. Pitel, you with your father and brother and sister went over to Mr. Pitel's house on this 30
day in January?

A. No. We went by ourselves but she came afterwards.

Q. How long after you had gone down there did she come?

A. Over an hour.

Q. When did you go down there?

A. Late in the afternoon.

Q. And then about an hour later she came?

A. Yes.

Q. Was Abe there when you got there?

A. No, but he came afterwards.

Q. How long afterwards?

A. About an hour or so.

Q. And how did Abe come to get there, do you
10 know?

A. I can't tell you but he just walked straight in.

Q. You didn't hear anybody say that they would
send for him?

A. No; I didn't listen about that. I was just satisfied that he should come back to my sister.

Q. You were telling somebody there that he ought
to come back to your sister?

A. Yes.

Q. And all of a sudden he appeared?

20 A. Yes.

Q. Your sister was there when he came?

A. Yes; we sent for her before he came and they
both met there.

Q. Then you all turned around and walked back
up to her house?

A. Yes.

Q. And everything was nice?

A. Fine, and he took us back to North Vineland
to go home.

30 Q. And he said he had been away three weeks
and would never go away again and would be good?

A. That is all I know. He took us to North Vineland and me and my brother went to Philadelphia.

Q. Do you live with your father?

A. No.

Q. When you came down there you weren't living with your father then?

A. No, sir.

Q. You were married and had a home of your own?

A. Home of my own.

Q. So you don't know whether Abe came there or not?

A. Yes, sir.

Q. You knew that he came to see your father 10 very frequently?

A. Well, once in a while.

Q. Stay over night?

A. I don't know that because I wasn't there.

Re-direct examination.

By Mr. Bartlett:

Q. Do you know how long it was before this that 20 he left her again?

A. It didn't take a long time.

Q. Do you of yourself know that he left her again?

A. I know that he did because they told me that.

Q. You learned that from your sister?

A. Yes, sir.

Re-cross examination.

30

By Mr. Tuller:

Q. Did Mr. Abe Pitel ever come up to the city and stay with you at your house?

A. Yes, but we was on good terms.

Q. Did he stay there?

A. Yes, sir; the time they was good together, yes.

Q. He did stay there?

A. Yes, sir; in my house.

Q. Quite frequently? Several times?

A. Just once; yes, sir.

Q. When was that?

A. I can't tell exactly.

Q. Wintertime?

A. Yes, sir.

Q. After they were married?

10 A. Yes, sir.

Q. When were they married?

A. Long before I was married, about two or three years later.

Q. Was it around Christmas time that he came there?

A. I can't tell exactly but it was later, about three months after he was married. It was in winter time and he stayed once in my house over night.

20

MOLLIE GREENBLATT, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Miss Greenblatt, you live in Brockmanville?

A. Yes, sir.

30 Q. Neighbor to Mrs. Pitel when she lived there?

A. Right opposite.

Q. Do you remember going over to her home and spending some nights with her?

A. Yes, sir.

Q. How long did you stay there with her?

A. About two weeks that I stayed with her the

first time when he left her and he forbid anyone from going to sleep with her and my girl friend and I stayed about two weeks and I had to leave.

Q. Who was your friend that stayed?

A. Rose Selansky, and then her sister stayed the rest of the time.

Q. You stayed about two weeks?

A. Yes, sir.

Q. And her husband had left her at that time?

A. Yes, sir.

10

Q. Did she know where he was?

A. Not to my knowledge.

Q. Did he say anything to you about going there to sleep?

A. I never spoke to him personally about it.

Q. When was it that you went there to sleep?

A. In June, 1914.

Q. Previous to this time, did Mrs. Pitel ever come to your home to get help?

A. We had kept the meat store and she came to 20 get the meat.

Q. Did her husband have a credit there for her?

A. Yes, at the first. Then he came to our house and told mother —

Q. Did you hear it?

A. Yes, and he said if she wants to keep on the credit he would not pay for it.

Q. Do you remember when that was?

A. Not exactly.

Q. Did she ever come over to the house when she 30 had just been struck?

A. She would complain about the ill-treatment but not say anything about being struck.

Q. She complained of his ill-treatment?

A. Yes.

Q. Do you know that he was away from home many nights?

A. Yes; he would never take her out.

Cross-examination.

By Mr. Tuller:

Q. Miss Greenblatt, were you stopping at the house of Mrs. Pitel when Abe came there to your
10 store?

A. I can't exactly remember that.

Q. You remember when Abe was taken over to Salem on the warrant?

A. Perhaps I was away at that time. I was away that summer.

Q. What time did you go away that summer?

A. I went in the latter part of the month of June and stayed away five weeks.

Q. Before you went away that summer, did you
20 go and sleep with Mrs. Pitel?

A. Yes, just previous to going away.

Q. When did you begin to sleep with Mrs. Pitel?

A. About two weeks or so before I left.

Q. How long had Abe been away from her when you went to sleep there?

A. I don't know exactly but that night when I came back from a friend's house we saw her sitting on the porch and crying and saying she didn't have anybody to stay with her and my girl friend and I
30 stayed with her.

Q. How long after that was it after Abe came to your mother and told her to stop the credit?

A. I cannot say.

Q. It was afterward?

A. I cannot say.

Q. You never knew personally of Abe striking his wife?

- A. I wasn't a witness, not an eye witness.
- Q. How far do you live?
- A. Right opposite.
- Q. How far away is your house?
- A. I cannot tell exactly but it is a reasonably wide road and it is just opposite.
- Q. You live on the other side of Gershel Avenue?
- A. I don't know what avenue it is.
- Q. It is an avenue?
- A. Yes.
- Q. About sixty-six feet wide? 10
- A. I don't know. Never took interest in measuring it.
- Q. How far from Mr. Lipwock?
- A. At first Mr. Lipwock lived not very far from our house, on the same street, and then he moved about the same distance away, just about a block.
- Q. How far does your friend live from where Mrs. Pitel lives?
- A. Right next. 20
- Q. On the same side of the street?
- A. Yes.
- Q. How far is her house?
- A. About as wide as that road.
- Q. About sixty or seventy feet?
- A. I suppose so.

Re-direct examination.

By Mr. Bartlett:

30

- Q. What was the condition of Mrs. Pitel while you stayed there?
- A. Well, she felt very sad and downcast and cried continually.
- Q. Her husband had left her at that time?
- A. Yes.

ROSE SCLANSKY, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Miss Sclansky, you are the friend of Miss Greenblatt, who just testified?

A. Yes, sir.

10 Q. And you live in Brockmanville?

A. Yes, sir.

Q. Near Mrs. Pitel?

A. Yes, sir.

Q. Do you remember going in June, 1914, and staying at her home?

A. Yes, sir.

Q. How many nights?

A. One night.

Q. How did you happen to go there?

20 A. Miss Greenblatt and I were coming from a friend's house late at night and we found Mrs. Pitel crying on the porch and she told us would we please come and stay with her over night because she was afraid.

Q. You stayed one night?

A. One night.

Q. What was Mrs. Pitel's condition?

A. Pretty sorry, crying and telling her troubles.

Q. Had her husband left her?

A. Her husband left her.

30 Q. You know Abe Pitel, the defendant in this case?

A. Yes, sir, I know him.

Q. How many years?

A. For a long time. I don't know how many years.

Q. Do you know that he left his wife on two or three different occasions, your own knowledge?

A. I am not telling what people told me. I know he left her.

Q. Do you know anything, Miss Sclansky, about his striking her or abusing her?

A. I never saw him strike her but I once saw her with a very sore eye and I asked her was the trouble.

Q. And she told you?

A. She told me.

10

Q. You saw that her eye was black?

A. Yes, sir.

Q. Do you remember when that was?

A. I don't remember when it was but I remember seeing it.

Cross-examination.

By Mr. Tuller:

Q. Did you see Mr. Pitel leave his wife?

A. Did I see him leave her? He wasn't home. I don't know where he went. He didn't come home but I didn't see the day he left her.

20

Q. You didn't know that he deserted her at that time?

A. I don't know. I know he wasn't home.

Q. Just know he wasn't home, that is all you know about it?

A. Yes.

Re-direct examination.

30

By Mr. Bartlett:

Q. Do you know he was arrested for non-support?

A. Yes, sir.

Q. Were you at the trial?

A. I wasn't at the trial.

MORRIS GREENBLATT, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Where do you live, Mr. Greenblatt?

A. Brockmanville.

Q. How many years?

10 A. About twenty years, more or less.

Q. Do you know both the petitioner, Mrs. Pitel, and the defendant, Abe Pitel?

A. Yes, sir.

Q. How many years have you known them?

A. I know Abe Pitel, I think we was raised together and I know Mrs. Pitel ever since two or three weeks before he married her.

Q. Was your home near the Pitel home?

20 A. Well, when I lived home, it was right across the street and I just live about half a square away from where they lived.

Q. Do you remember when Abe left his wife in June, 1914?

A. Why, I could not say. I know he was away from home.

Q. Were you holding any position in Salem County at that time?

A. Yes, sir.

Q. What position?

30 A. Constable.

Q. And did you serve any papers on him in regard to supporting his wife?

A. Yes, sir.

Q. And were you present at the trial?

A. Yes, sir.

Q. And was there an order made on him to pay his wife support?

A. Yes, sir.

Q. How much was made per week?

A. The first time she had him arrested was in Salem and I think he had an order to pay her a dollar and a half and two dollars per week.

Q. (Question repeated.)

A. Or \$2 per week.

Q. Was that money paid to you for her by the overseer?

A. No, it was paid to me by Mr. Pitel I think the 10 first time.

Q. And you turned it over to his wife?

A. I think I did. I didn't keep it.

Q. Were you present when the second order was made?

A. Yes, sir.

Q. How much?

A. \$4.

Q. Made by who?

A. Justice Goldner, at Centerton.

20

Q. And was that money paid to you by Pitel?

A. No, sir.

Q. Have you ever seen him strike her?

A. No, sir.

Q. Ever see her with any bruises?

A. No, sir.

Q. Did she ever come to your home or your father's home to get groceries or provisions while her husband was away?

A. I didn't live home.

30

Q. Do you know when Abe Pitel left his wife for three weeks in January, 1914, do you remember that time?

A. Yes, sir.

Q. Do you know where he went?

A. As far as I know, I think he was in Bridgeton or around Bridgeton.

Q. Did you see him or talk to him around that time?

A. No, sir.

Q. Did you ever hear him curse his wife?

A. No, sir.

Cross-examination.

By Mr. Tuller:

10

Q. Morris, you arrested Mr. Pitel on a Monday, didn't you?

A. I can't say.

Q. Have you got the record of the day when you arrested him?

A. Don't keep no records.

Q. Did you know prior to the warrant being given to you that Pitel had left his wife?

A. Prior, yes.

20

Q. How many days?

A. I can't say.

Q. A day or two?

A. I can't say.

Q. It wasn't over a couple of days?

A. I can't say.

Re-direct examination.

By Mr. Bartlett:

30

Q. Did you know about his going to Reno, Nevada?

A. I understood he was in Reno.

The Advisory Master: How did you know it?

The Witness: His father told me.

Re-cross examination.

By Mr. Tuller:

Q. You took him over to Salem?

A. Yes, sir.

Q. You were present at the hearing?

A. Yes, sir.

Q. That took place before 'Squire Smith?

A. Yes, sir.

10

Q. In the presence of the lawyers?

A. I think in the presence of Forman Sinnickson.

Q. He was her lawyer?

A. Yes, sir.

Q. And was there any blackjack produced there at that time?

A. I can't say.

Q. You heard the evidence?

A. Yes.

20

Q. And you were present all the time during the trial?

A. Yes, sir.

Q. Didn't Mr. Pitel agree to pay his wife \$2 a week without an order?

A. I think an order was made by justice, ordered him to pay \$2 a week.

Q. Didn't they have a considerable talk between them and Mr. Pitel said, "You need not issue an order, I will pay \$2 a week"?

30

A. They got in wrong because they had a time to collect my fees on it.

Q. Mr. Pitel didn't need to have an order made against him at that time?

A. They can't make it.

Q. Didn't he agree to pay the money?

A. Yes.

The Advisory Master: It isn't for you to say.
It is for the justice.

The Witness: Well, he can't do it.

Re-direct examination.

By Mr. Bartlett:

10 Q. What business are you engaged in?

A. The poultry business.

Q. Is that the same kind of business Pitel is engaged in?

Mr. Tuller: Objection.

(Objection overruled.)

Q. What business are you engaged in?

20 A. I am buying and selling poultry.

Q. Is that the same kind of business Abe Pitel is engaged in?

A. Yes, sir.

Q. Do you do about the same amount of business?

Mr. Tuller: Objection.

Q. Could you state the average of his business?

A. Yes, sir, according to his own say.

30 Q. Now, from his own saying, what does he tell you he makes a week?

A. From his own saying he ought to make \$50 a week. What he does make, I understand he ought to make \$25 a week.

Q. From your knowledge of his business and his statements to you, he ought to clear \$25 a week?

A. Yes, sir.

Re-cross examination.

By Mr. Tuller:

Q. You are very friendly with Mr. Pitel?

A. Great friends, we were off and on friends.

Q. And you have been for the last two or three years?

A. No, sir.

Q. How long has it been off? 10

A. Here lately.

Q. No, not lately. How long has it been off?

A. Off and on you mean?

The Advisory Master: How long have you been unfriendly with him?

The Witness: For two or three years or four years or five years. One week we are the best of friends. 20

The Advisory Master: Do you mean to say ever since you have been unfriendly with him he has told you how much he has made?

The Witness: Well, he wouldn't tell me when he don't speak to me but when we were on good terms he will tell me how much business he done.

The Advisory Master: When did he tell you last? 30

The Witness: This summer, sometime in June or July.

The Advisory Master: Is the poultry business as brisk and good in the wintertime as in summertime?

The Witness: It is not.

The Advisory Master: How much does it fall off in the wintertime?

The Witness: About half; if you want to work at it real hard you can do just as much.

The Advisory Master: Does he work at it real
10 hard?

The Witness: When he is at it.

Q. Have you spoken to him inside the last year?

A. Yes, sir.

Q. The young man, Abe Pitel?

A. Yes, sir.

Q. Where did he talk to you?

A. Right here at the station.

Q. And talked to you about his business?

20 A. Yes, sir.

Q. About how much he was making?

A. Yes, sir.

Q. How many chickens he was buying?

A. Yes, sir; I will prove it by his uncle.

Q. Then you and he were all right?

A. Yes, sir.

Q. When did he talk to you after that about his
business?

A. Never spoke to me ever since.

30 Q. That was last June or a year ago?

A. No, this last June.

Q. And you have had no conversation with him
at all so you don't know what he is making now?

A. I do know because we ship to the same house.

Q. All you know is what you judge from appearance?

A. No, not exactly, because when I ship he don't give any more than I do. He claims he buys cheaper. We will ship on the 11.38, Vineland station, and we will all get together.

Q. When did you get together with this man, with Pitel?

A. Get together? We would always talk together at the station and we get together.

Q. When did you talk with him?

A. I didn't talk with him exactly, not all the time. 10

The Advisory Master: When did you last talk with him?

The Witness: If you will give me a chance I will tell you.

The Advisory Master: Did you arrest him twice?

The Witness: Yes.

20

The Advisory Master: Did he say anything to you at that time about living with his wife?

The Witness: I could not remember.

The Advisory Master: Did he say he was going to or wasn't going to?

The Witness: The first time I had him arrested 30 they both went home pretty happy and an order of only \$1.50. Coming home on the train he said that he was well pleased with it because it was only \$1.50 or \$2 a week.

The Advisory Master: What did he say the second time?

The Witness: He didn't talk to me.

Q. Did the Pitels come back on the train?

A. Yes, sir.

Q. How did they go over?

A. On the train.

Q. What way did you take them?

A. On the train to Elmer station.

Q. You drove to Elmer station?

A. Yes, sir.

10 Q. And went from Elmer station to Salem?

A. Exactly, and went on the same train and came back on the same train.

Q. Did Mr. Gershel Pitel drive over to Salem?

A. No, sir. All of us went together on the train.

Q. And it was on the train that he told you he was glad to get rid of her?

A. Yes, sir; coming back, and cheap to get rid.

Q. That was his expression, "cheap to get rid"?

A. Yes, sir.

20 Q. But he didn't tell you that on the second arrest. Were you off or on good terms on the first arrest?

A. Best of friends.

Q. On the second arrest off?

A. Yes, sir.

30 JACOB GREENBLATT, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Mr. Greenblatt, you live in Brockmanville?

A. Yes, sir.

Q. How many years?

A. About twenty-five.

Q. Do you live near the home of Mr. and Mrs. Abe Pitel?

A. Not very far; about two blocks.

Q. Do you remember when Abe Pitel brought his wife home, the petitioner in this case?

A. Yes, sir.

Q. About three years ago?

A. Yes, sir.

10

Q. And they went to housekeeping?

A. Yes, sir.

Q. Do you know they had some trouble?

A. Yes, sir.

Q. Did Mrs. Pitel ever come over to your home to stay?

A. Mrs. Pitel used to come up to my place to buy meat. I used to be a butcher.

Q. And she would get meat on credit?

A. On credit; yes, sir.

20

Q. Did her husband stop her getting meat at your store?

A. Yes, sir.

Q. Do you remember when that was?

A. That was two years ago, May or June.

Q. What did he say to you, Mr. Greenblatt?

A. Not to give meat any more to Mrs. Pitel, "because if you give it you have got to collect from her and not from me."

Q. Previous to this time two years ago, do you know that he went off and left her there three weeks?

30

A. Yes, sir.

Q. And did he forbid her getting any meat at that time?

A. She used to take it at that time.

Q. Did she pay herself at that time?

A. No, he paid.

Q. Do you know how long he was gone?

A. I don't remember. Two or three weeks.

Q. Did you ever see her with a black eye or any bruises?

A. I don't remember that.

Q. Did Pitel ever tell you that he wasn't going to live with his wife any more, any longer?

10 A. He been trying all the time to leave her from the first time.

The Advisory Master: Did he say that?

The Witness: Yes, sir.

Q. What else did he say to you, Mr. Greenblatt, about his leaving?

20 A. One time after she was confinement the old man was at my place and the young man together and to make up their account for the meat and the old man said, "I am going to get a doctor to get a certificate that she is crazy and give her away to an asylum to send her away to Trenton."

The Advisory Master: Did he say this in the presence of young Pitel?

The Witness: Yes.

30 The Advisory Master: What did young Pitel say?

The Witness: He didn't say anything.

Q. Do you remember anything else he said that time, Mr. Greenblatt?

A. No.

Q. Did young Pitel ever tell you he was going to leave his wife?

A. He talked that all the time.

Q. And you heard young Pitel say that a good many times?

A. A good many times.

Q. Did you ever hear him say he wanted to get rid of her?

A. Yes, he said he wanted to get rid of her.

Q. Did Mrs. Pitel come over and stay at your house a while? 10

A. Yes, for a while.

Q. How long did she stay there?

A. About half a day.

Q. Do you know why she came over?

A. I didn't ask her.

Q. Did you know that Pitel tried to put her out of the house she was in?

A. Yes, sir.

The Advisory Master: How do you know that? 20

The Witness: One time Tuesday night—I don't remember what month—I guess in July, June or July, I came over to Mr. Bayuk, justice, and bring him over some young chickens, and I was asking where to put them away—this was about seven or eight o'clock—and I find there I see through the screen Mr. Pitel there and Mr. Lipwock both together. 30

Q. The defendant?

A. Yes, and Mr. Lipwock, and I seen them there and after that I went to put my chickens away and came back and they went away, and Mr. Bayuk been writing, and I say, "That is for young Pitel?" And he said, "How do you know?" And I said, "Don't I see what you are writing?"

The Advisory Master: Was young Mr. Pitel there all this time?

The Witness: Yes. I been talking to Bayuk, they went away.

Cross-examination.

By Mr. Tuller:

10

Q. Mr. Greenblatt, you are on friendly terms with Abe Pitel, are you?

A. We was.

Q. You were?

A. Yes.

Q. Are not now?

A. He not talking with me now.

Q. You talk with him?

A. When he comes over to me to my wagon I was
20 talking to him.

Q. You used to supply meat to Abe's family, did you?

A. Yes, sir.

Q. And Abe paid you, didn't he?

A. Yes, sir.

Q. And Mrs. Pitel had a right to come and get whatever she wanted at your store?

A. Yes, sir.

Q. And Abe didn't tell you to limit her to one
30 dollar or fifty cents or any other amount, did he?

A. That is what he told me, she has been taking three-quarters a pound every day and if she got to get something else or anything else she got to take something else.

Q. He didn't restrict her buying whatever she wanted to buy? He didn't tell you you should not give her credit?

A. Only meat. If she got something else, I got to put it on meat. If she took less meat and something else, she put it on account of meat.

Q. So if she bought, she put it on account of meat?

A. Yes.

Q. You didn't know of any trouble between Pitel and his wife?

A. Yes, sir.

Q. While they were living together?

A. They were living across the street.

Q. You didn't see anything out of the way, did you? 10

A. I seen they used to have a quarrel between.

Q. Lots of people have quarrels, don't they?

A. I don't know why.

Q. You may not, but lots of other people do.

A. I don't know. I don't see anything between my children.

Q. You didn't see anything there except that they were having some fuss between them, you didn't see him strike her? 20

A. No.

Q. Didn't see him shoot her?

A. No.

Q. Didn't see him hit her with a blackjack?

A. No.

Q. She never complained to you about him hitting her with a blackjack?

A. She been coming to my place and talking to my wife he wasn't treating her right.

Q. Did you rent her a house? 30

A. Yes, sir.

Q. When was that?

A. That was two years ago in June or July.

Q. After Mr. Lipwock —

A. After he wanted his house; she was living in Lipwock's house.

Q. She was living in Mr. Lipwock's house, was she?

A. Yes, and Mr. Pitel stopped to pay rent and Mr. Lipwock told her to get out.

Q. And you rented her a house and she paid you?

A. Yes, sir; five dollars a month.

Q. That was after she moved out of Lipwock's?

A. Yes, sir; from Lipwock's to mine.

10

ANNA REIS, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. You live in Brockmanville?

A. Yes, sir.

Q. And know Abe Pitel, the defendant?

20 A. Yes, sir.

Q. And Mrs. Pitel, the petitioner?

A. Yes, sir.

Q. Did you ever hear Abe Pitel call his wife names?

A. No, sir.

Q. Ever see him strike her?

A. No, sir.

Q. Ever see her with a black eye?

A. I did see her once with a black eye.

30 Q. Did she tell you how she got it?

A. No, sir.

Q. Was she crying?

A. Yes, sir; she used to cry a good many times.

Q. Did you see her cry when you went to the house?

A. I didn't go to the house. Mr. Pitel—Mr. Abe

Pitel—said he didn't allow any company to come to the house.

Q. Did you ever hear him say he wanted to get rid of his wife?

A. No, sir.

Q. Did you ever hear him say she was too old for him?

A. He said that many times.

Q. What else have you ever heard him say about his wife?

A. Well, I didn't talk to him most of the time. I used to see him treat his wife mean. 10

Q. You say he used to treat his wife mean?

A. Every Saturday night Mr. Abe used to go down to the dancing hall and dance with strange girls while Mrs. Pitel sat on the porch and cried. After Miss Greenblatt left the house, sleeping with her, I used to sleep with her.

Q. How long did you sleep with her?

A. I slept with her until she left Brockmanville. 20

Q. And all this time Abe was away and never came there?

A. Yes, sir.

Cross-examination.

By Mr. Tuller:

Q. What time in the evening would you go there, Anna?

A. Well, when we felt like going to sleep, eight or nine o'clock. 30

Q. Whatever time you felt like going to bed, you would go to sleep in her house?

A. Yes, sir.

Q. You went there in the daytime?

A. No, sir; I would go to school.

Q. Did you go to school in June and July?

A. No, sir.

Q. Did you go to her house and sleep with her during the wintertime?

A. No, sir; it was in the summertime.

Q. This was in the summertime, in June?

A. Yes, sir.

Q. You were not out of school at that time?

10 The Advisory Master: When does school break up?

The Witness: The latter part of June.

Q. This was in the month of June you were sleeping there?

A. I don't remember what month.

Q. You were still in school?

A. Yes, sir.

20 The Advisory Master: Where was Mr. Pitel?

The Witness: I don't know. She told me he left her.

Q. You knew around Brockmanville that Mrs. Pitel had her husband over to Salem?

A. Yes, sir.

Q. After she had him over to Salem was when you slept with her?

30 A. I slept with her after he left her—Miss Greenblatt left her.

Q. You slept with her after Miss Greenblatt and Miss Selansky left?

A. Yes, sir.

Re-direct examination.

By Mr. Bartlett:

Q. Before Abe Pitel left his wife he used to attend these dances?

A. Before he left and danced with strange girls.

Q. Ever take his wife there?

A. No, sir.

10

Re-cross examination.

By Mr. Tuller:

Q. Were you there at the dances?

A. Yes, sir.

Q. Never saw anything out of the way in Abe's dancing?

A. No; only saw him dancing with strange girls.

Q. You didn't know of any reason why Mrs. Pitel 20
wasn't there, did you?

A. She told me that he wouldn't —

Q. You saw him over there?

The Advisory Master: You only know from what
she told you?

Q. You saw him at the dance?

A. Every time I was there, he was there. I didn't
attend every Saturday night.

30

Q. Didn't everybody in Brockmanville go to these
dances?

A. All the young folks.

Q. Did you dance with Mr. Pitel?

A. Mr. Pitel was too big for me.

Re-direct examination.

By Mr. Bartlett:

Q. No reason why his wife should not be there with him?

A. No, sir.

10 Mr. Bartlett: I offer in evidence the marriage certificate, the glasses, the blackjack and the note.

(Said articles admitted in evidence and marked respectively Exhibits P1, P2, P3 and P4.)

The Advisory Master: How do I know that order of the overseer is not still in existence?

Mr. Bartlett: She testified it expired.

20 Mr. Tuller: I think the answer admits this expired in September, 1915.

The Advisory Master: Then you agree to that?

Mr. Tuller: I am perfectly willing to admit that the order made at Centerton, in favor of the overseer of Pennsgrove Township, in the County of Salem, expired on or about the fifteenth of September,
30 1915.

The Advisory Master: How about the other order?

Mr. Tuller: That was a voluntary payment agreed to over there up to the time this new order was made.

DAVID KOTOK, a witness produced on behalf of the petitioner, being duly sworn, testified as follows:

By Mr. Bartlett:

Q. Mr. Kotok, you reside in Vineland?

A. Yes, sir.

Q. And you have been in business here how many years?

A. Twelve or thirteen years.

10

Q. And you own property in Vineland?

A. Yes, sir.

Q. Do you know Abe Pitel, the defendant in this case?

A. Yes, sir.

Q. And did you have a conversation with him some time ago in which he had told you he had gone to Nevada to get a divorce?

A. Yes, sir.

Q. Did he tell you he wanted to get rid of his 20 wife?

A. Yes, sir.

Q. And did he at another time tell you that he had another girl?

A. No, he didn't tell me anything about no girls.

Q. What did he say to you?

A. I asked him whether he can't fix up with her and he says he spent too much money going to Nevada and he is poor and he can't do any more than three or four hundred dollars is as far as he could 30 go.

The Advisory Master: Give three or four hundred dollars to her?

The Witness: Yes, sir.

The Advisory Master: What for?

The Witness: To settle with her.

Cross-examination.

By Mr. Tuller:

10 Q. That was simply to withdraw that suit and settle up their financial difficulties?

A. I don't know.

Mr. Bartlett: We rest.

Adjournment to November 1, 1916, at ten o'clock A. M., City Hall, Vineland, New Jersey.

20

Vineland, N. J., November 1, 1916.

DEFENDANT'S TESTIMONY.

GEORGE CUNNINGHAM, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

30

Q. Doctor, you are a practicing physician in the Borough of Vineland?

A. Yes, sir.

Q. Do you know Mr. and Mrs. Abraham Pitel?

A. Yes, sir.

Q. Have you been their physician?

A. Yes, sir.

Q. In April, 1914, did you treat Mrs. Pitel during a miscarriage?

A. Yes, sir.

Q. When were you called, do you recall?

A. I think it was in the evening.

Q. How long had she been ill at the time when you first called?

A. I don't remember that.

Q. How long was she ill?

A. About a week.

10

Q. How often did you treat her?

A. I think five days, five different occasions.

Q. Did you call more than once on any one day?

A. I think not.

Q. Did you see Mr. Abraham Pitel when you came there to the house?

A. I think I did.

Q. What did he say to you regarding your care of her?

A. Well, I remember him telling me to give her 20 whatever care was necessary.

Q. Had she been at the time you saw her in a condition—in a bleeding condition for any length of time?

A. I think it was just an ordinary case of miscarriage and they generally bleed a little beforehand.

Q. Bleed just a trifle beforehand?

A. Sometime quite severe before a doctor can get there at all.

30

Q. Any difficulty in her condition?

A. Cured.

Cross-examination.

By Mr. Bartlett:

Q. Doctor, how soon after you got there did the miscarriage take place?

A. I am not positive whether the first night or the next day it curetted.

10 The Advisory Master: Cleaning of the womb?

The Witness: Yes, sir.

Q. The miscarriage would be before that?

A. Not necessarily.

Q. How soon did the call come to you before this took place?

A. I do not know if I went in the morning. I have a faint recollection of being called at night.

Q. And that you think was the same night or the
20 following morning that the delivery took place?

A. Yes.

Q. So that you were not called until just previous to the delivery?

A. Yes; just previous to the delivery.

Q. When you reached the house, what condition did you find things in at the house? Any nurse there?

A. I think not; no nurse.

Q. Was there anybody assisting Mrs. Pitel or was
30 she alone?

A. The first time?

Q. The first time.

A. I know once or twice they had assistants there and once they didn't have, but whether it was the first or second time—I think it was the time I curetted that I got the water and helped myself, nobody was there.

Q. You had to get your own water and heat it?

A. I think I heated it.

Q. Was anybody there to help you?

A. Not at the time you are asking about.

Q. So that there was no nurse in attendance or anyone helping Mrs. Pitel?

A. Not at that time. I think there was at other times.

Q. Did Mr. Pitel telephone for you or come after you?

10

A. I think it was at first a telephone call.

Q. Do you know from whom that call came?

A. I do not.

Q. What was the condition of the house when you got there?

A. The house was, I guess, all right. There wasn't a great deal of furniture, if that is what you mean, but the house was all right outside of that, the house was. A great many of them don't have much furniture.

20

Q. Did you have any talk with Pitel that night?

A. I don't know whether that night or next morning, but I remember distinctly him speaking to give her any attention that was necessary.

Q. That was at the time you arrived, the first visit?

A. Yes.

Q. In other words, you were not called in a week or ten days before but not until the last minute?

A. I wasn't called a week before, no.

30

Q. Did you have a talk with Pitel subsequently about the condition of his wife?

A. I think it was after the curettment when he told me to give her whatever care was necessary.

Q. And did you since that time have any talk with him about the condition of his wife?

A. No, I don't know that I had.

Q. Did you ever go out driving with him, Doctor?

A. Did I go out driving with him?

Q. Or did he ever come in town with you in your automobile?

A. I remember once when I picked him up in the street and he went with me.

Q. Did you have a conversation then with him about his wife?

A. I believe I did.

10 Q. Do you remember saying anything about her condition?

A. At that time?

Q. Yes.

A. No, I don't remember saying anything special at that time.

Q. Do you know whether he had been away at that time, out West?

A. Yes, he had been away.

Q. What did he tell you about that?

20

Mr. Tuller: Objection.

(Objection withdrawn.)

Q. Did he say he had been out West?

A. Yes, that he had been out West.

Q. Did he say what the trip was for?

A. Went to one of the western states to get a divorce.

30 Q. Did he say what state?

A. I expect he told me but I have forgotten. I think Arizona or Nevada or one of the western states.

Q. Do you remember he said he spent some money on one of those trips?

A. Yes.

Q. How much?

A. About \$800.

Q. Do you remember anything else he said? Do you remember whether he said he had a good time on that trip?

Mr. Tuller: Objection.

Q. Doctor, do you remember anything else he said on that trip, this time that he was talking about his wife? 10

A. I think he spoke about getting his divorce, spoke about getting his divorce.

Q. Did he say that he did have a divorce in Nevada?

A. Yes, he said he got one.

Re-direct examination.

By Mr. Tuller:

20

Q. When you were going to leave the house at the time of your first visit, didn't the women ask you to remain longer?

A. I don't remember anything special to impress it upon me at that time.

Q. There were some women there?

A. I think the first time there were women there.

Q. You don't recall whether they said they would like to have you stay later in the night so as to take care of her? 30

A. I do not remember.

Q. How long were you there that first night?

A. I don't know. Probably twenty minutes or half an hour, just long enough to make my call.

Q. Was she delivered that night?

A. I think not.

Q. Not until the next day?

A. I think it was the next day when I delivered.

Q. And it was safe for you to leave her that night and there was nothing irregular or dangerous about it at all?

A. No. I would have stayed then.

Q. Did you come late that night?

A. As I remember, it was late at night.

10

SAMUEL GLASSER, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Glasser, where do you live?

A. Brockmanville, New Jersey.

20 Q. How large a town is Brockmanville?

A. Not very large town; small town.

Q. How many people would you say were in the town, the village itself?

A. I can't tell you exactly. I don't know. Not many.

Q. Very small town?

A. Very small town.

Q. People live right close together there?

A. Not far away.

30 Q. All centered on a couple of roads?

A. Yes.

Q. How far is your store from where Abe Pitel and his wife lived?

A. I will tell you in a minute. About five houses.

Q. Are these houses —

A. I think about five houses.

Q. Are these houses pretty close together?

A. Yes, those houses not far away one from the other.

Q. You run a grocery store?

A. Yes.

Q. Did Mrs. Pitel and Abe Pitel trade at your store after they moved into the house there at Brockmanville?

A. Yes, sir; they bought from me; yes, sir.

Q. Did Pitel have an open account there, the book? 10

A. Yes, sir.

Q. Who bought the groceries usually?

A. Well, Mrs. Pitel used to come to my place and get what she needs.

Q. She would come there and trade upon Mr. Pitel's credit?

A. She used to come to my place and take whatever she needs in the house.

Q. Who paid the bill?

A. Mr. Pitel. 20

Q. How long did that continue?

A. Well, since they got married they came to my place.

Q. When did they stop coming? When did Mrs. Pitel stop coming to trade at your place on Mr. Pitel's credit?

A. Well, that was after she had him arrested, I don't know where, and then Mr. Pitel came over to my place and said I should stop giving groceries. 30

Q. After he was arrested?

A. Yes. When he came to my place it was only a little bill and he paid it and that is all I know.

Q. Before that she could get anything she wanted?

A. Yes, sir.

Cross-examination.

