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IN CHANCERY OF NEW JERSEY.

Between

PETER S. GOLDEN et al.,
Complainants,
and
SAMUEL KNAPP et al.,
Defendants.

On Bill, &c.

Bill of Complaint.

[Filed March 15, 1876.]

To His Honor, Theodore Runyon, Chancellor of the State of New Jersey:

Humbly complaining, showeth unto your Honor your orator, Peter S. Golden, of the township of Holmdel, county of Monmouth, and State of New Jersey, and Florence Golden, Samuel P. Golden and William J. Golden, infants under the age of seven years, of same place, by the said Peter S. Golden, their next friend: 10

1. That your orator, the said Peter S. Golden, was the owner in fee simple of a certain valuable farm and premises,

conveyed to him by his father, John Golden, and wife, by deed dated on the first day of April, eighteen hundred and sixty-eight, and recorded in Monmouth county clerk's office, in Book 208 of Deeds, page 247, &c., and more particularly described, as follows: All that certain tract or parcel of land and premises, situate, lying and being in the township of Holmdel, in the county of Monmouth, and State of New Jersey, as laid down on a map of the farm belonging to John Golden and Ann Holmes, heirs of Elias Golden, deceased, 10 surveyed in June, eighteen hundred and twenty-four, except the east line, surveyed in June, A. D. eighteen hundred and twenty-five, by John Patterson, Esq., and laid down on a map made by Leonard Walling, as follows: Beginning at a locust tree and a settled corner, thence (1) south, twenty degrees east, seventeen chains and ninety-eight links to a stone; thence (2) south, eighty-six degrees and thirty minutes west, fifty links; thence (3) south, nineteen degrees and thirty minutes east, thirty-two chains and thirty-two links to a stone; thence (4) south, sixty-three degrees and fifteen min- 20 utes west, twenty-three chains and thirteen links; thence (5) south, three degrees and twenty-seven minutes east, seven chains; thence (6) north, forty-one degrees and forty-five minutes west, forty-five chains and sixty links to the brook; thence (7) along the brook or run of water to a maple stump; thence (8) north, fifty-seven degrees and twenty-four minutes west, three chains and sixty-three links to a chestnut tree; thence (9) north, thirty-seven degrees and six minutes east, six chains and eighty-three links; thence (10) north, twenty-five degrees and forty-five minutes west, nine chains to a 30 locust tree, the northwest corner; thence (11) north, eighty-seven degrees east, thirty-two chains and seventy-one links to the place of beginning, containing one hundred and ninety-eight (198) acres and fifty-one-hundredths of an acre ($198\frac{51}{100}$), excepting thereout a tract of two acres and thirty-one-hundredths of an acre, conveyed to the said Peter S. Golden by John Golden and wife, by deed dated April fifteenth, A. D. eighteen hundred and sixty-four, recorded in Book 176 of Deeds, folios 224, &c., excepting, also, three small lots conveyed by John Golden to Peter Smith, Daniel Lewis and

Owen McCarne, to which several deeds, for a further description thereof, reference is hereby had; also, a tract of salt meadow, situated in the township of Middletown, county of Monmouth aforesaid, called Shoal Harbor, or Big Meadow lot, containing twelve acres, more or less, one-half of which descended to John Golden from his father, and the other half of which was purchased from his sister.

2. That on or about the twenty-fifth day of September, A. D. eighteen hundred and sixty-seven, your orator married Elizabeth W. Knapp, daughter of Samuel Knapp, of the 10 city of New Brunswick, Middlesex county, New Jersey, and has had by her the three following named children, all of whom are infants under the age of seven years, viz.: Florence, Samuel P. and William J. Golden.

3. That your orator gave and executed, after the said conveyance of said farm to him, two mortgages against it, one to his father, the said John Golden, to secure to him the payment of the sum of ten thousand dollars and interest, and the other to his father-in-law, the said Samuel Knapp, in order to secure to him the payment of the sum of seven thousand 20 dollars, which was not to bear interest.

That afterwards, on or about the first day of March, in the year eighteen hundred and seventy-four, your orator, being in the real estate business in the city of New York, and liable to its vicissitudes and risks, and being compelled to spend most of his time there, was advised by the said Samuel Knapp to convey said farm, so that in case of accident or death, it would be a certain home and dependence for your orator's wife and children, and to that end proposed to your orator that if said Golden would convey said farm to him, he (said 30 Knapp) would transfer said farm to your orator's said wife and children, and that he (said Knapp) would pay off the said mortgages, amounting to seventeen thousand dollars of principal money; to which proposal your orator assented and agreed.

That afterwards, the said Samuel Knapp, pretending that it might not be convenient for him to pay off the whole of the said ten thousand dollar mortgage by the first day of April then next following, proposed to pay five thousand

dollars on the said first day of April, and the balance of five thousand dollars, with interest, on the first day of April, eighteen hundred and seventy five, and that he, said Knapp, should hold the deed for said farm, meanwhile, in his name, and would give to your orator an agreement in writing as security that he (said Knapp) would, in one year from the date of the transfer to him, convey the said farm to the said wife and children of your orator free and clear of any and all encumbrances whatsoever.

10 That your orator at first objected to such conveyance to said Knapp, but afterwards, and upon being assured by said Knapp that he was only doing it for the purpose of helping his own daughter and your orator along, and that all he (Knapp) wished or wanted was to secure this homestead farm to his grandchildren, (the said children of your orator and the said Elizabeth W. Golden) and that, to all intents and purposes, your orator should have the actual control and management thereof, your orator assented and agreed to said proposals of said Knapp.

20 5. That afterwards, and on or about the ninth day of March, A. D. eighteen hundred and seventy-four, your orator and his wife, and said Samuel Knapp went to the office of Woodbridge Strong, Esq., a lawyer of high standing in the city of New Brunswick aforesaid, and then and there your orator and his wife made and executed to the said Samuel Knapp an absolute deed of conveyance, with full covenants, dated on the day last aforesaid, and then and there duly acknowledged the same before the said Woodbridge Strong, as one of the masters of this court, and thereby conveyed the 30 said homestead farm to the said Samuel Knapp by the same description above set forth, subject to the said two mortgages, which the said Samuel Knapp, by said deed last named, expressly agreed and assumed to pay, and that at the same time the said Samuel Knapp signed and delivered to your orator a written agreement on his part providing, as nearly as your orator can now specify the same, that upon the expiration of eighteen months from that date, (such extension of time having been previously consented to and agreed upon by and between your orator and said Knapp,) he, said Samuel Knapp,

would convey said farm to said Elizabeth W. Golden for life, and then to the children of your orator and said Elizabeth W. Golden, in fee, free and clear of any and all encumbrances whatsoever.

6. That your orator, being about to go to the city of New York, placed said agreement temporarily in the hands and custody of his said wife.

6½. That the said deed from your orator to said Knapp was, on or about the tenth day of March, eighteen hundred and seventy-four, duly recorded in the clerk's office of Mon- 10 mouth county, in Book 257 of Deeds, page 207, &c.

7. That afterwards, your orator and his wife continued to possess, occupy and manage said farm, and that some time during the summer of the year of eighteen hundred and seventy-four, said Samuel Knapp and his wife came to board with your orator and his wife, at said homestead farm, and have, with intermissions, remained so boarding and living with your orator and his wife until the present time.

8. And your orator further shows and expressly charges, that after the expiration of said eighteen months he demanded, 20 and has on many occasions since such expiration demanded, from said Samuel Knapp, a conveyance of said farm, in accordance with the terms of said written agreement of said Knapp, which demand and demands was and were refused by him, said Knapp.

9. That on many and repeated occasions and times since the said written agreement was made and delivered, and by your orator passed over to the temporary keeping of his said wife, your orator has requested and demanded from her said written agreement, but to such requests and demands the said 30 Elizabeth has given evasive replies, tending to mislead your orator; that at times the said Elizabeth pretends that she has such written agreement, and at other times pretends that she has not possession of it, but that it is safe; that your orator has been unable to obtain possession of said written agreement from his wife, or even an inspection thereof, though he has often requested her for the same.

9½. And your orators further show, that on or about the fifth day of January, A. D. eighteen hundred and seventy-six,

the said Samuel Knapp conspired with his son, one Samuel P. Knapp, to defraud your orators in the premises, and to prevent the enforcement of the rights of your orators under the said agreement of said Samuel Knapp; and that the said Samuel Knapp, together with Rebecca his wife, conveyed the said farm and premises to his son, Samuel P. Knapp, by deed dated on or about that day, which conveyance was recorded in said clerk's office, in Book 277 of Deeds, page 310, &c., under which conveyance the said Samuel P. Knapp claims
10 some title and estate in and to said farm and premises; but your orators are informed and expressly charge the truth to be that no actual consideration passed between the said father and son for said conveyance; that the said Samuel P. Knapp paid no consideration whatever for the said farm and premises, or for the said conveyance to him; and your orators charge that the said Samuel P. Knapp had full and complete notice and knowledge of the said agreement of his said father to convey said farm and premises to the said Elizabeth W. Golden and her said children, your orators, as hereinbefore
20 particularly stated and set forth.

9¾. And your orators expressly charge that the said Samuel P. Knapp took said conveyance subject to the rights of your orators in said real property, and is equitably bound to perform said agreement of his father, said Samuel Knapp, and to join with him in a proper deed of conveyance of said farm and premises, to the said Elizabeth W. Golden and her said children, as hereinbefore more particularly stated.

And your orator expressly charges that the said Samuel Knapp and his son, the said Samuel P. Knapp, and his
30 daughter, the said Elizabeth, are acting in collusion and conspiracy, and with the intent to defeat the enforcement of the said agreement, and to keep the title to said farm in the said Samuel Knapp, with intent to dafraud your orators of their right, title, and interest in said farm.

10. That said Samuel Knapp, for the last two years, has, under various pretences, obtained and received almost all the proceeds and profits raised and taken from said farm, together with some sheep and other valuable property on and appertaining to said farm and its farming, and has not accounted

to your orators for the same or any part thereof, although often requested so to do.

11. That on or about the twenty-sixth day of January last past, the said Samuel Knapp angrily ordered and commanded your orator to leave the said farm, and your orator becoming convinced, from the conduct and speeches of the said Samuel Knapp and the said Elizabeth W. Golden, that they were acting in collusion and in hostility to the interests of your orator and his said children, and with the fraudulent design of preventing the enforcement of the said written agreement, left and departed from his home and his said farm, and came to Freehold, in said county of Monmouth, where he has since lived.

12. That your orator has not lived with or met the said Elizabeth W. Golden since the said twenty-sixth day of January last past, nor has he heard from or communicated with her in any way since that time.

13. Your orator therefore respectfully shows unto your Honor, and insists that the said Elizabeth W. Golden should be compelled to discover and disclose the contents of the said written agreement, and to produce the same in evidence, in such manner and at such time and place as this honorable court may direct, in order that the said agreement may be specifically enforced, and the said Samuel Knapp compelled to convey said farm according to the terms of the said agreement.

But now so it is, may it please your Honor, that the said Samuel Knapp, Samuel P. Knapp, and Elizabeth W. Golden, in concert with each other, and colluding and confederating together, refuse to comply with your orator's demands and requests, and refuse to deliver to your orator said written agreement, and refuse to perform the same, and the said Elizabeth pretends that she has not possession of the said written agreement, and cannot produce the same or deliver it to your orator, and at other times she pretends that said written agreement is in her possession and in a safe place, but she is not willing to produce the same or deliver it up to your orator. And the said Samuel Knapp sometimes pretends that no such written agreement as is above stated was ever

signed by him, and that he did not agree to convey said farm to the said Elizabeth and to the children of your orator and said Elizabeth, at any time, or in any way whatsoever.

All which actings, doings, pretences, and refusals, are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orators in the premises.

In consideration whereof, and for as much as your orators can only have adequate relief in the premises in a court of equity, where matters of this nature are properly cognizable and relievable.