By Mr. Bartlett:

Q. Do you remember while they were living together?

A. Yes.

Q. His going away three or four weeks and leaving Mrs. Pitel—do you remember that?

10 A. Yes, he went away.

Q. Do you remember he stopped credit at your store at that time or not?

A. When?

Q. When he was away on this three weeks' trip?

A. I don't know about three weeks. He went away but I don't know for how long.

Q. Did he stop credit at your store at that time?

A. At the time they had him arrested.

Q. Do you remember whether he stopped credit
20 before, previous to the three weeks?

A. He didn't stop that.

Q. He didn't stop the credit until after he was arrested?

A. Yes, sir.

Re-direct examination.

By Mr. Tuller:

30 Q. Did you ever hear of any trouble between Mrs. Pitel and her husband prior to the time they were separated?

A. I don't hear anything. I used to come for a while and go out.

Q. You never heard of any difficulty between them as man and wife?

A. No.

Re-cross examination.

By Mr. Bartlett:

Q. How long have you lived in Brockmanville?

A. About thirteen years.

Q. And how far away from the Pitels?

A. Five or six houses.

Q. Didn't you know they were having trouble
before he left her? 10

A. Well, I don't know anything.

Q. Just tell me, didn't you hear in the neighbor-
hood they were having trouble?

A. Well, I didn't hear anything and I didn't butt
into somebody else's business.

ABRAHAM PITEL, the defendant, being duly sworn,
testified as follows: 20

By Mr. Tuller:

Q. Mr. Pitel, where do you live now?

A. Vineland, New Jersey.

Q. With whom do you live?

A. My father and mother.

Q. You are the husband of Anna Pitel, the com-
plainant in this case?

A. Yes, sir. 30

Q. When were you married?

A. I was married April 2, 1913.

Q. In Brockmanville?

A. No, sir; in Philadelphia.

Q. Were you living in Philadelphia then?

A. No, sir.

Q. Did you move to Brockmanville?

A. Yes, sir.

Q. Where did you live in Brockmanville?

A. Right in the town, right at the corner house.

Q. Where the two roads come together?

A. Yes, sir.

Q. Whose house did you occupy?

A. Mr. Lipwock.

10 Q. Did you take up your home there with your wife, Anna Pitel?

A. Yes, sir.

Q. Did you furnish the house?

A. Yes, sir.

Q. Just state to the Court what furniture you had in the house and what was the cost of the furniture and how you came to get it?

A. I bought half of the stuff in Philadelphia. I had two bedroom suits, kitchen, dining room and parlor.

20 The Advisory Master: Did you buy it all?

The Witness: Yes, sir.

Q. Buy that before your marriage or just afterwards?

A. Just after we were married.

Q. And you set up housekeeping there?

A. Yes, sir.

30 Q. Was that purchased by you or was it given to you as a wedding present?

A. No, sir; everything was bought.

Q. Did you subsequently buy any additional furniture?

A. What do you mean?

Q. Did you buy any additional furniture?

A. Yes, sir, I did.

Q. What?

A. Well, I went one day to the sale, pretty near Elmer, and I bought a couple of washboards and some cutglass for jellies and fruit jars, all those things, I guess thirty-two or thirty-six pieces, and then when the time she claimed I was away for three weeks I was in partnership with a fellow named Goldstein.

Q. You bought some furniture then?

A. Yes, sir.

10

Q. What?

A. I brought down a round kitchen table, three or four chairs and I brought down carpet for a bedroom. We were short a piece of carpet and bed, a whole room of carpet.

Q. Buy any sewing machine?

A. Yes, sir; I did.

Q. When did you buy that?

A. I guess it was four or five months it was, after I was married.

20

Q. Several months after you were married, you bought a sewing machine?

A. Yes, sir.

Q. Where did you buy your furniture?

A. I bought some in Philadelphia. I can't exactly remember the place where it was. Mr. Bealer was the one who represented me there to buy the furniture and part of the stuff we bought here of Mr. Tuller.

Q. Vineland?

30

A. Yes, sir.

Q. How was your house furnished?

A. Complete.

Q. Comfortably or otherwise?

A. Yes, sir, comfortable.

Q. At the time when you were married and during your married life, what was your income?

A. Twelve dollars a week.

Q. What did you do about the supplies for your house, your household?

A. I used to furnish all of that.

Q. How?

A. I used to pay for it, give her all the credit and after she got it I paid for it.

Q. Just state what arrangements you made for her getting the supplies for the house and necessities?
10

A. I used to buy my groceries and used to pay every Friday and sometimes on Sunday, and well, milk and different things I used to buy from my father. We never used any meat because we killed the chickens, except once in a great while.

Q. Where did you get your meat?

A. Greenblatt. We used to have chickens and it was cheaper and she was very fond of chickens.

Q. Had she the privilege of going anywhere and
20 getting meat?

A. Yes, sir.

Q. Never restricted her in any way?

A. No, sir.

Q. Was there any friction between your wife and you after you were married?

A. No, sir.

Q. She testifies that in August, 1913, three or four months after you were married, that you struck her with a blackjack?

30 A. No, sir.

Q. Her brother testified that he was at the house at that time and saw you strike your wife with a blackjack?

A. No, sir.

Q. Was he there?

A. He was there.

Q. How long did he stop at your house?

A. Between three and four weeks. I won't exactly say. About this time there was a strike and he was trying to get a job there.

Q. Was it as she says, in August, or at a later time in the year?

A. I guess it was later than August, at the time the strike was going on.

Q. He says that he saw you strike her with a blackjack. Is that true?

10

A. No, sir.

Q. He says that he heard you curse her and threaten her at that time?

A. No, sir; never used that language.

Q. Was there any difficulty between you and your wife in August, 1913?

A. No, sir.

Q. Where did your father and mother and family live?

A. About half a block or so farther than what I lived. 20

Q. Which way?

A. On the same side of the street.

Q. How many houses between your father's house and the house where you lived?

A. I will tell you in about a minute—five houses including the synagogue in the middle.

Q. You were right near the synagogue?

A. Yes, sir.

Q. Were you and your family on friendly terms with your wife? 30

A. Yes, sir.

Q. On visiting terms with your wife?

A. Yes, sir.

Q. Would she go over to your father's house frequently?

A. Yes, sir.

Q. At any other time prior to January, 1914, was there any friction between you and your wife?

A. No, sir.

Q. Between August, 1913, and January 1, 1914?

A. No, sir.

Q. What was your wife's characteristic as to temper?

A. Awful high temper, knocking, always finding faults, jealous.

10 Q. What time did she begin to show this disposition?

A. Well, she just about started right after her miscarriage.

Q. I am speaking of before January first.

A. She was always finding fault, jealous, four or five months after we were married. Of course, we won't start any arguments but she would always find fault, trying to tell me I was going out with girls and she would ask me where I was, thinking

20 I was out, but didn't cause no trouble.

Q. What was your business?

A. Poultry.

Q. How do you get your poultry?

A. Drive all over the country, Salem, Cumberland County.

Q. Gloucester County?

A. No, sir.

Q. Does that business keep you out sometimes late at night?

30 A. Yes, sir.

Q. And would you always get home at the regular time or sometimes irregular?

A. No, sir; sometimes later and sometimes before.

Q. And when you were out late at night, what was her attitude?

A. Jealous.

Q. When, in fact, you were out on your business?

A. Yes, sir.

Q. In December, 1915—1913, I mean—did you take your wife to the city?

A. Yes, sir.

Q. Where did you take her?

A. Up to my father-in-law's place.

Q. Up to her father's place?

A. Yes, sir.

Q. For what purpose did you go to the city? 10

A. Just to spend a few days up there. Business was kind of slow and we took a little time to go up there.

Q. Was she, to your knowledge, at that time in the family way?

A. No, sir.

Q. You did not know it at that time?

A. No, sir.

Q. Where did you stop while you were there?

A. My father-in-law's. 20

Q. Father-in-law's house?

A. Yes, sir.

Q. Then did she remain there and you return or did she come back with you?

A. I don't remember that, whether she did or not.

Q. She says that in January following this visit up to her father's that you went away from her and was gone three weeks?

A. No, sir. 30

The Advisory Master: Were you not gone three weeks?

The Witness: No, sir.

Q. January, 1914, had you had any special trouble with your wife?

A. No, sir.

Q. Did you go away from the house at all except on your business during that month?

A. No, sir.

Q. How long were you away and at what times during the month of January on your business?

10 A. I was away five days or seven days. I was in partnership with a man named Goldstein, dressing chickens, and I was buying up young chickens in Philadelphia and were dressing them in Bridgeton and in the meantime we went out to Cedarville and we bought up a lot of household goods and two or three days after I was gone I brought it home to my house and part of that stuff I sold to a fellow named Tucks.

The Advisory Master: You say five or seven days you were over in Bridgeton?

20 The Witness: Yes, sir.

Q. Did she know you had gone on this business?

A. Yes, sir.

Q. And when you came back you brought a load of this stuff with you?

A. Yes, sir.

Q. Did her brothers come to her house while you were over there, or at a later period?

A. Later period.

Q. How long after this?

30 A. A week or so.

Q. Had you been away from your house prior to their coming down?

A. No, sir; just on business.

Q. When would you get back from your business at this period?

A. It was on Sunday and I was expecting them about eleven o'clock.

Q. How long were you away from the house before they came down? On your business, what hours were you away?

A. I got back about one o'clock. I was away about an hour and a half.

Q. The week before?

A. All day.

Q. What day of the week?

A. I got home a week ahead before they came.

Q. What time of the day would you get back to your house each day during the week before they came down? 10

A. Oh, the week before they came down?

Q. During that week prior to their coming down?

A. Three or four o'clock.

The Advisory Master: When were they there?

The Witness: They were there at the time I was. What do you mean? 20

Q. What time of the month?

A. I don't remember.

Q. 1914, in January?

A. January.

Q. About what time of the month was it?

A. About the middle of the month.

Q. And was it on Sunday?

A. Yes, sir.

Q. Were you away from home at that time they came down? 30

A. Yes, sir.

Q. Where were you?

A. I went out to a fellow—let me see, now—I can't exactly remember the name but I was out there after some chickens. They owed me a little bill and they had some young chickens and I waited for them to come down and I waited until eleven

o'clock and finally I told her, "I will be back soon before they get in," but they got in before I did about a half hour.

Q. Did you go after the chickens?

A. Yes, sir.

Q. Did you come back?

A. Yes, sir; I went up and the door was locked and I thought they would be at my father's house.

Q. Who were there?

10 A. My father-in-law, two brothers, brother-in-law and my wife.

Q. And your father's family?

A. Yes, sir.

Q. And what did you do while you were there?

A. When I came in there I found them all having a little lunch and shook hands with them and they asked me how I was getting along and I told them first rate and I guess we all had dinner and we all took a walk to my house.

20 Q. That was after the dinner?

A. Yes, sir.

Q. Did you have any refreshments during that day?

A. Yes, I sent out and got wine at my neighbor's; didn't buy it, just got it there, and we had a nice little time and one of my brother-in-laws got drunk at that time if I am not mistaken.

Q. And after that was through, you went over to your own home?

30 A. Yes, sir.

Q. Who went with you?

A. All.

Q. Your father's family?

A. Yes, sir.

Q. All from your father's house to your house?

A. Yes, sir.

Q. How long did you stay there?

A. Until they left, about seven or eight o'clock in the evening and then I took them to the station.

Q. Where?

A. North Vineland.

Q. Who went with you?

A. Myself, both brother-in-laws.

Q. Was your brother with you, your younger brother?

A. Yes, sir.

Q. They took the train for where?

A. Philadelphia.

Q. Back home?

A. Yes, sir.

Q. Now, the two brothers and your wife have testified that you were gone at this period for three whole weeks.

A. No, sir.

Q. And that you came back in response to a telephone message.

A. No, sir.

Q. They also say—the two brothers say that they took you outside of the house and talked to you about your abuse of your wife?

A. No, sir.

Q. That is not true?

A. No, sir.

Q. Was there anything said about your treatment of your wife at that time?

A. No, sir. My father-in-law was there several days after that, stayed there.

Q. Had there been any trouble between you and your wife other than that due to her temper, prior to this time?

A. No, sir.

Q. And at the time of the dinner at your house there was no friction of any character?

A. No, sir.

Q. Did her father remain with you at your house after the dinner?

A. Yes, sir.

Q. How long?

A. A few days or so, there, two or three days.

Q. Was there any talk by him about the abuse of your wife?

A. No, sir.

10 Q. Was there any complaint made by him to you at that time?

A. No, sir.

Q. That you abused your wife?

A. No, sir.

Q. That you didn't support her?

A. No, sir.

Q. That you didn't give her enough to eat?

A. No, sir.

20 Q. How long did your father-in-law remain with you?

A. Two or three days.

The Advisory Master: When was that?

Mr. Tuller: In January, 1914, at the time spoken of in the bill.

Q. Did you at any time up to this time strike your wife with a blackjack?

30 A. No, sir.

Q. Or point a revolver at her?

A. No, sir; never had one in my possession.

Q. Never owned one?

A. No, sir.

Q. Did you ever see one about your house?

A. No, sir.

Q. Between this period in January, 1914, and the latter part of April, 1914, was there any unusual friction between you and your wife?

A. Yes, sir.

Q. Between these two periods, between January, 1914, and April, 1914, was there any friction, especial friction, between you and your wife?

A. No, sir.

Q. What was her attitude toward you during this period?

10

A. Just jealous.

Q. What did she do and say to you?

A. She would tell me all different things, that she would be satisfied to get a divorce or if I would give her back the money she gave me she would be satisfied to go home. She said she didn't care to live with no man she don't care about.

Q. That was what she said to you at that time?

A. Yes, sir.

Q. You didn't separate from her?

20

A. No, sir.

Q. What did you say?

A. I told her she would get used to married life, she was getting all she wanted, and she said, "Yes," she could have more even, she would rather be in Philadelphia running around and she would be rather single than married, and I laughed.

Q. Now, she testified that in April, 1914, you struck her.

A. No, sir.

30

Q. And that you beat her.

A. No, sir.

Q. And that you kicked her.

A. No, sir.

Q. She says that this abuse on your part resulted in a miscarriage.

A. Yes, sir.

Q. Was that miscarriage the result of any action of yours?

A. No, sir.

Q. She says also that when she was taken sick with this miscarriage you refused to get her a doctor.

A. No, sir.

Q. How did you come to discover it? Did she tell you what ailed her?

10 A. No, sir.

Q. How did you come to discover it?

A. She sent up a woman, Mrs. Siner, and told her all about it and told her not to tell me about it.

Q. You first learned, then, of this condition of your wife, from Mrs. Siner?

A. Yes, sir.

Q. What did you do?

A. I sent mother there and went up to her and asked her what was the matter and she told me she
20 had cramps but nothing serious.

Q. Your wife said that to you?

A. Yes, sir.

Q. What did you do after that?

A. I sent for a doctor and tried to get him two or three times and he was on a visit to a fellow named Razinsky and he was there and I couldn't get him.

Q. Just tell what you did to get the doctor there.

A. I called on the phone two or three times.

Q. Did you call yourself?

30 A. Twice myself and my sister called the rest of the times.

Q. When did the doctor come?

A. In the afternoon.

Q. How long was he there that time?

A. Oh, half an hour.

Q. When did he come again?

A. The next day, the second day.

Q. The day after his first call?

A. Yes, sir.

Q. At what hour?

A. About ten o'clock.

Q. What conversation did you have with the doctor when he came there?

A. The first time?

Q. Were you there when he came the first time?

A. Yes, sir.

Q. Who else?

A. My mother, my sister, and Mrs. Siner, the old woman.

Q. When did you have a conversation with the doctor regarding your wife's condition?

A. Right at the first visit.

Q. What did you say to him?

A. I asked him whether she was serious and he said no, and I said, "I want you to take care of her and give her all she needs care of," and he said, "I will be there whenever she needs it," and I said, "Do you think you will have to come again to-night?" and he said, "No, I will be here tomorrow and see her again."

Q. How many visits?

A. Five or six days but he was in that time twelve visits.

Q. Twelve visits?

A. Yes, sir.

Q. During the period of Mrs. Pitel's sickness, who took care of her?

A. My mother or my sister or I paid my sister for it, I paid her, I bought her a ring for taking care of her.

Q. How old is your sister?

A. Then?

Q. Yes.

A. About seventeen.

Q. What time were your sister and your mother there—how much time did they spend in the house?

A. Right along. If one would stay one would go home to take care of their own family.

Q. What did you do at this time?

A. I would be home sooner. I wouldn't go out much. I wasn't out but twice that week. I was home most of the time to see that things were going right.

10 Q. Did you attend to your business in the meantime?

A. I tried to but I didn't do it.

Q. Did as well as you could?

A. Yes, sir.

Q. Did you send for any of her people after her sickness?

A. Yes, sir.

Q. Who?

A. Her mother.

20 Q. Did her mother come down?

A. She said she can't come, she was sick, but she said if I would send a ticket she could come and I sent her a ticket and she came down after the sickness.

Q. How long did she stay?

A. For a week.

Q. One week?

A. Yes, sir.

30 Q. No trouble during the period that your mother-in-law was there?

A. No, sir.

Q. In the course of your business, how did you settle up your accounts with your dealers?

A. Friday or Sunday I paid up.

Q. Do you have occasion to go away, in the settlement of your business, to Philadelphia?

A. Yes, sir.

Q. How often?

A. Every week.

Q. When?

A. Thursdays, Fridays, and sometimes I would stay over there with her people over night.

Q. On Friday, the fifth of June, where had you been?

A. Philadelphia.

Q. What was your purpose?

The Advisory Master: What time was that? 10

Mr. Tuller: 1914.

Q. What purpose had you in going to Philadelphia at that time?

A. Collecting checks where I do business, the people I do business with.

Q. To get your settlement with them?

A. Yes, sir.

Q. When did you leave home on that trip? 20

A. Thursday.

Q. What time?

A. About eight or nine o'clock in the morning.

Q. And when did you get back?

A. Friday afternoon about four o'clock.

Q. Was this a usual or an unusual thing for you to stay over night at such times?

A. Usual.

Q. When you were in the city, where did you stop usually? 30

A. My father-in-law's house.

Q. On the night of the fourth of June, 1914, where did you stop?

A. Philadelphia.

Q. Did you stop at your father-in-law's the night before the trouble with your wife?

A. Yes, sir.

Q. In Philadelphia?

A. Yes, sir.

Q. What time of day did you get home?

A. I guess about four o'clock in the afternoon.

Q. Just state what transpired when you came home.

10 A. Well, I was coming from Vineland with my team and I have my father's checks with me, I used to collect sometimes and sometimes he would collect mine and me his, and I passed through the house, I was hungry, and I said to my father, "Come along," and I came in my house and I said, "How do?" and she answered me, she says, "Brought anything along?" and I said I didn't, and she said, "Why?" and I said, "I didn't get any cash. What did you want? Business was pretty dull," And she said, "Where is my fruit?" and she started to holler and call me all the names, "damn tramp, you must have spent your money with some girls." And I said "No, I was up to your father's house," and she said, "You always bring it and you don't bring it; you must have it somewheres." And I says, "Anna, what is the matter with you?" And she says, "Yoi, Yoi, I got to have it." And I went back to wash my hands to have some dinner, and she grabbed one of the—it wasn't the poker—a shaker to shake the ashes out of the stove—and just about to hit me over the head and I ran to my home and my father re-
20
30 remained there.

Q. Your father came over after you got home and saw this performance?

A. Yes, sir.

Q. Had you said anything to your wife at that time which would tend to anger her?

A. No, sir.

Q. Had you struck her or anything of that kind?

A. No, sir.

Q. What had been your custom as to this fruit?

A. I usually brought it every week, some grape fruit, raisins, oranges.

Q. When you went to Philadelphia?

A. Yes, sir.

Q. Why didn't you bring it this time?

A. I had no cash with me, nothing but checks.

Q. Why didn't you have cash?

A. We usually always go to Philadelphia and just have enough to get a ticket, and while I was there he made all his deposits up to the commission house and gave me checks. 10

Q. So you had no money?

A. Yes, sir; just checks.

Q. Did you remonstrate with your wife at her attitude?

A. No, sir. What do you mean, talk to her?

Q. Yes.

A. Yes, sir; I told her I had no cash, everything was in checks, he had all the cash deposited and I can't cash one of the checks, I guess it was over \$200. I said then, "We wil be in Vineland tomorrow and get some up there," and she said, "No, you had business to bring it along with you." 20

Q. Was she very angry with you about it?

A. Yes, sir.

Q. You left the house at that time?

A. Yes, sir. 30

Q. Where did you go?

A. My father's.

Q. Did you stay there?

A. Yes, sir.

Q. How long did you stay there?

A. Well, I stayed there until about in the evening, nine o'clock.

Q. Then where did you go?

A. Went over to my house.

Q. What transpired when you got to the house?

A. She wouldn't open the door, wouldn't let me in. I knocked at the door and she said, "There is no room here for you. Go right to your people." And I had to leave back.

Q. Couldn't get in?

A. No, sir.

10 Q. Anybody in the house?

A. Yes, sir; two girls. I heard their voices.

Q. You didn't know who they were?

A. Well, I did know.

Q. Who were they?

A. Sclesky. Both girls.

Q. Rose?

A. I don't know their names.

Q. Two sisters?

A. Yes, sir.

20 Q. Then what did you do?

A. Went back home to my folks' house.

Q. Stay there over night?

A. Yes, sir.

Q. For how long?

A. Until Saturday and went over there again.

Q. Was the next day Saturday?

A. Yes, sir.

Q. You went back over to your own house?

A. Yes, sir.

30 Q. What time of day?

A. About eleven o'clock.

Q. In the morning?

A. Yes, sir. I was out to business and after I came back I went over to the house again.

Q. Anybody go with you?

A. Yes, sir.

Q. Who?

A. Mr. Lipwock.

Q. How did he happen to go with you?

A. He had the synagogue over there and he happened to be outside and I asked him to go along with me.

Q. What transpired when you got to the house?

A. Well, I kept knocking at the door and she tried to make believe nobody was in there and she was there.

10

Q. Just state what occurred.

A. She then opened the door a little ways, just enough to show her face.

Q. She came to the door when you knocked?

A. Yes, sir.

Q. Where was Mr. Lipwock standing?

A. Right on the porch. She opened the door and asked me what I wanted and I told her I was her husband, and she said, "There is no room here for you," and she called me "tramp," "bum," and spit 20 in my face and closed the door.

Q. After that, what did you do?

A. I went home after that, back to my folks.

Q. How long did you stay at home before you came again to your house?

A. I went there on Sunday.

Q. The next day?

A. Yes, sir.

Q. Did you go alone?

A. No, sir. Mr. Segal was with me.

30

Q. What time of the day was that?

A. In the afternoon, about two o'clock.

Q. About two in the afternoon?

A. Yes, sir.

Q. Where did you go when you got to your house?

A. What do you mean?

Q. What door did you go to—front or back door?

A. Front door, yes, sir.

Q. What condition were the window shades in?

A. She had them nailed down.

Q. I asked you about the window shades.

A. She had them down; the window shades was down.

Q. What did you do when you got to the house?

A. Knocked at the door.

10 Q. Who knocked at the door? You?

A. I did.

Q. Get any response?

A. No, sir.

Q. Did she come to the door?

A. Yes, sir.

Q. She came to the door, did she?

A. Yes, sir.

Q. What was said and done then?

20 A. Well, I started to ask her what is the use of going to any trouble like that, "I am your husband, I want to go in, I didn't do anything to you, just the fruit, I can give you enough to buy a whole box of it, a whole store of it, if it is a case of breaking up home," and she said she had enough of being married, she wanted to be single and she didn't care to live any more with me.

Q. Did she leave you in?

A. No, sir.

30 Q. Where was Mr. Segal when this conversation took place?

A. Right alongside of me.

Q. What did you do then?

A. Went on home back to my folks.

Q. What did you say then, after she made this statement to you?

A. I went on home.

Q. To your father's house?

A. Yes, sir.

Q. Did you at any time after you left on Friday night send her any money or any provisions of any kind?

A. Yes, sir.

Q. What?

A. I sent her \$1.50 in cash with a little bit of a child probably seven years old, to her, and she refused to take it at first.

10

The Advisory Master: Did you see her refuse?

The Witness: No, sir.

Q. State what you saw.

A. She took the money.

Q. You sent the money over by your little brother?

A. Yes, sir.

Q. Anything else?

20

A. No, sir—yes, sir, chicken

Q. When?

A. That same Friday

Q. That was on Saturday or Friday?

A. Friday.

Q. What time?

A. Oh, about—just as soon as I got back home, about five o'clock.

Q. Before this racket took place or after?

A. Yes, sir; before the racket.

30

Q. Did you go back again afterward to your house to see your wife after the time that you were there on Sunday?

A. No, sir.

Q. How long was it after that before you saw her again?

A. Well, after the trial, after she had me arrested.

- Q. Where?
A. Up to Salem.
Q. When were you arrested?
A. I was arrested on Tuesday.
Q. Was it on Tuesday or Monday?
A. Monday I was arrested and Tuesday I was tried.
- 10 Q. When were you arrested?
A. Monday.
Q. Following the separation?
A. Yes, sir.
Q. Monday, the eighth of June? Who arrested you?
A. Mr. Greenblatt, the constable.
Q. Upon a warrant for what?
A. For non-support, and I can't remember the other, and abusing.
Q. Assault and battery?
A. No, abuse.
- 20 Q. Who issued the warrant?
A. Oh, what is his name, now, he is from Salem—Smith, I guess.
Q. Justice Smith of Salem?
A. Yes, sir.
Q. When?
A. Tuesday.
Q. The ninth of June?
A. Yes, sir.
- 30 Q. The next day after you were arrested?
A. Yes, sir.
Q. How did you go to Salem?
A. By train.
Q. Where did you take the train?
A. Elmer.
Q. How did you get to Elmer?
A. Had my own team.

Q. Drive there?

A. Yes, sir.

Q. When you got to Salem, what took place before the justice?

A. She didn't say anything about ——

Q. Just state what the result was of your hearing at Salem.

The Advisory Master: What did the justice do?

10

The Witness: Just asked me what I wanted to do.

The Advisory Master: Did he dismiss the complaint?

The Witness: Dismissed it.

Q. Did your wife testify?

A. Yes, sir.

Q. Your wife testified there, you say?

20

A. Yes, sir.

Q. At the time of giving her testimony, did she swear that you struck her with a blackjack?

A. No, sir.

Q. What did she tell the justice at that time that you did to her?

Mr. Bartlett: Objection.

(Objection overruled.)

30

A. No striking whatever.

Q. Now, after that, what did you pay her?

A. Two dollars a week and house rent.

Q. And did you leave the house stand as it was, with the furniture and everything in it?

A. Yes, sir.

Q. Pay that regularly?

A. Yes, sir.

Q. What did you do regarding the supplies for the household after that?

A. What do you mean?

Q. Your credit at the grocery store and the other stores?

A. Stopped that.

Q. After the hearing at Salem, you stopped that?

10 A. Yes, sir.

Q. Did you, after the hearing at Salem, go back again to your wife?

A. Yes, sir.

Q. How long after the hearing at Salem?

A. Two weeks.

Q. Go alone?

A. No, sir.

Q. Who went with you?

A. Mr. Segal.

20 Q. The second time?

A. Yes, sir.

Q. What time of the day was that?

A. It was in the evening, about six o'clock, between six and seven.

Q. Daylight?

A. Yes, sir.

Q. Did you see her?

A. Yes, sir.

Q. What did you do that made her open the door?

30 A. Yes, sir; she opened the door and said she would have nothing to do with me at all, "You can go right back where you came from, I am getting along all right."

Q. Wouldn't listen to you?

A. No, sir.

Q. What did you say to her?

A. That is all.

Q. Anything more than that?

A. That is all I told her.

Q. Did you get your clothes?

A. No, sir; not after the constable got them for me.

Q. How many times did you go there for your clothes?

A. Several times. Myself?

Q. Yes.

A. I went there once with Mr. Lipwock. 10

Q. When was that that you went personally?

A. Well, I went myself, that was on Saturday I asked her for a suit of clothes.

Q. Saturday when?

A. Right after, it was the sixth.

Q. Just after this trouble?

A. Yes, sir.

Q. The next day after the trouble?

A. Yes, sir.

Q. Why did you ask her for a suit of clothes then? 20

A. I wanted to go to the synagogue on Saturdays.

Q. Did you get your clothes, any of them?

A. No, sir.

Q. How did you get your clothes?

A. I took a constable, Mr. Greenblatt.

Q. How long was that after you had separated?

A. Two weeks.

Q. Who got the clothes for you?

A. Mr. Greenblatt. I went with him, and he went in the house and I got some of the stuff, not all. 30

Q. When he went there, did she let you in?

A. Well, she let me in but I didn't get all. She wouldn't let me in the wardrobe, she wouldn't let me in there at all.

Q. Part of the clothes in the wardrobe?

A. Yes, sir.

Q. She wouldn't let you in the wardrobe?

A. No, sir.

Q. What portion of clothing did you get?

A. An old fur coat, one suit that Greenblatt's dog tore the pants out of it, a pair of shoes—working shoes—some of my underwear, and I have had—excuse me for my expression—some night gowns, but she wouldn't let me have that, said I didn't need it.

10 Q. Where were they?

A. They were locked up in the trunk, her trunk.

Q. The other clothing have you ever gotten?

A. No, sir; her brother is wearing it.

Q. Have you seen them on her brother?

A. Yes, sir; seen the overcoat on him.

Q. After that, what did you do and where did you go?

A. I went back to my own business to home.

Q. Went to live with your folks?

20 A. Yes, sir.

Q. Did you see her again to talk to her about this business, getting together again during the summer of 1914?

A. Yes, sir.

Q. When?

A. That was right after she had me arrested again.

Q. When did she have you arrested again?

A. She had me arrested that time for support.

30 Q. When?

A. I don't remember what month it was.

Q. Before whom?

A. Before 'Squire Golden.

Q. Where?

A. Centerton.

Q. Salem County?

A. Yes, sir.

- Q. Did you have a hearing there?
 A. Yes, sir.
 Q. What was the outcome of that hearing?
 A. Why, they put me up for four dollars a week.
 Q. Gave bond for four dollars a week?
 A. Yes, sir.
 Q. Paid that four dollars a week until the expiration of the time?
 A. Yes, sir.
 Q. To whom did you pay it? 10
 A. To the overseer of the poor, Bob Davis.
 Q. Did you meet your wife at any of the neighbors in Brockmanville during the summertime prior to this arrest?
 A. Yes, sir.
 Q. Where?
 A. Over to Segal's.
 Q. When?
 A. Right after she had me arrested.
 Q. How long after? 20
 A. About two weeks—no, the same week, it was.
 Q. The same week after the Salem arrest?
 A. Yes, sir.

The Advisory Master: After you had been arrested and had the hearing?

- The Witness: Yes, sir.
 Q. At Salem?
 A. Yes, sir. 30
 Q. What did she say and what did you say to her at that time?
 A. Well, we had a share meeting over there, Jewish meeting, and I belonged to it, and he kept a lot of people coming from the city, and I was in there about nine o'clock in the evening. When I walked

out of doors, I started to speak to a young lady there I have known for a great many years, and all at once somebody jumped in back of me and smacked me and I turned around and here was my wife and tore the shirt off me and just picked a club and Mr. Segal, my brother and Segal's son grabbed her and tore her off me and told her to keep off the yard. She said she was going to kill me.

10 Q. Did you have any other conversation with her or any other meeting with her up to the time of the arrest at Centerton?

A. No, sir.

Q. At your arrest at Centerton, did you go to see her again?

A. Yes, sir.

Q. Who was with you?

A. Mr. Segal.

Q. How did you come to go to see her at that time?

20 A. I sent him over to her myself first and she said she wanted to talk to me.

Q. Don't say what she said to him. Just tell what happened.

A. I went over with him and he called me and I went over with her and started to talk to her about getting together. I would move to the city if she was satisfied and she said she would move nowhere, she didn't want me, and spit in my face, called me a bum, tramp, and I went on. She said, "You ain't
30 making enough to keep me." And I went on back to my father's again.

Q. After your arrest at Salem, did you go away from Brockmanville?

A. No, sir.

Q. How long did you stay around that neighborhood?

A. All the time until after she had me arrested by the overseer of the poor.

Q. How long were you there? Did you go out of the state or away from Brockmanville?

A. No, sir; I was in Brockmanville all the time.

Q. Did you go to Nevada?

A. After she had me arrested for support.

Q. She arrested you at Centerton?

A. Yes, sir.

Q. And after you were arrested and put under bond, how long did you stay there in Brockmanville? 10

A. A week or so.

Q. Why did you leave Brockmanville?

A. Well, she was all the time picking and having me arrested for different causes and she was breaking up my business. She had my name in the papers every day in Vineland for different things that wasn't right, and I couldn't buy a chicken. They would think I wasn't right, according to the paper, and told me they had no stuff for me, and I made up my mind I would go to New York and I worked 20 there in a livery stable for six dollars a week.

Q. You went to New York?

A. Yes, sir.

Q. How long?

A. Over a month.

Q. And from there where?

A. I went to Reno, and I thought probably in this time she would change herself and we would go back living again where I could make a dollar.

Q. Did you file an application for a divorce there? 30

A. After that, yes.

Q. How long were you in Nevada?

A. Over a year.

Q. And did you come back to New Jersey?

A. Yes, sir.

Q. What happened after you came back to New Jersey, regarding the Nevada divorce?

A. I didn't exactly get my divorce or I didn't care to get it so awful bad and I thought probably she would change her mind and come back to live with me.

Q. Did she take any action against your getting a divorce out there?

A. Yes, sir.

10 Q. And then you returned to New Jersey?

A. Yes, sir.

Q. What did you do?

A. Went back to her and asked her if she wanted to live back with me and she told me no.

Q. When did you go back to her?

A. Two weeks after I got here.

Q. Where was she?

A. Here in Vineland.

Q. She was still living in Brockmanville?

20 A. Yes, sir; for a week, a couple of days, something like that.

Q. She gave up the Lipwock house in the summer of 1913?

A. Yes, sir; she did.

Q. Did you rent another place for her?

A. Yes, sir.

Q. Where?

A. Right in Eskintown, called Alliance.

30 The Advisory Master: When did you rent that?

The Witness: Right after she had me arrested.

Mr. Tuller: There were two arrests.

The Witness: Salem, the first time.

The Advisory Master: Did you say that after you came back from Nevada, about two weeks after you got back you went to see her?

The Witness: Yes, sir.

The Advisory Master: What occurred?

The Witness: She told me she had no use for me and, "You can go right back to Reno, Nevada, where you came from." 10

Q. Who was with you when you went to her on this occasion?

A. You mean after I came back?

Q. Yes.

A. My father.

Q. Where was it?

A. Right near the station.

Q. What station?

A. What do you call it? Pennsylvania.

Q. West Jersey station, here in Vineland? 20

A. Yes, sir.

Q. Met her on the street?

A. Yes, sir.

Q. Did you see her after that?

A. Yes, I did.

Q. When?

A. Up to her house. She moved here to—he has got a factory, I don't know his name. I went up there several times to see her.

Q. When did she move here? 30

A. After I got here, the same week.

Q. Did she move from Brockmanville the same week that you came into Vineland?

A. Yes, sir.

Q. Who was with you the second time you met her here in Vineland?

A. Mr. Chasen.

Q. What time did you get back from Nevada?

A. Why, in the month of July.

Q. What year? Last year?

A. Yes, sir; 1915.

The Advisory Master: When did you see her at the station here?

10 The Witness: Two weeks after I got here.

Q. That would be about the first of August, 1915?

A. Yes, sir; just about the first of August.

Q. Did you have anybody go to see her after that, regarding your business?

A. Yes, sir.

Q. Who?

A. Mr. Cohen.

Q. What Cohen?

A. Louis Cohen.

20 Q. When did you have him go to see her?

A. About four months after I was here.

Q. What was the purpose of that?

A. Because I wanted to go back and live with her again and we could fix up a home and go back to live again.

Q. You didn't see her at that time though?

A. No, sir.

Q. Did anybody else go there to talk with her, go to see her about your reconciliation?

30 A. Yes, sir.

Q. After Mr. Cohen went there?

A. No.

The Advisory Master: Mr. Cohen was the only one?

The Witness: Yes, sir.

Q. You did not see her nor did anybody else for you, until you and Mr. Chasen were together?

A. Yes, sir.

Q. When were you and Mr. Chasen together?

A. I guess it was in January, if I am not mistaken.

Q. Just refresh your memory on that.

A. Yes, sir; January or February. I can't exactly remember the time or month, what month it was.

Q. Before this present suit was started?

10

A. Yes, sir.

The Advisory Master: That would be 1916.

Mr. Tuller: Yes, 1916.

Q. Where were you and he standing talking?

A. I went up to see her where she lived and I met her near the gate and I wanted to talk to her and she wouldn't talk to me at all, she told me she could get along without me, and I had my head down and when I got through the City Hall, why, Mr. Chasen happened to be outside and he said, "What is the matter, Abe? What you got your head down for?" And I told him she refused to make up with me, I have no home, and as we was speaking she came down on Landis Avenue and he said, "You go ask her again," and I went over again and she shoved me to one side and said, "Go away, you tramp, you got enough American girls to monkey with without me," and she spit in my face and called me "tramp" and "bum," and said, "Go along." 20 30

Q. Did Mr. Chasen see this?

A. Yes, sir.

Q. How far away was he?

A. About three or four feet.

Q. Where did this take place, in Vineland?

A. Right in front of the City Hall.

Q. Right here?

A. Yes, sir.

The Advisory Master: What did you say to her?

The Witness: I asked her if there was any chance
for us to go back together and fix up a home and live
10 like we ought to live, live like we lived before.

Q. After this, did anyone else go to her for you
or with you to see her?

A. Yes, sir; Mr. Cohen.

Q. What Cohen?

A. Mr. Louis Cohen, he went with me several
times.

Q. Was it Louis or one of the other?

A. Well, his brother. They are both in partner-
ship. I don't know what the other brother's name
20 ns; Jake, I think.

Q. Was it Louis or the other one that went with
you on this particular time?

A. Jake.

Q. Did you go with him?

A. Yes, sir.

Q. Where was that?

A. Right at her own home where she stops at.

Q. Where did she live?

A. On Wood Street.

30 Q. And when was it that he and you went there?

A. Before this trial, before this arrest.

Q. Before this action was commenced?

A. Yes, sir.

Q. How long before?

A. A month.

Q. What was the conversation between you and

her and Cohen and her, in your presence at that time?

A. Well, Mr. Cohen was trying to talk to her, going to explain that it would be better for her to go back to live with me or she would have to work and I would be suffering, and she said no, what she wanted was money, "if he would give me a thousand dollars, if he would give me all he got," my father got and the rest of us, she would talk it over and give me a divorce, and I gave her to understand 10
I had nothing, I was trying to get along, and if we got back we would go to the city and do better out there, and she said no, she had no use for me she was getting along without me, if I would give her a thousand dollars and pay the expenses of a divorce she would give me a divorce.

Q. You didn't talk divorce to her?

A. No, sir; she wouldn't let me talk to her.

Q. Have you ever said anything to her about getting a divorce from her? 20

A. No, sir.

Q. Now, it is charged by her that you took her jewelry and a lot of her money and wasted it.

A. No, sir.

Q. Did you take any jewelry from her?

A. No, sir.

Q. Take any of her money and spend it?

A. No, sir.

Q. So that her claim on that account is not correct? 30

A. Not true.

Q. She testifies that you struck her in the summer of 1913 and gave her a black eye and knocked her down.

A. No, sir.

Q. Did she have a black eye at that time?

A. Not that I know of.

Q. Have you ever seen her with a black eye?

A. Yes, once.

Q. When was that?

A. She was carrying down a washtub and she fell down in the cellar with it and I didn't know anything about it. "It looks pretty nice. What are you doing, painting yourself?" And I said, "What is that there?" And finally she told me she fell down the cellar with a washtub.

10 Q. And struck her face?

A. Yes, sir.

Q. And that was the cause of the black eye?

A. Yes, sir.

Q. Did you ever at any time during your married life threaten her with either your hand or an instrument of any kind?

A. No, sir.

Q. What she says about that is absolutely untrue?

20 A. Yes, sir.

Q. What is your income now, Mr. Pitel?

A. Eight dollars a week.

Q. How long have you been making eight dollars a week?

A. For a little over a year, since I came back from Reno, Nevada.

Q. Mr. Greenblatt testified that your income was in the neighborhood of twenty-five dollars a week.

A. No, sir.

30 Q. He said that, judging from the number of chickens that you shipped away and those that he shipped away, your income must be \$25 a week.

A. No, sir.

Q. How many chickens do you ship, on the average, every week?

A. From five to six crates on the average.

The Advisory Master: How many in a crate?

The Witness: Fifteen chickens. They weigh 49 to 51 pounds to a crate.

Q. And what is your net profit from the shipments you make a week?

A. From seven to eight dollars.

Q. Do you ever carry anybody else's chickens to the station?

A. Yes, sir.

10

Q. Who?

A. My father.

Q. They are shipped in his name?

A. Yes, sir.

Q. Not a part of your business at all?

A. No, sir.

Q. Except a matter of accommodation?

A. Yes, sir.

Q. When you were living with your wife, in the same business, how much of an income were you making?

A. Twelve dollars.

Q. What is necessary for the conduct of your business?

A. Well, from the time I left there was more chicken, more got in the business, and she spoiled my name by putting it in the papers all the time that I was that and that. I was running around, and finally people took it up and thought it was so, and I have lost out with a good business.

30

Q. Your marital troubles have hurt your business?

A. Yes, sir.

Q. What personal property do you own?

A. None whatever.

Q. You have a horse and wagon?

A. Yes, sir.

Q. How much is that worth?

A. The only thing I got in them is forty dollars. I got a horse and spring wagon and owe right here in town fifty dollars and I owe Mr. Nelson fifty dollars and I owe a man in Deerfield Park twenty-five dollars.

Q. What do you owe that hundred and twenty-five dollars for?

A. For my team, my horse and wagon.

10 Q. And the horse and wagon is all you have?

A. Yes sir.

Q. You have no real estate?

A. No, sir.

Q. It was intimated or testified, I don't know which, that you own a piece of real estate here in Vineland.

A. No, sir; never owned one.

Q. Did you ever own any real estate anywhere?

A. No, sir.

20 Q. Either directly or indirectly?

A. No, sir.

Q. So that the property in your father's name is not yours?

A. No, sir; his property was bought after I was out in Reno, Nevada.

Cross-examination.

By Mr. Bartlett:

30

Q. Have you paid your wife any support since September, 1915?

A. No, sir.

Q. Or contributed in any way toward her support since that time?

A. No, sir.

Q. At the present time you are paying how much a week board?

A. Three dollars and a half.

Q. Whom do you pay that?

A. My father.

Q. Have you an interest in his business?

A. No, sir.

Q. Does he not pay a salary in addition to what you make in your own business, for helping him?

A. Pay who?

10

Q. You.

A. No, sir.

Q. Are you a partner in any way with him?

A. No, sir; besides that \$3.50 I got other pay for my horse board to.

Q. Do you do as large a business as Mr. Greenblatt?

A. No, sir.

Q. Do you and your father together do as large a business as Greenblatt?

20

A. I don't believe we do.

Q. Have you been in this business constantly since last September?

A. Yes, sir.

Q. You are in it now?

A. Yes, sir.

Q. How many are you shipping a week?

A. Five or seven.

Q. Of chickens?

A. Yes, sir.

30

Q. How many shipments do you make a week?

A. Well, sometimes on Wednesdays and some-time I ship a crate or two on Monday, just accidentally get them while I go out in the country.

Q. How many do you ship on Tuesday?

A. Four, three; sometimes don't ship any.

Q. How many on Wednesday?

A. Don't ship any.

Q. Make your shipments through the West Jersey Railroad or Adams Express?

A. Yes, sir; sometimes I don't ship on Tuesday or Monday, sometimes not until Thursday.

Q. Last week, how many cases of chickens?

A. None.

Q. The week before?

10 A. None.

Q. The week before that?

A. None. I haven't shipped a chicken for five weeks.

Q. How have you paid your board to your father during that time?

A. I can't make a living. He is giving me free board.

Q. And he has paid you nothing?

A. No, sir.

20 Q. You have no other source of income?

A. No, sir.

Q. He supports you and gives you free board?

A. Yes, sir, of course, in the time when I ain't doing nothing.

Q. You come in to Vineland every night?

A. Live here in Vineland.

Q. In the poolroom every night?

A. No, sir.

Q. Nearly every night?

30 A. Yes, sir.

Q. Spending money there?

A. No, sir.

Q. None at all?

A. No, sir.

Q. Who clothes you?

A. Myself. I haven't bought a suit of clothes for

two years, and that suit my father bought me.

Q. You say you have nothing in the real estate on Wood Street?

A. No, sir.

Q. In who is the title?

A. My father.

Q. When you were married, did you receive \$800 from your wife's people?

A. No, sir.

Q. How much?

10

A. \$400.

Q. As a matter of fact, you spent that yourself?

A. No, sir; bought the household goods and made the wedding.

Q. Did you add anything to that \$400 to furnish your home?

A. No, sir; I don't believe I did.

Q. The \$400 went to furnish the home?

A. I can't exactly know whether it did or not. Probably \$25 more or less.

20

Q. So that the bulk of furnishing your home came from your wife's people?

A. Well, came from my own.

Q. You say her folks furnished \$400?

A. It was given to me when I married her.

Q. Who gave it to you?

A. She did.

Q. Coming to the Reno divorce, did you obtain a decree of divorce there?

A. Yes, sir.

30

Q. On what grounds?

A. On cruelty.

Q. And was that decree opened?

A. No, sir.

Q. Wasn't that decree afterwards opened on the part of your wife and set aside?

A. No, sir.

Q. Does that decree stand today?

A. Yes, sir.

Q. As a matter of fact, wasn't that opened and set aside on the ground of fraud?

A. No, sir.

Q. Do you know the firm of Harrison & Harrison?

A. I did know them after I left.

Q. And they represented who?

A. My wife.

10 Q. And you state your decree there stands today?

A. I say it doesn't stand aside.

Q. It stands as a divorce in Nevada?

A. Yes, sir.

Q. When you were arrested for non-support before 'Squire Golden, did you put in a defense?

A. No, sir.

Q. Did any witnesses testify for you?

A. No, sir.

20 Q. I mean now the hearing for the support that was awarded your wife, not the assault and battery case.

A. You mean from the overseer of the poor, yes.

Q. You went on the stand?

A. No, sir.

Q. Any witnesses on your behalf?

A. No, sir.

Q. And what was the order made?

A. Four dollars a week.

30 Q. And did you stop the credit at the store at that time?

A. Yes, sir.

Q. I show you, Mr. Pitel, a blackjack, marked Exhibit P3, and ask you is that your property?

(Examining counsel hands blackjack to witness.)

A. No, sir.

Q. Ever see it before?

A. No, sir; never had one in my possession.

Q. And you say you never had a revolver in your possession?

A. No, sir.

Q. Never bought a revolver or blackjack in Vine-land?

A. No, sir.

Q. You hear David Kotok testify in this case? 10

A. No, sir.

Q. On the first day here?

A. Oh, yes.

Q. You heard his testimony?

A. Yes, sir.

Q. And did you hear him say that you told him you wanted to get rid of your wife?

A. No, sir.

Q. Is that true, or isn't it?

A. Not true. 20

Q. Then what Mr. Kotok says is not true?

A. Yes, sir.

Q. You heard the testimony of your wife's brothers that they went to your house in January, 1914, and that you cursed your wife and wouldn't live with her?

A. That is a lie.

Q. Is that true or not?

A. That is a lie.

Q. Then they perjured themselves? 30

A. Yes, sir.

Q. And David Kotok?

A. Yes, sir.

Q. And your wife?

A. Yes, sir; all has been.

Q. Did you hear the testimony of Miss Greenblatt, Rose Sclansky and the other young lady?

A. Yes, sir.

Q. Is that testimony true or not?

A. Not true.

Mr. Bartlett: I ask permission to read the testimony to him and ask him whether it is true or not.

The Witness: I remember their testimony.

Q. And what they have stated on the stand is un-
10 true?

A. Untrue is right.

Q. And you heard the testimony of Mr. Greenblatt?

A. Yes, sir.

Q. And you remember what he stated?

A. Yes, sir.

Q. Is that true or not?

A. Part of it is true.

Q. What part is true?

20 A. What he claimed that she was afraid or that I have told him not to give her any more meat than what she ought to get.

Q. Did you ever tell your wife that she was old enough to be your mother?

A. No, sir.

Q. Did you ever call her a son of a bitch or whore?

A. Never called her anybody, never used that language.

Q. Coming to the fifth of June, 1914, do you deny
30 on that day that you tried to scald her with hot water?

A. Why, certainly, I do deny it.

Q. And that she had to flee from the house?

A. No, sir; I deny.

LOUIS J. CHASEN, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Chasen, where do you live?

A. 420 Wood Street.

Q. What official position?

A. Marshall of the town and officer.

Q. Vineland?

10

A. Yes, sir.

Q. Do you know Mrs. Pitel and Abraham Pitel?

A. I know Mrs. Pitel by sight and I know him, yes, sir.

Q. Did you and he have a talk at Vineland over the subject of marital difficulties?

A. I did, sir.

Q. When was that conversation?

A. I think that was in March sometime, when we had the conversation in regard to—I told him on account of being a Jew myself I didn't think it was right amongst Jewish people to have the talk of the town. 20

Q. A good deal of talk about that?

A. Yes, sir; him and his wife.

Q. Where did that conversation take place?

A. I can't recall that, Judge. I think that took place on Landis Avenue somewhere. I am up and down on the street all day and night.

Q. But you are sure about sometime in the month of March, 1916? 30

A. Yes, sir; I think I had a couple of conversations with him. This Mr. Louis Cohen and his brother Jacob were there too.

Q. At the time you had this conversation with him, or one of your conversations, did Mrs. Pitel come by?

A. This was a different time.

The Advisory Master: Did she come by at any time?

The Witness: Yes, sir.

Q. Just state if you were in conversation with Mr. Pitel at a time when his wife came by.

A. Yes, sir.

Q. And when was it that this conversation was had when she went by?

10 A. I can't recall the date.

Q. Approximate the time, about when?

The Advisory Master: Was it this year?

The Witness: Yes, sir.

Q. In the summertime?

A. Yes, sir; this summer here.

Q. Fix the time. When was it? In what month was it? About what time in the summer?

20 A. I can see fine at the time, because that same night the officer on the beat with me, I made the remark to him, Tom Harkins.

Q. Was it in the middle of July sometime?

A. Either the ending of July or the beginning of September—August, I meant to say—maybe the middle of July or in August. Now, I can't say just exactly.

Q. Well, it was to the best of your recollection?

A. Four months ago, three or four months.

30 Q. Three or four months ago?

A. Yes, sir.

Q. Now, where did that happen? Where did she pass you?

A. Right there in front of the City Hall. It was on a Tuesday, because the commissioners had a meeting that night.

Q. And did you see her do anything or hear her say anything to him?

A. Do you want me to tell the conversation I had before I seen her? Yes, sir, I did.

Q. Did he leave you and go to her?

A. He moved from about here to there (indicating).

The Advisory Master: What do you mean?

The Witness: About three or four feet.

10

Q. He moved toward her about three or four feet?

A. Yes, sir.

The Advisory Master: She passed you?

The Witness: Yes, sir, afterwards, before she came towards me, because he stopped her.

Q. As she approached you, he stepped up to her and stopped her?

20

A. Yes, sir.

Q. About three or four feet away from you?

A. Yes, sir.

Q. Then what did he say to her that you heard and what did she say to him that you heard?

A. He said to her, "It is no use for us to run around arguing and fighting," and he said, "Let's come and live together."

Q. What did she reply?

A. She replied to him and called him "bummer," "loafer," "tramp," and "you got enough women in this town," and spit right in his face.

30

Q. And then did she leave him?

A. Yes, sir.

Cross-examination.

By Mr. Bartlett:

Q. You never lived in Brockmanville?

A. No, sir; I was born in Roseville.

Q. Do you know anything about the situation between these parties in Brockmanville?

10 A. No, sir; I do not.

At this point a recess was taken from twelve o'clock noon to one o'clock P. M.

AFTERNOON SESSION.

FANNIE NOSCOVE, a witness produced on behalf of
20 the defendant, being duly sworn, testified as follows:

(Witness sworn and examination conducted through Frank Kotok, interpreter, duly sworn.)

By Mr. Tuller:

Q. Mrs. Noscove, where do you live?

A. Brockmanville, New Jersey.

Q. Do you know Abraham Pitel and his wife, Anna
30 Pitel?

A. Yes, I do.

Q. Did you know them when they lived together in Brockmanville as man and wife?

A. Yes.

Q. How far do you live, or did you live at that time, from where they lived?

A. About a hundred yards.

Q. Were you friendly and intimate with Mrs. Pitel?

A. Yes, I was.

Q. Did you visit her and she visit you frequently?

A. She visited me. I visited her but once.

Q. How often would she visit you?

A. Two or three times a week; quite often.

Q. Did she talk with you about her family affairs any?

A. She did.

Q. Did she ever complain of the treatment of her husband? 10

A. No, she did not.

Q. What would she say about her husband and his relations with her?

A. She used to tell me that her husband treated her all right, that he made a living for her and that she wanted nothing.

Q. Mrs. Noscove, did you ever know of any serious difficulty between Mr. Pitel and his wife while they lived together as man and wife? 20

A. I knew of no trouble.

Q. Mrs. Pitel testified on the witness stand that at your house Mr. Pitel broke his wife's glasses. Do you recall any occurrence of that kind?

A. I did not see any such occurrence. They came in and Mr. Pitel said that he took—tried to take the glasses away, he was taking them away and they dropped and fell and broke.

Q. Was there any quarrel between him and his wife at that time? 30

A. There was not.

Q. Do you know why he took them off her nose?

A. He took them away because there were marks on her face from the glasses and he didn't want her to wear them.

Q. Because of the marks on the nose, is that it?

A. The glasses made marks on her nose and he didn't want her to wear them on that account.

Cross-examination.

By Mr. Bartlett:

10 Q. Do you remember when he left her and was gone three weeks?

A. I know nothing of that.

Q. Are you related to Mr. Pitel?

A. I am his aunt.

Q. Were you living as a neighbor when Mr. Pitel and his wife separated?

A. I was not.

The Advisory Master: Were you living near
20 them?

The Witness: I lived in the same place, about a hundred yards away.

The Advisory Master: Do you know why they separated?

The Witness: I do not.

30

RACHEL LIPWOCK, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

(Witness sworn and examination conducted through Frank Kotok, interpreter, duly sworn.)

By Mr. Tuller:

Q. Mrs. Lipwock, where do you live?

A. Brockmanville.

Q. How long have you lived there?

A. Sixteen years.

Q. Do you know Abe Pitel and his wife, Anna Pitel?

A. I do.

Q. Did you know them during the period that they lived together as man and wife?

A. I did.

Q. Did you see Anna Pitel carrying a basket of potatoes in April, 1914?

A. No, I did not see her.

Q. Did Anna Pitel tell you about the basket of potatoes causing her sickness?

A. She did.

Q. What was the conversation which you had with her and when did it take place?

20

A. Two or three days before she miscarried, she told me, she complained of being ill, and told me that when I asked her whether she had lifted anything heavy, she told me that she had carried a hamper of potatoes from her mother-in-law's home to her home, and she asked whether that would cause a miscarriage.

Q. What did she say to her?

A. I told her that it depended. A strong person would not miscarry and a one weaker would, and a few days later she miscarried.

Q. Did you have any talk with Mrs. Pitel after the trial at Centerton, after Abe was arrested at Centerton?

A. I did.

Q. How long after the trial in Centerton was that?

A. A few days later.

Q. Where did the talk take place?

A. In her house.

Q. In whose house?

A. In Anna Pitel's house.

Q. Where Mrs. Pitel was living?

A. Yes.

Q. Was this conversation regarding the family difficulties between Mrs. Pitel and her husband?

A. It was.

10 Q. What was that conversation?

A. My husband had gone bonds for the support of Mrs. Pitel and I spoke to her of that, I feared that Abe Pitel might possibly leave and my husband would have to pay the bonds, so I spoke to her of getting her to go back and live with her husband.

Q. What did she say about going back to live with her husband?

A. She answered that she could not for no amount of money, that she did not need him and had no use for him, she wouldn't go back if they gave her thousands of dollars.

20 Q. Was there any other conversation regarding it?

A. That was all.

Q. What did she do then? Did she go away from Mrs. Pitel then?

A. I went away.

Q. Did you have any talk with her at that time or at any other time regarding the blackjack?

A. I saw a blackjack in her brother's possession during the time he was a scab and striker; he was a scab and he had a blackjack with him during the time there was a strike in Brockmanville.

30 Q. The brother was living there then at this time?

A. He boarded with Abraham Pitel and used to come in to see me. It was getting dark, he was sitting at my house, Sam Pokruss, and I told him he had

better go home, as it was getting dark and the gangsters might get him, and he said he had no fear and he pulled out a blackjack and showed it to me.

Q. There was a strike then at Brockmanville, at the clothing factory?

A. There was.

Q. And he had come down there to work and take the place of strikers?

A. Yes, he came there and was a scab.

10

Cross-examination.

By Mr. Bartlett:

Q. Are you related to Abe Pitel?

A. I am his aunt.

Q. Did Mrs. Pitel tell you, right after he was arrested and compelled to support her, that the reason she wouldn't live with him was on account of his abuse of her?

20

A. She did not tell me that he abused her or mistreated her but she told me that he treated her all right but that she didn't care to live with him because he was not for her.

Q. Who was living with Mrs. Pitel, at her home, when this conversation took place?

A. She was living alone.

Q. Did you see Rose Scelsky and Mollie Greenblatt or Miss Lippman staying at her home at this time or just previous—Anna Wright?

30

A. I did not see them and they were not there.

Q. How near do you live to Mrs. Pitel?

A. At that time the third house from her.

Q. And you say that none of these girls ever stayed at her home, Miss Lippman, Miss Scelsky, Miss Greenblatt, or Sara Rice, never stayed at her home?

A. They did not.

Mr. Tuller: You didn't see them?

Mr. Bartlett: Objection.

The Advisory Master: Do you say that they never stayed there or that you never saw them stay there?

The Witness: I never saw them there.

Q. Did you ever stay there with Mrs. Pitel while
10 her husband was gone?

A. No, sir.

BESSIE PITEL, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

(Witness sworn and examination conducted through interpreter, duly sworn.)

20 By Mr. Tuller:

Q. Mrs. Pitel, you are the mother of Abraham Pitel?

A. I am.

Q. How far away did you and your family live from your son Abraham?

A. Five or six houses.

Q. Did you and your family and Abraham and his
30 family visit each other frequently, back and forth?

A. We did. We visited each other several times during the day.

Q. Did you ever go over to Abraham's house and hear any quarrel between him and his wife?

A. I never did. Everything was always quiet.

Q. What were the furnishings in the house where

Abraham and his wife lived? How were they furnished?

A. There were two rooms upstairs and three rooms downstairs and they were all well furnished.

Q. Did Mrs. Anna Pitel at any time, on any of her visits or talks with you, complain of the way in which your son Abe treated her?

A. She never complained; on the contrary, she always said he was treating her right and giving her everything she wanted.

10

Q. In August, 1913, when Mrs. Pitel's brother was down, do you remember that?

A. I do.

Q. Was the brother stopping at Mrs. Pitel's?

A. They came directly to me from the train.

Q. Stop on the way up?

A. She came with them to my house.

Q. That is in the summer of 1913, at the time the strike was there, was the brother down there?

A. Her brother, during the time there was a strike, 20 came down and boarded with my son.

Q. How long was he there?

A. About five or six weeks.

The Advisory Master: Was this August, 1913?

Mr. Tuller: It was testified by him that it was in August, 1913, but that by Abe it was in the fall of 1913.

30

Q. Did Mrs. Pitel, at the time of the visit of her brother, during the strike there in 1913, say anything to you about Abe striking her with a blackjack?

A. She never told me that. She says, she told me he was treating her all right; and I know he never had a blackjack.

Q. Did the brother, Pokruss, talk with you, frequently visit you at the house at this time?

A. Yes, and her other brother and her father.

Q. The family visited you, is that right?

A. Yes.

Q. When the brother was visiting there—at the time of the strike, did he come to you and tell you that Abe had struck his sister with a blackjack?

A. He never did.

10 Q. Did you ever see Anna Pitel with a black eye?

A. I never did. She had a scar under her eye, not a black eye but a scar under her eye.

Q. What did that scar come from, did she tell you?

A. She told me she fell down the cellar. I asked her what the scar was from and she told me she was carrying something down the cellar and fell down and struck her cheek.

Q. In January, 1914, did your son go away from his house and be gone for three weeks?

20 A. He did not.

Q. Do you remember the time when Mr. Pokruss, the father, and the two brothers came down to your house in January, 1914?

A. I do.

Q. Did they come to your house with Abe's wife on that day?

A. They did come to me.

Q. What day was this, what day of the week?

A. I think it was Sunday.

30 Q. How did you know they were coming?

A. She received a letter, Anna Pitel received a letter and she came and told me that she was having company Sunday. I asked her who and she told me her father, her two brothers and her brother-in-law.

Q. Did you and Anna then make preparation for a dinner at your house on that day?

A. We did.

Q. What time did they get to your house on that day?

A. About ten or eleven o'clock.

Q. Where was Abe then?

A. He had received a communication to come after some chickens and he went to a farmer for the chickens. He was gone a couple of hours.

Q. When he came back, were his wife and her family at your house?

A. Yes,

10

Q. How long did they stay there on that day?

A. Four or five hours.

Q. Was there any talk in your presence by the brothers or the father with Abe about his abuse and ill-treatment of his wife?

A. There was no discussion of that. We ate and drank and then they went to the train.

Q. Who took them to the train?

A. I think it was my son Abe.

Q. Did the father stay down after the two boys went away?

A. He remained for a couple of days.

Q. And he stayed where?

A. With my son.

Q. Now, in April, 1914, just before Anna was taken sick, was she over to your house?

A. She used to come there three or four times a day.

Q. Several days before she was taken sick, did she carry away anything from your house?

30

A. She carried away a hamper of sweet potatoes.

Q. How did she carry this hamper of sweet potatoes?

A. She took the hamper of sweet potatoes.

Q. On her hip?

A. She took the hamper of sweet potatoes and put

her arm around it and carried it and then set it off about three or four houses away.

Q. Did you say anything to her about carrying that hamper of sweet potatoes back home?

A. I told her not to carry the sweet potatoes as she was in the family way but she insisted and said it would not harm her and carried them.

Q. How long after that was it that you heard that she was sick?

10 A. About three days.

Q. How did you come to find out that she was ill?

A. She came to me that evening and told me that she did not feel well but asked me not to tell Abe, she asked me not to tell Abe because she was afraid Abe would be angry because Abe very much wanted to have a child and she feared very much it would result in a miscarriage.

Q. How long after that was it that she learned that she was sick? How long after this conversation
20 was it that she learned she was sick?

A. She visited me two or three times a day after that and sometimes she would complain that she did not feel well but said that it would be all right.

Q. Who told her that her daughter was sick abed—your daughter-in-law?

The Advisory Master: Who told you that Abe's wife was sick in bed?

30 A. My son came to me and told me that his wife was sick and asked me to go over and watch her while he went to call a neighbor, Mrs. Siner.

Q. Did she come over there to see her daughter-in-law?

A. Right away.

Q. Who went with you, Mrs. Pitel?

A. My daughter.

Q. What is your daughter's name?

A. Jennie.

Q. Who called the doctor?

A. My son had some one call the doctor.

Q. Were you there when the doctor came?

A. I was.

Q. What time did the doctor get there?

A. About ten o'clock in the morning.

Q. How long was the doctor there? How many
times was the doctor there, do you know? 10

A. I am not certain, about ten or twelve times.

Q. What did you and your daughter do in your
care of Anna while she was sick?

A. I made syringes for her daily. I gave her
everything she wanted to eat and changed her clothes
and the bedclothes and attended to her like a nurse
and when I would go away I would leave my daughter
there and when my daughter would go I would be
there.

Q. During the time you took care of Anna, had she 20
complained of Abe having beat her, kicked her,
knocked her down or beat her in any way?

A. She never did. She told me he treated her well.

Cross-examination.

By Mr. Bartlett:

Q. You heard the testimony of the doctor this
morning that he had to heat the water and get things 30
for himself on one of his visits—Dr. Cunningham?

A. I don't remember hearing Dr. Cunningham
testify.

Q. Did you see the doctor heating water, getting
things ready to take care of Mrs. Pitel?

A. I did not.

Q. On Sunday, in January, 1914, didn't Mrs. Pitel's brothers come to your home for the purpose of finding Abe there and talk about a reconciliation?

A. They came to visit us but did not —

Q. Was that gentleman, Mr. Pokruss, at your home on that visit?

A. Yes, he was there.

10

JACOB EDDLESTEIN, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Eddlestein, where do you live?

A. Norma, New Jersey.

Q. Do you know the Pitels?

20 A. Yes, sir.

Q. Did you ever have occasion to go to Abe's house when he lived at Brockmanville with his wife?

A. Yes, sir.

Q. What was the occasion of your going there particularly?

A. I was selling him a sewing machine.

Q. When did you sell him the sewing machine?

A. This was, I guess, 1913, about the last of August.

30 ust.

Q. About the last of August?

A. I think so.

Q. Who was there when you went there?

A. When I bring the machine the first time, Mr. Pitel and Mrs. Pitel, and I asked Mrs. Pitel who was going to help me take the machine into the

house out of the wagon, then she told me, "You wait a few minutes and my brother will come in. He will help you." He came in and helped me to take in the machine.

Q. Did you leave the machine there?

A. Yes, sir.

Q. Who paid for it?

A. Mr. Pitel, Abraham Pitel.

No cross-examination.

10

ABRAHAM HALPERT, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Halpert, where do you live?

A. In Eskentown.

20

Q. That is part of Alliance?

A. Yes.

Q. And just south of where the Pitels live, just south of Brockmanville?

A. Yes.

Q. You know them, do you?

A. Yes, sir.

Q. Did you know them in 1914, the summer of 1914?

A. Well, I knew them for about ten years.

30

Q. Did Mr. Abe Pitel ever come to you and want to rent a house from you?

A. Yes, sir.

Q. Did he rent it?

A. He rented it.

Q. When?

A. I don't know when. I know I gave him a receipt.

Q. Did he pay you the rent for it?

A. Yes, sir.

Q. I show you a receipt purporting to be signed by A. Halpert, dated August 15, 1914. That is your name, is it?

10 (Examining counsel hands paper to witness.)

A. Yes.

Q. (Reading) "Received from Abe Pitel one month's rent \$3.00." Is that the receipt you gave to Abraham Pitel for the rent of his house at Alliance?

A. Yes, sir.

(Receipt offered and admitted in evidence and
20 marked Exhibit D1.)

Q. How long did Mr. Abraham Pitel pay you rent for this house?

A. Two months.

Q. Did they occupy the property?

A. No, sir.

Q. And it was never occupied while he was paying rent for it?

A. No, sir; I kept it for him.

30

Cross-examination.

By Mr. Bartlett:

Q. Mr. Pitel had left his wife at that time?

A. I don't know anything about it.

Q. Do you know whether they were living together in August, 1914?

A. I don't know.

Q. How many rooms did you rent?

A. One.

Q. One room, and you don't know whether they were living together at that time or not?

A. First they told me for a woman and I wanted to know what kind of woman and he said for Abe's wife.

Q. Said he was renting it for Abe's wife?

10

A. Yes.

ABRAHAM LIPWOCK, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

20

Q. Mr. Lipwock, where do you live?

A. I live in Brockmanville.

Q. Live there when Abe Pitel and his wife did?

A. Yes, sir.

Q. Did they occupy your house?

A. Yes, sir.

Q. When did they move into your house?

A. I guess it was 1913.

Q. How long were they there?

A. How long were they there? Over a year.

30

Q. Were you at the house of Mr. Gershel Pitel on the night of the fifth of June, 1914?

A. Yes, sir.

Q. When Abraham Pitel came there from his house?

A. Yes, sir.

Q. Was that the night that you went with him back to the house to see his wife?

A. Yes, sir.

Q. Did you go with him from his father's house over that night?

A. Yes, sir.

Q. What did you do?

A. He came first to Pitel's house and he was excited and he says his wife wouldn't leave him in the house. I said, "What's the matter?" and he
10 said, "I don't know."

The Advisory Master: Did you go back to the house with him?

The Witness: I went back to the house with him and when I came to the house I knocked at the door and she said, "Who is that?" and I said, "Mr. Lipwock," and she opened the door and she wouldn't
20 leave me in the house, and he came down to the porch with me and I commenced to talk and said, "Now, what's the matter, is there any trouble here?" and she said she wouldn't stay with him and wouldn't let him in the house because he wouldn't take her out Saturday to Vineland.