To the end, therefore, that the said Samuel Knapp and Elizabeth W. Golden, and their confederates, when discovered, may, upon their several and respective corporal oaths, to the best and utmost of their several and respective knowledge, remembrance, information, and belief, true, direct, and perfect answer make to all and singular the matters aforesaid, and that as fully and particularly as if the same were here repeated, and they and each of them distinctly interrogated thereto, and more especially that the said confederates, the said Samuel Knapp and Elizabeth W. Golden, and each of them, may, in manner aforesaid, answer and set forth—

1. Whether some agreement in writing, or other writing, was not signed and executed by said Samuel Knapp, on or about the ninth day of March, A. D. eighteen hundred and seventy-four, at the law office of Woodbridge Strong, Esq., in New Brunswick, New Jersey, respecting the farm, at that time conveyed by said Peter S. Golden to said Samuel Knapp?

2. If so, whether said Elizabeth W. Golden did not take or receive the same, and has not now its custody and possession?

3. Whether she has destroyed or lost the same, and if so, when, where, and under what particular circumstances such loss or destruction occurred?

4. Whether she has delivered or handed the same to her father, the said Samuel Knapp?

5. Whether the said Samuel Knapp has had the possession, custody, or control of said agreement or writing, since its execution, and if so, what has become of it?

6. Whether the said Samuel Knapp has, at any time since its execution, seen the said agreement or writing, and if so, when, where, and in whose hands?

7. Whether said agreement or writing did not provide that said Samuel Knapp should convey said farm to said Elizabeth W. Golden and the children of herself, and said Peter S. Golden, and whether it did not provide that such conveyance should be made within eighteen months from the date of said agreement or writing?

8. Whether such agreement did not provide that said Knapp should convey said farm as last above mentioned, free and clear of all encumbrance?

And that the said Samuel P. Knapp may, without oath, answer the above charges, and also may answer the interrogatories addressed to him and annexed to this bill, under oath or affirmation, fully, directly and responsively, confining his answer to the interrogatory proposed.

And that the said Samuel Knapp and Elizabeth W. Golden and their confederates, when discovered, may be decreed to discover the terms and contents and provisions of, and produce the said agreement or writing to and for the benefit of your orators, at such time and place as this honorable court shall direct, and deliver the same to your orators, or to some person for their use; and that the said Samuel Knapp be decreed specifically to perform said agreement or writing entered into with your orator as aforesaid, and to make a good and sufficient title to and conveyance of the said farm and premises to the said Elizabeth W. Golden for life, and then to her said children in fee, as in said agreement provided and intended; and to make and deliver all necessary deed or deeds and conveyances in order to carry out the intention of said agreement or writing, or that failing in that, that then the said deed of conveyance, so as aforesaid made by said Peter S. Golden to said Samuel Knapp, be set aside and decreed to be given up and surrendered to the said Peter S. Golden, and that the record thereof in said clerk's office of Monmouth county be canceled and declared void.

And that said Samuel P. Knapp be decreed to join in the execution of such conveyance or conveyances, and that your

orator may have such further and other relief in the premises as the nature of the circumstances of this case may require, and as to your Honor shall seem meet.

May it please your Honor, the premises considered, to grant unto your orators a writ or writs of subpœna, issuing out of and under the seal of this honorable court, to be directed to the said Samuel Knapp and Rebecca Knapp, his wife, Samuel P. Knapp, Elizabeth W. Golden and John Golden, therein and thereby commanding them and each of them, on a certain
10 day and under a certain penalty therein to be inserted, to be and appear before this honorable court, then and there to answer all and singular the premises, and to stand to, abide by, and perform such order and decree therein as to your Honor shall seem meet, and shall be agreeable to equity and good conscience.

And your orator, as in duty bound, will ever pray, &c.

WM. H. VREDENBURGH,

Solicitor for and of counsel with complainants.

INTERROGATORIES TO DEFENDANT, SAMUEL P. KNAPP.

20 1. Was there any money consideration actually paid by you for the conveyance to you by Samuel Knapp of the Golden farm and premises, on the 5th day of January, A. D. 1876; and if so, what money, how and when paid; and if money or cash, where did such cash or money come from, and whose money was it, and in whose presence paid, and at what dates and times; and if by check, then on what bank drawn; and if you paid any money of your own for the Golden farm, whether it was not money which was previously due from you to your father for the consideration in whole or part of
30 the farm in Piscataway township, Middlesex county, New Jersey, conveyed to you by your father?

2. Had you any knowledge or information, prior to the 5th day of January, 1876, of the agreement to convey, made by your father and referred to in this bill?

3. Did you not advise or consult with Peter S. Golden, at New Brunswick, a few days before the conveyance by him to your father of the said Golden farm, in relation to such con-

veyance to your father, and re-conveyance by him to your sister and her children; and did you not urge said Peter S. Golden to give your father a deed for said farm for a year?

4. Did you not transact your father's financial business at the time of said conveyance of the said Golden farm, and since that time; and are you not familiar with his business; and did your father not consult with you about the conveyance of the Golden farm; and did he not inform you verbally or by letter, that he was to convey the farm to your sister and her children; and if not, what information on that subject did he ever give you? 10

5. Were you not, at any time prior to January 5th, 1876, informed or told by your sister, either verbally or in writing, that said Golden property was to be conveyed by your father to her or to her and her children?

6. Did you not advise Peter S. Golden, at his office, No. 957 Sixth avenue, New York city, on several occasions, between June, 1874, and December, 1874, to submit to the conduct of your father in the management of the farm for that year, because, as you said, that in the next year he would be obliged to give it up, or words to that effect? 20

7. Had you no conversation, at any time, with Peter S. Golden, upon the subject of his relations with your father in respect to the Golden farm and the conveyance thereof by your father to said Peter S. Golden or his family; and if so, then what conversations had you; give them as fully as you recollect them?

State of New Jersey, Monmouth county, *ss.*—

Peter S. Golden, being duly sworn according to law, on his oath saith—that the facts, matters and things set forth in above bill are true; that the agreement or writing in said bill mentioned, was executed by said Samuel Knapp at the occasion and place in said bill stated; that after its execution, it was placed by deponent in the hands of the said Elizabeth W. Golden, and that deponent has never seen it since; that deponent has made repeated requests of said Elizabeth to show him said writing and to deliver it to him; and that said Elizabeth has uniformly evaded such requests and has refused 30

and neglected to deliver said writing to him, or to show him the same.

PETER S. GOLDEN.

Sworn and subrcribed before me, at Freehold, New Jersey, this 17th day of March, A. D. 1876.

CHAS. P. DORRANCE, *N. P.*

Answer of Samuel Knapp and Elizabeth W. Golden.

[Filed May 30, 1876.]

10 The joint and several answer of Samuel Knapp and Rebecca, his wife, and Elizabeth W. Golden, to the bill of complaint of Peter S. Golden and others.

These defendants jointly and severally, saving and reserving to themselves and each of them all and all manner of benefit of advantage and exception to the many errors and insufficiencies in the complainants' bill of complaint contained for answer thereto or unto so much thereof as they are advised is material for them or either of them, to make answer unto, they answer and say, they admit that said Peter S. Golden, 20 on or about the first day of April, A. D. eighteen hundred and sixty-eight, owned a farm, situated as located by description in said bill, and they believe the boundaries and number of acres, as stated in said bill, are substantially correct; that said Peter S. Golden acquired the same by a deed from John Golden of about the date mentioned in said bill, and that said deed was recorded in the book and about the time stated in said bill.

And the defendants admit that the said Peter S. Golden, on or about the twenty-fifth day of September, A. D. eighteen 30 hundred and sixty-seven, married Elizabeth W. Knapp, now Elizabeth W. Golden, and daughter of Samuel Knapp, and only sister of Samuel P. Knapp, one of said defendants.

And these defendants, in further answering, jointly and severally say that, although the said Peter S. Golden owned said farm by virtue of said deed, yet the said Peter S. Golden was largely in debt at the time; and of the debts of said Peter which were then known to these defendants, the said Peter S. Golden gave a mortgage on said farm to said John Golden, for the sum of ten thousand dollars principal, and also another mortgage on said farm to said Samuel Knapp, his wife's father, for the sum of seven thousand dollars. And these defendants, in further answering, jointly and severally say that, on each of the aforesaid mortgages, the said Peter S. Golden agreed to pay interest and also each of the respective principal sums thereon. And the said Samuel Knapp denies that the said seven thousand dollar mortgage was not to bear interest, as stated in said bill. And these defendants, Samuel Knapp, and Samuel P. Knapp, and Elizabeth W. Golden, in further answering, jointly and severally say, that the said Peter S. Golden occupied said farm before he had deed for the same, and also after he had said deed, and managed and operated the same by way of farming it. First, the said Peter, by his way of management, conduct and improper way of attending to his business for some time, became more involved in debt and embarrassed in his financial condition, to an extent which was unknown to the said Samuel Knapp and Samuel P. Knapp, and also unknown to his said wife, beyond the amount of said two mortgages; and so that, at times, said Peter did not supply to his said wife and family the proper means of comfort and livelihood; and said Peter S. Golden went to her brother, Samuel P. Knapp, in New York, and told him that Lizzy, his sister, desired to see the defendant, Samuel P. Knapp, that night, in New Brunswick, at her father's house; that the last named defendant went, and saw his sister Lizzy, the said Peter's wife, there at her father's house, and she informed the defendant, Samuel P. Knapp, that her husband wished him to buy the farm, because Peter was in debt; and thereafter it was arranged and agreed upon by and between the said Samuel P. Knapp and said Elizabeth W. Golden, wife of said Peter S. Golden, and the said Peter S. Golden, that they, the said Peter S. Golden and Elizabeth

W. Golden, would sell the said farm to said Samuel P. Knapp.

And that the said Peter S. Golden and Elizabeth, his wife, would make a deed of conveyance for said farm. Said deed of conveyance was, at the request of said Samuel P. Knapp, from deference and respect to his father, Samuel Knapp, made to the said Samuel Knapp, the said Samuel P. Knapp to pay off or assume the said mortgage encumbrance which said John Golden held on said farm. And the said defend-
10 ants, Samuel Knapp and Elizabeth W. Golden, say that the said Samuel P. Knapp paid all the moneys that were paid on, or that have been paid on, the consideration or price of said farm, or on either of said principal sums of said mortgages. And the said Samuel Knapp and Elizabeth W. Golden, in further answering, jointly and severally deny that there was any arrangement, that by reason of said John Golden receiving five thousand dollars in the mortgage, and then to be paid his balance of five thousand dollars, with interest, on the first day of April,
20 A. D. eighteen hundred and seventy-five, or at any other time, the said Samuel Knapp, in the meanwhile, should hold the deed for the farm in his own name, and then gave an agreement in writing, as security that he would, in one year from then, or at any other time, convey said farm to said wife and children of said Peter S. Golden, free and clear of any and all encumbrances whatever, as alleged or insinuated in complainants' bill.

And these defendants jointly and severally insist that the said deed was accepted by said Samuel Knapp, and intended
30 by all parties, at and before the time of the writing and signing, and acknowledgment and acceptance of said deed, to be a deed of conveyance by said Peter S. Golden and wife, conveying away said farm, absolutely in fee, to said Samuel Knapp, subject only to the mortgage encumbrance then existing on said farm.

And these defendants jointly and severally deny that on March first, eighteen hundred and seventy-four, or at any time, the said farm was conveyed to said Samuel Knapp, for the purpose of conveying said farm to said wife and children
40 of said Peter S. Golden, as intimated or alleged in complain-

ants' bill. And the said Samuel Knapp denies that he advised said Peter to convey away said farm in any way, for the reason or purpose to avoid accident or risk that might occur to said Peter S. Golden in real estate business, as is intimated in his said bill, or that the said deed or conveyance be made in any way for the purpose of said farm being given to said Peter S. Golden's care, custody, or control.

And these defendants, in further answering, jointly and severally deny that the said Samuel Knapp at any time assured said Peter that he was only taking the deed or con- 10 veyance of the farm for the purpose of helping his own daughter and said Peter along, or all that he wanted or wished, was to secure the farm to the children of said Elizabeth or Peter, or that, to all intents or purposes, the said Peter should have the actual control and management of the farm, or for any such purposes.