Q. When was this that you went there? What day of the week was it that you went there?

A. I remember what day. It was Monday or Tuesday, it was, I remember.

30 Q. Was Abe there with you?

A. Yes, sir.

Q. What did she say to him?

A. She said she didn't want him in the house and she spit him in the face and locked the door. She wouldn't leave him in the house.

Q. What did you do then, you and Abe?

A. We went home.

Q. Where?

A. Right to Mr. Pitel.

Q. Right back to his father's house?

A. Yes, sir.

Q. Did you go back there at any time afterwards?

A. Yes, sir; I went afterwards, I guess you know, it was a day or two later and I came down to her and asked her and she said she wouldn't leave him in the house.

Q. You talked with her yourself?

A. Yes, sir.

10

Q. What reason did she give for not wanting him in the house?

A. I don't know. She didn't give any reason at all.

Q. Didn't give any reason?

A. No, sir.

Q. You lived in the neighborhood, did you?

A. Yes, sir; about the third house from that house.

Q. Had you ever heard around the neighborhood that there was trouble between Abe and his wife before this? 20

A. No, sir.

Q. How many times did you talk with Mrs. Pitel regarding this?

A. I spoke to her several times and she wouldn't listen to me.

Q. Wouldn't listen to you at all?

A. No, sir.

Q. Did you talk with her after the arrest at Salem? 30

A. Yes, sir.

Q. Did you talk with her after the arrest at Centerton?

A. Yes, sir.

Q. In September?

A. Yes, sir.

Q. What was the conversation which you had with her then?

A. I spoke to her, you know, she should go and live together, and she said she wouldn't go and live together.

The Advisory Master: When was that, in September?

The Witness: Yes, sir.

Q. After the arrest at Centerton?

A. Yes, sir.

Q. After you went bond at Centerton?

A. Yes, sir; and I told her, and she said she wouldn't live and she would be better satisfied to have to support and she wouldn't live in the house, and I went with him to get his coat and she wouldn't
20 leave him in the house.

Q. What did he go there for especially when he went with you this time?

A. He wanted to get his clothes, you know, coat. It was cold, you know, and she wouldn't leave him in the house.

Q. Wouldn't let him in the house?

A. No.

Q. Did she give him any of his clothes at that time?

30 A. No, she didn't.

Q. Did you see her on the roadway, carrying a basket of potatoes?

A. Yes, sir.

Q. When was that?

A. That was one day, you know, I went to Norma, and I seen she was carrying the potatoes and I

stopped her and said, "Anna, you better put that bag of potatoes in the wagon and I will take them up to the house, and she said, "I will take them up to the house." I told her twice.

Q. How long after that was it that she was taken sick?

A. I guess a few days.

Cross-examination.

10

By Mr. Bartlett:

Q. Didn't Mrs. Pitel tell you that the reason she wouldn't live with Abe was on account of his cruel treatment?

A. No.

Q. Didn't she complain to you and tell you that he abused her?

A. No, sir.

Q. Are you related to Abe Pitel?

20

A. Yes, sir.

Q. What is your relationship?

A. I am an uncle to him.

Re-direct examination.

By Mr. Tuller:

Q. Mr. Lipwock, you are the owner of the house that they lived in?

30

A. Yes, sir.

Q. After Abe had separated from his wife in June, 1914, did you notice anything peculiar about the doors on the house?

A. Yes, sir; she locked the door with nails, and the windows.

Q. What did she do with the doors?

A. She knocked nails in the door and I told her what she doing that for, because she broke one window, and I said "Anna, you going to fix that?" and she wouldn't leave the door open. There is a good lock there and she said she wouldn't do it, she wouldn't lock the door with a key, she knocked down nails.

Q. She put a padlock on?

10 A. Yes, sir.

Q. An extra lock on the door?

A. Yes, sir.

Q. Where?

A. The inside, and she put outside a lock, and she broke the door too and she said she don't care.

Q. Was there a window light in the door?

A. Yes, sir.

Q. What did you say she did to the windows?

A. She broke a window when she knocked nails
20 into the window, and I said, "Anna, what are you using that for? Are you going to pay for the window?" And she said, "No, he pay rent for the house."

Q. Did she nail the windows down?

A. Nailed the windows all over.

Q. What did you find when you went in there after she went out?

A. You know, every window was nailed up. You know, she put the door a padlock; I had to break the
30 frame to take it off.

Q. How long was she in the house after she and Abe separated?

A. I guess about two or three months.

Re-cross examination.

By Mr. Bartlett:

Q. Did he pay the rent during that time?

A. Yes, sir.

Q. And did he tell you he would pay no more rent?

A. Yes, sir; he did.

10

Re-direct examination.

By Mr. Tuller:

Q. He told you that after the arrest at Centerton?

A. Yes, sir.

Q. Testify there?

A. I don't remember.

Q. Do you remember whether you went on the 20 stand and testified at Centerton or not?

A. Yes, I was there once on the bonds.

Q. Did you testify or go on the stand?

A. No.

JENNIE PITEL, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

30

By Mr. Tuller:

Q. How old are you?

A. Eighteen.

Q. Sister of Abe?

A. Yes, sir.

Q. Anna is his wife?

A. Yes, sir.

Q. At the time they lived together, were you living right in the neighborhood?

A. Yes, sir.

Q. Did you and Abe's wife frequently associate and visit together?

A. Yes, sir.

Q. How often?

10 A. Oh, I used to go there about five or six times a day and she used to come down to our house and I used to eat there and sleep there and help her out. It was late and I didn't want to go home.

Q. Did you sleep there while Abe was away?

A. When my brother used to go away for a couple of days, he told me to go up to sleep with her.

Q. Why did you go up and sleep with her?

A. Because we didn't want to let her alone.

Q. Now, you remember the time that her brother
20 was down there, don't you?

A. Yes, sir.

Q. When was that? I mean, during the strike?

A. During the strike. It was in August. I think maybe later in August.

Q. Did her brother come over and visit at your father's house?

A. Yes, sir.

Q. During the time that he stayed there?

A. Yes, sir.

30 Q. How long was he there, to your recollection?

A. About four or five weeks.

Q. At that time, did Anna continue her visits over to your house?

A. Yes, sir.

Q. Was anything ever said about a blackjack?

A. No, sir.

Q. Did she ever say anything to you or your mother, in your presence, about Abe's abuse of her?

A. No, sir.

Q. Did the brother ever come over to the house and say in your presence that Abe had struck his sister?

A. No, sir.

Q. With a blackjack?

A. No, sir.

Q. Or with anything else?

10

A. Nothing at all.

Q. Anna was rather quick tempered, wasn't she?

A. Yes, sir; she was.

Q. Did you ever hear Abe reply to her in a bad way, swear to her, or anything of that kind?

A. No, sir.

Q. In January, 1914, you remember when Pokruss came down there?

A. Yes, sir.

Q. How many were there that came?

20

A. Two brothers, brother-in-law and father.

Q. Four of them?

A. Yes, sir; four of them.

Q. Where was Abe then?

A. Abe went out on business.

Q. How long had he gone?

A. About two hours.

Q. Had he been away for three weeks prior to that?

A. No, sir.

30

Q. Where had he been prior to that?

A. What do you mean?

Q. Where had Abe been living prior to that?

A. He was living home in Brockmanville.

Q. With his wife?

A. Yes, sir.

Q. Had he been away and left her during this period of time for three weeks?

A. No, sir.

Q. Had he been away at all during that time, to your recollection?

A. No, sir.

Q. When Anna and her family came down to the house, where was Abe?

A. Abe, he went down to a party where he
10 dropped him a letter to come down. He went down for chickens.

Q. Did he come back there that day?

A. Yes, sir.

Q. How long had Anna and her family been at your house when Abe came in?

A. They came at eleven o'clock and my brother came two hours later.

Q. Did Anna and her family stay there all day?

A. Yes, sir.

20 Q. What did you do there that day?

A. Helped my mother cook.

Q. What time did you have dinner?

A. The time my brother came back, and just setting the table, he came in.

Q. He came in just before you sat down to dinner?

A. Yes, sir.

Q. Do you know whether this dinner was arranged beforehand?

30 A. Yes, sir.

Q. How do you know?

A. She received a letter from her parents.

Q. Who?

A. Anna.

Q. Did you hear her say so?

A. Yes, sir; I came with her to tell my mother about it.

Q. How long before the Sunday dinner was that, that it was arranged for?

A. Saturday she received the letter and I went down to her and we went back to mother and told her about it and mother said, "All right and we will arrange a dinner."

Q. And they all came there that day?

A. Yes, sir.

Q. Did you hear anything said about abuse Abe 10 had been giving his wife?

A. No, sir.

Q. What were they talking about?

A. Nothing at all. Just joking around.

Q. Did they go outside of the house, to your knowledge, and talk?

A. We all went back down to her house after we were through our dinner.

Q. How long did you stay there?

A. Until about seven o'clock in the evening, until 20 time to take them down to the train.

Q. Who took them to the train?

A. My both brothers.

Q. Were you present around all the time?

A. Yes, sir.

Q. Was there any conversation after they came there at eleven o'clock regarding Abe's treatment of his wife?

A. No, sir.

Q. Did Anna Pitel complain at any time about 30 Abe's treatment of her?

A. No, sir.

Q. That he struck her or beat her or knocked her down or hit her with a blackjack?

A. No, sir.

Q. Cursed her?

A. No, sir.

Q. In April, 1914, you remember she was sick?

A. Yes, sir.

Q. Were you at home when she carried some potatoes away from the house?

A. Yes, sir.

Q. Did you see her carry them?

A. Yes, sir.

Q. Did you hear any statement made to her by your mother?

10 A. Yes, sir.

Q. What was that statement?

A. My mother told her she was not allowed to carry them.

Q. Why?

A. She was in the family ways.

Q. Did she come to your house before she was sick?

A. Yes, sir.

Q. Just the same as usual?

20 A. Yes.

Q. How long after that was it that she was taken sick?

A. Why, I think a couple of days later she came to our house and told my mother about it and I was present and she said she was not feeling good, and my mother said, "I told you not to carry the potatoes and you didn't listen to me," and she said, "Oh, don't tell Abe."

30 Q. How long after this conversation was it that Abe came to the house and told you she was sick?

A. The next day.

Q. What did you do? Were you there when Abe came?

A. Yes, sir.

Q. What did you and your mother do after Abe came over with this information?

A. My brother came running and said, "Anna

is not feeling good," and she said, "You run ahead, you can run faster," and I went down and as soon as I came to the house she was there and my brother went to call the doctor and he could not get him on the phone because he was away, and he sent me down there to call and there was no answer, and my mother came running to see what was the matter, and he was coming there and said he would be right away down there.

Q. How long was it after you had called him that 10
he came?

A. About six o'clock.

Q. In the evening?

A. Yes, sir.

Q. Were you there when he came?

A. Yes, sir.

Q. Who else was there?

A. A woman—Mrs. Siner—she was like a lady
doctor.

Q. Kind of a midwife?

20

A. Yes, sir.

Q. Who got her there?

A. My brother. He saw he could not get the doctor so quick and my brother went and got her.

Q. And who was there when the doctor got there?

A. My mother, my brother, the lady and myself.

Q. Did you stay there?

A. Yes, sir.

Q. How long did you and your mother stay there?

A. My mother used to go away and I would be left 30
and whenever I would go away mother was there.

Q. One of you were there all the time?

A. Yes, sir.

Q. Were you ever out of the house for any length
of time?

A. No, sir. He gave me this ring for taking care
of her (indicating).

Q. That is what your brother gave you?

A. Yes, sir.

Q. Now, after the sickness, did Mrs. Pitel's mother come down?

A. Why, she didn't want to come, she was sick, and my brother sent me down there and she said she would come after she was all right, and she was all right and she came a little later.

Q. How long did she stay?

10 A. A week.

Q. Wasn't any complaint at that time about any abuse?

A. No, sir.

Q. Did Anna, while you were attending to her, tell you or your mother in your hearing that Abe had kicked her and knocked her down and that was what caused the trouble?

A. No, sir.

Q. Never told you about any of these things?

20 A. No, sir; I was there all the time.

Mr. Bartlett: Did you sleep there?

The Witness: Yes, sir.

Mr. Bartlett: What do you mean by all the time? How many days were you there?

The Witness: We weren't far from there.

Mr. Bartlett: You were not there all day and
30 night, were you?

The Witness: Not there all day and night.

Q. Did Anna ever tell you that she had been locked in the house?

A. No sir.

Q. Or that she had been thrown out of the house by Abe?

A. No, sir.

Q. Did she ever tell anybody in your family, in your hearing?

A. No, sir.

Q. Never complained of it at all?

A. No, sir.

Q. Now, what did you do in your treatment of Anna when she was sick?

A. I changed her clothes, her bedclothes, set right near her, and whenever she would want to eat I would take it up to her.

Q. Did you ever take off her clothes so that you saw her bare flesh?

A. Yes, sir.

Q. Did you ever see any marks or kicks or bruises or anything?

A. No, sir.

Q. She never called your attention to anything?

A. No, sir.

Q. She never said there was any there?

A. No, sir.

Q. And never pointed anything out which she claimed as such?

A. Never claimed anything.

Cross-examination.

By Mr. Bartlett:

Q. Did you ever go there and find her crying?

A. No, sir.

Q. When did you first become acquainted with her?

A. At the time they were married, and before they came down, after their engagement.

Q. And how often did you visit at their home?

A. Five or six times a day.

Q. And do you sit there and say Abe hadn't been away for three weeks?

A. No, sir.

Q. Had he been away?

A. He went for business.

Q. How long?

A. Five days.

Q. Where?

A. Bridgeton.

10 Q. Did he stay in Bridgeton those five days?

A. He was a partner with another man and he went with —

Q. He stayed away for five nights, did he?

A. Yes, sir.

Q. And did you stay at the house?

A. Yes, sir.

Q. Every night?

A. Yes, sir.

20 Q. On this visit of her father and brothers to your home, didn't the question come up about Abe's going back to live with his wife and about his abusive treatment of her?

A. No, sir.

Q. Didn't you hear anything said all day?

A. No, sir.

Q. You walked back home with them?

A. Yes, sir.

Q. Wasn't it talked over on the way back?

A. No, sir.

30 Q. And wasn't that visit to effect a reconciliation between these two?

A. No, sir.

Q. After Abe left his wife in June, 1914, did you go and visit Mrs. Pitel?

A. When she had him the first time arrested?

Q. Yes.

A. Before when he left the house Friday.

Q. Did you visit her after he left on that Friday?

A. Yes, sir.

Q. When?

A. After that I said I wanted to go down and see what is the matter, and he said, "Here is \$1.50 and go down to her." She took the money and went into the house.

Q. Did you go and see her after that?

The Advisory Master: What did she tell you was the trouble? 10

The Witness: Nothing at all. Never said a word to me.

Q. Did you know Miss Lippman, Mollie Greenblatt and Rose Scelsky were staying there?

A. I didn't know that.

Q. Friendly to those girls?

A. Yes, sir.

Q. And didn't they ever say to you that they stayed with Mrs. Pitel? 20

A. After my brother was arrested and was paying her support, that is the time they slept there.

Q. Did you know that?

A. Yes, sir; but not before.

Q. How long did they stay with her?

A. I don't know. They stayed all the time until she moved to Vineland.

Q. Did you ever come to see her after that time?

A. No, sir.

Q. Did you ever make any effort to reconcile them? 30

A. No, sir; she mistreated me.

Q. And you felt rather bitter toward her?

A. Yes, sir.

Q. And you still feel bitter towards her?

A. Yes, sir; of course.

LOUIS COHEN, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

- Q. Mr. Cohen, you live in Vineland?
A. Yes, sir.
Q. Manufacturer here?
A. Yes, sir.
10 Q. Does Mrs. Anna Pitel work for your firm?
A. Yes, sir.
Q. You are a clothing manufacturer?
A. Shirtwaist manufacturer.
Q. Have you ever had any conversation with Anna Pitel about a reconciliation between her and her husband?
A. Never had any.
Q. Have you employed her?
A. Yes, sir.
20 Q. In your place?
A. Yes, sir.
Q. How long have you had her employed there?
A. About ten months.
Q. What wages has she been making since she has been in your employ?
A. Well, she came in the first time I started her at eight dollars a week and now she is making eleven dollars.
Q. How much of the week has she been working during that eight months?
30 A. Steady.
Q. How much have you paid her regularly?
A. She is getting now eleven dollars a week.
Q. How long has she been getting that?
A. About four months.
Q. Did you go with Mr. Abraham Pitel to see his wife?

A. Yes, sir.

Q. When was that?

A. About a month ago, two months, I don't remember.

Q. Was it before—I will get you to fix the time as near as you can. Can you recollect the time you went, how long ago it was?

A. I think about seven or eight weeks ago, I am not sure.

The Advisory Master: Do you know whether it was before or after she commenced the suit? 10

The Witness: I don't know.

Q. Was it before August eighth, last?

A. I don't remember. I was down in her house with her husband and to know whether they wanted to come together and then she was out in the street and she saw me in the house and so I went out and called Mrs. Pitel, "Come here, your husband is here," and she said, "Come on and get out of here." 20

The Advisory Master: She told you?

The Witness: Yes, sir.

Q. And she wouldn't have any conversation with you?

A. No.

The Advisory Master: Did you ask her to come back and live with her husband? 30

The Witness: Yes, sir.

Q. What did she say in reply to that?

A. She didn't say nothing. She wouldn't answer.

The Advisory Master: Did he ask her to come back? Did her husband ask her if she would come back and live with him?

The Witness: Yes, sir.

Q. Did you have a conversation with her after that, Mr. Cohen?

A. After her trial, two weeks ago, she called me over. "Mr. Cohen, I would like to make a settlement." And I said, "What do you want, Mrs. Pitel?" And she said, "Tell Mr. Pitel he should give me three hundred dollars in cash and to pay my court expense, then I will settle with him," and I called up the old man, Mr. Pitel.

Q. You didn't tell Abe that?

A. No.

Q. You told the father?

A. The father personally, and I called him in and said, "Mr. Pitel ——"

20 Q. But you did communicate with Gershel Pitel the proposition that Mrs. Pitel had made?

A. Yes.

The Advisory Master: How did you happen to go to see her with Abe?

The Witness: Abe came to my house.

The Advisory Master: And wanted you to go to
30 see her?

The Witness: Yes.

The Advisory Master: And what for?

The Witness: He wants to live with her again.

Q. That was the first time you went to her house?

A. Yes.

Q. And this last time she came to you?

A. Yes.

Cross-examination.

By Mr. Bartlett:

Q. And that was since this suit was brought? 10

A. Since this suit was brought.

Q. When Abe came to you and wanted you to see his wife?

A. Yes, sir.

Q. It was since the trial?

A. Before the trial.

The Advisory Master: You went with Abe twice to see her?

20

The Witness: No, once.

Q. Was the time that you went to see her with Abe before she commenced this suit or after?

A. I didn't know this suit but I went with Abe, her husband, to settle with her.

Q. About two months ago?

A. Two months ago.

Q. Now, Abe wanted you to go with him to settle with her?

A. Yes, sir.

30

Q. What settlement?

A. He wants to come together and live with her.

Q. What else?

A. He didn't say anything else to me.

Q. Say anything about a separation?

A. No, he didn't tell me.

Q. Say he wanted to give her so much money?

A. He wanted to make a settlement and she didn't talk.

Q. And that is why you went with him to try to make a settlement on his part?

A. Yes, sir.

Q. Can you tell whether that was in the month of September?

A. I can't remember. Two months ago.

10 Q. She had already commenced this suit, had she not?

A. Maybe it was three months. It ain't my business to remember.

Q. And Abe wanted you to go with him to make this settlement?

A. Yes, sir.

The Advisory Master: Was it in the summertime or the fall?

20

The Witness: Summertime.

Re-direct examination.

By Mr. Tuller:

Q. The first time you went to see Mrs. Pitel with Abe last summer, he didn't ask you to go and make arrangements to pay her any money?

30 A. No; he didn't tell any money.

Re-cross examination.

By Mr. Bartlett:

Q. Was that since the hearing at Trenton, do you know, Mr. Cohen?

A. I don't know.

HYMAN COHEN, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

(Examination conducted and witness sworn through Lillie Lipman, interpreter, duly sworn.)

By Mr. Tuller:

Q. Mr. Cohen, where do you live? 10

A. 528 Plum Street, Vineland, New Jersey.

Q. Do you know Abe Pitel and his wife, Anna?

A. Yes.

Q. How long have you known them?

A. I know them for several years.

Q. Did you go to see Anna Pitel at the request of Abe Pitel, her husband, in the fall of 1915?

A. Yes.

Q. When was it that you went? What time of the year, to the best of your recollection? 20

A. It was in the wintertime.

Q. Where was Anna Pitel living then?

A. She was living at Mrs. Roshkin's, Sixth and Wood.

Q. Vineland?

A. Yes.

Q. Did you have a conversation at that time with her?

A. I had not. 30

The Advisory Master: Did you have a talk with her at that time?

The Witness: Not in the house.

Q. Did you have a talk with her about Abe, her husband, at that time?

A. Yes.

Q. Was that regarding a coming together and living together?

A. I wanted to bring them together but I couldn't.

Q. Just state, Mr. Cohen, what the conversation was that you had with Anna Pitel regarding her husband's living with her?

A. She said that if Abraham Pitel would give five hundred dollars she will go and live with him; if —

10 Q. If he would give her five hundred dollars, then she would go and live with him?

A. Yes; if Abraham would give.

Q. Did she say, Mr. Cohen, that she would not go and live with him unless he gave her five hundred dollars?

A. I told Abraham Pitel about it and he said he hasn't got the five hundred dollars.

Q. What did you say to Mrs. Pitel when you went to see her? State what you said when you went to

20 see her.

A. I went to her house but I didn't find her at home, so she come over to my store and she said if he won't give her five hundred dollars she won't live with him.

Q. And that was all the conversation you had with her regarding this?

A. That is all.

Cross-examination.

30

By Mr. Bartlett:

Q. Didn't she say the reason she wanted the five hundred dollars was to furnish the home?

A. She didn't say what she wanted the five hundred for.

Q. Didn't you tell Mrs. Pitel that she should furnish up a home for her husband?

A. I did not.

Q. And didn't Mrs. Pitel say that her husband had taken all her furniture that had been bought with her money originally and that she had nothing to furnish a home with?

A. I said lots of things but I don't remember what.

10

GERSCHEL PITEL, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Pitel, where do you live—you lived in Brockmanville?

20

A. Yes, sir.

Q. You are the father of Abraham Pitel?

A. Yes, sir.

Q. You lived in Brockmanville in 1913 and 1914?

A. Yes, sir.

Q. How far away from your house was it that Abe and his wife lived?

A. Oh, about six houses.

Q. Were the two families intimate and visited back and forth?

30

A. Always used to come there for supper to myself.

Q. In August, 1913, or a period later than that, when the strike was there in Brockmanville, was her brother or brothers down there?

A. When was it?

Q. When the strike ——

A. Only one brother was there.

Q. How long was he there?

A. He was there to my knowledge about four to five weeks.

Q. Live with Abe?

A. Yes, sir.

Q. Did he ever tell you or did you ever hear from him in any way that Abe had struck his wife with a
10 blackjack?

A. No, sir; he never said that, but if your Honor will give me the privilege to explain ——

Q. No. Answer my questions. Did Anna ever tell you that Abe had struck her with a blackjack?

A. No, sir.

Q. Did she ever tell you that he had cursed her?

A. No, sir.

Q. Or struck her in any way?

A. No, sir.

20 Q. In January, 1914, was Abe away from home for any length of time?

A. Yes, sir.

Q. How long?

A. About four or five days.

Q. Where was he then?

A. He was in Bridgeton.

Q. What was he doing, do you know?

A. I do know, because he was in the same business as I. He went with a man by the name of
30 Goldstein.

Q. Business trip?

A. Yes, sir.

Q. Did Anna know that he was gone on that trip?

A. Yes, sir, certainly.

Q. Did she say anything to you about it?

A. She used to come up to the house about it

and stay until five o'clock and then my girl used to visit her home to stay there with her.

Q. How long was that before the visit of Mr. Pokruss, her father, and brothers?

A. Let me see, I will tell pretty nearly exactly, if I am not mistaken it was a month and a half from then until they came.

Q. When they came, how many of them came?

A. They came, the father and two sons and a brother-in-law, four of them. 10

Q. Did they come to your house?

A. Yes, sir.

Q. What time did they get to your house?

A. About eleven o'clock.

Q. How long did they stay at your house?

A. They stayed at my house until they had dinner and had a good time there and we had a good time and went to my son's.

Q. And your son did what with them?

A. They stayed there a little while and then he took them to the station. 20

Q. Where to?

A. North Vineland.

Q. Did her father stay there at the house?

A. Yes, sir.

Q. How long did he stay?

A. Oh, two or three days.

Q. Was there anything at your house or her house said that day about Abe's treatment of his wife? 30

A. No, sir.

Q. Did the father and the two sons take you and Abe outside and talk with you about Abe's treatment of his wife?

A. No, sir; there was nothing to talk.

Q. Did they mention it on that day?

A. No, sir.

Q. Well, now, in April, 1914, Anna was taken sick?

A. Yes, sir.

Q. Did you know about it?

A. Yes, sir, I did.

Q. Did you go over to the house?

A. Yes, sir.

Q. Who was there at the house?

A. I was in the city and I want to explain the
10 question to you.

Q. Just answer the question. What I want to get at is when you were there?

A. I was there when she was in bed. She was in the bed all ready to give a miscarriage.

Q. You had been away?

A. I was in Philadelphia for a few days.

Q. And you found her sick abed?

A. Yes, sir.

Q. Who was treating her?

20 A. My wife and son.

Q. What doctor treated her?

A. Dr. Cunningham.

Q. How long had she been sick?

A. Two days sick already and that night she
fainted.

Q. She was sick two days?

A. Yes, sir.

Q. How many days was she sick?

A. About six.

30 Q. Did Dr. Cunningham come there every day?

A. Yes, sir; I called him once in the night and I
paid him \$3.50 to come.

Q. And he come over?

A. Yes, sir.

Q. She was sick how long?

A. Six days.

Q. After she got well who came down to stay with her?

A. Her mother.

Q. How long was her mother there?

A. About a week or ten days.

Q. Now, prior to her being taken sick at this time, did Anna Pitel ever complain to you that Abe had ill-treated her?

A. No, sir.

Q. Did she complain while she was sick that her miscarriage was caused by a kick from him or anything of that kind?

A. No, sir.

Q. Never said anything to you about it?

A. No, sir.

Q. After that time and up to the fifth day of June did she ever complain to you that he had kicked her and beat her and cursed her and struck her?

A. No, sir; not a bit of it.

Q. Either with a blackjack or other instrument? 20

A. No, sir.

Q. Now, on the fifth day of June where was Abe?

A. Away.

Q. On this day that they separated and had their trouble, where was he?

A. He was in Philadelphia.

Q. When had he gone to Philadelphia?

A. Thursday, nine or ten o'clock.

Q. Been gone over night?

A. Yes, sir.

30

Q. When did he get back?

A. Between three and four.

Q. Did you see him?

A. Yes, sir.

Q. When did you see him?

A. I was sitting on my porch and I asked him to

give me my checks. I asked him to collect my money too and he said, "Papa, come over to my house and I will explain to you." The market was awful dull then and I followed over to his place.

Q. What happened while you were in there?

A. He came to the house. There is a kitchen, a room, they call it another kitchen, and a summer kitchen, and he went to the room to wash his hands and he said, "Anna, I am hungry," and she said, 10 "Where is my fruit?" and he said, "You must excuse me this time and I didn't have no cash from home and didn't want to cash no checks and we will go to Vineland tomorrow," and she lifted up a lifter and she wanted to go after him, and said, "You think I am going to live that way, you tramp? To make me a living you will give me \$25 a week and bring me some fruit," she says, "why didn't you bring me no fruit?" And he says, "Anna, I had no change with me. We will go to Vineland tomorrow 20 and buy some fruit," and he said, "Anna, just keep quiet," but she didn't, she gets nervous and she doesn't know why she is talking; so he seen that she was going to give it to him on his head and he slipped out of the house to my house, and I was there.

Q. Were you there, Mr. Pitel, when she took the stove lifter to him?

A. I was.

Q. At his house?

30 A. Yes, sir.

Q. You saw that?

A. Yes, sir.

Q. What did you do after she left the house?

A. She called such names.

Q. You talked to her about it?

A. Yes, sir; she said, "You are a bum like your son is."

- Q. Did you leave the house?
A. Yes, sir; she said, "You get away."
Q. Where did you go?
A. To my house.
Q. And Abe was over to your house?
A. Yes, sir.
Q. How long did he stay there?
A. He stayed there until night and I said, "Abe, you better go home," and he went home.
Q. How long was he gone? 10
A. He was gone to his place and he came right away back and I said, "What is the matter?"
Q. Did he stay there over night or go away again?
A. He stayed over night with me.
Q. This was Friday night. On Saturday, what did he do?
A. On Saturday he went back again to her.
Q. When?
A. About ten or eleven o'clock maybe a little sooner. 20
Q. He went back there in the morning?
A. Yes, sir.
Q. You didn't go with him?
A. No, sir.
Q. How long was he gone?
A. Just for about fifteen or twenty minutes, then he came back again.
Q. Who went with him?
A. I don't know. I didn't see.
Q. Did he stay with you then? 30
A. He came back to me. He told me —
Q. Just say what he did. He came back to you?
A. He came back home.
Q. Did he stay with you over Saturday night?
A. Yes, sir.
Q. Did you know that he went back to his wife on Sunday?

A. I was sitting on the porch when he went home and we could see.

Q. Did you see him go to his house?

A. Yes, sir.

Q. Who was with him?

A. I think Lipwock was with him.

Q. Did Abe come back to your house again?

A. Yes, sir.

Q. And stayed with you then over Monday?

10 A. Yes, sir.

Q. What did they do to him on Monday?

A. I heard Sunday night her father was there.

Q. Did her father come down?

A. No, I was expecting him to come but he didn't.

Q. On Monday what was done?

A. I heard that Greenblatt took him down to Salem.

Q. Did they serve any warrant on him?

A. Yes, sir.

20 Q. Who served it?

A. Morris Greenblatt.

Q. Did you go to Salem in consequence of that warrant?

A. Yes, sir.

Q. With Abe?

A. Yes, sir.

Q. How did you go?

A. We went to Elmer with the horse and from Elmer we went to Salem on the train.

30 Q. You say you went to Salem from Elmer on the train?

A. Yes, sir.

Q. Who was in the party?

A. I was and my son and Lipwock was there.

Q. Where was Greenblatt?

A. He was gone with Mrs. Pitel, Anna Pitel and

her father and somebody, I think was her brother too at the time at Salem.

Q. At Salem, what did Abe do, agree to do?

A. Well, Abe agreed to do, they told him he should only pay \$2.00, but he went and paid the rent separate. They didn't agree that he shall pay the rent but he thought he was going together with her so he paid the rent separate.

Q. State what occurred.

A. I was present there.

Q. Then at that time he agreed in the presence of his wife to pay her \$2.00 a week and the house rent? 10

A. No, sir. They didn't talk about that.

Q. But he paid the house rent?

A. Yes, sir.

Q. And left the furniture in the house?

A. Yes, sir, every bit of it.

Q. Did you on the train coming back, in the presence of Abe Pitel, or did Abe Pitel in your presence, have a talk with Morris Greenblatt? 20

A. No, sir.

Q. Morris Greenblatt said that both you and Abe, I believe, on the train, said that it was \$2.00, and was cheap to get rid of her?

A. No, sir.

Q. Was there any conversation of that kind?

A. No, sir.

Q. Did you ride back from Salem to Elmer in company with Morris Greenblatt? 30

A. No, sir.

Q. Did you see Morris Greenblatt on the train?

A. I did not.

Q. Who was with you?

A. The three of us came back.

Q. You and your son.

A. Yes, sir, and Lipwock.

Q. Anna live in the Lipwock house for several months after this separation and a rest over at Salem?

A. Yes, sir.

Q. How long?

A. To my knowledge about three months.

Q. How long after she left the Lipwock house was it that she had Abe arrested at Centerton?

A. I think it was pretty near after she left the
10 house.

Q. Shortly after she left the house you mean?

A. Yes, sir.

Q. Who went bond over there?

A. Lipwock.

Q. You didn't have any talk with her about this, did you?

A. No, sir.

Q. Did Anna Pitel ever make any complaint to you about the abuse of your son?

A. No, sir.
20

Q. After the hearing in Salem, did she say to you that your son beat and struck her?

A. No, sir.

Q. At the hearing in Salem what did she say in response to questions on that subject?

A. She just said, "He clipped me, clipped me, and pinched me," (making a motion with the thumb and forefinger).

30 By The Advisory Master: Who said that?

The Witness: She said that and the Judge, Justice Smith started to leave and told her to go upstairs and lie down.

Cross-examination.

By Mr. Bartlett:

Q. What else did she say at the Salem trial?

A. Nothing else.

Q. Any other witnesses put on the stand before Mrs. Pitel?

A. Yes.

10

Q. Who?

A. Her brother.

Q. And what did he testify?

A. He didn't testify nothing.

Q. After your son left her in 1914, did you have any conversation with Mrs. Pitel?

A. No, sir.

MAX PITEL, a witness produced on behalf of the defendant, being duly sworn, testified as follows: 20

By Mr. Tuller:

Q. Max, you are the brother of Abe?

A. Yes, sir.

Q. You lived in 1913 and 1914 with your father in Brockmanville?

A. Yes, sir.

Q. Were you living with your father and mother at the time that the strike was there in Brockmanville? 30

A. Yes, sir.

Q. You remember when one of the Pokruss brothers came down there at that time, do you?

A. Yes, sir.

Q. Were you two families intimate, visiting back and forth?

A. Yes, sir.

Q. Did Pokruss ever come to your house while he was there?

A. Yes, sir.

Q. Frequently or infrequently?

A. He came there frequently.

Q. While he was there, did he ever say to anyone
10 in your presence that Abe had struck his wife with a blackjack?

A. No, sir.

Q. Or that he had cursed her?

A. No, sir.

Q. Did he in January, 1914, make a similar statement, a statement that Abe had struck his wife?

A. No, sir.

Q. In August or September, 1913, at the time of the strike, did she come over to the house and com-
20 plain of Abe striking her with a blackjack?

A. No, sir.

Q. Or cursing her?

A. No, sir.

Q. Or beating her?

A. No, sir.

Q. What were Abe's relations with his wife, as to their conduct—good or bad?

A. Good.

Q. What was Anna's character as to temper, Mr.
30 Pitel?

A. Well, she was a little high tempered.

Q. Quick in speech, was she?

A. Yes, sir.

Q. Did you ever hear her speak complainingly of Abe?

A. No, sir.

The Advisory Master: Do you know what complainingly means?

The Witness: Telling things, whether he done anything to her.

Q. Did she ever complain of his conduct?

A. No, sir.

Q. Did she ever growl or quarrel or snap at him?

A. Not that I know of.

Q. Apparently they got along pretty fairly well? 10

A. Yes, sir.

Q. In January, 1914, were you home?

A. Yes, sir.

Q. You have heard the testimony regarding the visit of the Pokruss brothers and the father down there, haven't you?

A. Yes, sir.

Q. Do you recall the time when they took dinner at your father's house?

A. Yes, sir. 20

Q. What day of the week?

A. Sunday.

Q. Do you remember the month or year?

A. No, I can't remember.

Q. Wintertime or summertime?

A. It was around wintertime.

Q. Had Abe been away for three weeks during that time?

A. No, sir.

Q. Prior to that time? 30

A. No, sir.

Q. Had he been away at all?

A. Yes, sir; he has been at Bridgeton for four or five days.

Q. Anybody stay with your sister-in-law that you know of?

A. Yes, sir.

Q. Who?

A. My sister.

Q. Which one?

A. Jennie and Ida.

Q. Now, at the Sunday dinner that was spoken of, in your presence was there anything said by any of the Pokruss people about Abe's treatment of his wife?

A. No, sir.

10 Q. Anything said by Abe's wife about it?

A. No, sir.

Q. Were you around there all the time?

A. Yes, sir.

Q. Did you go along with the rest of the family over to Abe's house?

A. Yes, sir.

Q. What did you do after that?

A. After we had dinner, we sat over at our house for a while and after that went to Abe's house and
20 after my brother took them over to the station, that is when we went home.

Q. Which brother took them over?

A. Abe.

Q. Did you hear anything at any time during this visit regarding that?

A. No, sir.

Q. No complaint of Abe's treatment of any kind?

A. No, sir.

Q. Do you remember the visit that you and your
30 brother made over to Sigel's, some time after he and his wife separated?

A. Yes, sir.

Q. How long after?

A. It was in the summertime, around June or July, we was over to Sigel's.

Q. After the separation?

A. Yes, sir.

Q. Just state to the Court what occurred there that day.

A. We were standing there and he was talking to some young lady he knew, and all at once I heard somebody got a smack over there and Abe saw it was her.

Q. Did you see her?

A. Yes, sir.

Q. When you saw her —

10

The Advisory Master: Whom did she smack?

The Witness: She smacked Abe.

Q. Where was she?

A. Right in Sigel's yard and she grabbed hold for a club.

The Advisory Master: When was that?

The Witness: Around June or July, somewheres 20 around that.

Q. How long after they separated?

A. About a month.

Q. When you turned and saw her, what was she doing?

A. She had hold of him and got hold of a club to hit him, she tore his shirt open and I grabbed hold of her and pulled her away.

Q. And what was said or done by anybody else?

A. Sigel said, "You get off the yard, don't come 30 in the yard here to fight," because he kept boarders over there.

Q. What do you mean by keeping boarders?

A. Summer boarders.

Q. Any of them around there at the time?

A. Yes.

Q. Where do they come from?

A. Philadelphia.

Q. Did she leave then?

A. Yes, sir.

Q. Did Abe strike her or do anything of that kind to her?

A. No, sir; he never lifted his hand to her.

Q. Did you see where she went?

A. No, sir.

10 Q. She left the place and you didn't see her afterwards?

A. That is about all. She left the place.

Cross-examination.

By Mr. Bartlett:

Q. You struck Mrs. Pitel at this time yourself, didn't you?

20 A. Who? I struck her? No, sir.

Q. And you sit there and say you never heard any complaint about your brother's treatment of his wife?

A. No, sir.

Q. And none that Sunday in January, 1914, you say that, do you?

A. What is that?

Q. There was nothing brought up that Sunday in 1914?

30 A. No, sir.

Q. Was Mr. Pokruss there, the old gentleman you see sitting there (indicating)?

A. Yes, sir.

ANNIE LAMPKIN, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

(Examination conducted and witness sworn through Lillian Lipwock, interpreter, duly sworn.)

Q. Mrs. Lampkin, you lived in Brockmanville?

A. Yes, sir.

Q. How long have you lived there?

A. Four years.

Q. Do you know Mrs. Pitel and Abe Pitel?

A. Yes.

Q. You are the wife of the rabbi?

A. Yes.

Q. Have you and Mrs. Pitel been friendly always, have you?

A. I used to come in there often.

Q. To her house?

A. I was in her house and she was in my house.

Q. You lived neighbors, pretty close neighbors, weren't you?

A. I lived quite a distance from her.

Q. Walking distance?

A. Yes.

Q. Did Mrs. Pitel at any time on your visits to her or her visits to you complain of her husband's treatment of her?

A. She never told me.

Q. Did she ever tell you about his using a black-jack or revolver?

A. No.

Q. Or his fists?

A. No.

No cross-examination.

10

20

30

ABRAHAM PITEL, recalled.

The Advisory Master: These times that you went with the Cohens to see your wife, when were they?

The Witness: Before she had me arrested.

The Advisory Master: No, at the time you went with the Cohens to see about a reconciliation with
10 your wife, that was lately?

The Witness: No, sir.

The Advisory Master: Hyman Cohen or the other Cohen, Louis Cohen, he said it was only a few months ago. When did you go with Louis Cohen?

The Witness: About four months ago.

20 The Advisory Master: Was it before or after this suit was commenced?

The Witness: I am sure it was before that.

The Advisory Master: Can you give the time?

The Witness: Not exactly.

By Mr. Bartlett:

30 Q. Where is your wife boarding at the present time?

A. Up to Wood Street.

Q. Mrs. Rashkin's?

A. Yes.

Q. And when were you over to Mrs. Rashkin's last?

A. I have been over to two places. She was boarding the first place Stanfeld.

Q. Have you been over to her boarding house since this suit was commenced?

A. Yes.

Q. To see your wife?

A. Yes.

Q. And have you been there since the hearing?

A. Yes.

Q. And what for?

10

A. To make up.

Q. What did you do to Mrs. Rashkin?

A. Nothing.

Q. What did you say to your wife?

A. I spoke to her right at the gate.

Q. You saw Mrs. Rashkin?

A. Yes.

Q. And you say you didn't say anything to her?

A. No, sir.

Q. Didn't you say to Mrs. Rashkin you would settle with your wife? 20

A. I should say not.

Q. You didn't?

A. No.

Q. And didn't you tell Mrs. Rashkin that you came there for that purpose, to make a settlement with your wife?

A. I haven't spoke to Mrs. Rashkin at all. She insulted me several months ago.

Q. How long since you spoke to Mrs. Rashkin? 30

A. I haven't spoke to her.

FANNIE RASHKIN, a witness produced on behalf of the petitioner, in rebuttal being duly sworn, testified as follows:

By Mr. Bartlett:

- Q. Mrs. Rashkin, where do you live?
A. 623 Wood Street.
- 10 Q. And does Mrs. Pitel board with you?
A. Yes, sir.
Q. And how long?
A. Five or ten months—nine or ten months.
Q. Do you know Abe Pitel, the defendant?
A. I didn't know until he came to my house.
Q. When did he come to your house?
A. A few days before the trial was to be in Trenton.
- Q. That was in what month?
A. I don't know.
- 20 Q. Can you say how long ago?
A. I don't know. When the trial was supposed to be in Trenton. I suppose you know better.
Q. What did he say to you?
A. He said I should make up, he wants to give \$350 for her to give him a divorce and for to stand all court expenses and lawyers' expenses.
Q. Did Abe Pitel tell you that?
A. Yes, sir; he did. He told me right in my house. He was twice to my house.
- 30 Q. Has he been there since that date?
A. No; he was once before and then before the trial.

Cross-examination.

By Mr. Tuller:

Q. Mrs. Rashkin, when was it that he was there to see you? What time of day?

A. That was night time.

Q. Where were you?

A. I was sitting by the piano and playing and he knocked on the door and saying, "Ask your mother 10 if I can come in," and he came in and asked me if his wife was there.

ABRAHAM POKRUSS, a witness produced on behalf of the petitioner, in rebuttal, being duly sworn, testified as follows:

(Examination conducted and witness sworn through interpreter, previously sworn.)

By Mr. Bartlett:

20

Q. You are the father of the petitioner?

A. Yes.

Q. And did you go to the home of your daughter, at Brockmanville, in January, 1914?

A. Yes.

Q. What day of the week was it?

A. Sunday.

Q. And when you got to her home, whom did you find there?

30

A. When I came to her house, she was there all by herself, sitting and crying.

Q. Who came with you at that time?

A. I came with my two sons and son-in-law.

Q. And then where did you go from Mrs. Pitel's home?

A. Two or three hours later I went over to her mother-in-law's house.

Q. Was Abe Pitel there at his mother's?

A. Mr. Pitel said that he sent for Abraham.

Q. And did Abe come while you were there at the house?

A. He did.

Q. Now, what was said about his going back and
10 living with his wife, in the presence of Abe Pitel?

A. He said that he will be good and go back to live with her and they should excuse him for his actions towards her.

The Advisory Master: Was this conversation in English or Yiddish?

The Witness: In Yiddish.

Q. What did Abe say when he first came in, in re-
20 gard to going back and living with his wife?

A. When they went back for supper at Anna's house, he promised he wouldn't go any more to dances and he wouldn't play cards and he will be good to her.

No cross-examination.

30 ANNA PITEL, the petitioner, recalled in rebuttal.

By Mr. Bartlett:

Q. Mrs. Pitel, did you hear the testimony of Rachel Lipwock this morning?

A. Yes, sir.

Q. And did you ever say anything to her?

A. Yes, sir.

Q. In which she states you never made any complaint about your husband's treatment? Did you ever complain to her about your husband's treatment?

A. Yes, sir.

Q. And what did you tell her?

A. That my husband don't treat me right, he abused me several times and he don't treat me right, and she cried and she said, "I thought he would make up a good husband." 10

Q. Did you ever say anything to Gerschel Pitel, the father of the defendant, concerning your husband's treatment?

A. I did.

Q. What?

A. I told him everything, the way he treated me, that he don't treat me right.

Q. Are you still working at Cohen Brothers? 20

A. I didn't work since the last ten days. I have been sick in bed.

Q. And what has been your average wage, by reason of lost time, a week?

A. About seven to eight dollars.

No cross-examination.

Mr. Bartlett: We rest, with the exception that we will offer in evidence an exemplified copy of the situation of the divorce case in Nevada, showing the present status of the case. 30

Hearing adjourned to December 6, 1916, at ten o'clock A. M., at the office of the Advisory Master, 110 Market Street, Camden, New Jersey.

DEFENDANT'S TESTIMONY.

Camden, New Jersey,
December 6, 1916.

DAVID SIEGAL, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

10 By Mr. Tuller:

Q. Mr. Siegal, where do you live?

A. Brockmanville, New Jersey.

Q. How long?

A. For the last twenty years.

Q. Do you know Abe Pitel and his wife?

A. Yes, sir.

Q. How long have you known them?

A. Oh, I know Abe Pitel when he was a boy yet
20 and I knew her since they moved down there.

Q. Since their marriage?

A. Since their marriage.

Q. Do they live a short distance from you?

A. About a square and a half, two squares.

Q. Frequently visit you?

A. Used to come once in a while.

Q. Did he come to your house frequently?

A. Yes, sir.

Q. Did you during their married life and when
30 they lived together ever hear Mrs. Pitel complain
of the treatment her husband gave her?

A. No, sir.

Q. Did she visit your house often enough to have
any talk?

A. Why, she used to come down there sometimes
once a week. In the summer she used to come pretty

often because in the summer I used to keep a lot of boarders.

Q. You have some boarders?

A. Yes, sir.

Q. And she came to visit your family or the boarders?

A. She supposed to come to visit my family and she had some people she knowed in the evenings.

Q. During the time she visited your family, did you ever hear her complain of any treatment by her husband? 10

A. I never had any bad complaints. She told me her husband ain't using her right, and we used to have a talk then, and I never heard her say she was short of anything or she ain't got enough money to live on, he ain't abusing her or anything like that, I never heard anything like that.

Q. Did she tell you how he wasn't using her right?

A. No, sir.

Q. You know the time when they separated?

A. Yes, sir. 20

Q. Did you have any talk with her soon after that time?

A. Well, right soon after then that thing broke out, Abe came down to my place, and it was I guess somewheres around half-past seven or seven in the evening, and I said, "What was the matter?"

Q. Just tell what you did, not what he said. Where did you go after Abe came to the house?

A. I went down to his house and her house.

Q. Where she and he had been living? 30

A. Yes, sir.

Q. What did you do there?

A. I knocked on the door there. The door was locked but I knocked on the door and she opened the door and I said, "Mrs. Pitel, can I talk to you?"

and she said yes; so I started in to talk and she said, "If you want to say anything about my husband, I don't want to hear nothing," and she locked the door and went into the house.

Q. What did you do then?

A. I walked back home.

Q. Did you see her afterwards?

A. I seen her a few days afterwards.

Q. How long after?

10 A. About two or three days or such a matter.

Q. What did you say to her and what did she say to you at that time?

A. She didn't say nothing to me then.

Q. Did you talk to her then?

A. I had a talk with her but she —

Q. What did you say to her?

A. I asked her what was the matter about not leaving us in and she said she didn't want nothing to do with him, she said he is a tramp and he ain't making no living for her and she don't want to have
20 nothing to do with him.

Q. Did you see her at a later time at your house?

A. I seen her about, I should judge, about a couple of weeks afterwards.

Q. Where was this?

A. Down in my yard.

Q. What transpired in your yard?

A. I was in the house eating supper and Abe came in and a couple of more fellows there eating supper
30 and talking and I finished my supper and I was going out the door and Abe just went ahead of me and she was out there in the yard and she grabbed Abe by the throat, by his clothes here (indicating) and said, "What you doing up here?" and Abe said, "What you doing?" and she said, "Nothing; I got a right to come," and she raised her right

hand up and smacked him twice and we separated them and my boy got hold of her and took her out of my yard.

Q. Did Abe strike her?

A. No, sir.

Q. Did he use bad language?

A. No, sir; he didn't say a word. He only asked her, "What you doing up here?" and she said, "I got a right to be here."

The Advisory Master: Who smacked the other 10
in the face?

The Witness: Mrs. Pitel smacked him.

The Advisory Master: And you say she grabbed him by the collar?

The Witness: Yes, sir; only out a couple of steps from the door.

Q. Grabbed him by the shirt collar?

20

A. Yes, sir.

The Advisory Master: Under his chin?

The Witness: Yes, sir.

Q. Did you see her after that and talk with her at any time afterward?

A. I never had a talk with her after this. That was the last talk we had.

30

Cross-examination.

By Mr. Bartlett:

Q. How long was that after the separation, Mr. Siegal, between him and his wife?

A. Why, after they quit staying together, I guess about a couple of weeks.

Q. Where was Mrs. Pitel living then?

A. She was living then in the same place.

Q. And where was Abe living then?

A. Where Abe was living, I couldn't tell you that. I suppose he was home.

Q. How long did Mrs. Pitel stay there at the home?

10 A. After they separated, a couple of months I suppose.

Q. Then where did she go?

A. She moved in another house.

Q. She lived all alone in the house?

A. I can't tell you that.

Q. You lived how far from there?

A. About a square and a half, two squares.

Q. How often did you see her after that?

A. I seen her often in the street.

20 Q. You can't tell?

A. I can't. It is none of my business.

Q. Abe went away after that?

A. About a month or so.

Q. Do you know where he went to?

A. I don't know.

Q. Was Abe arrested at Salem shortly after the separation?

A. I heard he was.

Q. Were you a witness in that case?

30 A. No, sir.

Q. Do you know whether he was arrested and put under bonds?

A. I can't tell you. I heard people talking about it but I can't tell you a thing about it.

Q. Who left your home first after she took him by the collar?

A. She left because my boy took her out the yard.

Q. What did Abe say to her?

A. Abe didn't say nothing. He asked her what she was doing up here and she said, "I got a right to be up here and you ain't."

The Advisory Master: She said that?

The Witness: Yes, sir.

Q. Was Abe there with a girl?

10

A. No, sir.

Q. Wasn't there any girl there beside Abe?

A. Not in the house where Abe was sitting.

Q. In the yard?

A. A few girls and boys in the yard.

Q. And when she came there, Abe was talking with them?

A. No, sir; Abe was sitting in the house with a few men eating supper.

Q. Had Abe been out with any of them?

20

A. Not as I know.

Q. Did Abe stay at your house at any time?

A. No, sir.

Q. Are you related to Abe?

A. No, sir.

Q. How long have you lived in —

A. Brockmanville?

Q. Yes.

A. About twenty years or more.

Q. Been convicted of crime?

30

A. Yes, sir.

MYER SALINSKY, a witness produced on behalf of the defendant, being duly sworn, testified as follows:

By Mr. Tuller:

Q. Mr. Salinsky, where do you live?

A. Vineland.

Q. How long?

10 A. Pretty close to nine years.

Q. Do you know Abe Pitel and his wife Anna?

A. I know Mr. Pitel's family, all of them. I know her too, a little, just seen her a few times.

Q. You know her, however?

A. Yes.

Q. Where did she live during the years 1913 and 1914?

A. Brockmanville.

Q. Did you frequently go to Brockmanville?

20 A. I used to go there. Stopped in several times to Mr. Pitel's place.

Q. What is your business?

A. Butcher.

Q. Does your business take you around or has it taken you around Brockmanville around 1913 and 1914?

A. Yes, sir. I had to go to Steinsnyder slaughter house.

30 Q. Did you ever have any conversation with Anna Pitel regarding her difficulties with her husband, Abe Pitel, during the summer of 1914?

A. Yes, sir; I had.

Q. Now, when and where was this conversation?

A. Right down in Brockmanville.

Q. State to the Court where it took place, how and when it was.

A. I went to Steinsnyder and going back she

was coming out from the house at the corner of the road and she stopped me and she told me, "You know what happens now?" and I said, "A little but I don't know it all," and she said, "Well, I had my husband arrested," and I said, "What is the matter?" And she told me such things like that, that she can't agree with him. Well, I told her that it happens lots of things, many a couple sometimes they might have a scrap, and a little by and by things get straightened out, 10 and it was a shame to have him arrested, this thing could be very easily settled up, and "If you want to leave it to me I will talk to Abe Pitel too and he is very willing to go back to live with you," and I talk to him, "I can just as well make a settlement between you," and she said, "Oh, no, I got him arrested and I will get my support and I don't want to have no trouble with him no more, I don't want to see him, I don't want to know him, I don't want to see him." That is what she told me right down the 20 road.

Q. How long after the arrest was this, do you know, how long after she had him arrested was it that you had this conversation with her?

A. I don't think it was very long but I can't tell you exactly.

Q. Just fix the time as near as you can.

A. I think it was very closer after the arrest, I think.

Q. Was it the first arrest or the second? 30

A. The first time.

Q. Did you see her at any time after that and talk with her about it?

A. I did talk with her once or twice after that.

Q. What was the conversation then?

A. The conversation was that I told her Abe Pitel

was to my place several times and sold me a few times chickens, he deals in chickens, and I asked him, I said, "Abe, this is not the right way to live."

The Advisory Master: Did you tell her this?

Q. Was she there?

A. No.

10 Q. Don't state that conversation. Just state what conversation you had with her, if you had any afterward.

A. Just the same thing what I told you.

Q. Just a repetition of what you had before?

A. Yes. I told her it would be good advice to make a settlement.

Q. You have had no conversation since she came over to Vineland?

A. No.

20 Cross-examination.

By Mr. Bartlett:

Q. Did she tell you at that first conversation in June, 1914, or about that time that he had abused her?

A. I don't know about that much. I didn't go in much talk, I was sitting in the buggy.

30 Q. You can't recall whether she told you he had been abusing her and ill-treating her and she didn't want to live with him on that account?

A. I don't know. I can't recall.

Q. Did you deliver meat there, Mr. Salinsky?

A. No, sir. I just buy at the slaughter house.

DEFENDANT RESTS.

Mr. Bartlett: I offer an exemplified copy of a record, No. 10805 in the Second Judicial Court of the State of Nevada, in and for the County of Washoe, in the case of Abraham Pitel, plaintiff, against Annie Pitel, defendant. This record is an exemplified copy of all the proceedings in the case now pending in the State of Nevada. It shows the pleadings, the evidence taken in the case, the decree of divorce granted the plaintiff on the ground of extreme cruelty to the plaintiff on the part of the defendant. 10 It also shows the opening of the decree, dated October 15, 1915, and answer filed on the part of the defendant and cause still pending. The decree is dated May 20, 1915. The decree was opened upon stipulation of the attorneys and the order directed that the answer be filed within twenty days and the answer was filed and nothing has been done since that date. The answer was filed within the time stipulated.

Mr. Tuller: I object to the introduction of said record as irrelevant. 20

(Objection overruled.)

The same is admitted in evidence and marked Exhibit P5.

ANNA PITEL, recalled.

30

By Mr. Bartlett:

Q. Mrs. Pitel, you heard the testimony of Mr. Siegal this morning?

A. Yes, sir.

Q. Did you go to his house?

A. Yes.

Q. What was your purpose?

10 A. His daughter was to visit him from Philadelphia and she wanted me to come down and his daughter-in-law too; so I came down once one evening there and Mr. Pitel's son, not my husband but my husband's brother, and Mr. Sigel started to chase me and I said, "What for you chase me out?" And his daughter called me and said, "Sit down in the seat in the swing," and he stood on a corner and spoke to a girl and said, "We will go out for a ride," and he came the day before in his father's yard with his buggy and they told me this was the same girl.

Q. You heard him speak to this girl?

A. Yes.

Q. And what did he say?

A. He said he wanted to take her out.

20 Q. Did he say anything about being married?

A. Yes, he said he was not married and never married, and I said, "I am his wife," and he came over to me and licked me on my face and my shoulders.

Q. How?

A. With his fist he struck me right on my shoulders with his fist and he sent these two boys—Sigel's boy and his brother—to chase me up the road, and I went home.

30

No cross-examination.

BOTH SIDES REST.

EXHIBIT P1.

ORIGINAL.

No. 292907.

I Rev. M. Romm hereby certify that on the
Second day of April one thousand nine hundred and
13 at Philadelphia,

Abe Pitel and Anna Pokruss

Were By Me

United in Marriage

in accordance with License issued by the Clerk of 10
the Orphans Court of Philadelphia County, Penn-
sylvania, numbered 292907

Copy from Record

M Romm

S. E. F. Minister of the Gospel, Justice of
the Peace or Magistrate.

EXHIBIT P2.

(English translation from Yiddish note written on
face of check of A. Pitel.)

20

You shall not take any oranges nor any eggs nor
any cheese, because I will stop your taking. I am
willing that you get bread alone.

EXHIBIT P3.

In the

SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.

In and for Washoe County.

30

Abram Pitel,

Plaintiff,

vs.

Anna Pitel,

Defendant.

Complaint.

The plaintiff complains of the defendant and for
cause of action alleges:

I.

That the plaintiff now is, and for a period of more than six months immediately preceding the commencement of this action has been, a resident of and domiciled in the County of Washoe, in the State of Nevada.

II.

10

That the plaintiff and defendant intermarried in the City of Philadelphia, State of Pennsylvania, on the 2nd day of April, 1913, and ever since have been and now are husband and wife.

III.

20 That immediately after their said marriage and during all the time they lived together thereafter, the plaintiff and defendant resided in the town of Brotmanville, State of New Jersey, and all of the acts of cruelty hereinafter stated occurred in the said town of Brotmanville.

That since their said marriage the said defendant has treated said plaintiff in an extremely cruel and inhuman manner, some of said acts of cruelty being as follows:

30 That the said defendant is very irritable and quarrelsome, and has a very violent, vicious and ungovernable temper. That about six months after their said marriage said defendant commenced to find fault with and to nag at plaintiff, and frequently thereafter and as long as the plaintiff and defendant lived together, the said defendant, without any just cause or reason therefor, found fault with and nagged at said plaintiff, and frequently cursed and

swore at plaintiff and called him vile and opprobrious names.

That one evening in or about the month of September, 1913, without any just cause or reason therefor; the said defendant became angry at said plaintiff and picking up a lighted coal-oil lamp she was about to throw the same at plaintiff when he ran from the house, and because of defendant's violent temper and her threats against him, said plaintiff was afraid to return to his home, until after defendant's parents had talked to her and she had promised to treat plaintiff kindly and properly thereafter. 10

That upon a certain Friday evening in or about the month of October, 1913, the said defendant, without any sufficient cause or reason therefor, became very angry at said plaintiff and thereupon assaulted plaintiff with an iron stove poker and threatened to kill him, then and there wilfully struck plaintiff a heavy blow with said stove poker on his shoulder and plaintiff again ran out of the house and away from defendant. That thereafter and during the said night said plaintiff returned to his home, but found the doors locked and said defendant refused to unlock the door and let plaintiff in the house. 20

That on the following day, the same being a Saturday, said plaintiff went to his home, but again found the doors locked and not until after he had threatened to break in the door with an ax did defendant let him in the house. After entering the house plaintiff went to the clothes closet to get his clothes to dress to attend services at the Synagogue, but found the clothes closet locked and said defendant refused to give him the key thereto; and becoming angry at plaintiff because he insisted upon 30

getting his clothes, said defendant wilfully made an assault upon plaintiff with a large breadknife and threatened to kill him, and plaintiff escaped from defendant only by jumping out of a window and leaving the house.

10 That thereafter and on the following day said plaintiff in company with his father—Mr. G. Pitel—went to plaintiff's home for the purpose of trying to pacify said defendant and to make up with her, but said defendant became very angry and seizing a jewelry bag containing two watches, two bracelets and other jewelry she wilfully and violently threw the same at plaintiff, striking him therewith in his right eye with great force and thereby causing plaintiff's eye to become very much swollen and discolored and causing him great pain and suffering; and because of said defendant's vile and abusive language and violent conduct said plaintiff and his father left the house.

20 That at all times after driving said plaintiff from their home in October, 1913, as aforesaid, said defendant positively refused to make up with plaintiff and refused to live with him.

30 That plaintiff is informed and believes and upon his information and belief alleges; that at diverse times and places in said town of Brotmanville, said defendant has told people that she did not care for plaintiff and that she did not love plaintiff when she married him, and that she married plaintiff because she was getting old and wanted someone to support her; and that at frequent and diverse times said defendant went about the neighborhood in and about said town of Brotmanville, abusing plaintiff calling him vile and opprobrious names and threatening to kill him.

That one evening in the month of July, 1914, when

said plaintiff was standing in front of a summer lodging house in said town of Brotmanville conversing with friends, the said defendant came up behind plaintiff and being unnoticed by him she wilfully struck plaintiff a heavy blow in his face, and thereupon seizing hold of plaintiff she struck and beat him and picking up a large club defendant threatened to kill plaintiff, and only through the intervention of the bystanders who held defendant and took the club from her was defendant kept from striking plaintiff with said club, and thereby causing plaintiff great mental and physical pain, and humility. 10

That said defendant was a large and strong woman weighing about 185 pounds and because of her violent and vicious temper and threats to kill him, said plaintiff feared that defendant would carry her threats into execution and would kill him.

That the aforesaid conduct and acts of cruelty of said defendant caused said plaintiff great physical pain, mental anguish and humiliation, and destroyed plaintiff's health, happiness and rendered his life miserable and unendurable. 20

IV.

That there are no children the issue of said marriage, and no community property.

WHEREFORE, said plaintiff prays for judgment and decree dissolving the bonds of matrimony existing between said plaintiff and said defendant and restoring him to the status of single person, and for such other and further relief, as the premises being considered, shall to this Honorable Court seem meet and proper. 30

A. A. Smith
Attorney for Plaintiff.

State of Nevada, }
County of Washoe. } ss.

Abram Pitel, being duly sworn, deposes and says:
That he is the plaintiff in the above-entitled action;
that he has read the foregoing complaint and knows
the contents thereof, and that the same is true of
his own knowledge, except as to the matters therein
stated on information and belief, and as to those
10 matters he believes it to be true.

Abram Pitel

Subscribed and sworn to before me
this 1st day of April, 1915.

(Seal)

E. R. Dodge

Notary Public in and for Washoe County, Nevada.

Endorsements:

Hon. Thomas F. Moran

No. 10805

20 In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Complaint.

Filed, April 1, 1915, W. A. Fogg, Clerk,

By S. R. Tippet Deputy Clerk.

A. A. Smith Attorney for Plaintiff

Default of the Defendant,——for fail-
30 ing to appear entered in open court 20
day of May, A. D. 1915.

W. A. Fogg, Clerk

By S. R. Tippet, Deputy Clerk.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.
In and for Washoe County.

Abram Pitel,		
Plaintiff,		
vs.		
Anna Pitel,		
Defendant.		Affidavit for Publi- cation of Summons.

10

State of Nevada,		
County of Washoe.		ss.

Abram Pitel, being duly sworn, deposes and says: That he is the plaintiff in the above-entitled action; that the complaint in said action was duly filed with the clerk of the above-entitled court on the 1st day of April, 1915, and summons was thereupon duly issued in said action by said clerk, and on said date, said summons was placed in the hands of a male 20 citizen of the United States over the age of twenty-one years and not a party nor interested in said action for service.

That the person upon whom service of said summons is to be made, to-wit: Anna Pitel, the defendant above-named, resides outside of the State of Nevada, to-wit, in the State of New Jersey: that said defendant is not now and never has been a resident of the State of Nevada, and is not now within the State of Nevada; and that said defendants last 30 known place of residence and postoffice address is brotmanville, County of Salem, State of New Jersey.

That said affiant has fully and fairly stated the facts of this case to his counsel, A. A. Smith, and he

is by him advised, and verily believes, that he has a good cause of action in this suit against said defendant, and that said defendant is a necessary and proper party thereto; all of which will also more fully appear from the verified complaint of said plaintiff on file in said action, and to which reference is hereby made and said complaint made a part hereof.

10 WHEREFORE, personal service of said summons cannot be made on the said defendant within the state of Nevada; and said plaintiff therefore prays, that said court, or a Judge thereof, order that service of said summons be made by publication thereof.

Abram Pitel

Subscribed and sworn to before me
this 1st day of April 1915.

(Seal)

E. R. Dodge

Notary Public in and for
Washoe County State of
Nevada

20

Endorsements:

No. 10805

In The Second Judicial District Court Of The State
Of Nevada In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

30

Affidavit for Publication of Summons.

Filed Apr 1 1915 W. A. Fogg, Clerk

By S. R. Tippet Deputy Clerk

A. A. Smith, Attorney for Plaintiff.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.
In and for Washoe County.

Abram Pitel,
Plaintiff,
vs.
Anna Pitel,
Defendant.

Order for Publica-
tion of Summons.

10

Upon reading and filing the affidavit of Abram Pitel, the plaintiff above-named, and it satisfactorily appearing to me, the Judge of the above-named court, therefrom, that Anna Pitel, the defendant above-named, is not a resident of the State of Nevada, and that she is not now within the State of Nevada; and it further appearing from said affidavit and also from the verified complaint of said plaintiff on file in said action, that a good cause of action exists in favor of said plaintiff and against said defendant, and that said defendant is a necessary and proper party to said action; and it further appearing that summons has been duly issued out of said court in said action and the same placed in the hands of a male citizen of the United States over twenty-one years of age for service, and that personal service of said summons cannot be made upon said defendant within the State of Nevada, for the reason hereinabove stated, and by said affidavit made to appear; and it further appearing from said affidavit that the last known place of residence and postoffice address of said defendant is Brotmanville, County of Salem, State of New Jersey; Now, on motion of A. A. Smith, the attorney for plaintiff in said action, IT IS HEREBY ORDERED, that service of said

20

30

summons in said action be made upon said defendant, Anna Pitel, by publication thereof in the Nevada State Journal, a newspaper printed and published in the City of Reno, County of Washoe, State of Nevada, hereby designated as the newspaper most likely to give notice to said defendant, and that said publication be made at least once a week for a period of six weeks; and it is further ordered that a copy of said summons, attached to a
10 certified copy of the complaint in said action, be forthwith deposited in the United States postoffice, with the postage prepaid thereon, and addressed to said defendant at Brotmanville, County of Salem, State of New Jersey, her last known place of residence and postoffice address.

Dated this 1st day of April, 1915.

Thomas F. Moran
District Judge.

20

(Endorsements)

No. 10805

In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Order for Publication of Summons.

Filed Apr 1 1915 W. A. Fogg, Clerk

By S. R. Tippet Deputy Clerk

30

A. A. Smith, Attorney for Plaintiff.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.

In and for Washoe County.

Abram Pitel, Plaintiff, vs. Anna Pitel, Defendant.	_____ } } _____	Affidavit of Service of Summons.	10
---	---	---	-----------

State of Pennsylvania, County of Philadelphia,	{ {	ss.	
---	-------------------	------------	--

Charles B. Rosa, being duly sworn, according to law, deposes and says: That he is, and was on the day when he served the annexed summons, a male citizen of the United States, over twenty-one years of age, and that he is not a party to or interested in the above entitled action. 20

That he received the annexed summons in said action on the Seventh day of April, A. D. 1915, and personally served the same upon Anna Pitel, the defendant above-named, on the Eighth day of April, A. D. 1915, by delivering to and leaving with the said defendant, Anna Pitel, Personally, in the City and County of Philadelphia, State of Pennsylvania, a true copy of said summons, attached to a copy of the complaint in said action therein named. 30

That said copy of said complaint was duly certified by A. A. Smith, as attorney for the plaintiff in said action, to be a full, true and correct copy of the original complaint on file in said action in the office of the clerk of the above-named court.

Charles B. Rosa (Seal)

Sworn and Subscribed to before me this 6th day
of May, A. D. 1915.

(Seal) Thomas S. Russo
Notary Public
Commission Expires March 22nd, 1918

In the

10 SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.

In and for the County of Washoe.

Abram Pitel,
Plaintiff,
vs.
Anna Pitel,
Defendant.

}
Summons.
}

20

The State of Nevada sends Greeting to said defend-
ant:

You are hereby summoned to appear within ten
days after the service upon you of this Summons if
served in said county, or within twenty days if
served out of said county, but within said Judicial
District, and in all other cases within forty days
(exclusive of the day of service), and defend the
above-entitled action. This action is brought to re-
30 cover a judgment and decree dissolving the bonds
of matrimony existing between you and said plain-
tiff, upon the ground that you have been guilty of
extreme cruelty to said plaintiff, as alleged and
described in said plaintiff's complaint on file in
said action, and to which reference is hereby made.

Dated this 1st day of April, 1915, A. D.

W. A. Fogg,
 Clerk of the Second Judicial District
 Court of the State of Nevada, in and for
 Washoe County.
 (Seal) By S. R. Tippet, Deputy.