And these defendants, in further answering, jointly and severally admit, that on or about March ninth, eighteen hundred and seventy-four, Peter S. Golden and his wife, and Samuel Knapp, her father, went to the office of Woodbridge 20 Strong, Esq., at New Brunswick, where the said warrantee deed referred to in said bill was filled up, preparatory to being executed by said Peter and his wife to said Samuel Knapp.

And the said Elizabeth W. Golden, in answering, further says, that previous to signing the deed, the said Peter S. Golden called her aside, and privately threatened to her to have her procure an agreement then from her father that he, her father, would, at the end of eighteen months, transfer the farm to her and her heirs. And she then refused to procure 30 such agreement, or to prevail on her father to give any such agreement or writing.

And that the said Peter and his wife then went back in the office and signed and acknowledged and executed said deed to said Samuel Knapp, her father, independent of and without any reference to the proposed agreement, which said Peter had just before sought to procure through her, and her said father was also present with said Strong at the office, where said deed was then ready, and that the said deed was left with

said Woodbridge Strong by said Samuel Knapp, to be put on record for her father; that whilst said deed was so in the charge of said Strong, her husband, knowing and well aware how easily her father was in the habit of acceding to the wishes and requests of his daughter, took her *privately* one-side, apart from the other persons, and in a very violent and profane manner then declared he would have his vengeance on her as long as she lived, or to that effect, if she did not procure the agreement which he had referred to, to be then signed by her father; that then, under the threats, influence and impulse of the moment, produced on her by the violent conduct and threats of said Peter, she went to her father, and asked her father, for her sake, to sign the paper, the same being an article or paper in writing, which it appeared that said Peter had already previously had prepared, and her father, merely for her sake and at her sudden solicitation, signed it on her personal appeal then to him, but she did not make known to her father her reasons therefor, asking him to sign it, and she withheld from him at that occasion the knowledge of the threats and conduct of said Peter towards her, but all the same was unbeknown to and in the absence of said Samuel P. Knapp.

And the said Samuel Knapp, in further answering, says, that on the occasion above referred to, whilst said deed was in the charge of said Strong for record, he did, at the sudden solicitation of his daughter, sign a paper presented to him, in reference to the conveyance of said farm.

But the said Elizabeth W. Golden and said Samuel Knapp deny, that the paper or agreement which he so signed at the solicitation of said Elizabeth, was or is for any of the purposes claimed for by complainants, or either of them, or alleged in said bill of complaint.

And they jointly and severally insist, that the terms of said paper or agreement, so signed by said Samuel Knapp, were, that he, the said Samuel Knapp, would convey said farm to said Elizabeth W. Golden, his daughter, and to her heirs, at the end of eighteen months from then; that said paper or agreement so signed by said Samuel Knapp, was taken by said Elizabeth W. Golden, and the said Samuel

Knapp has not any recollection of seeing the paper or agreement so signed by him since that time, and he does not know where it now is, or what has become of it, or who afterwards got charge or custody of it.

And these defendants, in further answering, jointly and severally say, the name of Samuel Knapp was only nominal in the aforesaid deed, and that said Samuel P. Knapp was then and is the real purchaser of said farm, and that said Peter S. Golden at all times, both before the said deed was made and at the time the same was executed, knew that the said Samuel P. Knapp advanced and furnished the money that was paid on said farm, and on the mortgage encumbrance thereon, and that said Samuel P. Knapp was the real purchaser and owner of the farm, and negotiated with said Peter for the purchase and conveyance of said farm, and that said Peter consummated the practical and final details with said Samuel P. Knapp, at the depot in New Brunswick, preliminary to the deed, concerning the sale and conveyance of said farm by said Peter, only a short time before the aforesaid deed was executed by said Peter and his wife; and they deny, that there was any regulation or agreement in any of said negotiations or details of purchase, sale or conveyance, at any time, that the said Samuel Knapp should or would at any time convey the farm to said Elizabeth, for her life, and then to the children of said Elizabeth and Peter S. Golden, free and clear of all encumbrance; and these defendants say, that said Samuel Knapp did not know of the purchase of the farm until advised of it by his son, before going to said office.

And the said Elizabeth W. Golden, in further answering for herself, says the paper or agreement so as aforesaid signed by said Samuel Knapp, was taken by her, and was for a time afterwards in her room where she and her husband lived, but she has not seen the said paper or agreement for a long time past, and does not know where it is or what has become of it.

And in further answering for herself, she, the said Elizabeth W. Golden, says she admits that said Peter S. Golden has at times asked for and inquired of her for said paper or agreement above referred to, and that she was unable to give it to him, because then it was not in her possession, and she

did not then know where it was or what had become of it, and she so informed her husband, in good faith, respecting said paper or agreement.

And she denies that she, at any time, gave him any evasive answers respecting said paper or agreement, or in response to any of said Peter's inquiries concerning said paper or agreement; that she made any of the pretences as is alleged, or insinuated by said complainants in said bill of complaint, concerning said paper or agreement, except that on some occasions she would say to him, she did not see of what interest it was to him, as it did not concern him, or to that effect.

And these defendants, in further answering, jointly and severally deny that the said Samuel Knapp and Rebecca, his wife, boarded at said Peter S. Golden and Elizabeth W., on the said farm; but they admit that the said Samuel Knapp and Rebecca, his wife, did live on said farm, but under the circumstances hereinafter referred to, and do now live on said farm.

And the defendant, Samuel Knapp, in further answering for himself, submits and insists that he and his wife was and is entitled, both in law and in equity, to live on, occupy, possess and enjoy all and singular the said homestead farm absolutely, without any interruption or interference from any other person or persons, and free and clear of all or any claim of any person or persons, except as to said Samuel P. Knapp, and except the mortgage encumbrance of said John Golden thereon.

And the said Samuel Knapp denies that he, on or about the fifth day of January, A. D. eighteen hundred and seventy-six, or at any other time, conspired with his son, Samuel P. Knapp, to defraud said Peter S. Golden, or any of the children of said Peter S. Golden and Elizabeth W. Golden; and denies that the said Peter S. Golden and said children referred to in said bill, or either of them, at any time at or since the execution of said deed to said Knapp by said Peter S. Golden and his wife, had any rights in said farm or in any part thereof, either by virtue of said alleged agreement referred to in said bill, or otherwise.

And the said Samuel Knapp submits and insists that he

had, at all times since the execution of the last aforesaid deed, full power to convey said farm in fee to said Samuel P. Knapp, and admits that on or about January fifth, eighteen hundred and seventy-six, he, the said Samuel Knapp, and Rebecca, his wife, conveyed said farm to said Samuel P. Knapp in fee, by deed of conveyance.

And these defendants, in further answering, jointly and severally deny that the last aforesaid deed of conveyance was made or delivered by said Samuel Knapp and his wife, or that the said Samuel P. Knapp took said deed subject to the written agreement alleged or referred to in said bill, or subject to any of the alleged rights of said Peter S. Golden, or of any of the said children of said Peter S. and Elizabeth W. Golden, or subject to any claim, except the said mortgage encumbrance thereon.

And they jointly and severally deny that the said Samuel Knapp and Samuel P. Knapp, or either of them, was or is equitably bound to perform any part of the agreement alleged or referred to in complainants' bill of complaint. And these defendants, in further answering, jointly and severally admit, that the said Samuel Knapp and Rebecca, his wife, on or about January fifth, eighteen hundred and seventy-six, made and executed to the said Samuel P. Knapp a deed of conveyance, and in and by said deed conveyed said farm to said Samuel P. Knapp, in fee, but the said Samuel Knapp and Rebecca, his wife, and said Elizabeth W. Golden, jointly and severally deny that the last aforesaid deed or conveyance was made in any wise to defraud said Peter S. Golden and the complainants, or any of them, of any rights in said farm; and said Samuel Knapp and his wife, and said Elizabeth W. Golden, jointly and severally deny that the said complainants, or either of them, were at any time after the execution of said deed by said Peter S. Golden and Elizabeth, his wife, to said Samuel Knapp, entitled to or had any rights, either in law or in equity, in said farm, or in any part thereof. And these defendants in further answering, jointly and severally say that, although in the last aforesaid deed, the name of Samuel Knapp was used as being the grantee or the purchaser of said farm; and although said Samuel Knapp and Samuel

P. Knapp allowed and permitted the name of said Samuel Knapp to be used as being the grantee in the last aforesaid deed, yet the said Samuel P. Knapp paid all the money that was paid on the price or consideration money of said farm.

And these defendants, in further answering, jointly and severally deny that they were or are acting in collusion or conspiracy with the said Samuel P. Knapp, with intent to defeat or to defraud said Peter S. Golden or the complainants, or either of them, of their right, title, or interest in said farm, or with any fraudulent intent; and insist that said complainants, or either of them, have not, at any time since said deed was executed by said Peter S. Golden and Elizabeth, his wife, to said Samuel Knapp, had any right, title, or interest in said farm, or in any part thereof, and have not now any right, title, or interest in said farm, or in any part thereof.

And these defendants, in further answering, jointly and severally say that, at the time said Peter S. Golden and Elizabeth, his wife, made said deed to said Samuel Knapp, her father, there was interest due to the amount of seven hundred dollars due from Peter S. Golden to said John Golden, on his mortgage, which amount of interest money said Samuel Knapp let to said Peter S. Golden, to be paid to said John on said mortgage, and took said Peter's note therefor, which note said Samuel Knapp yet now holds, and yet now remains due. And these defendants, in further answering, jointly and severally say, that the said Peter S. Golden, after occupying and enjoying and farming said farm for a while, sold his stock and most of his personal property for the purpose of raising money wherewith to pay claims other than the mortgages against him; that whilst he occupied the farm, he neglected properly to attend to his business—permitted the farm to go much to waste, and to greatly depreciate in appearance and worth; that his wife Elizabeth was, by reason of over-exertion, in her endeavors to attend to the work and service imposed on her in and about the farm-house, for want of necessary hired help, and became seriously sick; that, during her sickness, her husband, Peter S. Golden, did not properly attend to and care for her.

That her brother, Samuel P. Knapp, left his business, in New York city, and came to the farm and gave his personal attention to the relief of his sister, the wife of said Peter S. Golden, in her illness, for a considerable period of time, until she became convalescent; that on that occasion, the said Samuel Knapp and said Samuel P. Knapp became aware that said Peter S. Golden was being addicted to intemperance and improper ways of life.

That the said Samuel P. Knapp then proposed that said Peter S. Golden and Elizabeth, his wife, should move to 10 New York, he, the said Samuel P. Knapp, would procure a house for them and situation in business for said Peter S. Golden, in New York city. And said Peter S. Golden became thus engaged in business in New York city, and subsequently in the real estate business in that city.

That in accordance with such proposition, which was acceded to by said Peter, the said Samuel P. Knapp, at his own expense, procured a house and office in New York city, and furnished the same at his (Samuel P. Knapp's) personal expense. And said Peter S. Golden occupied the office so 20 procured for him by said Samuel P. Knapp, the said Peter S. Golden giving his assurance that he would forever refrain from intemperance.

That for a few months said Peter S. Golden transacted business as real estate agent, and his business increased to the satisfaction of himself and friends, but, by reason of his returning habits being allowed by him, his business depreciated, and he and his family continued to be an expense to her father and brother, without any aid or return of equivalent therefor from said Peter, or from said Peter's business; 30 that afterwards said Peter and his wife and children lived with her father, at New Brunswick, at the expense of her father and brother, and then the said Peter S. Golden, and his wife and children, went to live on the said farm with said Samuel Knapp and Rebecca, his wife.

That for the past two years the said Samuel Knapp has managed said farm by arrangement with said Samuel P. Knapp, and has had control of the proceeds and use of the premises.