In the
 SECOND JUDICIAL DISTRICT COURT OF THE
 STATE OF NEVADA. 10
 In and for the County of Washoe.

Abram Pitel,	}	
Plaintiff,		
vs.		Default.
Anna Pitel,		
Defendant.		

In the above entitled cause, it appearing from the
 affidavit of Charles B. Rosa that Anna Pitel, the 20
 defendant herein, was duly and personally served
 with process, on the 8th day of April, A. D. 1915.
 in the City of Philadelphia, County of Philadelphia,
 State of Pennsylvania, and that the defendant Anna
 Pitel, was served with a certified copy of the Com-
 plaint, and that more than forty days (exclusive of
 the day of service) have expired since said service
 upon the defendant, and no answer or demurrer
 having been filed or other defense made by defend-
 ant, and no further time having been granted, the 30
 default of the defendant, Anna Pitel defendant here-
 in in failing to answer or make defense to plaintiff's
 complaint, is hereby entered.

WITNESS my hand and the Seal of said Court
 this 20th day of May, A. D. 1915

(Seal) W. A. Fogg, Clerk
 By W. Jay Cran Deputy

(Endorsements)

No 10805

In The Second Judicial District Court Of The State
Of Nevada In And For The County Of Washoe.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Default.

10 Filed this 20th day of May, A. D. 1915,
W. A. Fogg, Clerk
By W. Jay Cran, Deputy Clerk.

In the

SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.

In and for Washoe County.

20 Abram Pitel,
Plaintiff,
vs.
Anna Pitel,
Defendant.

No. 10805
Transcript.

30 BE IT REMEMBERED that the above entitled
case came on regularly, to be tried on the above en-
titled court at 11.00 o'clock, a. m., of Thursday,
May 20, 1915, before Hon. Thomas F. Moran, one of
the presiding judges of said court, sitting without a
jury.

The plaintiff was present in court in person, also
represented by his attorney, Mr. A. A. Smith.

The defendant did not appear either in person
or by attorney.

Whereupon, the following proceedings where had
and testimony was given:

The Court: This is the time set for the trial of case No 10805, is the plaintiff ready?

Mr. Smith: Yes.

The Court: The complaint in this case was filed April 1st, 1915; parties married in Philadelphia, Pennsylvania, April 2, 1913; usual six months' allegation of residence; cause of action, extreme cruelty; affidavit for publication of summons filed April 1, 1915; order for publication of summons filed April 1, 1915; personal service of summons made on the defendant on the 8th day of April, 1915; default entered in the Clerk's office on the 20th day of April, 1915; do you wish a minute default? 10

Mr. Smith: Both ways, so there can be no question —

Mr. Smith: Has the Clerk examined the record?

The Court: Mr. Clerk, have you examined the record in this case, Pitel vs. Pitel?

Mr. Cran. (The Clerk):— I have, your Honor.

Q. When did you examine the record? 20

A. Before coming into court this morning.

Q. What did you Find?

A. No appearance whatever filed on behalf of the defendant.

The Court: You may enter the default of the defendant for failure to answer, appear or plead within the time allowed by law. Proceed with the taking of evidence.

Mr. Smith: You be sworn.

Whereupon, Abral Pitel, the plaintiff came forward, was duly sworn, took the stand and testified in his own behalf as follows:— 30

Direct examination of Abram Pitel.

Question, (By Mr. Smith):— State your name.

Answer, (By Mr. Pitel):— Abram Pitel.

Q. You are the plaintiff in this Case?

A. Yes, sir.

- Q. Where do you reside, Mr. Pitel?
A. Reno, Nevada.
Q. When did you come to Reno, Nevada?
A. The 30th of September.
Q. Of what year, 1914?
A. 1914.
Q. Where have you been living since you came to Reno, Nevada?
A. Mr. Jacobs.
10 Q. What place?
A. 108 West 5th Street.
Q. When did you first commence to room at Mr. Jacobs'?
- A. 30th of September.
Q. Have you been living there continuously since the 30 of September, of last year?
A. Yes, sir.
Q. Have you been outside of Washoe county since the 30 of September, 1914?
20 A. No, sir.
Q. Since the 30 day of September, 1914, you have been an actual resident of and domiciled in the county of Washoe, State of Nevada?
A. Yes, sir.
Q. You are still residing in Washoe County?
A. Yes, sir.
Q. Is Anna Pitel, the defendant named in this action, your wife?
A. Yes, sir.
30 Q. When and where you and the defendant married?
A. Philadelphia, Pennsylvania.
Q. On what date?
A. the Second of April, 1913.
Q. Where did you and the defendant reside after your marriage?
A. Brockmanville, New Jersey.

Q. What kind of a disposition and temper has the defendant?

A. A high temper; quick.

Q. Is she quarrelsome and violent at times?

A. Yes, sir.

Q. How has the defendant treated you since your marriage to her?

A. Five or six months.

Q. No; how, I say, has she treated you?

A. Oh, beg pardon; real mean.

10

Q. That is, during, after five or six months after your marriage, how did she treat you?

A. Well, nothing extra; not the way she ought to; just quarrelsome all the time; looking for arguments.

Q. Has she nagged at you, scolded you and found fault?

A. Yes, sir.

Q. Was that conduct almost continuous after five or six months?

20

A. Yes, sir.

Q. What occurred if anything, between you and the defendant during the month of September, 1913?

A. One evening in the house, there, and she started to argue and quarrel around, and she picked up a lamp and was just about to throw it at me and I ran out of the house.

Q. What made you run out of the house?

A. Afraid of being killed.

Q. Did she threaten to kill you?

30

A. Yes, sir.

Q. Did you go back to the house again that evening?

A. No, sir.

Q. What did you do before you returned to the house?

A. I telephoned her parents and her parents came

in a couple of days after that, a few days, and tried to make it up with her and they slapped her; and told her she was not doing right; told her she ought to behave herself and I went back and we began to live together again.

Q. Did she promise to treat you all right in the future?

A. Yes, sir.

Q. What if anything occurred during the month
10 of October, 1913?

A. I came into the house one day and she started to nag and argue and she picked up an iron poker and she was just about to open my head and I didged and she hit me on the shoulder and I ran out of the house.

Q. She struck a hard blow with a poker?

A. Yes, sir.

Q. How large was the poker?

A. About four pounds.

20 Q. Did you return to the house again that evening?

A. Yes, sir; the door was locked and she would not let me in there so I went back to my people and stayed there all night.

Q. And when did you go to the house again?

30 A. One time Saturday, in the afternoon, I went over there to dress myself to go to the synagogue to do my services; I went to the house and she would not open the door and I told her I wanted to get in the house to dress myself; she opened the door and said, "What do you want? You got no business here." I told her I wanted a suit of clothes and she said "You cannot get it." she said, "You cannot have it." and she grabbed a big bread knife and just as she got in the room I opened the window and jumped out.

Q. Why did you jump out of the window?

A. Afraid of getting killed.

Q. Did she make any threats?

A. Yes, sir.

Q. What did she say?

A. Threatened to kill me if I would not get out of there.

Q. And was it a large knife she had?

A. Yes, sir.

Q. And when did you again go to the house? 10

A. I went there the next day, Sunday with my father and tried to make up with her and father started to talk to her and told her she was not doing right; she should treat me better; and she became angry and grabbed a sack of jewelry and threw it at me and hit me in the eye and it caused pain, Swollen, discolored; and she slapped "pop" twice and pop went out and I followed him out.

Q. What was in the case?

Q. Watch, Chain, and three or four diamond 20 rings. Some more stuff, I cannot remember.

Q. Did she hit you a heavy blow in the eye with it?

A. Yes, she did.

Q. What effect did it have on the eye?

A. Discolored, pain; I felt pain for a week; the discolor was left for some time.

Q. That cause you paid and suffering?

A. Yes, sir.

Q. Did you and the defendant live together after 30 that?

A. No, sir.

Q. Did she refuse to live with you?

A. Yes, sir.

Q. Did you send parties to her to see if she would make up with you?

A. Yes, sir.

Q. She always refused?

A. Yes, sir: I sent an officer and a friend to tell her I would live with her and she refused.

Q. Were you informed by friends and neighbors that she was talking about you and making threats against you?

A. Yes, sir.

The Court: I do not think that would be admissible, what others told him, if she did not admit it to him; I don't think that is admissible; proceed.

10 Q. What occurred, if anything in the month of July, 1914?

A. We used to have what we called a share company or corporation and we used to meet every Sunday evening; it was at a summer hotel and went over there and had the meeting there and we went to the table, met the employers and spoke to them and she got back of me and picked up a piece of wood, and she was going to kill me and the people on the place ran over there and put her off the place; 20 told her she had no business there.

Q. She came up behind you without your seeing her?

A. Yes, sir.

Q. And struck you?

A. Yes, sir.

Q. Where did she grab you?

A. Tried to kill me with the piece of wood.

Q. Where did she grab you?

30 A. On my chest; grabbed hold of me there.

Q. And the people interfered?

A. Yes, sir.

Q. How large a woman is the defendant?

A. About 185 when I left her.

Q. Pounds, 185 pounds?

A. Yes, sir.

Q. Is she strong and muscular compared to her size?

A. Yes, sir.

Q. Is she stronger than you are?

A. Yes, sir.

Q. How much did you weigh when you were married?

Q. 169.

Q. How much did you weigh at that time?

A. I weighed 128.

Q. And how much do you weigh now?

10

A. 163.

Q. What caused your decrease in weight after you married?

A. Well, worryment, nervousness, being afraid to live, or something half the time I was there, married to her.

Q. Did the conduct of the defendant to which you have testified cause you a great deal of worry anxiety?

20

A. Yes, sir.

Q. And mental pain?

A. Yes, sir.

Q. And that effect your health?

A. Yes, sir.

Q. How did it affect you?

A. Being afraid; nervous, being afraid of getting killed every minute; being afraid to use the stuff I had to eat.

Q. How did it affect you physically? Make you sick?

30

A. Yes, sir. It did.

Q. Make you nervous?

A. Yes, sir.

Q. Did the conduct of the defendant destroy your happiness?

A. Yes, sir.

Q. Peace of mind?

A. Yes, sir.

Q. Do you think it would be possible for you and the defendant to live together again?

A. No.

Q. Do you think that the defendant cares to live with you or would live with you?

A. No, she don't.

Q. Did she ever tell you whether or not she cared for you?

10 A. She said she never did care for me; simply, she was getting old and she wanted to have a home and have everything she needed; and she had got everything she needed and that is all she wanted.

Q. Are there any children issue of the marriage?

A. No, sir.

Q. Any community property?

A. No, sir.

Q. You read the complaint in this case before you verified it?

20 A. Yes, sir.

Q. Do you know all the facts alleged in the complaint?

A. Yes, sir.

Q. And are all of those facts true?

A. Yes, sir.

Mr. Smith: That is all.

The Court: (Q):— Mr. Pitel, you say you arrived the 30 of September, 1914?

30 A. Yes, sir.

Q. And you have lived here ever since that time?

A. Yes, sir.

Q. Did you come here with the intention of making this place your home?

A. Yes, sir.

Q. You have no other home?

A. No, sir.

Q. Now, how long did you know Mrs. Pitel before you married her?

A. For about four or five months.

Q. And did you give her any cause for her conduct toward you?

A. No, sir.

Q. Now, on the occasion that she undertook to throw a coaloil lamp at you, didn't you do something on that occasion to her?

A. No; If you want me to tell it I will tell you. I had been up to New York and came home; she was talking to the rabbi about me; she didn't know I was in there; I was lying on the couch and when she came in there she thought I was in there listening to what she was telling the rabbi about me and it made her nervous and she jumped and grabbed the lamp and she asked me what business I had up there while she was talking to the rabbi; that is all; she was talking to him; she didn't know anything what she was talking about me. 10

Q. And she said that she would throw the coal-oil lamp at you? 20

A. Yes, sir.

Q. And you were compelled to leave the house?

A. Yes, sir.

Q. Well, did she pick up the lamp?

Q. She did. She had it right in her hand.

Q. And advanced in an angry, threatening manner?

Q. Yes, sir. 30

Q. Yes and then ——

A. And I dodged into this room and went out of the house.

Q. You didn't give her any cause or reason ——

A. I did not; She was too big for me; I was going to bring a picture and show it to you.

Q. I don't want that; I just want the fact in the case. Now in October you say you gave her no cause and she wilfully struck you a heavy blow with a stove poker.

A. I used to have plenty of horses, I was hire them out and a couple of young ladies asked me to take them down to the city and I sent my brother and finally I said, "Take the ladies down." And she was angry because I have the brother the horses to take them down and she grabbed the poker because I let them have the horses.

10 Q. No other reason?

A. No, sir.

Q. And did she strike you with the poker?

A. Yes, sir.

Where did she strike you?

A. On my shoulder.

Q. On the shoulder?

Q. Yes, she went for my head and I dodged and it went on the shoulder.

20 Q. Did she strike you with great force and violence?

A. Yes, sir.

Q. Did she succeed in frightening you with the great force of the blow?

A. I expect she did when she hit me that hard.

Q. Did you fall?

A. No.

Q. Was your shoulder sore for any length of time?

30 A. Just a little while.

Q. Well, it was not a love tap, it was a real blow?

A. Real blow.

Q. Done Maliciously?

A. Done right.

Q. and was she angry at the time?

A. Yes, sir.

Q. And you did not give her any cause?

A. No, Sir.

Q. Now, the next day after this incident that you just called my attention to, you say you returned to the house and that she would not let you in until you threatened you would break the door down with an ax, is that right?

A. Yes, sir.

Q. And why was it necessary to make that threat?

A. Well, I thought I had a right in my own house; I paid the rent and I wanted to go in there and dress myself and she refused to let me in there. 10

Q. And what did she do after you were in the house?

A. She was in the house and she asked me what I wanted and I told her I came in the house, I wanted to dress myself and go to Synagogue and do my services; she said I could not get anything; everything belongs to her; I said, "No, I am going to have a suit to dress up." And she grabbed a bread knife and before she got in the other room where a closet was I jumped out of the window. 20

Q. Was she angry?

A. She certainly was.

Q. She was angry at the time?

A. Yes, sir.

Q. And she was—to use the language of the street, she was "coming right after you," with the knife?

A. Yes, sir.

Q. And you were afraid of her?

A. I should say I was. 30

Q. And you say she compelled you to jump through the window?

A. Yes, sir. She said, "Tell him I don't want him about the place; keep right off the yard."

Q. Did you ever strike her?

A. No, sir.

Q. Now, was it the next day, you say, your father and you went to the house and talked to her?

A. Yes, we did.

Q. And what was the purpose of your father's coming there?

10 A. I thought, may be, he could make up with her and have us live together; I always wanted to live with her; I liked her. And I wanted to stay there, with her, for my home together with her; and started to talk to her; she said,—show her she did not do as a woman ought to do and she got awful mad and smacked my father and grabbed the jewelry bag and threw it right in my eye and he walked out and I walked right out with him.

Q. You have not lived with her since that time?

A. No, sir.

Q. And the only purpose you had in going there was just to talk to her?

A. No; make up with her.

20 Q. To resume marital relations?

A. Yes; just to live with her; I thought may be, she would see that she was wrong and she would go back and live with me again.

Q. And what year did you say you left her?

A. The house?

Q. Yes.

A. 1914.

Q. You live with her a year?

30 A. I lived there a year; well, it was not quite a year;

Q. You say she is a woman about 40 years, or —

A. 35.

Q. 35?

A. 35.

Q. Was her family living in that vicinity?

A. Just me and my wife.

Q. She had a family, relatives, though, did she not?

A. Yes, sir; she had.

Q. Where were they living?

A. They lived in a different city from there, 35 miles from there. They lived in Philadelphia.

Q. Do you feel—I will put it up to you—do you feel as if you have done the right thing with this woman?

A. Yes, sir. I do.

Q. And you feel as though it is impossible for you to live together again? 10

A. Yes, sir.

Q. And you—are willing to live with her, if she was?

A. Yes, sir.

Q. And if she would turn over a new leaf, as it were?

A. Yes; I sent an officer before I left her and told him to tell her I would live with her, live in the city of Philadelphia; I was willing to live with her and she said she would not live with no man; she is so she can get whatever she needs. 20

Q. She said she “would not live with no man?”

A. None.

Q. And she said she would not live with you?

A. Yes, sir.

Q. When you left the house that day, you and your father what names did she call you?

A. All kinds of names. 30

Q. She call you an s. b.?

A. No.

Q. Didn't call you that?

A. No.

Q. She call you a dirty cur, or anything like that?

A. Yes.

Q. And told you not to come on the premises?

A. Yes, I wanted to get some of my clothes and an officer and I went up there with me and the only chance we had to get one suit and she got wild and he ran out of the house and I ran too; I would not stay there alone.

Q. What was the name of this town?

A. Brockmanville.

10 Q. I understood you to testify to an incident, you standing on the street one evening at the summer lodging house —

A. Yes, in New York.

Q. Talking to the people and she came right up and struck you in the face?

A. Yes, sir. Right at the back, struck me in the face; grabbed on the heart.

Q. Yes.

20 A. And picked up a piece of wood—every body has lots of wood do everything, chop the wood, and the people jumped out of the swings and grabbed her.

Q. You didn't know she was there?

A. No; I didn't know she was there at all or I would have got out of her way; I always did get out of her way.

Q. She slapped you in the face?

A. Yes, sir.

Q. Struck you a violent blow?

A. Yes, sir; she did.

30 Q. Well, you say her conduct toward you injured your health?

A. Yes, sir.

Q. and destroyed your happiness?

A. Yes, sir.

Q. And her conduct toward you has made your life miserable and unendurable?

A. Yes, sir.

Q. And you think further cohabitation with the defendant is impossible?

A. Yes, sir.

Q. You have read your complaint?

A. Yes, sir.

Q. Everything stated in it true?

A. Yes, sir.

The Court: That is all.

Mr. Smith: Call Mr. Jacobs.

Whereupon Solomon Jacobs came forward, was 10
duly sworn, took the stand and testified in behalf
of the plaintiff as follows:—

Direct examination of Solomon Jacobs.

Q.(By Mr. Smith):— State your name please?

A. My name is Solomon Jacobs.

Q. Where do you reside, Mr. Jacobs?

A. At Reno.

Q. Are you acquainted with Abram Pitel?

A. Slightly, very slightly; if you mean this gen- 20
tleman that was here.

Q. Yes.

A. Very slightly.

Q. Is he a roomer in your house, Mr. —

A. No, sir. He is rooming in a house in the back
of my residence.

Q. When did you first meet him, Mr. —

A. The first time I saw him was in September
last; I believe the past part of September, last year.

Q. You are not the Mr. Jacobs that he is rooming 30
with?

A. No, sir, that is a brother of mine that he is
rooming with.

Q. How often have you seen him since last Sep-
tember of last year?

A. Oh, I saw him very often, now and then, going
through the yard, that is all.

Q. Pretty nearly every day?

A. I could not say that, I would not say that; I saw him off and on.

Q. But you know that he has been rooming in the house do you, all of the time, with your brother?

A. Yes, he has been rooming there all of the time.

Q. Do you know why your brother did not come today?

A. Well, in the first place, reason he didn't come, 10 he is very orthodox, and today is a holiday and he would not go on a holiday and he is very orthodox, very much so; in fact, more than satisfied me, but that is his way, he is an old man.

Q. It is a Jewish holiday?

A. Yes, sir; a Jewish holiday.

Q. And he opposed to doing any business or coming to court on this day?

A. On holidays or Saturdays. He came over only a little while ago and asked me to come up and I 20 consented to do it.

Mr. Smith: I believe that is all.

The Court: (Q):— Mr. Jacobs, you say you know the plaintiff, just on the stand, since the last of last September?

A. From the last part of last September.

Q. And since that time you have seen him how frequently, would you say?

A. Oh, I have seen him off and on, going through my yard, as my brother lives right in the little house 30 back of mine and I see him often going back through the yard, going to the house.

Q. Well, have you seen him on an average of once a week?

A. Well, I cannot say; some times may be more, may be less. I pay no attention —.

Q. Well, you feel satisfied he has lived there since last September?

A. Oh, yes; I feel satisfied he has lived there since last September.

Q. And that he has been rooming there since that time?

A. Yes; I know he has had a room there since last September and he lived there; That I know.

Mr. Smith. (Q): And he is still living there?

A. Yes, he is still living there.

10

The Court: Is that your case?

Mr. Smith: Yes that is our case, unless your Honor desires other evidence in regard to residence.

The Court: I am satisfied on that point.

Mr. Smith: I supposed this was the Mr. Jacobs he was residing with.

The Court: You may enter judgment for the plaintiff and against the defendant granting to the plaintiff a decree of divorce, dissolving the bonds of matrimony now and heretofore existing between Abram Pitel and the defendant, Anna Pitel, and restoring said parties to the status of unmarried persons and that the testimony be transcribed and filed with the findings of fact and conclusions of law.

(Here these proceedings closed.)

I hereby certify that the foregoing is a full, true, correct and accurate report of said trial.

Lew Rogers,
Official Reporter. 30

(Endorsements)

No. 10805

In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Pf.,

vs.

Anna Pitel, Def.

Testimony.

Filed May 25 1915 W. A. Fogg, Clerk

10 By E. H. Beemer, Deputy Clerk.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,

In and for the County of Washoe.

Thursday May 20, 1915

10.00 o'clock A. M.

20 Present:

Hon. Thomas F. Moran, Judge

C. P. Ferrel, Sheriff

W. A. Fogg, Clerk

Lew Rogers, Official Reporter.

Abram Pitel,

vs.

Anna Pitel.

No. 10805.

30 The above-entitled action coming on regularly to
be heard, the plaintiff and his attorney, A. A. Smith,
Esq., being present in court, the defendant appear-
ing not, in response to the Court, the Clerk said that
no appearance, answer or waiver had been filed on
behalf of the defendant. On motion of plaintiff, it
was ordered that the default of the defendant for

failing to appear, answer or otherwise plead to plaintiff's complaint on file herein, within the time allowed by law, be entered.

Adrian Pitel and S. Jacobs were sworn and testified on the part of the plaintiff.

The Court being fully advised in the premises ordered that a decree of divorce be granted.

It was further ordered that the testimony be transcribed.

* * * * *

10

Whereupon a recess was taken until the further order of the Court.

Thomas F. Moran
District Judge.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.
In and for Washoe County.

20

Abram Pitel,	}	Judgment and De-	
Plaintiff,			cree.
vs.			
Anna Pitel,			
Defendant.			

30

This cause coming on regularly for hearing before the above named court, the Honorable Thomas F. Moran, Judge presiding, on the 20th day of May, 1915, upon the verified complaint of the plaintiff above named, taken as confessed by the above named defendant, she having been regularly served

with process, as required by law, and having failed to appear, plead, demur or answer said complaint within the time required by law, or at all, and the legal time for answering having expired, and no demurrer or answer having been filed herein, and the default of said defendant, Anna Pitel, having been duly and regularly entered in open court upon motion of A. A. Smith, the attorney for said plaintiff, because of the failure of said defendant to appear,
10 plead, demur or answer to said complaint, and evidence free and clear of all legal objections having been introduced by said plaintiff in support of his said complaint and said cause tried and submitted to the court for its consideration and decision, and the court having fully considered the same and the records and files in said action, and being fully advised in the premises, and having signed and filed herein its decision in writing, findings of fact and conclusions of law, and ordered judgment and decree to be entered herein accordingly;

20 Now, therefore, in conformity to said decision, findings of fact and conclusions of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the marriage existing between the plaintiff, Abram Pitel, and the defendant, Anna Pitel, be and the same is hereby forever dissolved; that said plaintiff be and he is hereby granted an absolute divorce from the bonds of matrimony existing between said parties upon the ground of said
30 defendant's extreme cruelty towards said plaintiff; that said parties are, and each of them is, freed and absolutely released from the bonds of matrimony and all the obligations thereof, and each restored to the status of a single person.

Done in open court this 20th day of May, 1915.

Thomas F. Moran
Judge of said District Court.

(Endorsements)

No. 10805

In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Judgment and Decree.

Filed May 20, 1915 W. A. Fogg, Clerk

By W. J. Cran Deputy Clerk

10

A. A. Smith, Attorney for Plaintiff

Recorded in Judgment Record Book K,
Page 358

W. A. Fogg, County Clerk

By S. R. Tippet, Deputy Clerk.

No 10805

In The Second Judicial District Court Of The State
Of Nevada In And For The County Of Washoe

Abram Pitel, Plaintiff

20

vs.

Anna Pitel, Defendant

Judgment Roll

Filed May 20th, 1915, W. A. Fogg, Clerk,

By S. R. Tippet Deputy Clerk

A. A. Smith, Attorney for Plaintiff

____ Attorney for Defendant.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for Washoe County.

	Abram Pitel,			
		Plaintiff,	}	Findings and Deci- sion.
	vs.			
10	Anna Pitel,	Defendant.		

20 This cause coming on regularly for hearing before the above named court, The Honorable Thomas F. Moran, Judge presiding, on the 20th day of May, 1915, upon the verified complaint of the plaintiff above named, takes as confessed by the above named defendant, she having been regularly served with process, as required by law, and having failed to appear, plead, demur or answer said complaint within the time required by law, or at all, and the legal time for answering having expired, and no demurrer or answer having been filed herein, and the default of said defendant, Anna Pitel, having been duly and regularly entered, in open court upon motion of A. A. Smith, the attorney for said plaintiff, because of the failure of said defendant to appear, plead, demur or answer to said complaint; and evidence free and clear of all legal objections

30 having been introduced by the plaintiff in support of his said complaint and said cause tried and submitted to the court for its consideration and decision, and the court having fully considered the same and the records and files in said action, and being fully advised in the premises, now finds and concludes as follows:

FINDINGS OF FACT.

I.

That each and all of the facts alleged and allegations contained in plaintiff's complaint herein are true.

II.

That said plaintiff now is, and for a period of more than six months continuously next preceding the commencement of said action has been, a resident of and domiciled in the County of Washoe, in the State of Nevada. 10

III.

That said plaintiff and defendant are husband and wife; and that all of the acts of cruelty of said defendant towards said plaintiff, as alleged in said plaintiff's complaint herein, have been fully proved, sustained and established by competent evidence, free and clear of all legal objections. 20

As conclusions of law from the foregoing facts the Court hereby finds and concludes:

CONCLUSIONS OF LAW.

1— That a divorce should be granted to said plaintiff, from the defendant, upon the ground that said defendant has been guilty of extreme cruelty to said plaintiff. 30

2— That said plaintiff is entitled to a judgment and decree herein, dissolving the bonds of matrimony existing between himself and said defendant, and restoring him to the status of a single person.

Let judgment and decree be entered herein accordingly.

Done in open court this 20th day of May, 1915.

Thomas F. Moran
District Judge.

Endorsements

No 10805

10 In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Findings of Fact and Conclusions of Law.

Filed May 20 1915 W. A. Fogg, Clerk

By W. Jay Cran, Deputy Clerk.

A. A. Smith, Attorney for Plaintiff.

In the

20 SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA.

In and for the County of Washoe.

Abram Pitel,

Plaintiff,

vs.

Anna Pitel,

Defendant.

} tion and Motion. An-
Affidavit of Service
of:— Notice of Mo-
swer, Affidavit of
Merits.

30

State of Nevada,

County of Washoe.

} ss.

D. H. Hartson, being first duly sworn, deposes and
says:

That he is and was on the day that he served the
accompanying notice of motion and motion, and the

affidavit of merits and answer, a male citizen of the United States over the age of twenty-one years, and is not a party to the within-entitled action. That he received the accompanying notice of motion and motion, and the answer and affidavit of merits, on the 1st day of September, 1915, personally served the same upon the plaintiff, Abram Pitel, named therein, on the first day of September, 1915, by delivering to A. A. Smith, attorney of record of the said Abram Pitel in said cause, personally, in the county of Washoe, State of Nevada, at Reno, Nevada, a certified copy of the notice of motion and motion, and answer and affidavit of merits of the defendant. That he knows of his own knowledge that the said A. A. Smith is, and at all the times mentioned in these papers was the attorney of record of the said defendant, Abram Pitel. 10

D. H. Hartson

Subscribed and sworn to before me this 1st day of September, 1915. 20

A. E. Painter.

Notary Public.

(Seal)

Endorsements

No 10805

In The Second Judicial District Court Of The State Of Nevada, In And For The County Of Washoe.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant. 30

Affidavit of Service of:—

Notice of Motion and Motion

Answer

Affidavit of Merits.

Filed Sep 1, 1915, W. A. Fogg, Clerk

By S. R. Tippet Deputy Clerk

D. Clive Hartson

Attorney for Defendant.

In the
 SECOND JUDICIAL DISTRICT COURT OF THE
 STATE OF NEVADA,
 In and for the County of Washoe.

	Abram Pitel, Plaintiff,	}	Notice of Motion and Motion.
10	vs. Anna Pitel, Defendant.		

To Abram Pitel, and to his attorney, A. A. Smith:
 You, and each of you will please take notice that
 the above-named defendant by her attorney, D. Clive
 Hartson, Will move the above-entitled Court, and
 the Honorable Thomas F. Moran the judge thereof,
 at the Courthouse, Department No. 1, at Reno, Ne-
 vada, on the 7th day of September, 1915, at the hour
 of ten o'clock A. M., or as soon thereafter as counsel
 20 can be heard, to vacate and set aside and render
 null and void the default and the decree of divorce
 in the above-entitled case heretofore made and en-
 tered on, to-wit: the 20th day of May, 1915, in favor
 of the said plaintiff and against said defendant, and
 for permission to the defendant to file an answer to
 the complaint, a certified copy of which is hereunto
 annexed and made a part hereof, on the following
 grounds, to-wit:

30 1st. That no personal or constructive nor any ser-
 vice was had of the summons and complaint on the
 defendant herein;

2nd. That the affidavit of one Charles B. Rosa,
 wherein he testifies and deposes that he served the
 defendant, Anna Pitel, on the 8th day of April,
 A. D. 1915, by delivering to and leaving with said

defendant, Anna Pitel, personally, in the City and County of Philadelphia, State of Pennsylvania, a true copy of said summons attached to a copy of the complaint in said action therein named, is false and untrue, that the said Rosa never at any time or at any place served the defendant with a copy of the summons and complaint in this action;

3rd. That the said plaintiff by and through his agents and co-conspirators, did cause a fraudulent, forged and false letter purporting to be the letter of the defendant, herein, to be sent to D. Clive Hartson, her attorney, at Reno, Nevada, in effect dismissing him as said attorney from representing her in said cause, whereby the said plaintiff was enabled to and did fraudulently default the defendant. 10

4th. That the said plaintiff was not at the time he obtained his decree of divorce an actual bonafide resident of the State of Nevada, but came to said state for the full, sole and fraudulent purpose of obtaining a decree of divorce against the defendant herein, thereby misleading and deceiving the Court; that the home and domicile of the said plaintiff at all times while in the State of Nevada, and City of Reno, was in the State of New Jersey, and immediately after obtaining a decree of divorce from the defendant, he returned to his home where he has remained ever since. 20

This motion is not made for the purpose of hindering or delaying the above entitled cause, but rather that substantial justice may be had. 30

This motion will be supported by all the papers, records and files of the case, by the affidavit of the defendant, and by oral testimony of D. H. Hartson, D. Clive Hartson, the plaintiff herein, plaintiff's attorney, Mr. A. A. Smith, and by certain letters

and communications received by the said D. Clive Hartson, relating to and touching this matter.

Dated this 14th day of August, A. D. 1915.

D. Clive Hartson
Attorney for Defendant.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,

10 In and for the County of Washoe.

Abram Pitel,			
	Plaintiff,	}	
	vs.		
Anna Pitel,			
	Defendant.		Answer.

20 Comes now the defendant herein by her attorney,
D. Clive Hartson, and for answer to plaintiff's com-
plaint on file herein, admits, alleges and denies as
follows:

I

30 Denies the allegations contained in paragraph one
of said complaint. Denies that the plaintiff now is,
or for a period of more than six months immediately
preceding the commencement of this action, or for
any period of time, or at all; has been a resident of
or domiciled in the County of Washoe, State of Ne-
vada.

II

Defendant admits paragraph two of said com-
plaint.

III

Plaintiff admits that immediately after their marriage and during all the time they lived together, the plaintiff and defendant resided in the town of Brotmanville, State of New Jersey, denies that any acts of cruelty upon the part of defendant towards plaintiff occurred in the said town of Brotmanville, or in any other town, or at all, denies that she was cruel to plaintiff.

10

Denies that since their said marriage, the said defendant has treated said plaintiff in an extremely cruel or inhuman manner.

Denies that she is very irritable or quarrelsome, or has a very violent or vicious or ungovernable temper. Denies that about six months after their said marriage, or at any time, or at all, said defendant commence to find fault with or to nag at plaintiff; denies that she did nag plaintiff thereafter or as long as the plaintiff and defendant lived together, denies that she ever nagged plaintiff at any time or at all; defendant denies that she frequently, or at any time or at all, cursed or swore at plaintiff or called him vile or opprobrious names.

20

Denies that she picked up or was about to throw a lighted coal-oil lamp, or any other lamp, at plaintiff; defendant denies that plaintiff ever ran from the house because of defendants violent or any temper, or because of any threats made by defendant against plaintiff. Denies that she ever threatened plaintiff; denies that plaintiff ran away from the house; denies that plaintiff was afraid to return to his home until after defendant's parents had talked to her and she had promised to treat plaintiff kindly and properly; denies that plaintiff at any time or at all was afraid to return to their home; denies

30

that plaintiff's parents at any time or at all talked with her or that she promised them to treat plaintiff kindly or properly; and in this connection defendant alleges that she has at all times treated plaintiff kindly and properly, and has ever been a kind, loving, affectionate and dutiful wife to plaintiff.

Denies that on a certain Friday evening in or about the month of October, 1913, or at any other
10 time or at all defendant without any sufficient cause or reason, or any cause or reason, became angry at said plaintiff, denies that she assaulted plaintiff with an iron stove poker; denies that defendant at any time or at all threatened to kill plaintiff with a stove poker; denies that defendant at any time or at all ever struck plaintiff a heavy or any blow with a stove poker on his shoulder or on any other part of his body; defendant denies that any acts upon her
20 part toward this plaintiff caused said plaintiff to run out of the house and away from defendant. Defendant denies that thereafter or during the same night or at any other time, or at all, plaintiff returned to his home, denies that he found the doors locked, denies that defendant refused to unlock the door or let the plaintiff in the house, denies that she ever at any time or at all refused to let the plaintiff in the house.

Defendant denies that on the following Saturday or at any other time, said plaintiff again found the
30 doors locked; denies that the plaintiff at any time or at all found the doors locked; denies that at that time or at any other time or at all the plaintiff had occasion to threaten to break in the door with an ax if the defendant did not let him in, denies that she would not permit plaintiff to get his clothes from said clothes closet. Denies that she at any time, or at all,

made an assault upon plaintiff, wilfully or otherwise, with a large breadknife, or any knife; denies that she threatened to kill plaintiff, denies that plaintiff was forced to or did jump out of the window and leave the house. Denies that plaintiff at that time, or at any other time or at all jumped out of the window and left the house.

Defendant denies that thereafter or on the following day, or at any other time, or at all, the said plaintiff in company with his father or in company 10
with any other person, went to the plaintiff's home for the purpose of trying to pacify or make up with said defendant, or for any purpose; defendant denies that plaintiff ever had any occasion at that time, or at any time, or at all, to pacify or make up with this defendant; denies that she became angry at plaintiff at that time; denies that she at that time, or at any time, or at all, seized a jewelry bag, or any bag, containing two watches, two bracelets or other jewelry, or any watches, or any bracelets; denies 20
that she wilfully or violently or at all threw the same or any other article at plaintiff, denies that she struck him therewith in his right eye, or on any other portion of his body with great force or any force at all; denies that plaintiff's eye became very much swollen or discolored, or became swollen or discolored at all, at any time, or at all; denies that plaintiff's eye gave him great or any pain or suffering; denies that plaintiff's eye gave him any pain 30
or suffering at that time, or at any time or at all. Defendant denies that she was guilty of using vile or abusive language to plaintiff, or of violent conduct at that time, or at any time, or at all, caused the defendant or his father, or any other person, to leave the house.

Defendant denies that she drove the plaintiff from their home in October, 1913, or at any time, or at all; defendant denies that she positively refused, or ever refused or refused at all to live with plaintiff, at that time, or at any time, or at all.

Defendant denies that at divers times and places or at any time or place in said town of Brotmanville, or at any other town, said defendant told people that she did not care for plaintiff, or that she did
10 not love plaintiff when she married him, or that she married plaintiff because she was getting old or wanted some one to support her; defendant denies that at frequent and divers times or at any times, or at all, she went about the neighborhood in and about said town of Brotmanville, or any other town, abusing plaintiff, denies that she abused plaintiff, denies that she called him vile or opprobrious names or any names, denies that she threatened to kill him.

20 Denies that one evening during the month of July, 1914, or at any other time, or at all, in the town of Brotmanville, or at any other place, this defendant came up behind plaintiff and wilfully, or at all, struck plaintiff a heavy or any blow in his face, or any other part of his body, or at all; denies that she ever struck or beat plaintiff, denies that she picked up a large or any club, denies that she threatened to kill plaintiff; denies that bystanders took any club away from defendant; denies that she ever
30 had a club; denies that bystanders prevented her from striking plaintiff with a club, or at all; denies that at that time or at any other time, or at all, she threatened to strike plaintiff with a club, or at all; denies that she caused plaintiff great mental or physical pain, or humility, denies that she ever

caused plaintiff mental anguish, or physical pain, or humility.

Denies that she is a large or strong woman, denies that she weighs about 185 pounds, denies that she has a violent or vicious temper, denies that she has ever at any time, or at all made any threats to kill plaintiff, denies that plaintiff at any time, or at all, had any fear of defendant, or any fear that defendant would kill him.

Defendant denies that she has been guilty of any 10
cruel acts towards plaintiff; denies that any acts upon her part have caused said plaintiff great physical or any pain, mental anguish or humiliation; denies that any acts of defendant have destroyed plaintiff's health, or happiness or rendered his life miserable or unendurable.

IV

Defendant admits paragraph four.

20

V

That all the allegations and averments in said complaint contained alleging extreme cruelty of this defendant against the plaintiff were and are false and untrue; that defendant specifically and generally denies each and every, all and singular the allegations and averments in said complaint not specially admitted. 30

And for affirmative defense and counterclaim, defendant alleges:—

I

That at all the times in the complaint and answer mentioned the plaintiff has been and now is an

actual bona fide resident of the State of New Jersey; that he never has been and that he is not now a resident of the State of Nevada and County of Washoe. By reason of all which this Court has no jurisdiction over the parties hereto or over the subject matter; Wherefore defendant prays that this action be dismissed and that she have her costs herein.

10

II

That defendant, Anna Pitel, is a very poor woman, that she has not money nor means nor property. That she has no money to defend this suit, or to pay attorneys fees; that the plaintiff herein, Abram Pitel, is a stout hale man, well able to work and earn money. That the defendant cannot properly defend this suit unless assisted by the said plaintiff. That \$150.00 is a reasonable attorneys fee, 20 that \$50.00 is a reasonable allowance for Court money, that \$30.00 a month is a reasonable sum as alimony pendente lite.

That it is necessary for the defendant to come from New Jersey to Reno, Nevada to properly defend this suit, that she has not money to pay the traveling expenses, that \$150.00 is a reasonable sum for railroad fare and other expenses.

WHEREFORE Defendant prays that she be allowed the reasonable sum of \$150.00 for attorneys 30 fees; \$50.00 court money; \$150.00 for traveling expenses, and \$30.00 per month alimony pendente lite; and that plaintiff take nothing by this action, and that his prayer for divorce be denied.

D. Clive Hartson
Attorney for Defendant.

Service of within notice of Motion and Motion with annexed Answer accepted by copy this 1st day of September, 1915.

Attorney for Plaintiff.

State of New Jersey, }
County of Salem, } ss.

Anna Pitel, being first duly, deposes and says: 10

That she is the defendant in the above-entitled action; that she has heard read the foregoing answer and knows the contents thereof, and that the same is true of her own knowledge, except as to the matters therein stated on information and belief, and as to those matters she believes it to be true.

Anna Pitel

Subscribed and sworn to before me this 24th day of August, 1915

Elizabeth S. Fahrner 20

(Seal)

Notary Public

Endorsements:

Original

No 10805

In The Second Judicial District Court Of The State
Of Nevada, In And For The County of Washoe.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

30

Notice of Motion and Motion and Answer.

Filed Sept 1, 1915, W. A. Fogg, Clerk,

By S. R. Tippet, Deputy Clerk.

D. Clive Hartson, Attorney for Defendant
Reno Nevada.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for Washoe County.

10	Abram Pitel, Plaintiff, vs. Anna Pitel, Defendant.	}	Stipulation.
----	---	---	--------------

It is hereby stipulated and agreed by and between the plaintiff and the defendant above named, that the time noticed for the hearing of the motion of said defendant to vacate and set aside the default and the decree of divorce made, rendered and entered in the above entitled action, on the 20th day of May, 1915, be and the same is hereby continued from ten o'clock A. M. on the 7th day of September, 1915, to the 20th day of September, 1915, at ten o'clock A. M., or as soon thereafter as counsel can be heard.

Dated this third day of September, 1915.

A. A. Smith,
Attorney for Plaintiff,
D. Clive Hartson
Attorney for Defendant.

Endorsements

No 10805.

30 In The Second Judicial District Court Of The State
Of Nevada, In And For Washoe County.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Stipulation.

Filed Sep 3— 1915 W. A. Fogg, Clerk.

By E. H. Beemer, Deputy Clerk.

A. A. Smith, Attorney for Plaintiff.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for the County of Washoe.

Abram Pitel,			
	Plaintiff,	}	Affidavit of Merits.
vs.			
Anna Pitel,	Defendant.		
			10

State of New Jersey,			
County of Salem.		}	ss.

Anna Pitel, being first duly sworn, deposes and says:

That she is the defendant in the above-entitled case; that she financially, is very poor, and is unable to appear in person and present her claim before this Honorable Court.

That heretofore during the first months of the present year, she had been advised by friends that her husband, Abram Pitel, the plaintiff herein, had left his home in New Jersey, and gone to Reno, Nevada, with the sole purpose of obtaining a divorce from affiant, and for no other purpose. That thereupon she retained one D. Clive Hartson, an attorney and counsellor at law, residing at Reno, Nevada, to appear for her as her attorney and defend her interests, and resist said suit for divorce in the event that the said plaintiff should go to Reno and file suit for divorce against affiant.

That thereafter and prior to April 1st, 1915, the said plaintiff, Abram Pitel, did leave his home in New Jersey and go to the City of Reno and file his said suit in this court for a decree of divorce from the affiant.

That the said plaintiff well knowing that affiant would resist any efforts upon his part to obtain a decree of divorce, did write or cause to be written, or some agents of his did write or cause to be written a letter to her said attorney, D. Clive Hartson, which is in words and spelling as follows, to-wit:

“Vineland, N. J.

April 21, 1915.

Dear Sir:—

10

I received your letter and also the complain that you wrote to me about my husband A. Pitle, that he is trying to get a divorce. I am perfectly satisfied because he is not more than a tramp and I have no use for such. I know that he is there in Reno because he served on me already paper. I appreciate your kindness and am very much obliged to you for your kind advice

Your truly

20

Annie Pitle

Vineland, N. J.

Post Office Box 158”

That said letter is in the possession of the said D. Clive Hartson and will be produced for the inspection of the Court at the hearing hereof.

Affiant solemnly avers that said letter is a base forgery, that she never wrote or caused to be written any such letter; that she knew nothing thereof until advised later by her said attorney of his receipt of the same and of its contents.

30

Affiant further avers that her said attorney, D. Clive Hartson, acting pursuant to the instructions contained in said letter, withdrew from said case as affiant's attorney and paid no further attention thereto.

Affiant further avers that all the material allegations contained in said letter are false, that she has never received or been served with a copy of the complaint or summons in said cause, and that the affidavit of the person alleging to have served the same is false and fraudulent; that she absolutely knew nothing about said case until advised by her said attorney that the said plaintiff had obtained a default and decree of divorce.

Affiant avers that the said plaintiff has mislead and deceived, and testified falsely at the hearing for divorce in said above-entitled cause, before the Honorable Thomas F. Moran, Judge of the said court. 10

That plaintiff testified falsely in this among other things that he was a resident of Washoe County, Nevada, when as a matter of fact and of law, he was and is and at all the times mentioned herein, has been, a resident of the State of New Jersey; and that upon obtaining a decree of divorce against affiant he returned to his home in New Jersey where he now resides. 20

That plaintiff never intended to reside at Reno, Nevada, but that it was his intention to unlawfully make use of the courts of Nevada to obtain a decree of divorce against affiant and then return to his home in New Jersey, which he has done.

Affiant further avers that she at all times herein mentioned, has, and now wants to defend against the allegations and averments in the complaint contained. That all the material allegations save marriage contained in said complaint are false; that plaintiff knows they are false, and that they were made by the said plaintiff for the purpose of wrongfully and fraudulently obtaining a decree of divorce against affiant. 30

That she has stated all the facts of the case fully and fairly to her attorneys, D. Harris Smith of Salem, New Jersey, and D. Clive Hartson, of Reno, Nevada, and that she is advised by them and each of them that she has a good and meritorious defense to said case on the merits; all of which she verily believes.

10 Affiant further avers that during all of the times herein mentioned her mail has been tampered with by some unknown person or persons, and letters regarding this matter, both addressed to her and addressed by her, have been taken from the office at her residence, without her consent and without her knowledge.

That plaintiff or his friends or all of them have done all that they could to keep affiant from being advised as to what was being done in this matter at Reno, Nevada.

20 That she never had personal or any service of summons and complaint, or any other paper, in regard to said case.

That hereto annexed is an answer to the material allegations in said complaint contained, and made a part of this affidavit; That this affidavit is not made for the purpose of hindering or delaying the above entitled cause, but rather that substantial justice may be had.

30 WHEREFORE affiant prays that the default and decree of divorce heretofore granted herein to the plaintiff on, to-wit: the 20th day of May, 1915, be set aside and be declared null and void; and that affiant have her day in court, and that she be permitted to file said answer, and that said cause be tried on its merits.

Anna Pitel

Subscribed and sworn to before me this 24th day
of August, A. D. 1915.

Elizabeth S. Fahrner
Notary Public

(Seal)

* * *

Service of the Within and Foregoing Affidavit of
Merits is hereby accepted by copy this 1st day of
September, 1915.

____—Attorney for Defendant

Original

10

No. 10805

In The Second Judicial District Court Of The State
Of Nevada, In And For The County Of Washoe.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Affidavit of Merits.

Filed Sep 1— 1915 W. A. Fogg, Clerk

By S. R. Tippet Deputy Clerk

20

D. Clive Hartson Attorney for Defendant

Reno Nevada.

____—
In the

SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,

In and for the County of Washoe.

____—
Friday October 15—1915.

10.00 A. M.

30

Department No. 1.

Present:

Hon. Thomas F. Moran, Judge

C. P. Ferrel, Sheriff

W. A. Fogg, Clerk.

Abram Pitel,
vs.
Anna Pitel,

No. 10805

10 Defendant's motion to set aside judgment and decree, in the above-entitled action, coming on regularly to be heard, the Court being fully advised in the premises ordered that the decree be set aside, with the condition that the defendant file an answer within twenty days from the date hereof, otherwise motion denied.

* * * * *

Whereupon a recess was taken until the further order of the Court.

Thomas F. Moran
District Judge.

20 In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for the County of Washoe.

Abram Pitel,
Plaintiff,
vs.
Anna Pitel,
Defendant. } Affidavit of Service
of Answer.

30 State of New Jersey, }
County of Salem, } ss.

Clement Garrison, being duly sworn, deposes and says:

That he is and was on the day when he served the annexed answer a male citizen of the United States, over the age of twenty-one years; and is not

a party to the within entitled action; that he received the annexed answer in said action on the 25th day of October, 1915, and personally served the same upon the plaintiff, Abram Pitel, named therein on the 25th day of October, 1915, by delivering to the said plaintiff, Abram Pitel, personally in the County of Cumberland, State of New Jersey, at Vineland, New Jersey, a certified copy of the answer; and deponent further says that he knows the person so served to be the person named as plaintiff in said action, within entitled. 10

Clement Garrison

Subscribed and sworn to before me this 26th day of October, 1915.

Elizabeth S. Fahrner

Notary Public.

(Seal)

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for the County of Washoe. 20

Abram Pitel,

Plaintiff,

vs.

Anna Pitel,

Defendant. }

Answer.

Comes now the defendant herein by her attorney, D. Clive Hartson, and for answer to plaintiff's complaint on file herein, admits, alleges and denies as follows:— 30

I

Denies the allegations contained in paragraph one of said complaint. Denies that the plaintiff now is,

and for a period of more than six months immediately preceding the commencement of this action, or for any period of time, or at all; has been a resident of or domiciled in the County of Washoe, State of Nevada.

II

Defendant admits paragraph two of said complaint.
10

III

Plaintiff admits that immediately after their marriage and during all the time they lived together, the plaintiff and defendant resided in the town of Brotmanville, State of New Jersey, denies that any acts of cruelty upon the part of defendant toward plaintiff occurred in the said town of Brotmanville,
20 or in any other town, or at all, denies that she was cruel to plaintiff.

Denies that since their said marriage the said defendant has treated said plaintiff in an extremely cruel or inhuman manner.

Denies that she is very irritable or quarrelsome, or has a very violent or vicious or ungovernable temper. Denies that about six months after their said marriage, or at any time, or at all, said defendant commenced to find fault with or to nag at plaintiff;
30 tiff; denies that she did nag plaintiff thereafter or as long as the plaintiff and defendant lived together, denies that she ever nagged plaintiff at any time or at all; defendant denies that she frequently, or at any time or at all, cursed or swore at plaintiff or called him vile or opprobrious names.

Denies that she picked up or was about to throw a lighted coal-oil lamp, or any other lamp at plaintiff; defendant denies that plaintiff ever ran from the house because of defendant's violent or any temper, or because of any threats made by defendant against plaintiff. Denies that she ever threatened plaintiff denies that plaintiff ran away from the house; denies that plaintiff was afraid to return to his home until after defendant's parents had talked to her and she had promised to treat plaintiff kindly and properly, denies that plaintiff 10 at any time or at all was afraid to return to their home; denies that plaintiff's parents at any time or at all talked with her or that she promised them to treat plaintiff kindly or properly; and in this connection defendant alleges that she has at all times treated plaintiff kindly and properly, and has ever been a kind, loving, affectionate and dutiful wife to plaintiff.

Denies that on a certain Friday evening in or about 20 the month of October, 1913, or at any other time or at all defendant without any sufficient cause or reason, or any cause or reason, became angry at said plaintiff; denies that she assaulted plaintiff with an iron stove poker; denies that defendant at any time or at all threatened to kill plaintiff with a stove poker; denies that defendant any time or at all ever struck plaintiff a heavy or any blow with a stove poker on his shoulder or on any other part of his body; defendant denies that any 30 acts upon her part toward this plaintiff caused said plaintiff to run out of the house and away from defendant. Defendant denies that thereafter or during the same night or at any other time, or at all, plaintiff returned to his home, denies that he found the doors locked. Denies that defendant refused

to unlock the door or to let the plaintiff in the house, denies that she ever at any time or at all refused to let the plaintiff in the house.

Defendant denies that on the following Saturday or at any other time, said plaintiff again found the doors locked denies that the plaintiff at any time or at all found the doors locked; denies that at that time or at any other time or at all plaintiff had occasion to threaten to break in the door with an ax
10 if the defendant did not let him in, denies that she would not permit plaintiff to get his clothes from said clothes closet. Denies that she at any time, or at all, made an assault upon plaintiff, wilfully or otherwise, with a large breadknife, or any knife, denies that she threatened to kill plaintiff, denies that plaintiff was forced to or did jump out of the window and leave the house. Denies that plaintiff at that time, or at any other time or at all jumped out of the window and left the house.

20 Defendant denies that thereafter or on the following day, or at any other time, or at all, the said plaintiff in company with his father or in company with any other person, went to the plaintiff's home for the purpose of trying to pacify or make up with said defendant, or for any purpose; defendant denies that plaintiff ever had any occasion at that time or at any time, or at all, to pacify or make up with this defendant; denies that she became angry at plaintiff at that time; denies that she at that
30 time or at any time, or at all, seized a jewelry bag, or any bag, containing two watches, two bracelets or other jewelry, or any watches, or any bracelets; denies that she wilfully or violently or at all, threw the same or any other article at plaintiff, denies that she struck him therewith in his right eye, or on any other portion of his body with great force or

any force at all; denies that plaintiff's eye became very much swollen or discolored, or became swollen or discolored at all, at any time, or at all, denies that plaintiff's eye gave him great or any pain or suffering; denies that plaintiff's eye gave him any pain or suffering at that time, or at any time or at all. Defendant denies that she was guilty of using vile or abusive language to plaintiff, or of violent conduct, at that time, or at any time, or at all, caused the defendant or his father, or any other person, to leave the house. 10

Defendant denies that she drove the plaintiff from their home in October, 1913, or at any other time, or at all; defendant denies that she positively refused, or ever refused or refused at all to live with plaintiff, at that time, or at any time, or at all.

Defendant denies that at divers times and places or at any time or place in said town of Brotmanville or any other town, said defendant told people that she did not care for plaintiff, or that she did not love plaintiff when she married him, or that she married plaintiff because she was getting old or wanted some one to support her; defendant denies that at frequent and divers times or at any times, or at all, she went about the neighborhood in and about said town of Brotmanville, or any other town, abusing plaintiff, denies that she abused plaintiff, denies that she called him vile or opprobrious names or any names, denies that she threatened to kill him. 20

Denies that one evening during the month of July, 1914, or at any other time, or at all, in the town of Brotmanville, or at any other place, this defendant came up behind plaintiff and wilfully, or at all, struck plaintiff a heavy or any blow on his face, on any other part of his body, or at all; denies that she ever struck or beat plaintiff, denies that she 30

picked up a large or any club, denies that she threatened to kill plaintiff; denies that bystanders took any club away from defendant; denies that she ever had a club; denies that bystanders prevented her from striking plaintiff with a club, or at all; denies that at that time or at any other time, or at all, she threatened to strike plaintiff with a club, or at all; denies that she caused plaintiff great mental or physical pain, or humility, denies that she ever
10 caused plaintiff mental anguish, or physical pain, or humility.

Denies that she is a large strong woman, denies that she weighs about 185 pounds, denies that she has a violent or vicious temper, denies that she has ever at any time, or at all made any threats to kill plaintiff, denies that plaintiff at any time, or at all, had any fear of defendant, or any fear that defendant would kill him.

20 Defendant denies that she has been guilty of any cruel acts towards plaintiff, denies that any acts upon her part have caused said plaintiff great physical or any pain, mental anguish or humiliation; denies that any acts of defendant have destroyed plaintiff's health, or happiness or rendered his life miserable or unendurable.

IV

30 Defendant admits paragraph four.

V

That all the allegations and averments in said complaint contained alleging extreme cruelty of this defendant against plaintiff were and are false and untrue; that defendant specifically and gener-

ally denies each and every, all and singular the allegations and averments in said complaint not specially admitted.

And for affirmative defense and counterclaim, defendant alleges:—

I

That at all the times in the complaint and answer mentioned the plaintiff has been and now is an actual bona fide resident of the State of New Jersey; that he has never been and that he is not now a resident of the State of Nevada and County of Washoe. By reason of all which this Court has no jurisdiction over the parties hereto or over the subject matter; Wherefore defendant prays that this action be dismissed that she have her costs herein; 10

II

That defendant, Anna Pitel, is a very poor woman, that she has not money nor means nor property. That she has no money to defend this suit, or to pay attorneys fees; that the plaintiff herein, Abram Pitel, is a stout hale man, well able to work and earn money. That defendant cannot properly defend this suit unless assisted by the said plaintiff. That \$150.00 is a reasonable attorneys fee, that \$50.00 is a reasonable allowance for court money, that \$30.00 a month is a reasonable sum as alimony pendente lite. 20 30

That it is necessary for the defendant to come from New Jersey to Reno Nevada to properly defend this suit, that she has no money to pay the traveling expenses, that \$150.00 is a reasonable sum for railroad fare and other expenses.

WHEREFORE Defendant prays that she be allowed the reasonable sum of \$150.00 for attorneys fees; \$50.00 court money; \$150.00 for traveling expenses, and \$30.00 per month alimony pendente lite; and that plaintiff take nothing by this action, and that his prayer for divorce be denied.

D. Clive Hartson
Attorney for Defendant.

10 State of New Jersey, }
County of Salem. } ss.

Anna Pitel, being first duly sworn, deposes and says:

That she is the defendant in the above-entitled action; that she has heard read the foregoing answer and knows the contents thereof; that the same is true of her own knowledge, except as to the matters therein stated on information and belief, and
20 as to those matters she believes it to be true.

Anna Pitel

Subscribed and sworn to before me this 23rd day of October, A. D. 1915.

Elizabeth S. Fahrner

(Seal)

Notary Public.

Service of the within by copy accepted this — day of November, 1915. ————Attorney for Plaintiff.

Original

30

No 10805

In The Second Judicial District Court Of The State Of Nevada, In And For The County Of Washoe.

Abram Pitel, Plaintiff,

vs.

Anna Pitel, Defendant.

Answer.

Filed Nov 2 1915 W. A. Fogg, Clerk.

By S. R. Tippet Deputy Clerk.

D. Clive Hartson, Reno, Nevada, Attorney
for Defendant.

In the
SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA,
In and for the County of Washoe.

10

Abram Pitel,	}
Plaintiff,	
vs.	
Anna Pitel,	
Defendant.	}

I, W. A. Fogg, County Clerk and ex-officio Clerk
of the Second Judicial District Court of the State of
Nevada, in and for the County of Washoe, do hereby
certify that I have compared the foregoing with the
originals thereof, and that I am the keeper of all
said originals, keeping same on file in my office as
the legal custodian, and keeper of the same under
the laws of the State of Nevada, and I further certi-
fy that the foregoing copies attached hereto are full,
true and correct copies, of the "Complaint", "Affi-
davit for Publication of Summons", "Order for
Publication of Summons", "Affidavit of Service of
Summons and Summons", "Default", "Transcript
of Testimony", "Minutes of the District Court of
Date Thursday, May 20th, 1915," "Judgment and
Decree", "Findings and Decision", "Affidavit of
Service of Notice of Motion and Motion Answer Affi-
davit of Merits", "Notice of Motion and Motion and
Answer", "Stipulation", "Affidavit of Merits",
"Minutes of the District Court of Date Friday, Oc-

20

30

tober 15th, 1915", and "Answer" and now on file and of record in my office.

I do further certify that the same have not been altered,

In Witness whereof, I have hereunto set my hand and affixed the Seal of the said Court this 18th day of November A. D. 1916.

W. A. Fogg,
County Clerk.

(Seal)

10 I, Thomas F. Moran, one of the Presiding Judges of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify that said Court is a Court of Record, having a Clerk and a Seal; that W. A. Fogg, who has signed the annexed attestation, is the duly elected and qualified County Clerk of the County of Washoe, and was at the time of signing said attestation, ex-officio Clerk of said Court.

20 That said signature is his genuine handwriting, and that all his official acts as such Clerk are entitled to full faith and credit.

And I further certify that said attestation is in due form of law.

Witness my hand this 18th day of November A. D. 1916.

Thomas F. Moran

One of the Presiding Judges of the
Second Judicial District Court of
the State of Nevada, in and for
the County of Washoe.

State of Nevada }
County of Washoe } ss.

I, W. A. Fogg, County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, do hereby certify that the Honorable Thomas F. Moran, whose name is subscribed to the preceding certificate, is one of the Presiding Judges of said Court, duly elected and qualified, and that the signature of said Judge to said Certificate is genuine. 10

In Witness whereof, I have hereunto set my hand and affixed the Seal of the said Court this 18th day of November A. D. 1916.

W. A. Fogg,
(Seal) County Clerk and ex-officio Clerk of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe.

20

30

DECREE DISMISSING BILL

(Filed Sept. 19th, 1916)

IN CHANCERY OF NEW JERSEY.

BETWEEN		
10	ANNA PITEL,	} On Bill for Main- tenance. Decree Dismissing Bill.
	<i>Complainant,</i>	
	and	
	ABRAM PITEL,	
	<i>Defendant.</i>	

20 This matter coming on for a hearing in the pres-
ence of Herbert C. Bartlett, solicitor for the com-
plainant, and Royal P. Tuller, solicitor for the de-
fendant, and in pursuance of an order of this Court
made on the nineteenth day of September, nineteen
hundred and sixteen, and the testimony having been
taken and duly considered, and it appearing that
the allegations in the bill of complaint have not been
substantiated;

30 It is, on this ninth day of July, nineteen hundred
and seventeen, ordered that the bill of complaint
in this cause be, and the same is hereby dismissed
without costs.

E. R. WALKER, C.

Respectfully advised
C. V. D. JOLINE,
Advisory Master.

NOTICE.

IN CHANCERY OF NEW JERSEY.

BETWEEN^d

ANNA PITEL,

Complainant,

and

ABRAM PITEL,

Defendant.

On Bill for Main-
tenance.
Notice.

10

Sir:

Take notice that I will apply to his Honor Charles
V. D. Joline, Advisory Master of this Court, on the
twenty-ninth day of January, A. D. nineteen hun-
dred and seventeen, at his office, 110 Market Street,
Camden, New Jersey, at ten o'clock in the forenoon
of said day, for an allowance to me of a counsel fee
and costs in the above-entitled matter. Dated Jan-
uary 15, 1917.

20

Yours respectfully,

HERBERT S. BARTLETT,

Solicitor for Complainant.

30

To ROYAL P. TULLER,

Solicitor for Defendant.

NOTICE OF APPEAL.

(Filed July 19, 1917.)

IN CHANCERY OF NEW JERSEY.

10	BETWEEN		
	ANNA PITEL,		
	<i>Complainant,</i>	}	On Bill for Main- tenance. Notice of Appeal.
	and		
	ABRAM PITEL,		
	<i>Defendant.</i>		

20 The complainant hereby appeals from the final decree made by the Chancellor in the above stated matter on July ninth, 1917, whereby the said Chancellor ordered and adjudged that the bill of complaint of complainant in the above-entitled cause should be dismissed without costs; to the Court of Errors and Appeals in the last resort in all causes.

Dated July seventeenth, 1917.

HERBERT C. BARTLETT,
*Solicitor for and of Counsel
with Complainant.*

30

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

HERBERT C. BARTLETT,
Of Counsel with Complainant.

PETITION OF APPEAL.

(Filed July 19, 1917.)

NEW JERSEY COURT OF ERRORS AND
APPEALS.

BETWEEN

ANNA PITEL,
Complainant-Appellant,
and
ABRAM PITEL,
Defendant-Respondent.

On Appeal from De-
cree of Court of
Chancery.
Petition of Appeal.

10

To the Honorable the Court of Errors and Appeals
in the Last Resort in All Causes:

20

The petition of Anna Pitel, 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 New Jersey, bearing date the ninth day of July, in the year 1917, wherein the said Anna Pitel was complainant and Abram Pitel, defendant, in this respect to wit: that the said decree adjudges that the allegations in the bill of complaint have not been substantiated and that the said bill of complaint be, and the same is, hereby dismissed without costs. And your petitioner humbly appeals from that part of the decree of the Chancellor which decrees as aforesaid, upon the ground

30

that the same is erroneous for that said bill of complaint should not have been dismissed against the said defendant, but that a decree should have been made against him pursuant to the prayer of the bill of complaint.

10 Your petitioner therefore prays that the said decree of the said Chancellor may be in the particulars aforesaid reversed, set aside, and for nothing holden. And that your petitioner may have such relief in the premises as to this Honorable Court shall seem meet.

HERBERT C. BARTLETT,
*Solicitor for and of Counsel
with Appellant.*

ANSWER TO PETITION OF APPEAL.

(Filed May 28, 1917)

**NEW JERSEY COURT OF ERRORS AND
APPEALS.**

10

BETWEEN

ANNA PITEL,

Complainant,

and

ABRAM PITEL,

Respondent.

On Appeal from
Chancery.
Answer.

The answer of the respondent to the petition of
an appeal of the appellant. 20

The respondent admits it to be true that a certain
decree was, on the 9th day of July, 1917, made and
entered in the Court of Chancery as in the petition
of an appeal is stated: But as to the substance in-
formed thereof this respondent prays to refer there-
to when the same shall be produced.

And this respondent is advised and believes that
said decree is agreeable to law and equity, and he
prays that the same may be affirmed with costs to
be adjudged to this respondent. 30

ROYAL P. TULLER,
*Solicitor and of Counsel
with Respondent.*

STIPULATION OF SOLICITORS.

(Filed Oct. 22, 1918.)

**NEW JERSEY COURT OF ERRORS AND
APPEALS.**

10

ANNA PITEL,
Complainant-Appellant,
vs.
ABRAM PITEL,
Defendant-Respondent.

On Appeal From De-
cree Of Court of
Chancery.
Stipulation of Solic-
itors.

20 It is hereby stipulated that alimony *pendente lite* and counsel fees were denied complainant in pursuance of order to show cause appearing on pages six (6) and seven (7) of printed book but that no order denying same was ever filed in the Court of Chancery.

It is further stipulated that counsel fees were denied to solicitor of complainant on application appearing on page 333 of the printed book but that no order denying same was ever filed in the Court of

30 Chancery.

HERBERT C. BARTLETT,
Solicitor of Complainant,

ROYAL P. TULLER,
Solicitor of Defendant.

New Jersey Court of Errors and Appeals

November Term, 1918. Case No. 7.

Anna Pitel, Complainant-Appellant, vs. Abram Pitel, Defendant-Respondent.	}	On Appeal from De- cree of Court of Chancery.
---	---	---

ADVISORY MASTER'S REPORT OMITTED
FROM PRINTED BOOK.

Filed Jan. 11, 1917.

HERBERT C. BARTLETT,
*Solicitor for Complainant-
Appellant.*

ROYAL P. TULLER,
*Solicitor for Defendant-
Respondent.*

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ADVISORY MASTER'S REPORT.

(Filed Jany. 11, 1917.)

IN CHANCERY OF NEW JERSEY.

Between

ANNA PITEL,

Complainant,

and

ABRAM PITEL,

Defendant.

} On Bill for Maintenance.

} Advisory Master's Report.

By virtue of an order of reference, entered in the above-stated cause, bearing date the 19th day of September, 1916, whereby it was referred to the subscriber, one of the Advisory Masters of this court, to hear the same for the Chancellor and to report thereon to him and advise what decree should be made therein, I, Charles V. D. Joline, said Advisory Master, do hereby report that said cause came on for final hearing at Vineland, New Jersey, on the 18th day of October, 1916, in the presence of Herbert C. Bartlett, Esq., solicitor, and of counsel with the complainant, and Royal P. Tuller, Esq., solicitor, and of counsel with the defendant; that I heard the testimony of witnesses produced before me, the arguments of counsel and I do report as follows:—

The complainant and defendant were married on

April 2, 1913, in the City of Philadelphia and State of Pennsylvania, and established a residence at Brotmanville, in this State. Their married life does not seem to have been the happiest, their dispositions being the opposite of each other. I think that the complainant was of a nervous, excitable disposition and apt to take offense at slight things, while that of the defendant was sullen and moody. Their married life was quite stormy, but I cannot say that the defendant was entirely responsible for it. The evidence convinces me that the petitioner was partly responsible for it. She complains of acts of cruelty on the part of her husband, which he is no doubt responsible for, but I think that her own conduct in a measure incited him to these acts of cruelty.

On the 8th day of June, 1914, a dispute occurred between them. The defendant left their home and went over to his father's home, but returned about 9 o'clock at night and, trying to get in his house, found it locked. When he asked permission to enter she refused it. The next day he went with a friend, and she again refused to let him enter. It would seem from this that the actual desertion was on her part, but she alleges the cruelty of the husband as the cause of her leaving him, claiming that there was constructive desertion. She immediately had him arrested for non-support, and an order was entered in subsequent proceedings, that he support her, which order has expired. The husband then went to Reno, Nevada, where he attempted to establish a residence and obtained a decree of divorce, coming back as soon as it was granted to New Jersey, where he has lived ever since in the vicinity of the petitioner's home. Subsequently the petitioner obtained an order opening this decree and the mat-

ter is still undetermined in Reno. I am convinced that the act on the part of the husband in obtaining this divorce in Reno was a fraud upon the rights of the petitioner. In any event, after he returned to New Jersey, he made efforts to have the petitioner return to him, and live with him as his wife. These efforts she repulsed, she calling him at times a tramp, a bum and spitting in his face. I cannot say that these efforts were not sincere. They were persisted in, and each time they were repulsed. The conduct of the petitioner in any event shows her state of mind and her unwillingness to again live with her husband, and give him a trial. It may be that if he had been cruel to her, he then saw the error of his conduct and was willing to live with her and treat her as a husband should. If a husband makes sincere efforts, after having deserted his wife, to have her return to him and live with him as his wife, it cannot be said that the desertion is continuous on his part. The act authorizing this proceeding declares that the husband must not only without justifiable cause abandon or separate from his wife but also refuse or neglect to maintain and provide for her. The effort on the part of the defendant to induce the petitioner to return and live with him again, made on several occasions, and repulsed by her in the manner above stated, I think relieves the husband from the charge of abandonment.