That the said Peter S. Golden did not, at any time since the execution of the deed to Samuel Knapp, live on or occupy, or control or manage, or have any of the benefits of said farm by or on account of the alleged agreement referred to in said bill, but his living on or being identified with the farm was only by his living with his wife and children there, with said Samuel Knapp, only at the sufferance and permission of said Samuel P. Knapp.

And this defendant, Samuel Knapp, in further answering
10 for himself, denies that there was valuable property on said farm, but says he admits that there was some corn and some twelve or fifteen sheep, and a few pigs, in all of small value, on the farm, and submits and insists, that in view of the large amount of money and expenses which had been advanced to and for said Peter, at said Peter's request, by said Samuel Knapp and by Samuel P. Knapp, or by one of them, and the full equivalent whereof had not been returned by said Peter, the said sheep and corn and pigs, or any other property on said farm, were not considered, and ought not,
20 really, to be considered as belonging specially to said Peter. And he denies that said Peter made any request for or reference to any of said property, or claiming the same, at any time, as his special or particular property, until a short time before the filing of said bill.

And this defendant, Samuel Knapp, denies that said Peter is entitled to any account for any of said property, or any of the proceeds on or appertaining to said farm. And he denies that said Peter requested him to account for any part thereof.

30 And he, the said Samuel Knapp, submits and insists that he was not, and is not bound, either in law or in equity, to account to said Peter S. Golden for the said property or proceeds, or any part thereof, at any time.

And the said Samuel Knapp, in further answering, says, that the said Peter S. Golden continuing his habits of intemperance and disregard for the well being and the comfort and livelihood of his wife and children, at times causing her to sit up all night with her children, through her fear of some accident occurring by reason of his course of life, frequently

indulged in abusive, profane and insulting epithets and conduct towards them, and towards this defendant, and Rebecca, his wife, in this defendant's house, in the presence of the young children of said Peter, and his wife, Elizabeth; and that on or about the twenty-sixth day of January last past, the said Peter S. Golden, in one of his improper moods, was abusing his wife and mother-in-law, and this defendant, and using foul and opprobrious and profane language towards them, at the house of this defendant, on the farm, and in the presence of his said children and wife; and this defendant, 10 by reason of such abusive, opprobrious and profane language and conduct of said Peter S. Golden, ordered him to find some other place of abode to stay or live at.

But this defendant denies, that he was acting then, or at any time, in collusion with said Elizabeth W. Golden, or with any fraudulent design alleged or imputed in said bill.

And this defendant submits and insists, that the disagreeable conduct, profanity and improper habits of said Peter S. Golden, were such, and had been so frequently repeated in the presence of this defendant, and Rebecca, his wife, and in 20 the presence of the young children, and their mother, referred to in said bill, that the presence of said Peter S. Golden was, and became highly detrimental, annoying and injurious to this defendant, and Rebecca, his wife, as well as to the well-being and health of said wife and children of said Peter S. Golden, staying with this defendant on the farm; and this defendant denies, that the subject matter of the alleged agreement, referred to in said bill, had any connection with this defendant's forbidding said Peter of stopping any longer on the farm, on the occasion referred to in said bill. 30

And these defendants, in further answering, jointly and severally deny, that the fact of said Peter S. Golden and his wife and children, or either of them, staying or living on the farm at any time, or being permitted by said Samuel Knapp to stay or abide there, was or is in any way by virtue or color of the alleged written agreement in said bill, or the written agreement herein referred to in this answer.

And the said defendants, in further answering, jointly and severally say, in response to the first interrogatory in said bill

propounded to them, the said Samuel Knapp and Elizabeth W. Golden, that there was a writing signed by said Samuel Knapp, on or about the ninth day of March, A. D. eighteen hundred and seventy-four, at the said office of Woodbridge Strong, esquire, at New Brunswick, New Jersey, respecting said farm at that time conveyed by said Peter S. Golden to said Samuel Knapp.

And to the second interrogatory, Elizabeth W. Golden says that she took, at that time, possession of said writing, receiving the same from said Strong, and not from said Golden, but she does not now have its custody or possession or control.

And to the third interrogatory, she says she did not destroy the said writing: that it was in her room for a while, where she and said Peter S. Golden frequently were in the habit of being; that she did not have any particular care of the paper; that it was during the time she remembers of its being in that place, easy or accessible for said Peter S. Golden to take it and keep possession or dispose of it; that she cannot now account for its whereabouts, because she does not know what became of it, and if lost or destroyed she does not know how such loss or destruction occurred.

And to the fourth interrogatory, she answers and says she neither delivered nor handed it to said Samuel Knapp.

And in answer to the fifth interrogatory she says, she does not know and does not believe that said Samuel Knapp has had the custody, control or possession of the said writing since its being signed.

And the said Samuel Knapp, in answer to the same interrogatory, says he had not had the control, possession or custody of said writing at any time.

And in answering to the sixth interrogatory, she says she does not know that said Samuel Knapp saw said writing at any time after it was signed, and she does not believe he did.

And the said Samuel Knapp, in answering to the same interrogatory, says he did not see the writing, at any time after it was signed.

And in answer to seventh interrogatory, they jointly and severally answer and say that the said writing did not pro-

vide that the said Samuel Knapp should convey said farm to said Elizabeth W. Golden and the children of herself and said Peter S. Golden; and that it did not provide that such conveyance should be made at or within eighteen months from the date of said writing, or at any other time in reference to said children.

And in answer to the eighth interrogatory, they jointly and severally say that the writing referred to did not provide that the said Samuel Knapp should convey said farm, as referred to in the seventh interrogatory, free and clear of all encum- 10 brance.

And the said Samuel Knapp, in further answering, says that although the said seven thousand dollar mortgage above referred to, was written in the name of Samuel Knapp, as being the mortgagee therein, yet said principal money therein expressed was and is the money of said Samuel P. Knapp, standing in the name of said Samuel Knapp in said mortgage, and were and are funds of said Samuel P. Knapp; and that although the deed of mortgage was made to said Samuel Knapp, yet the moneys expressed in the last aforesaid mort- 20 gage, have never been paid to said Samuel P. Knapp, or to Samuel Knapp.

And this defendant, Samuel Knapp, submits and insists that the amount of said seven thousand dollars and interest thereon from the date of the last aforesaid mortgage, was and is a lien and encumbrance on said farm.

And that all the moneys paid by said Samuel Knapp and Samuel P. Knapp, or either of them, on said mortgage holden by said John Golden, together with lawful interest thereon, were and are advancements made on the last aforesaid mort- 30 gage, as part of the original consideration or price of said farm.

And that all moneys advanced, and all expenses incurred by said Samuel Knapp and said Samuel P. Knapp, or either of them, for the support and maintenance, and for or on behalf of said Peter S. Golden and his wife and children, should be decreed to be paid, with lawful interest thereon, by the said Peter S. Golden, to each of said Samuel Knapp and Samuel P. Knapp, the respective parties, who have advanced and

supplied and incurred the same; and that all said moneys should, as between the said Peter S. Golden and Elizabeth W. Golden and her children, and this said Samuel Knapp, be declared to be a first lien and encumbrance on said farm, as a protection and reimbursement thereof to the said Samuel Knapp and Samuel P. Knapp respectively, prior to any alleged claim or right of said complainants, or either of them, and prior to any right or interest referred to in and by said bill as being in said Elizabeth W. Golden in said farm.

10 And these defendants, in further answering, jointly and severally submit and insist that the said Samuel Knapp ought not to be compelled by decree of this honorable court, specifically to perform the alleged agreement or writing referred to in said bill of complaint, or to make any title or conveyance of said farm and premises to said Elizabeth W. Golden for her life, and then to her said children, as prayed for in said bill of complaint, or to deliver any deed or conveyance in order to carry out the intention alleged or sought for by the complainants in said bill of complaint.

20 And these defendants, in further answering, jointly and severally submit and insist that, the premises considered, the said deed of conveyance made by said Peter S. Golden to said Samuel Knapp, ought not to be decreed to be set aside, or to be given up, or surrendered to said Peter S. Golden, or that the record thereof should in any wise be canceled or declared void, but that the same should remain in full force.

And the said defendant, Samuel Knapp, in respect to all the moneys advanced by him for said Peter S. Golden in the premises, and in respect to all expense incurred by said 30 Samuel Knapp for and on account of said Peter S. Golden and his family, or either of them, and in the answer referred to, and in respect to his rights and interest in the said farm, craves leave to have the same benefit therefor herein as if he, the said Samuel Knapp, had specially pleaded or filed cross-bill on account thereof in said suit.

And these defendants, in further answering, jointly and severally submit and insist that the writing or agreement described herein by said Elizabeth W. Golden, was fraudulently procured by the said Peter S. Golden, and that the

conduct of said Peter S. Golden, in and by his threats and violence at and towards said Elizabeth W. Golden, whereby she was suddenly impelled by him to procure the signature of said Samuel Knapp, her father, advanced in years and unused to such business, to the writing or agreement last aforesaid, was contrary to equity and good conscience, and fraudulent as to the rights of said Samuel Knapp; and that the signature of said Samuel Knapp was procured thereto by duress, practiced, at the time, on said Elizabeth W. Golden, by said Peter S. Golden. And the said Samuel Knapp craves 10 the same benefit therefor herein for himself as if he had specially pleaded herein on account thereof.

And these defendants jointly and severally say and insist, that for the reason, and under the circumstances aforesaid, they are advised, and insist that the said complainants, or either of them, are not entitled to any relief sought for by them in their said bill of complaint against these defendants, or either of them, touching the matters complained of in said bill.

And these defendants jointly and severally deny all and 20 all manner of unlawful combinations and confederacy wherewith they, or either of them, are, or is, by the said bill, charged; without this, that there is any other matter, cause, or thing, in the bill of complaint contained, material or necessary for these defendants, or either of them, to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied, as true to the knowledge or belief of these defendants, or either of them. All which matters and things these defendants are ready and willing to aver, maintain, and prove, as this hon- 30 orable court shall direct, and jointly and severally pray to be hence dismissed, with their reasonable costs and charges, in this behalf most wrongfully sustained.

R. ALLEN, Jr.,
Solicitor and of Counsel with Defendants.

New Jersey—Samuel Knapp and Elizabeth W. Golden, defendants within named, being duly sworn, on their oaths say, that the matters and things set forth in the within

answer, so far as they relate to their own acts, are true, and so far as they relate to the acts of other persons, they believe them to be true.

SAMUEL KNAPP.
E. W. GOLDEN.

Sworn to and subscribed, before me, at Red Bank, this thirteenth day of May, A. D. eighteen hundred and seventy-six.

DAVID HARVEY, JR.,
10 *Master in Chancery of New Jersey.*

Answer of Samuel P. Knapp.

[Filed June 1, 1876.]

The answer of Samuel P. Knapp, one of the defendants, to the bill of complaint of Peter S. Golden and others, complainants.

This defendant, now and at all times hereafter, saving and reserving to himself all manner of benefit and advantage of exception to the many errors and insufficiencies in the complainants' said bill of complaint contained, for answer thereto, or unto
20 so much and such parts thereof as this defendant is advised is material for him to make answer unto, he answers and says, that he admits that Peter S. Golden did own the farm and premises described in the complainants' bill, by a deed of conveyance from his father, the said John Golden.

The defendant, in further answering, admits, that the said complainants, Peter S. Golden, and Elizabeth W. Knapp, sister of this defendant, were married at the time mentioned in the complainant's bill, and have had three children, as stated in said bill.

30 The defendant, in further answering, admits, that there were two mortgages given by the said Peter S. Golden on

said farm and premises: one to the said John Golden for ten thousand dollars, with interest, the other to the said Samuel Knapp for seven thousand dollars; but he denies the last mentioned mortgage to said Samuel Knapp was not to bear interest; that this defendant advanced the money for which the seven thousand dollar mortgage was given, and the said mortgage for seven thousand dollars was due and owing from said Peter S. Golden and wife to this defendant.

The defendant, in further answering, admits, that the said defendant, Samuel Knapp, and wife, conveyed the farm and 10 premises mentioned in the said bill, to this defendant, by deed of date mentioned in the bill; but denies, that on or about the date of that deed, or at any other time, this defendant conspired with the said Samuel Knapp, or with any other person, at that time, or at any other time, to defraud the complainants, or either of them, or to interfere in any way with the rights of the complainants, or either of them, and denies that he was *privy* to or had any knowledge or intimation that there was any agreement or writing, as alleged in the bill of complaint, between the said Samuel Knapp and 20 Elizabeth W. Golden, or the complainant, Peter S. Golden.

And the defendant, in further answering, says, that prior to the execution of the deed of conveyance from the said Peter S. Golden and wife to the said Samuel Knapp, for the farm and premises in said bill mentioned, the defendant, at the request of the said Peter S. Golden and his wife, the sister of this defendant, this defendant was in negotiation for a house and lot for the said Peter S. Golden and his wife to live in, in the city of New York, if said Peter would reform his habits, as he has promised this defendant to do, and that 30 before his negotiations were completed the said Peter S. Golden came to see this defendant, and said his wife, the sister of this defendant, wanted this defendant to come to New Brunswick; that in order to visit his father and see his said sister, this defendant, a few days before the execution of the conveyance from the said complainant, Peter S. Golden, and his wife, to the said Samuel Knapp, this defendant went to New Brunswick, New Jersey; that the said Peter S. Golden and his wife and children were

at that time living with the said Samuel Knapp, in New Brunswick; that the said Peter S. Golden came to this defendant and wanted him to purchase his said farm, saying, that it was heavily encumbered, and that there was a large amount of interest in arrear due on the mortgage encumbrance, and that he, the said Peter S. Golden, was unable to pay and satisfy the encumbrances and accrued interest then due on said mortgages, for want of sufficient means, and had no one to call upon to help him out of his trouble and finan-
10 cial difficulties. That, at first, this defendant refused to negotiate for said premises, or to have anything to do with the purchase of said farm and premises, but, after being importuned by the said Peter S. Golden at the house of this defendant's father, the said Samuel Knapp, and on this defendant's way to the depot at New Brunswick, on his way back to New York, where this defendant was engaged in business, and while at the depot in New Brunswick, this defendant agreed with the complainant, Peter S. Golden, to purchase his said farm in Holmdel township, Monmouth county, for
20 the sum of seventeen thousand dollars, without any conditions whatever, or any agreement, except an absolute barter and sale, and without any mortgage and deed, and any conference or agreement with this defendant's father, the said Samuel Knapp. The agreement between this defendant and the said Peter S. Golden at the depot in New Brunswick, at the time of the purchase of said farm by this defendant of said Golden was, that this defendant should pay to the father of the complainant, John Golden, five thousand dollars on his mortgage of ten thousand dollars on said farm, on the first day of April,
30 A. D. eighteen hundred and seventy-four, and the balance of five thousand dollars on the first day of April, A. D. eighteen hundred and seventy-five, which, with the seven thousand dollars secured by mortgage on the said farm and premises by mortgage belonging to this defendant, was in full for the purchase money of said premises.

And this defendant, in further answering, denies, as is alleged in said bill, that there was no consideration for said farm and premises paid by this defendant, but this defendant expressly charges that he paid a full and fair consideration

for said farm and premises, by assuming and agreeing to pay the mortgage of said John Golden and the mortgage of seven thousand dollars held by Samuel Knapp, belonging to this defendant; that this defendant advanced to the said Samuel Knapp the said sum of seven thousand dollars out of his own money and from his own resources; and the said Samuel Knapp held the said mortgage for the use and benefit, and subject to the control and disposition of this defendant

And this defendant, in further answering says, that he denies that he had any agreement with the said Peter S. Golden in regard to the purchase of said farm, except as hereinbefore stated; and he denies any knowledge or notice of any agreement, either verbally or in writing, as alleged in the complainant's bill, between the said complainant, Peter S. Golden, and the defendants, Samuel Knapp and Elizabeth W. Golden. And this defendant expressly charges, that he purchased said farm with his own money, without any conditions whatever, and at no time entered into any agreement or condition with the said Peter S. Golden or his said wife, in reference to the purchase of said farm and premises, nor did he empower or authorize any one else to make or enter into any agreement in regard to the same; that the purchase and sale was absolute and fixed, without any condition or reservation whatever; that, if there was any agreement, as stated in said bill of complaint, between the said Peter S. Golden and the said defendants, Samuel Knapp and Elizabeth W. Golden, it was without the knowledge, authority, or consent of this defendant. That, after the purchase of said farm by this defendant, this defendant went immediately to the city of New York and wrote to his father, the said Samuel Knapp, that he had purchased of said Golden his said farm, and that he could not be in New Brunswick at the execution of the papers, and for the defendant, Samuel Knapp, the father of this defendant, to go to a lawyer and have a deed drawn to himself for the said farm which he had purchased of said Golden, and this defendant would look after the payment of the same, as had been agreed upon between this defendant and said Golden.

And this defendant, in further answering, says that he denies that he was, is or has been acting in collusion or con-

spiracy as intimated or insinuated in said bill of complaint, to defeat the enforcement of the agreement referred to in said bill, or to keep the title to said farm in the said Samuel Knapp, or any one else, to defraud the complainants, or either of them, to their right, if any, in said farm; that this defendant has no knowledge of said agreement or writing, except what he has lately obtained about the time of the commencement of these proceedings; and he charges that the complainants have no rights or interest whatever in said farm; that
10 this defendant purchased the farm of the complainant, Peter S. Golden, and paid for it by assuming the encumbrances, the most of which have since been paid off by this defendant; and that if any agreement or writing was entered into between the complainant, Peter S. Golden, or the defendants, Samuel Knapp and Elizabeth W. Golden, it was entered into without the consent or knowledge of this defendant; and this defendant charges that he is not in any way bound by any actual or pretended agreement between the said Peter S. Golden and the defendants, Samuel Knapp and Elizabeth W.
20 Golden.

And this defendant, in further answering, says that he denies that he took said conveyance, subject in any wise to rights of the complainants, or is equitably bound to perform any agreement of his father, Samuel Knapp, or to join with him in a deed of conveyance of said farm and premises to the said Elizabeth W. Golden and her said children. And this defendant submits and insists that the said complainants, nor the said Samuel Knapp, nor the said Elizabeth W. Golden, have not now, and never have had, any right or interest in
30 said farm and premises since the purchase of the same by this defendant, except such as they have derived from him, as the owner of said premises.

And this defendant, in further answering, says that the complainants never had any possession of said premises after the purchase of the same by this defendant; that the defendant was compelled, for a long time before his purchase of said farm and after the purchase of the same, to make large advancements to the said Peter S. Golden for his support and the support of his wife and children; that said Golden was

indolent and of intemperate habits; and this defendant permitted the said Golden to live on said farm in order to try and reform him, and for the purpose of the health of his family and children.

And this defendant, in further answering, submits and insists that the conveyance made by Peter S. Golden to Samuel Knapp, ought not to be set aside, and ought not to be decreed to be given up or surrendered to said Peter S. Golden; and he submits and insists that the record thereof ought not to be canceled or declared void. 10

And this defendant, in further answering, submits and insists that the aforesaid deed, as well as the said deed to said Samuel P. Knapp, were and are each valid and binding, and ought to continue uncanceled and unrevoked.

And this defendant, in further answering, submits and insists that the complainants, or either of them, are not entitled to any of the relief sought for in the complainants' bill; and denies that the complainants, or either of them, had or have any right, either in law or equity, in said farm, or any part thereof. 20

And this defendant, in further answering, submits and insists that he is entitled to a decree against said Peter S. Golden, for all moneys he has advanced to and for the said Peter S. Golden, according to the evidence to be submitted in this cause.

In answer to the first interrogatory propounded to this defendant, Samuel P. Knapp, he answers and says, there was a money consideration paid by him for the conveyance to him, by Samuel Knapp, of the farm and premises described in said bill. 30

That the same was paid by checks and notes.

That the checks referred to were payable at the Chatham National Bank, New York city, as follows:

February 24th, 1868, check, ...	$1000 00
March 26th, 1868, note payable at the same bank,	2000 00
" 30th, " check, ...	3500 00
" " " "	500 00

That the above-named note was discounted at bank, and afterwards paid and taken up by this defendant.

That the above amount, aggregating seven thousand dollars, was in payment of the seven thousand dollar mortgage which said Samuel Knapp held against said farm, and paid off by this defendant.

That the aforesaid checks were payable to Samuel Knapp, and the aforesaid note was payable to said Samuel Knapp.

That this defendant also paid five thousand dollars more of said purchase or consideration money, as follows:

March 28th, 1874,	check,	$2000 00
10 " 30th, "	"	500 00
" " "	note,	1000 00
" 15th, "	"	500 00
April 1st, "	"	1000 00
March 22d, 1875,	check,	1000 00
" 29th, "	"	850 00

That the above-stated checks were payable to said Samuel Knapp at the said Chatham National Bank of New York city; that the aforesaid notes were payable to Samuel Knapp, and subsequently paid by this defendant.

20 That five thousand dollars of the above consideration was payable on April 1st, 1874, and the residue payable on April 1st, 1875, and that the aggregate of the above sums comprises the principal and interest, and was paid in full to said Samuel Knapp by this defendant.

That there yet remains on the premises thirty-five hundred dollars due on the mortgage holden by John Golden, yet to be paid by the defendant to said John Golden.

That all the aforesaid moneys paid by the defendant, were moneys belonging exclusively to this defendant, and obtained 30 by him from his own resources and from his own business. This defendant does not now remember in whose presence said moneys were paid by him, except this defendant and said Samuel Knapp. Some of the checks and vouchers were sent by mail.

That none of said moneys was for any money at any time due from Samuel P. Knapp, this defendant, to his father, Samuel Knapp, for the whole or any part of the consideration of any farm in Piscataway township, Middlesex county, New Jersey.

That said Samuel Knapp has never conveyed to this defendant, Samuel P. Knapp, any farm in Piscataway township.

In response to the second interrogatory propounded to this defendant, he answers and says, that he, this defendant, had not any knowledge or information, prior to the fifth day of January, eighteen hundred and seventy-six, of the agreement referred to in said bill of complaint, to convey by said Samuel Knapp.

In response to the third interrogatory propounded to this 10 defendant, the said Samuel P. Knapp answers and says, he did not, a few days before the conveyance by Peter S. Golden to said Samuel Knapp, of the farm in question, advise or consult with Peter S. Golden, at New Brunswick, in relation to such conveyance to said Samuel P. Knapp, and re-conveyance by him to said Elizabeth W. Knapp and her children, and this defendant did not urge said Peter to give said Samuel Knapp a deed for said farm for a year.

In response to the fourth interrogatory propounded to this defendant, he answers and says, he did not transact his 20 father's financial business at the time of the conveyance of said farm, or since then, but says he is familiar with his father's business, to some extent, and says his father did not consult with him about the conveyance of the farm, and his father did not inform him by letter, or otherwise, that he was to convey the farm to said Elizabeth W. Golden and her children, and did not give this defendant any information, at any time, on that subject, except that, about the time of the beginning of this suit, said Samuel Knapp informed this defendant he did not know of any such agreement. 30

In response to the fifth interrogatory propounded to this defendant, he answers and says, that he was not, at any time prior to January fifth, eighteen hundred and seventy-six, informed or told by his sister, either verbally or in writing, that said property was to be conveyed by said Samuel Knapp to said Elizabeth, or to said Elizabeth W. Golden and her children.

In response to the sixth interrogatory propounded to this defendant, he answers and says, he did not advise said Peter

S. Golden, at his office, number 957 Sixth avenue, New York city, on several occasions, or on any occasion between June, eighteen hundred and seventy-four, and December, eighteen hundred and seventy-four, to submit to the conduct of said Samuel Knapp in the management of the farm for that year, because that, in the next year, he, the said Samuel Knapp, would be obliged to give it up, or words to that effect; that this defendant did not say that Samuel Knapp would be obliged, in the next year, to give it up, or words to that effect.