While the conduct of the defendant may not have been all that a true and loyal husband owed to his wife, still I am inclined to believe that even after the decree of divorce in Reno was granted, he wished to re-establish his marital relations and that she refused his offer.

I am, therefore, of the opinion that a decree should be entered in this case dismissing the bill of the complainant, and I so advise.

Respectfully submitted this 10th day of January, 1917.

C. V. D. JOLINE,
Advisory Master.

A true copy.

ROBERT H. McADAMS,
Clerk.

**NEW JERSEY COURT OF ERRORS AND
APPEALS.**

ANNA PITEL, <i>Complainant-Appellant,</i>	}	On Appeal From De- cree Of Court of Chancery.
vs.		
ABRAM PITEL, <i>Defendant-Respondent.</i>		

BRIEF OF COMPLAINANT-RESPONDENT.

BRIEF OF FACTS.

The complainant and defendant were married April second, 1913, in the City of Philadelphia, State of Pennsylvania, by a Jewish Rabbi, the marriage is admitted.

They lived together as husband and wife until the separation, June fifth, 1914.

No children were born, the issue of the marriage.

The complainant swears, and her evidence is amply corroborated by witnesses of the cruel and harsh treatment she suffered at the hands of her husband, his striking her with his fists, striking her with a blackjack, calling her vile names and swearing at her, until finally through his neglect and abuse of her she was broken physically and compelled to leave him for her own safety of life and health.

That shortly after his desertion defendant was arrested for non-support and for a short time paid \$2.00 per week and house rent, for his wife's support (pages 39, 115, 167, Case), afterwards at the instance of the overseer of the poor of Pittsgrove Township, Salem County, he was again arrested and an order made that he pay the complainant four (\$4.00) dollars per week while the order was in force (pages 39, 115, 171, Case). This order expired in September, 1915, and no payments of any kind or nature for the support of complainant have been made by defendant since that date.

Defendant on September 30th, 1914, went to Reno, Nevada, and after living there six months filed a petition for divorce on the ground of the cruel and inhuman treatment of his wife to him. A decree of divorce on this ground was granted him May twentieth, 1915. This decree was opened on September third, 1915, and an answer filed on behalf of defendant, so that the cause is still pending in the Nevada courts. See exemplified record of divorce *Abram Pitel, Complainant, vs. Annie Pitel, Defendant*, No. 10805 Second Judicial District Court, Nevada. This record is produced and put in evidence (see page 265 to page 331, State of Case.)

POINTS.

1. Defendant without justifiable cause abandoned and separated himself from complainant June fifth, 1914.
2. He has from that date continued to abandon and desert complainant and refused and neglected to support her, as shown by:

A. Overseer of the poor proceedings in Salem County.

B. His divorce proceedings commenced in Reno, Nevada.

C. Failure to support or provide any means of support to complainant since September, 1915.

3. Defendant's attempt at reconciliation with complainant was insincere and made only after he had failed in his Nevada divorce.

BRIEF OF ARGUMENT.

1. DEFENDANT WITHOUT JUSTIFIABLE CAUSE ABANDONED AND SEPARATED HIMSELF FROM COMPLAINANT JUNE FIFTH, 1914.

The facts show clearly the desertion of complainant by her husband; his cruel and inhuman treatment leading up to the separation is shown in the testimony of complainant corroborated by her brother, Samuel Pokross, Molly Greenblatt, Morris Greenblatt, Jacob Greenblatt and Minnie Lipman. This testimony shows clearly what brought about the separation, that it was brought about by his cruel treatment leading to a constructive abandonment of complainant, all of which clearly appears by the testimony.

“If a husband be guilty of conduct which will justify his wife in leaving him, which must be conduct amounting to a matrimonial offense, that would constitute ground for divorce or ali-

mony, she is justified in abandoning him and the desertion thereby becomes his."

Suydam vs. Suydam, 79 N. J. Equity, p. 145.

"If a husband treats his wife with such extreme and persistent cruelty that her existence is rendered intolerable and her health endangered, and she for that cause separates herself from him, such treatment on his part amounts to desertion by him."

McVickar vs. McVickar, 46 N. J. Equity, p. 491.

2. DEFENDANT HAS CONTINUED TO ABANDON AND DESERT COMPLAINANT AND REFUSED AND NEGLECTED TO SUPPORT HER FROM THE DATE OF THE SEPARATION, THIS IS SHOWN BY:

A. The proceedings brought by the overseer of the poor in Salem County and his being placed under bonds to provide support for complainant.

Pages 39, 74, Case, testimony complainant, Anna Pitel.

Pages 114-117, Case, testimony Morris Greenblatt.

Pages 166-167, testimony defendant, Abram Pitel.

Pages 169-171 (second arrest), testimony Abram Pitel.

B. But the most eloquent fact of his desertion of complainant and one that he cannot explain away is his own act in going to Reno, Nevada, in September, 1914, within three months after the abandonment of complainant for the purpose of securing his divorce in that state. This shows his state of mind

and that he had every intention of separating and freeing himself from complainant, pages 40-173-174, Case and record of Case p. 265 to p. 331, Case. Even if his decree in Nevada had stood it could be no bar to these proceedings. *Lister vs. Lister*, 97 Atlantic Reporter, p. 170. (See record of Nevada decree, pp. 265 to 331 printed case.)

C. He has never made any effort to furnish complainant with any support since September, 1915, when the second order in the Salem courts expired. And his whole conduct shows an attempt to get rid of his wife. See testimony of David Kotok, page 133, State of Case, also testimony of Fannie Rashkin, page 250, State of Case.

3. HIS ATTEMPT AT RECONCILIATION WAS INSINCERE AND MADE ONLY AFTER HE HAD FAILED IN THE NEVADA DIVORCE.

“Considering, then, these advances it is required that they be sincere, just and in very truth, such as might reasonably be expected to induce the wife to resume cohabitation. They must be sincere. The presumption is against their sincerity.”

See *Biddle's New Jersey Divorce Practice*, Second Edition, pp. 84, 37 N. J. Equity, page 29.

No effort was made by him to induce his wife to return and live with him until after he had failed in his divorce in Reno, Nevada, and was informed that that suit was not binding, and complainant further maintains that no effort was made until after the present suit was commenced. Defendant at-

tempts to claim that in January, 1916, he made attempt at reconciliation but his corroborating witness, Lewis J. Chasen (189, Case), says March, 1916, or in the summertime and is very vague and indefinite while complainant maintains pages 77 and 78, Case, that no efforts were made to induce her to return until after she commenced this suit.

His statement to David Kotok that he wanted to get rid of his wife, see testimony David Kotok (page 133, Case), shows there was no sincere intention on his part to have his wife return, this is further corroborated by the testimony of Fannie Rashkin who testifies that he came to her home and wanted to give his wife three hundred and fifty (\$350.00) dollars for her to give him a divorce (see page 250, Case).

"A request by defendant, after such suit is commenced, that plaintiff will come and live with him at the boarding house, and other requests, apparently insincere, are not such offers to perform his marital duties as will release him from liability."

Elliott vs. Elliott, 48 N. J. Equity, page 231.

See also *Parker vs. Parker*, 57 N. J. Equity, page 577.

"I am compelled to believe that these declarations of willingness to perform his marital duties on the part of defendant are in the same class as those commented upon in case of *Elliott vs. Elliott*, 3 Dick. Ch. Rep. 238, as follows: 'While the law regards a sincere and honest desire, on the part of the husband, to put an end to an unfortunate separation between himself and his wife with favor, and as tending to relieve him from responsibilities the law might otherwise impose upon him, it cannot give such

effect to the simple declaration of a defendant in a suit already commenced, without any manifestations by act or effort that his proposition is sincere, or made with the expectation of having it accepted. Less weight is to be given to such declaration of a party as a witness in the trial of the suit to make him liable for separation, which has not been preceded or is not accompanied or followed by any practical manifestations of sincerity."

Parker vs. Parker, 57 N. J. Equity, p. 586.

Even if these offers were made by defendant before the present suit was commenced—every action of his shows the insincerity of them.

"The law casts upon the husband a pre-eminent duty to make the advances of a just man—to seek out and request his wife to return and restore the broken home."

Sargent vs. Sargent, 36 N. J. Equity, page 644.

Certainly after the treatment complainant received at the hands of her husband, before the abandonment, his conduct afterwards in trying to get rid of her by divorce proceedings, his failure to support her in any way could not inspire in her mind that his wish to return was sincere, there is nothing in his actions to back his words.

The whole case shows and shows clearly that the defendant (1) abandoned or separated himself from his wife, (2) That he has refused and neglected to support her.

Complainant was refused alimony *pendente lite* on a balancing of affidavits, and denied support by final decree of Court of Chancery but certainly on the

testimony contained in the case she is entitled to permanent maintenance as well as costs and counsel fees.

That the decree of the Court of Chancery should be reversed and the relief sought by complainant granted her.

Respectfully submitted,

HERBERT C. BARTLETT,
Solicitor of Complainant.

*See Bradbury vs. Bradbury
74 Atlantic Reporter, p. 150.*

New Jersey Court of Errors and Appeals

ANNA PITEL

Complainant-Appellant,

VS.

ABRAM PITEL,

Defendant-Respondent.

ON APPEAL FROM DE-
CREE OF COURT OF
CHANCERY

BRIEF OF DEFENDANT--RESPONDENT

STATEMENT OF FACTS

THIS IS a suit for maintenance under the statute. The complainant asserts that the defendant abandoned her on June 5, 1914 at Brotmanville, Salem County, New Jersey, (*Page 4, lines 10 to 20*): After this abandonment she had her husband arrested on two occasions for non-support, the first time after the lapse of three days, (*page 39, line 10*) and the second time in the following September when the defendant gave bond to the overseer for her support (*page 39, lines 30 to 35*).

DEFENDANT DENIES that he abandoned his wife in June 1914, (*page 160 lines 1 to 35*), or that he committed the acts of cruelty charged against him by her, (*page 154,*

lines 28 to 30: page 154, lines 30 to 35: and page 187, lines 1 to 5)

ON THE CONTRARY, defendant shows that after the alleged separation on June 5th, he returned that night to his home and endeavored to get in his house. He found the door locked and his wife refused to open the door, saying, "No room here for you, go right to your people." (*page 162, lines 1 to 5*).

AGAIN THE following day at eleven o'clock in the morning, he returned with a neighbor named Lipwock, (*page 162, lines 30 to 35: page 163, line 2*). His wife then again refused to admit him. Called him "Tramp," "bum," and spit in his face and closed the door. (*Page 163, lines 15 to 23*). On Sunday following the 5th day of June, he again went to his home about two o'clock in the afternoon with Mr. Seigal, (*page 163, lines 25 to 35: page 255, lines 30 to 35*), when his wife for the third time refused to admit him. (*Page 164, lines 1 to 35*). The next day, Monday, his wife had him arrested for non-support, (*page 166, lines 1 to 10*). At the time of arrest he was supporting his wife, but stopped credit at stores after that. (*Page 168, lines 5 to 10*). Two weeks after the arrest the defendant again went to see his wife in company with David Seigal, (*page 168, lines 15 to 28*). She said "You can go right back where you came from. I am getting along all right." (*Page 168, lines 30 to 35*), and the complainant declared to David Seigal after the arrest, that she wanted nothing to do with him: "He is a tramp," and "She don't want nothing to do with him." (*Page 256, lines 10 to 20*). The defendant then was compelled to take Constable Greenblatt with him in order to get his clothes, (*page 169, lines 20 to 35*). After his wife had him arrested

the second time, in September 1914, he saw her again. He sent Seigal over first and then went there with Seigal. Told her he would move to the city if she was satisfied, but she refused to move anywhere, saying she did not want him and spit in his face, calling him a "Bum" and a "Tramp." (*Page 172, lines 20 to 30*). Lipwock also talked with her after the arrest at Centerton and she again refused to live with her husband, (*page 210, lines 1 to 20*). None of these occasions or visits are denied by Mrs. Pitel.

AFTER THIS, he went to Nevada, (*page 173, lines 5 and 10 to 30*). He was gone more than a year, and two weeks after his return to Vineland, he went back to her and asked her if she wanted to "live back with me" and she said "No." (*Page 174*). She told the defendant that she had no use for him and he could go "right back to Reno, Nevada," where he came from. (*Page 175, lines 8 to 10*).

DEFENDANT SENT Louis Cohen to see her about four months after he came home, "Because I wanted to go back and live with her again," he says was the reason. (*Page 176, lines 20 to 25: 225, lines 30 to 35: 226, lines 1 to 5.*)

DEFENDANT TALKED with his wife again before the commencement of this suit at the suggestion of one Chasen, a marshall of the Borough of Vineland and she shoved him aside and said, "Go away, you tramp; you got enough American girls to monkey with without me," and she spit in his face and called him "Tramp," "bum," and said "Go along." (*Page 177, lines 20 to 32 page 191, lines 20 to 35.*)

JAKE COHEN went with him, and his wife then told him, that if he would give her \$1000 and pay the expenses

of a divorce, she would give him a divorce, but he said nothing to her about a divorce. (*Page 179, lines 3 to 20.*)

NONE OF THE neighbors knew of the cruelty alleged by the complainant.

THE DEFENDANT is corroborated in his statements as to his efforts toward a reconciliation by many witnesses, both within and without his own family.

THREE POINTS are developed by the evidence.

FIRST: THE ALLEGED ABANDONMENT.

SECOND: THE NEVADA DIVORCE PROCEEDINGS.

THIRD: THE ATTITUDE OF THE PARTIES TOWARD EACH OTHER AFTER THE RETURN OF THE DEFENDANT FROM NEVADA.

POINTS

FIRST: THE ALLEGED ABANDONMENT.

THE DEFENDANT must be shown to be guilty of two distinct violations of the matrimonial obligation, namely, he must, first, abandon or separate from his wife; second, he must refuse or neglect to support her.

MARGARUM vs. MARGARUM,

57 Equity, 249.

THE COMPLAINANT alleges that the defendant abused and ill treated her on many occasions during their married life, by striking her with a black-jack, or his fist, threatening her, kicking her, cursing her or going away and leaving her for days at a time. (*Page 32-33-34-35 and 36.*)

THIS CONTINUED abuse culminated, she says, on June 5th, 1914, by her running out of the house. (*Page 41,*

lines 20 to 30). In her statement of the abandonment, complainant is not corroborated, and as to the cruelty and abuse only in a limited way and that in the weakest manner.

THE DEFENDANT denies both the abuse and the abandonment, (*Page 154, lines 28 to 35: 155, lines 30 to 35 and 187, lines 1 to 5*).

HIS DENIAL shows that he left the house because of his wife's ungovernable rage and in this, he is corroborated by his father, who was the only witness of the scene between the wife and her husband. (*Page 161, and page 236*).

THE DEFENDANT testifies that when he left his wife he went to his father's house and returned at about nine o'clock that night, and found the doors locked. His wife refused to open the door and said to him, "There is no room here for you." "Go right to your people." (*Page 162, lines 1 to 5*).

AFTER THIS, defendant continued his efforts to return to his home, taking others with him to help persuade his wife to resume her relations with him, but to no avail. (*Page 162, lines 30 to 35: 163, line 2 and 15 to 23: 208, lines 10 to 35: 255, lines 30 to 35: 168, 15 to 28 and 256, 10 to 20*).

ON JUNE 8th, 1914, three days after the alleged abandonment, the complainant swore out a warrant against her husband for non-support. He was supporting her as he had always done. At the hearing in Salem, he agreed to give his wife what was required of him—two dollars a week and house rent. This was equivalent to \$3.25 per week.

THE COMPLAINANT again caused the defendant's

arrest for non-support in September 1914, and he entered into bond to support her. After this arrest, defendant went to see his wife to get her to come back with him, and he would go with her to the city, but she refused and spit in his face. (*Page 172, lines 20 to 30.*)

THE COMPLAINANT does not deny these efforts of the defendant looking toward a reconciliation, and certainly under the evidence it cannot be said that she feared to go back to live with her husband, for no abuse is shown in the evidence, other than her own testimony, and in these respects at least the complainant is uncorroborated unless the incident of the black-jack can be said to be corroborated by the testimony of her brother. These statements of hers as to cruelty are all negatived by the fact that not one in the neighborhood, or the village, knew of the atrocious assault with a black-jack, or of the marital trouble between the husband and wife. It is reasonable to believe that had the defendant attacked his wife in this way, there would have been an outcry, or physical interference on the part of the brother instead of a tacit acceptance by him of the right of a husband to so chastise his wife, or there would have been an immediate arrest of the defendant under the criminal law of the state.

IT IS ALSO negatived by the fact that the defendant gave his wife a sewing machine while the brother was there in August 1913, shortly after the alleged attack (*see page 204 and 205*).

REGARDING THE absence of the defendant in January 1914, it seems to me, I need not spend time to consider. I need only to call the Court's attention to the complain-

ant's haste to put her husband under bond for non-support in June 1914. Although the testimony all shows she had open access to the stores in the neighborhood for whatever she needed to support her, she waited less than three days after the separation in June 1914, before she applied to a Justice of the Peace at Salem, and had her husband arrested for non-support. This seems to be a most significant rebuttal of the story that she ever permitted him to be absent from her roof for three weeks without some action being taken against him along the same lines.

HER STORY is that her husband cruelly beat her in April 1914, which resulted in a miscarriage and that at the time of this illness, the husband refused to get her any medical attendance. That this part of her story is not based upon fact, is shown by the testimony of the physician and of the defendant's family. (*Page 137*), and that he did not beat her to cause the miscarriage, is shown by the fact that this was just an ordinary miscarriage. (*Page 137, lines 20 to 25*), and that there were no marks on her body showing bruises of any kind. (*Page 221, lines 5 to 20*).

IN JUNE 1914, she says, that he attacked her, and that she ran out of the house in order to protect herself from his attacks. Without again referring to the testimony of the defendant and his father, I submit that this cannot be true, because neighbors lived within a few feet of the house, and they have testified that they knew nothing of the marital difficulties of the two until after the separation in June 1914. It wouldn't be possible, under the circumstances testified to by her, for this to have occurred without the neighbors knowing something of it. Another signifi-

cant thing about it is, that she never told anything to her intimates, those people with whom she was closely associated, and never complained to his family about his ill treatment.

COUNSEL OF DEFENDANT contends, that even during this first period the evidence in this case does not warrant the charge that defendant abandoned or neglected or refused to support his wife, at least up to the middle of September 1914, and if any abandonment took place at all, that it must be considered as having resulted from defendant's act in applying to the Courts of Nevada for a divorce from the complainant. It is true that the support was discontinued after the expiration of the bond, but then defendant made overtures to his wife for a resumption of the marriage relation and no longer could be charged with abandonment, if it ever existed.

SECOND

THE NEVADA DIVORCE

THERE IS NO disposition on the part of Counsel to minimize the effect of the defendant's attempt to procure a Nevada divorce, but it can be said that this fact is useful only as showing the mental attitude of the defendant at the time. It may be readily understood how the attitude of the wife as shown by the testimony in this case, could cause a change in the attitude of the husband toward her. But even this changed attitude of the husband may have been reversed when he returned, after his years absence, and again looked upon the woman he had taken for his wife. I think the evidence clearly shows such to have been the case and that the wife refused to look with favor upon the

husband. This topic, however, comes more properly under the third head and may be reserved for discussion there. No divorce was granted in Nevada and the only effect which can be given to this act of defendant is the tendency it may have to establish his attitude toward his wife at that time and to make the burden of proving another state of mind more onerous upon him. It is not conclusive. It may be stated here, however, that the support of the wife under the bond to the overseer of Pittsgrove Township continued to September 15, 1915.

THIRD

THE ATTITUDE OF THE PARTIES TOWARD EACH OTHER AFTER THE RETURN OF THE DEFENDANT FROM NEVADA.

WHERE PROPER advances have been made, whether the husband has been in fault, or has consented to the separation or has himself been the deserter, the wife's desertion begins from the time of his rejection.

HOOPER vs. HOOPER, 34 Equity, 93.

VAN WART vs. VAN WART,
57 Equity, 599.

THESE ADVANCES must be sincere.

BIDDLE on divorce page 84.

IN CONSIDERING what effort or concession must be made in any given case, the conduct of the parties toward each other must be considered.

VAN WART vs. VAN WART,
57 Equity, at page 599.

GRANTING FOR the sake of argument, the contention of the complainant that the defendant deserted his

wife in June 1914, and continuously refused to resume his relation with her up to the time he returned from Nevada, the question remains whether his wife has, by her subsequent action put herself in the position of being the deserter. It is admitted by the complainant that the defendant made approaches to his wife looking to a resumption of the marriage relation, but counsel for the complainant argues that the approaches made were insincere. Let us see.

BEFORE PROCEEDING further, I desire to draw the Court's attention to the fact that never once since June 5th, 1914, has the wife, according to the evidence, ever approached the defendant for a resumption of the marital relation, or shown, in word or act, any desire therefor. Her only effort since June 5, 1914 has been to obtain separate support. While she is in no wise bound to do so, these advances properly coming from her husband, still her action in this respect has a bearing on her mental attitude when taken with all the other facts in the case. What is her mental attitude toward her husband? Is it not clearly shown in her repulse of him and her acts since they separated? First, she has him arrested three days after the alleged desertion for support, and before support had been withdrawn. She does not then attempt to secure a reconciliation, but refuses it when the husband makes repeated advances. While she is receiving \$3.25 a week, she complains to the overseer of the poor, and again has her husband arrested, and this notwithstanding his repeated attempt at a reconciliation. Then, when her husband returns to Vineland after an absence of a year, and again

approaches her, she repulses him, calling him, "A tramp" and "A bum." Where approaches are made by the husband is not the wife charged with the duty of receiving them, and giving them consideration? Can she assume to absolutely reject his approaches and maintain her status as the nondeserter?

"The wife should do no act to discourage the resumption of cohabitation under suitable conditions, though beneath her ideals."

BIDDLE on divorce, second edition, page 88.

WHAT DOES THE evidence show that she did? When her husband approached her at the West Jersey Railroad Depot shortly after his return to Vineland, in the fall of 1915, she refused even to listen to him, and called him offensive names. (Page 174). Again, when he approached her at a later period with a friend, she repulsed him and refused again to live with him. (Page 176, lines 20 to 25: 225, lines 30 to 35: 226, lines 1 to 5). Still another time in mid-summer, when the defendant was talking with an officer of the Borough of Vineland about his marital affairs, and his desire for a reconciliation, she was approached by him as she was passing and again she repulsed him. (Page 177, lines 20 to 32: 191, lines 20 to 35). And the wife's mental attitude to her husband is clearly shown by the statement of the officer when describing the occurrence. I would particularly direct the Court's attention to his testimony, because this took place only a month or two before the beginning of this suit and doubtless while the defendant's wife had the action in contemplation. Mr. Louis Chasen says: "That he and Pitel were standing in front of the City Hall

in Vineland, talking of the defendant's efforts to effect a reconciliation with his wife, when she was seen approaching and that he suggested to the defendant, that he speak to his wife then. The defendant turned toward his wife as she approached and said, "Let me go along with you and talk our affairs over with you?" She turned on him and said in Jewish, "Get away from me, you tramp," spit in his face and left him standing there.

CAN ANY OTHER construction be put upon such an act than that his advances were "obstinately resisted?" The Court will note that when her husband approached the complainant after the episode of June 5th, 1914, she used the same language and repulsed him with the same act. Are we to disregard all this evidence and say that a man was insincere in his efforts when he kept them up in spite of such treatment? It must be remembered that this was not the only time this same thing had been done. It seemed to be a continued expression of the wife's contempt for her husband. Can it be said, that the husband was insincere in his approaches, or failed in his duty when, in the face of her continued repulsion of him, he sent his friends to her to effect a reconciliation? Does not the complainant's attitude toward him show that she had determined never to live again with her husband, no matter what approaches he made to her? She does not deny these approaches, but attempts to destroy their effect by claiming that her husband approached her with a money settlement and a divorce in view. This he denies and it is corroborated by the testimony of Louis Cohen, *page* 226, and Hyman Cohen, *page* 230. The testimony of these witnesses

shows that she made propositions for the purpose of getting money from her husband, and Mr. Hyman Cohen says: That she refused to live with her husband unless he gave her \$500, but that her husband told witness he had not \$500, and could not give it to her, and she said that then she would not live with him. (*Page 230*).

ALL OF THE TESTIMONY, counsel submits, tends to show that the husband was not the deserter, and that he had done more than could be expected of any self-respecting and reasonable man. When a woman repulsed her husband in the way this woman did, what could be expected of the husband? The law does not require of the husband that he go to unreasonable lengths in his effort at reconciliation. The defendant in the sincere wish to be reconciled with his wife went far beyond the required length in his efforts to this end, and continued them until they were stopped by the wife taking this action against her husband. Has not the wife put herself in the position of the deserter and by her own acts deprived herself from receiving support from her husband? I submit that this is her present position. The Chancellor upon application for alimony pendente lite refused the request upon the ground that the answer fully met the allegations in the bill, and the Advisory Master, after a full hearing reached the conclusion that the efforts made by the defendant looking to a reconciliation with his wife were sincere and that the wife was in no position to ask of the defendant the maintenance she claimed. The Advisory Master in reaching his conclusion had the benefit of the view of the witnesses and of frequent personal examination of them, particularly as to

the defendant's attitude at reconciliation and the complainant's attitude toward him, and he was doubtless convinced, after the fullest consideration of the testimony, that the defendant's approaches were sincere and honest and that the mental attitude of the wife was against the resumption of the marriage relation, not because of any fear of bodily harm or fear of abuse by her husband, but solely because of her desire no longer to live with him as a wife.

COMPLAINANT'S counsel directs the Court's attention particularly to the testimony of David Kotok and Mrs. Rashkin. I need only refer the Court in answer to this, to the testimony, undenied, by Louis Cohen relating to the approaches by Mrs. Pitel, looking to a money settlement as given in his testimony on *page 226, lines 5 to 20*, and the testimony of Hyman Cohen on *page 230, 5 to 25*. I want again to call the Court's attention to the fact that the defendant was not aware of Mrs. Pitel's approach to Louis Cohen because the witness did not tell him. In view of the denial of the defendant and of the testimony of these two witnesses, is it reasonable to conclude, or believe, that the defendant would take a step which he must have known would put him out of Court?

THE EVIDENCE of these two witnesses refer undoubtedly to the effort made by the wife to procure money from her husband, or from some other person, on account of her husband, and are not offers made by the husband himself or by others with his consent and the witnesses are mistaken when they claim the propositions came from the husband.

COUNSEL FOR the defendant contends that the com-

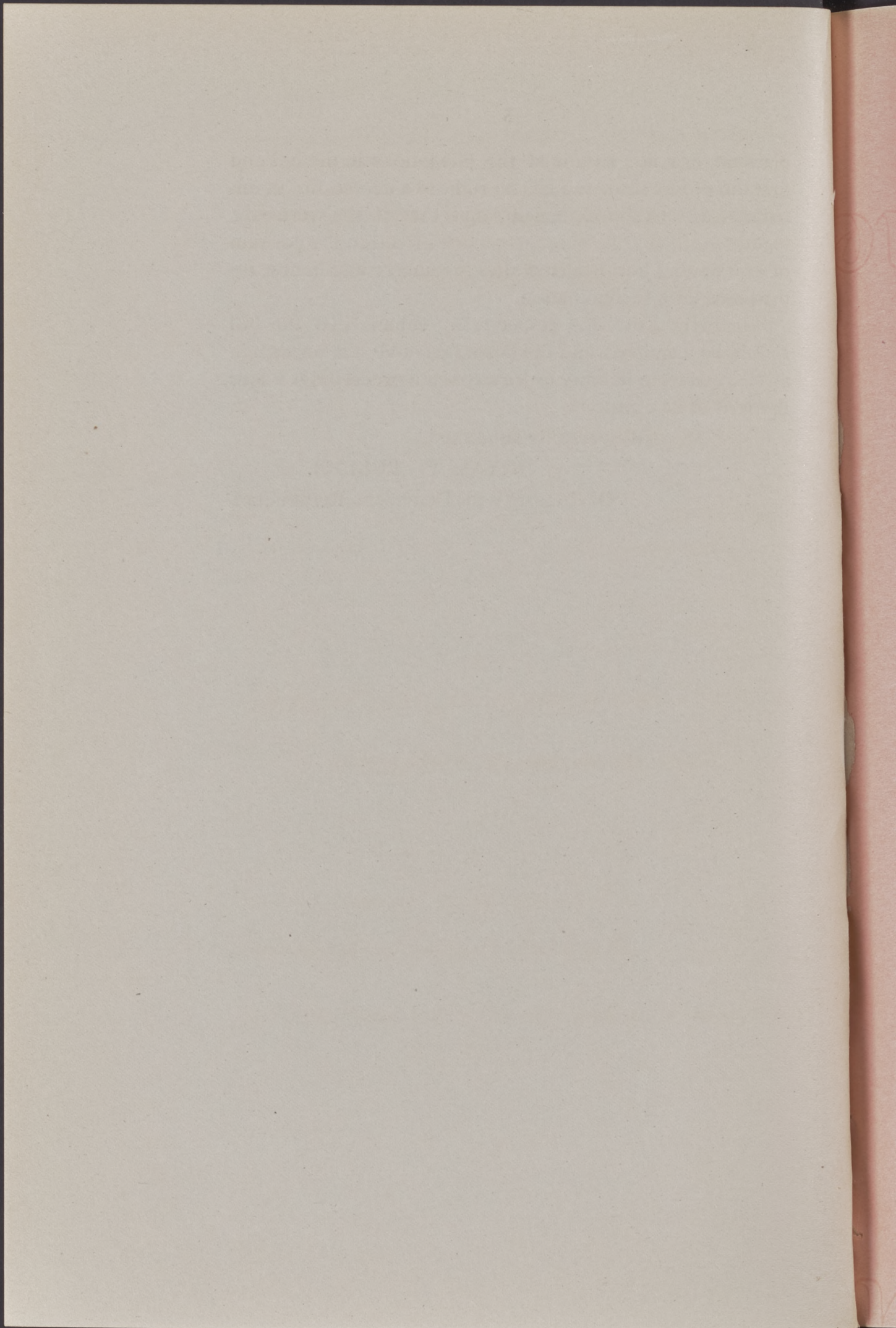
plainant has not sustained the allegations in the bill and that the proofs show she has no right to a decree for maintenance against the defendant, and that if she were ever legally entitled to it, she has placed herself in the position of abandoning her husband after his sincere and honest approaches for a reconciliation.

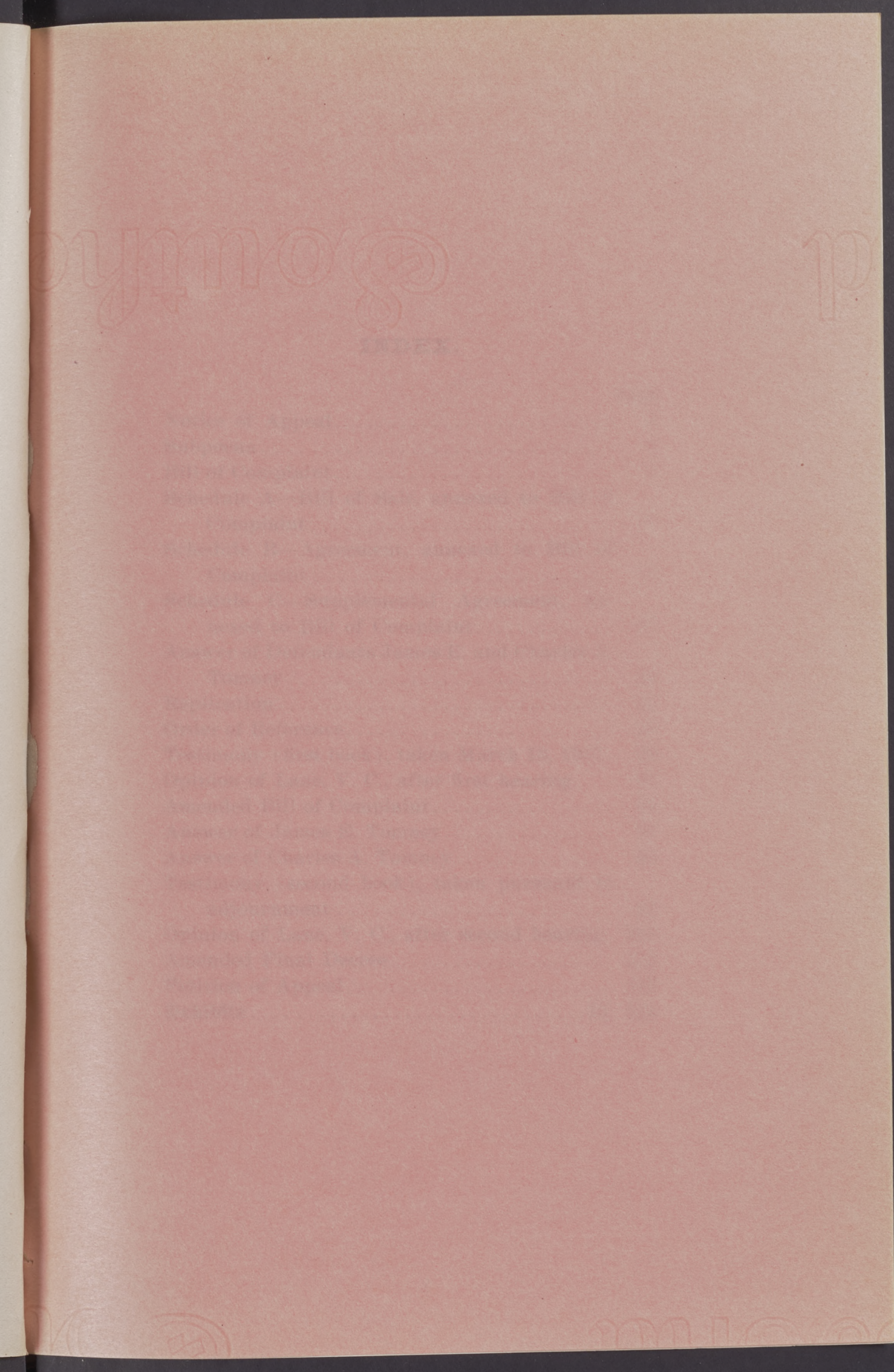
I, THEREFORE, respectfully submit that the bill should be dismissed, and the defendant and his bondsman discharged from liability by virtue of the proceedings under the writ of ne exeat.

Respectfully submitted,

ROYAL P. TULLER,

Of Counsel with Defendant-Respondent.





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