10 In response to the seventh interrogatory propounded to this defendant, he answers and says, he did have some conversation with Peter S. Golden upon the subject of his relations with said Samuel Knapp, this defendant's father, in respect to the farm; that, in the spring of the year eighteen hundred and seventy-five, said Peter S. Golden had a conversation with this defendant, in which said Peter S. Golden referred to his business in New York having become of small value, and not paying his expenses, and thus he had been and had become an expense to this defendant, and did not know how 20 he could repay or reimburse this defendant for what he owed this defendant, and he requested of the defendants permission to go and work as a hand on the farm, if no other way, or he would go West, or to California; and this defendant told said Peter S. Golden, in substance, that he might go and work on the farm, provided he would reform his habits, keep sober, and abstain from intemperance, and not have contention with (my) the defendant's old father; and that, as soon as he first allowed himself to become under the influence of liquor, he must absent himself from the premises, as this defendant 30 would not be willing to allow this defendant's father and mother and family to be annoyed or worried by said Peter's habits and way of life, as they had been by him before.

And in further response to said seventh interrogatory, this defendant further answers and says, he did not have any conversation with said Peter S. Golden in relation to the conveyance of the farm by said Samuel Knapp to said Peter S. Golden or his family.

And this defendant denies all unlawful combination and confederacy in said bill charged; without that, that any other

matter or thing, material for this defendant to make, answer unto, and not herein or hereby well and sufficiently answered, confessed or avoided, traversed or denied, is true to the knowledge or belief of this defendant.

All which matters and things this defendant is ready to aver, maintain and prove as this honorable court shall direct, and humbly prays that such a decree may be made by this honorable court as will fully protect the rights and interest and property of this defendant in the premises, and such other decree as this honorable court shall deem equitable and just; 10 and that the complainants' bill may be dismissed, with cost in this behalf most wrongfully sustained.

CHAS. HAIGHT.

Solicitor and of counsel with the defendant, Samuel P. Knapp.

New Jersey, *ss.*—

Samuel P. Knapp, being duly sworn according to law, on his oath saith—that the facts and allegations in the within answer set forth and contained, so far as they relate to the acts and deeds of this defendant, are true; and so far as they relate to the acts and deeds of other persons, he believes them 20 to be true.

S. P. KNAPP.

Sworn and subscribed before me, this 31st day of May, A. D. 1876.

JOHN J. ELY, *M. C.*

Replication.

[Filed June 29, 1876.]

The replication of Peter S. Golden, and Florence Golden, Samuel P. Golden and William J. Golden, infants, &c., by their next friend, Peter S. Golden, complainants, to the 30 answers of Samuel Knapp, and Rebecca, his wife, Elizabeth W. Golden, and of Samuel P. Knapp, defendants.

These repliants, saving and reserving to themselves, all and all manner of advantage of exception to the manifold insufficiencies of the said answers, for replication thereunto, say, that they will aver and prove their said bill to be true, certain and sufficient in the law to be answered unto: and that the said answers of the said defendants are uncertain, untrue and insufficient to be replied unto by these repliants; without that, that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is untrue; all which matters and things these repliants are and will be ready to aver and prove, as this honorable court shall direct; and humbly pray, as in and by their said bill they have already prayed.

WM. H. VREDENBURGH,
Solicitor for and of counsel with complainant.

Final Decree.

[Filed February 3, 1877.]

This cause coming on to be heard in the presence of William H. Vredenburgh, solicitor and of counsel with the complainants, and of Robert Allen, Jr., solicitor for and of counsel with the defendants, Samuel Knapp and Elizabeth W. Golden, and Charles Haight, solicitor for and of counsel with the defendant, Samuel P. Knapp, before this court, and the court having heard the evidence of the witnesses orally, and the other proofs in the cause, and arguments of the respective counsel upon the issues made by the bill, answers and replication in this cause; and it appearing to the court by the said evidence and pleadings, that there was an agreement in writing, duly made and executed by the said Samuel Knapp to the said Peter S. Golden, on the ninth day of March, A. D. eighteen hundred and seventy-four, and on the same day delivered to the said Elizabeth W. Golden, at the request of the

said Peter S. Golden, by which the said Samuel Knapp, for a valuable and sufficient consideration to him then passing therefor, and by him then received, agreed that he would, within eighteen months from that day, convey to the said Elizabeth W. Golden, for her life and to the heirs of her body, all that certain farm and real estate, situate in the township of Holmdel, in the county of Monmouth, and State of New Jersey, containing one hundred and ninety-eight (198) acres and fifty-one hundredths of an acre, ($198\frac{51}{100}$,) excepting thereout a tract of two acres and thirty-one hundredths of an acre, conveyed to the said Peter S. Golden by John Golden and wife, by deed, dated April fifteenth, A. D. eighteen hundred and sixty-four, recorded in Book 176 of Deeds, folios 224, &c.; excepting also, three small lots conveyed by John Golden to Peter Smith, Daniel Lewis and Owen McCann, to which several deeds, for a further description thereof, reference is hereby had; also, a tract of salt meadow, situated in the township of Middletown, county of Monmouth aforesaid, called Shoal Harbor or Big Meadow Lot, containing twelve acres, more or less, one-half of which descended to John Golden from his father, and the other half of which was purchased of his sister.

And it also appearing to the court that the defendant, Samuel P. Knapp, had due notice and full knowledge of the existence of said agreement, and of the rights and equities of the said complainants thereunder, at and before the acceptance and delivery of the deed from said Samuel Knapp to him for said farm and real estate; and the court being of opinion that the complainants, the said Florence Golden, Samuel P. Golden and William J. Golden, the infant children of the said Peter S. Golden and Elizabeth W. Golden, are entitled to the specific performance of the said article of agreement on the part of the said defendants, Samuel Knapp and Samuel P. Knapp, and to the enforcement of the trusts therein expressed; and to that end, that a trustee should be appointed by this court to hold the fee of said farm and real estate for and during the lifetime of the said Elizabeth W. Golden, for the benefit of the heirs of her body:

It is, on this third day of February, in the year of our Lord one thousand eight hundred and seventy-seven, by

Theodore Runyon, Chancellor of the State of New Jersey, ordered, adjudged and decreed, and the said Chancellor, by virtue of the power and authority of this court, doth order, adjudge and decree, that the said agreement be in all things specifically performed by the said Samuel Knapp, and that the said Samuel Knapp and Samuel P. Knapp do, within thirty days from the date of this decree, make, execute and acknowledge, in due form of law, and deliver to the said Elizabeth W. Golden, wife of the said Peter S. Golden, a
10 proper conveyance, to vest in her an estate for and during the term of her natural life, in said land and premises, and that they (the said Samuel and Samuel P. Knapp) do also, at the same time, make, execute and acknowledge, in due form of law, and deliver to William H. Hendrickson, of Middletown, Monmouth county, New Jersey, (who is hereby appointed a trustee to hold the fee of said lands, for and during the lifetime of the said Elizabeth W. Golden, for the benefit of the heirs of her body,) a good and sufficient deed for the said farm and real estate herein above particularly
20 described, and so expressed as that, by the terms and limitations thereof, the fee of said farm and real estate shall be held by said trustee during the life of the said Elizabeth W. Golden, in trust for the heirs of her body, and on her death conveyed to and vested in them (subject to such interest and estate as the said Peter S. Golden may have in said lands, in case he should survive the said Elizabeth W. Golden).

And that the said Samuel Knapp and Samuel P. Knapp deliver, at the same time, to the said Elizabeth W. Golden, possession of the said farm and real estate, and that the costs
30 of the complainants, and so much of the bill for printing the evidence in this cause as has been paid by complainants, be paid by the said defendant, Samuel Knapp to the solicitor of the complainants, and that complainants serve a copy of this decree upon the defendants, or their solicitors, within ten days from the date hereof, and either party is to be at liberty to apply to this court for further directions or relief in the premises, as occasion shall require.

THEODORE RUNYON, *C.*

I respectfully advise the foregoing decree.

40 A. V. VAN FLEET, *V. C.*

Petition of Appeal.

[Filed February 24, 1877.]

To the Honorable the Court of Appeals, in the last resort in all causes of law:

The humble petition of Samuel Knapp, Elizabeth W. Golden, and Samuel P. Knapp, the appellants in the above-stated cause, respectfully shows, that your petitioners find themselves aggrieved by the final decree made in the Court of Chancery, by his Honor Theodore Runyon, Chancellor of New Jersey, bearing date the third day of February, in the year eighteen hundred and seventy-seven, wherein the said Florence Golden, Samuel P. Golden, and William J. Golden, infants, by Peter S. Golden, their next friend, were complainants, and the said Samuel Knapp, Elizabeth W. Golden, and Samuel P. Knapp, were defendants, in this respect, to wit:

That the said decree adjudges that there was an agreement in writing, duly made and executed by the said Samuel Knapp to the said Peter S. Golden, on the ninth day of March, A. D. eighteen hundred and seventy-five, and on the same day delivered to said Elizabeth W. Golden, at the request of said Peter S. Golden, by which the said Samuel Knapp, for a valuable and sufficient consideration, to him then passing therefor, and by him received, agreed that he would, within eighteen months from that day, convey to the said Elizabeth W. Golden, for her life, and to the heirs of her body, all that certain farm and real estate situate in the township of Holmdel, in the county of Monmouth and State of New Jersey, as laid down on a map of the farm belonging to John Golden and Ann Holmes, heirs of Elias Golden, deceased, surveyed in June, eighteen hundred and twenty-four, except the east line, surveyed in June, A. D. eighteen hundred and twenty-five, by John Patterson, Esq., and laid down on a map made by Leonard Walling, as follows: Beginning at a locust tree and a settled corner, thence (1)

south, twenty degrees east, seventeen chains and ninety-eight links, to a stone; thence (2) south, eighty-six degrees and thirty minutes west, fifty links; thence (3) south, nineteen degrees and thirty minutes east, thirty-two chains and thirty-two links, to a stake; thence (4) south, sixty-three degrees and fifteen minutes west, twenty-three chains and thirteen links; thence (5) south, three degrees and twenty-seven minutes east, seven chains; thence (6) north, forty-one degrees and forty-five minutes west, forty-five chains and sixty links, to the brook; thence (7) along the brook or run of water to a maple stump; thence (8) north, fifty-seven degrees and twenty-four minutes west, three chains and sixty-three links, to a chestnut tree; thence (9) north, thirty-seven degrees and six minutes east, six chains and eighty-three links; thence (10) north, twenty-five degrees and forty-five minutes west, nine chains, to a locust tree, the northwest corner; thence (11) north, eighty-seven degrees east, thirty-two chains and seventy-one links, to the place of beginning, containing one-hundred and ninety-eight (198) acres and fifty-one-hundredths of an acre (198 51-100), excepting thereout a tract of two acres and thirty-one-hundredths of an acre, conveyed to the said Peter S. Golden by John Golden and wife, by deed dated April fifteenth, A. D. eighteen hundred and sixty-four, recorded in Book 176 of Deeds, folios 224, &c.; excepting, also, three small lots, conveyed by John Golden to Peter Smith, Daniel Lewis, and Owen McCann, to which several deeds for a futher description thereof reference is hereby had; also a tract of salt meadow, situated in the township of Middletown, county of Monmouth, aforesaid, called Shoal Harbor, or Big Meadow Lot, containing twelve acres, more or less, one-half of which descended to John Golden from his father, and the other half of which was purchased of his sister. And also that said decree adjudges that the defendant, Samuel P. Knapp, had due notice and full knowledge of the existence of said agreement, and of the rights and equities of the said complainants thereunder, at and before the acceptance and delivery of the deed from said Samuel Knapp to him for said farm and real estate, and also that said decree adjudges

that the said complainants, Florence Golden, Samuel P. Golden, and William J. Golden, infant children of the said Peter S. Golden and Elizabeth W. Golden, are entitled to the specific performance of the said article of agreement on the part of said defendants, Samuel Knapp and Samuel P. Knapp, and to the enforcement of the trusts therein expressed, and to that end that a trustee should be appointed by this court to hold the fee of said farm and real estate for and during the lifetime of the said Elizabeth W. Golden, for the benefit of the heirs of her body; and also that said decree 10 adjudges that the said agreement be in all things specifically performed by the said Samuel Knapp, and that said Samuel Knapp and Samuel P. Knapp do, within thirty days from the date of said decree, make, execute, and acknowledge in due form of law, and deliver to the said Elizabeth W. Golden, wife of the said Peter S. Golden, a proper conveyance to vest in her an estate for and during the term of her natural life in said land and premises, and that they, the said Samuel and Samuel P. Knapp, do also, at the same time, make, execute, and acknowledge, in due form of law, and deliver to 20 William H. Hendrickson, of Middletown, Monmouth county, New Jersey, who was thereby appointed a trustee to hold the fee of said lands for and during the lifetime of the said Elizabeth W. Golden, for the benefit of the heirs of her body, a good and sufficient deed for the said farm and real estate herein above particularly described; and so expressed as that, by the terms and limitations thereof, the fee of said farm and real estate shall be held by said trustee during the life of the said Elizabeth W. Golden, in trust for the heirs of her body, and on her death conveyed to and vested in them, subject to 30 such interest and estate as the said Peter S. Golden may have in said lands, in case he should survive the said Elizabeth W. Golden.

And that the said Samuel Knapp and Samuel P. Knapp deliver at the same time, to the said Elizabeth W. Golden, possession of the said farm and real estate, and that the costs of the complainants, and so much of the bill for printing the evidence in this cause as has been paid by complainants, be paid by the said defendant, Samuel Knapp, to the solicitor

of the complainants, and that complainants serve a copy of this decree upon the defendants or their solicitors, within ten days from the date hereof. Your petitioners therefore pray that the said decree of the said Chancellor may be, in the particulars aforesaid, reversed, set aside, and for nothing holden, and that your petitioners may have such relief in the premises as to this honorable court shall seem meet.

Dated

R. ALLEN, Jr.,
10 *Solicitor of S. Knapp and Elizabeth W. Golden.*

CHAS. HAIGHT,
Solicitor and of counsel with S. P. Knapp.

Appeal.

[Filed February 24, 1877.]

The defendants, Samuel Knapp and Elizabeth W. Golden and Samuel P. Knapp, hereby appeal from all the final decree made in this court, in the above stated cause, and the whole thereof, to the Court of Appeals, in the last resort in all causes.

20 R. ALLEN, Jr.,
Solicitor and of counsel with Samuel Knapp and Elizabeth W. Golden, defendants.

CHAS. HAIGHT,
Solicitor and counsel for Samuel P. Knapp, defendant.

I conceive there is good cause for appeal in the above stated cause.

A. C. McLEAN,
Counsel.

R. ALLEN, Jr.,
30 *Of Counsel.*

CHAS. HAIGHT,
Counsel.

Answer to Petition of Appeal.

[Filed March 24, 1877.]

And hereupon, after the filing of the petition of appeal by the defendants, Samuel Knapp, Samuel P. Knapp and Elizabeth W. Golden, to wit, on the twenty-fourth day of March, A. D. eighteen hundred and seventy-seven, before the honorable, the Court of Errors and Appeals, in the last resort, of the State of New Jersey, at the city of Trenton, comes the said Florence Golden, Samuel P. Golden and William J. Golden, infants, by Peter S. Golden, their next friend, and by 10 Wm. H. Vredenburgh, their solicitor, and say there is no error in the parts of the said final decree bearing date the third day of February, A. D. eighteen hundred and seventy-seven, mentioned and set forth in the petition of appeal of the said appellants, and they pray that the court may proceed to examine the matters aforesaid, embraced in said petition of appeal, and that the decree aforesaid given may, in all things appealed from, be affirmed with costs.

WM. H. VREDENBURGH,
Solicitor and of counsel with respondents. 20

Printed at the Monmouth Democrat Office, Freehold, N. J.

In Chancery of New Jersey.

10

Between

PETER S. GOLDEN, AND
FLORENCE GOLDEN, AND
SAMUEL P. GOLDEN, AND
WILLIAM J. GOLDEN,
Complainants,

and

SAMUEL KNAPP AND
REBECCA HIS WIFE, AND
SAMUEL P. KNAPP, AND
ELIZABETH W. GOLDEN, AND
JOHN GOLDEN,
Defendants.

On Bill, &c.

20

Before His Honor, A. V. VAN FLEET, Vice Chancellor.

WM. H. VREDENBURGH, Esq., for complainant; General HAIGHT and R. ALLEN, Esq., for defendants.

Mr. VREDENBURGH read bill. Mr. ALLEN read answer.

EVIDENCE FOR COMPLAINANT.

WOODBRIDGE STRONG, SWORN.

30

Q. By Mr. Vredenburgh. Mr. Strong, you are a counsellor at law, practicing in New Brunswick, and were such in March, 1874? *A.* Yes, sir.

Q. I show you a deed which appears to be in your handwriting? [Showing witness deed marked exhibit "A" for complainant, from Peter S. Golden and wife, to Samuel Knapp, dated March 9th, 1864.] *A.* Yes, sir; but that is not in my handwriting.

Q. It is witnessed by you? *A.* Yes, sir; but it is filled up by my son Edward, and it is witnessed and acknowledged by myself.

Q. By defendants' counsel. What is the date of it? *A.* March 9th.

Q. Further Direct. And it is witnessed and acknowledged by you? *A.* Yes, sir.

Q. Were you acquainted with Samuel Knapp, who formerly lived at New Brunswick? *A.* Yes, sir; I
10 have known him a great many years.

Q. Do you remember the occasion of the witnessing of that deed by you, and the parties before you? *A.* I do.

Q. Please state who they were? *A.* Samuel Knapp and his daughter, Mrs. Golden, and her husband; her husband was introduced to me, Peter S. Golden; I think I had never seen him before that occasion.

Q. Will you bring to mind, Judge, and state the particulars and circumstances within your recollection as to what transpired between these parties, how you came
20 to draw that deed, and what other papers were executed, and all the circumstances connected with that matter? *A.* My recollection is that they came together, all three of them, and some part of the matter was talked about openly in the presence of the parties, and some portion of the—(Interrupted.)

Q. One moment, Judge, just there; had you before that time had any instruction from any one about drawing the papers? *A.* No, sir.

30 *Q.* That was the first? *A.* I think that was the first knowledge I had of the matter.

Q. Well, sir, proceed? *A.* I think Mr. Knapp stated to me when he came in, that he desired to have a deed from Peter S. Golden to him, Samuel Knapp, for the premises mentioned in this deed, and—(Interrupted.)

Q. One moment. You stated that Mrs. Golden and her husband and Samuel Knapp were there; now was Samuel P. Knapp there? A. No, sir.

Q. Had you any communication with Samuel P. Knapp? *A.* No sir.

Q. In reference to this matter, whatever? *A.* None at all in the transaction. I never heard of him in connection with it until within the last two or three months.

Q. Well, sir, go on now? *A.* Well, the old gentleman, Mr. Samuel Knapp, took me on one side, and said substantially, that Golden was in the habit of drinking more than he ought to, and he feared he would waste his property, and that he owed him a bond and mortgage on 10 this farm.

Q. You say he took you aside and said that? *A.*—Yes, sir, and that he owed him a bond and mortgage on this farm, and as things were going he was afraid that his daughter and her children would be thrown upon his hands, ultimately, because of his son's intemperate habits, and because of his neglecting his farm and his business interests. And he said that he desired to save this farm from that contingency, and that a deed was to be made from the son to him for that purpose; then the matter 20 was talked over generally. Nothing was said in the presence of Golden about the intemperate habits, but the fact that it was for the interest of his wife and children that the deed was to be made was talked of openly, and it was also talked about, that the title should be re-conveyed within the time which they designated, not to Mr. Golden himself, but to his wife and to her children, and that was left as they seemed to have arranged it without any writing to secure and enforce that arrangement. And I saw that it left Mrs. Golden and her children unprotected, and 30 I suggested that that should be reduced to writing and I offered to prepare such a paper, and I urged it as being quite necessary.

Q. You say you urged it? *A.* I urged it as quite necessary, because Mr. Knapp did not seem to think it was necessary. He said he did not think it was necessary and his daughter was willing to leave it in that way, but Mr. Golden adopted my views of the matter at once, and

yet he did not press it as strenuously as I did. Finally they all adopted my views and acquiesced in it, and then I prepared a paper that was designed to accomplish the object I have spoken of. The paper and the deed were prepared together. I think while my son Edward prepared the deed I wrote the paper, and they were executed as nearly contemporaneously as possible, and certainly at that one time, and they were delivered at the same time. I think that I delivered that paper to Mrs. Golden. I
10 may have delivered it to Mr. Golden, but as Mrs. Golden was the party of the second part, and as it was for her interest, and her children's interest, my belief is quite strong that I gave it to her.

Q. Can you state, and will you state as nearly as you can, the terms of that agreement that was signed, as I understand you, by Samuel Knapp? *A.* Yes, sir.

Q. By defendants' counsel. Have you no copy of it? *A.* No, sir, I have not. *Defendants' counsel objected.*

Plaintiffs' counsel asked that the testimony might be
20 given as the witness was anxious to leave before he prepared the way for it.

The Vice Chancellor said in order to let Judge Strong go he would admit the testimony, but if plaintiffs' counsel failed to make a proper case for the admission of the secondary evidence, he should overrule it.

Q. Further Direct. Proceed, sir. *A.* I think there was a time specified in the agreement in which there was to be a conveyance from Samuel Knapp to—(interrupted.)

Q. By the Vice Chancellor. Give the time if you
30 can? *A.* I cannot do it, sir.

Q. Further Direct. Can you give an impression as to the time, sir? *A.* Except as I get it from the papers; but I have no independent recollection whatever. *Defendants' counsel objected.*

Q. Well, proceed? *A.* The whole estate was to be conveyed, and my present belief and recollection, as far as I can recollect it, is that the title was to be conveyed to Mrs. Golden for her life, and that after her death it

should go to her children, but whether the word heirs or children was used in that agreement, I cannot state; but I know well what the conversation and the intention was, and I believe that I used the word children.

Q. Did you, or not, send down to the Clerk at Freehold, by letter of March 10th, 1874, or do you recollect what, if anything, you did in reference to the mortgage of $7,000 on that property? *Defendants' counsel objected* to what Judge Strong did. *Objection overruled.*

Q. Proceed, Mr. Strong, with the statement of what you did and what instructions you had in reference to that matter? *A.* Mr. Knapp directed me to cancel the mortgage and to record that deed. 10

Q. That is the father, Samuel Knapp? *A.* Yes, sir; and this refreshes my recollection in the matter. The words "Recording fees paid," which is in my handwriting, and which is at the foot of this deed, and that was written at the time in my own handwriting and Mr. Knapp paid me at the time; then I sent it for record, and sent the mortgage for cancellation, by his direction, at that time. 20

Q. State if you can recollect anything in reference as to what was to become of the encumbrances then upon the property? *A.* I was directed to draw the deed so that that should be assumed by Mr. Knapp.

Q. Have you ever seen that agreement since? *A.* No, sir.

Q. Is that the last connection you had with this matter? *A.* Yes, sir. 30

Q. As to the manner of the parties and whether any threats or violence were used, can you state as to that, Judge? *Defendants' counsel objected. Objection sustained.*

Q. Have you given, Judge, all your recollection of the transaction? *A.* I think I have, sir.

Q. Did the parties come together and go away together? *A.* Yes, sir.

Q. Do you remember, Judge, whether there was any

discussion as to whether they should make the agreement a year or eighteen months? *A.* I cannot recollect.

Q. Did you or not, send the deed for record at the same time you did the mortgage? *A.* Yes, sir, I did.

Q. For cancellation? *A.* Yes, sir. I stated that and I said that my memory was refreshed from the memorandum I made at the foot of this deed, "Record fees paid," and from my method of business in that connection.

Q. Who paid you for the services performed? *A.*
10 Mr. Knapp.

Q. Did he pay you at the time? *A.* Yes, sir.

Q. *Cross-Examined. By General Haight.* You say, Judge, that they all came to your office together? *A.* Yes, sir.

Q. When they first came there, did they tell you what they wanted? *A.* Yes, sir; I think when they first came there Mr. Knapp drew me on one side.

Q. Mr. Knapp took you on one side, do you say? *A.* Yes, sir.

20 *Q.* Away from Golden and his wife? *A.* Yes, sir.

Q. What did he say he wanted? *A.* He told me that Mr. Golden, his son-in-law, had fallen into habits of intemperance, and neglected his business interests, and that he owed him a mortgage on this farm in question, and that they had agreed that he should convey the property to him.

Q. Did he present the deed to you at that time? *A.* I think he did.

Q. Was the deed in possession of Knapp at that
30 time? *A.* Yes, sir.

Q. Knapp handed you the deed and had a private conversation with you? *A.* I don't know who handed me the deed, but it was present at that interview.

Q. Between whom? *A.* Between all parties.

Q. Well, I am talking about when he came to your office and talked with you alone. I understood you that you and Mr. Knapp went by yourselves and had a private conversation? *A.* Yes, sir.

Q. And he told you that he wanted you to draw a deed for the property upon which he held the mortgage? *A.* Yes, sir.

Q. Did be then produce the deed to you? *A.* I don't think he did.

Q. This was copied from the old deed; there were two deeds were not there? *A.* I think it was.

Q. After you had the private conversation with him you went back to where Mr. and Mrs. Golden were? *A.* Yes, sir. 10

Q. You had no farther conversation in reference to drawing the deed there? *A.* Yes, sir; it was fully discussed.

Q. What was? *A.* The drawing of the deed.

Q. What was there to discuss about the drawing of the deed? *A.* They discussed the deed in question, and the arrangements were openly made before me.

Q. You had the deed at that time? *A.* I don't know that I had. I do not think I had.

Q. Did you have a conversation after you went back with them, before the deed was given you? *A.* Yes, sir; it was all discussed except the fact of the intemperate habits of Golden. 20

Q. Everything else was discussed? *A.* Yes, sir.

Q. That he was going to make the deed? *A.* Yes, sir.

Q. What was the consideration—the encumbrances on the property? *A.* The deed sets it out, I believe.

Q. The amount of the encumbrances was the consideration, was it not? *A.* The money consideration do you mean? 30

Q. Yes, sir. *A.* I think the money consideration was the amount of the encumbrances; I am not sure.

Q. After you went back the understanding was, you were to draw the deed between the parties? *A.* Yes, sir.

Q. Was anything said about the agreement at that time, before the deed was executed? *A.* Mr. Golden

said, I think, at that time—I am very sure—that Mr. Knapp was to re-convey the property.

Q. Did not Mr. Golden call you out, on one side, and have a private interview with you? *A.* No, sir.

Q. He did not? *A.* No, sir; that was the verbal arrangement about the re-conveyance, and the suggestion came from me; it did not come from Mr. Golden at all.

Q. The suggestion of the re-conveyance? *A.* No, sir; the suggestion of the written agreement; that was
10 my suggestion.

Q. How did you come to suggest that—did they request you to make a written agreement? *A.* No, sir.

Q. Not at the request of the parties? *A.* No, sir; I thought it was my duty, as I was in attendance to see that the interest of the parties was protected.

Q. Do you know, whether or not, that was a fair and full consideration for the premises? *A.* No, sir.

Q. If you had, you would have thought they were well protected, would not you? *A.* I don't know what
20 I would have thought, sir.

Q. You did not inquire into that? *A.* No, sir.

Q. Mr. Golden suggested that it was to be re-conveyed? *A.* No, sir; I did not say so.

Q. Who did? *A.* That was by the parties; Mr. Knapp, as well as the others.

Q. Well, who talked about it? *A.* All of them, and they all agreed. I think there was only one matter that I proposed in which they agreed, and that was the writing of the agreement.

30 *Q.* Was Mr. Knapp there all the time? *A.* I think so.

Q. The whole time the conveyance was made and the agreement written? *A.* He was there all the time the matter was talked about as to what arrangement should be made.

Q. Did not Mr. Golden call you out on one side, after the deed was drawn and executed, and about the time that the parties were going to leave, and state to you that

there was an understanding to that effect, and you suggested that the agreement should be drawn, and then they came back into your office? *A.* No, sir.

Q. And did not Mr. Knapp at first decline to sign the agreement? *A.* He did, at first.

Q. He did, at first? *A.* Yes, sir; he declined.

Q. Upon what ground? *A.* Well, he did not decline to make the agreement, but he declined to make it in writing, and to sign it; and I urged that it should be done, because I told him that a mere verbal agreement 10 probably could not be proved in case of the death of Mr. Knapp, and it might be a very serious matter.

Q. Did Mr. Golden and his wife go off by themselves, before Mr. Knapp consented to sign that agreement, and have a talk? *A.* When Mr. Knapp declined to sign the agreement, Mrs. Golden was perfectly willing to trust his word in that matter, but her husband was not; he seemed to want it to be in writing, and he did walk with his wife into another office and talk with her.

Q. For some time? *A.* For two or three minutes, 20 I think, and when she came back she acquiesced with her husband in the propriety of taking a written agreement, and she united with him in urging her father to make it.

Q. They had to urge him to make it? *A.* Yes, sir.

Q. You did not keep any memorandum of that agreement? *A.* I did not.

Q. Was the deed executed and delivered prior to the drawing of that agreement? *A.* No, sir.

Q. Were they both signed at the same time? *A.* I think they were both prepared at the same time. 30

Q. Are you sure? *A.* Well, I think that I wrote the agreement myself, while my son wrote the deed.

Q. Your son copied off the description and you filled up the deed and took the acknowledgment, did you not? *A.* No; my son wrote the entire deed.

Q. And you took the acknowledgment? *A.* I took the acknowledgment and signed it and witnessed it.

Q. Now I call your attention to this fact. I ask you

if you distinctly remember this; was not that deed filled up and acknowledged and delivered before Mr. Golden and these parties had the conversation with reference to that agreement? *A.* No, sir.

Q. Before the signing of the agreement? *A.* No, sir; I am very sure it was not.

Q. There was no difficulty about the signing of the deed, was there? *A.* None whatever, sir.

Q. Or the execution and delivery of it? *A.* No, sir.

10 *Q.* But there was with reference to the agreement? *A.* Well, I understood—(Interrupted.)

Q. I don't want to know what you understood; I want to know whether or not, the deed was not executed, delivered and acknowledged, before the agreement was signed? *A.* It was not.

Q. Are you sure of that? *A.* I am.

Q. You made no memorandum of the transaction at all? *A.* I did not.

Q. Can you remember with such distinctness, Judge?

20 *A.* I think I can, sir, about this matter.

Q. Why do you remember this matter more distinctly than any other? *A.* Because the plan of having the agreement put in writing originated with me, and I remember the opposition I had, and how I overcame it.

Q. The deed was written, and was unexecuted and unacknowledged while Knapp was refusing to sign this agreement, was it? *A.* Yes, sir.

Q. It was already drawn, was it? *A.* I don't say that; I say I think it was being drawn at the same time.

30 *Q.* Being drawn when he refused to sign the agreement? *A.* I think I said this over and over again, at least I intended to; that there was discussion when they came there, and that they talked about having these papers made, and about this re-conveyance by Mr. Knapp back to his daughter and children, and that that was to be by a mere verbal arrangement between them; and as soon as that was proposed I objected to it as being insufficient and unsatisfactory, and told them my reasons for it.

Q. You said all that? *A.* I think so; and I do not think the deed was drawn until it was distinctly understood that the agreement should go with it. I think I ordered my son to draw the deed, and I commenced drawing the agreement, and had the whole thing blocked out before the beginning of any of it.

Q. You did not send the agreement to be put on record did you? *A.* No, sir; but I think it was acknowledged and delivered to Mrs. Golden.

Q. Why was it not sent with the conveyance to be recorded? *A.* That I don't know. 10

Q. It was a regularly sealed instrument I suppose? *A.* Yes, sir.

Q. Are you sure of that? *A.* I am quite sure of it.

Q. Was it a pretty long agreement? *A.* Pretty long.

Q. Well, all there was in the agreement was that in a certain length of time the property was to be re-conveyed to Mrs. Golden, and her children or her heirs, was not it? *A.* That is my recollection. 20

Q. Is your recollection good about that? *A.* I think it is, sir.

Q. Is that all you can remember about the agreement? *A.* I think that is it, sir.

Q. Did you describe the farm in the agreement? *A.* I have no doubt that I referred to it.

Q. Do you remember whether you did or not? *A.* I think I did.

Q. Did you designate it in such a way that it could be distinguished? *A.* I did. 30

Q. Are you sure? *A.* I am.

Q. What designation did you give to it? *A.* I think by reference to the deed of property this day conveyed, and gave a description of it. I am more positive about what the agreement was to secure than I am about the details of it, perhaps.

Q. You do not recollect that you designated the property in any more detail? *A.* Well, I am quite sure that I designated it.

Q. What is your age? *A.* I am in my fortieth year, sir.

JOHN GOLDEN, SWORN.

Q. How old are you? *A.* About seventy-three, sir.

10 *Q.* You have always lived in the County of Monmouth? *A.* Yes, sir.

Q. On the Golden farm, sir? *A.* Yes, sir.

Q. And the farm has been in the family quite a time, has not it? *A.* I was the fourth generation on it.

Q. You have a son; is Peter your son, the complainant in this case? *A.* Yes, sir.

Q. Did he, prior to the time that you conveyed to him the farm, work the farm, and if so for how long? *A.* Yes, sir; he did.

20 *Q.* Did Peter, or not, work this farm of two hundred acres? *A.* Yes, sir; for a number of years.

Q. Before he was married? *A.* Yes, sir; before he was married; in 1867, 8 or 9.

Q. You conveyed it to him for the sum of $17,000? *A.* Yes, sir.

Q. Was that the value of the farm? *A.* Nothing like it, sir.

Q. What was its value? *A.* Well, I would not have sold it to strangers for $24,000; but to keep it in the 30 family, and under the circumstances, I let him have it at a great reduction. Why, the buildings and fences on it are worth half that money.

Q. But you sold it to him, as your son, for the reduced consideration of $17,000? *A.* Yes, sir. It had been taxed by assessors for $20,000.

Q. *By defendants' counsel.* Was it at that time? *A.* Yes, sir; before that time.

Q. In 1868 was it assessed at $20,000? *A.* I think

it was; well, for a number of years that. I could not say whether it was a year or two before or at the same time.

Q. Further Direct. Did you make a deed for this property? *A.* Yes, sir; I made a deed for the property.

Q. [Handing witness Exhibit "B."] Is that it? *A.* Yes, sir; that is my name there.

Said deed being dated the first of April, 1868, from John Golden and his wife, to Peter S. Golden, for the farm in question.

Q. Before this conveyance to your son, how did you come to move to Freehold and convey this property to him? *Defendants' counsel objected. The Vice Chancellor overruled the question.* 10

Q. Mr. Golden, you took back from Peter when you conveyed the property to him, a mortgage for $10,000? *A.* How is that, sir?

Q. You took from Peter at the time that you made this conveyance to him, a mortgage to you for $10,000? *A.* Yes, sir.

Q. How did you get the other $7,000? *A.* He paid me $7,000. 20

Q. Peter did? *A.* Yes, sir.

Q. In 1868, at the time of the conveyance? *A.*—How is that?

Q. Well, it makes no difference; he paid you that $7,000 when you made the conveyance to him? *A.* Yes, sir; he paid me the $7,000 about the time; I don't know but what he paid me before, but it was somewhere about that same time; at any rate, it may not have been exactly at that time. I think probably he paid me some of it before. I think he paid me $1,000 sometime before, and the other just about that time, I guess. 30

Q. So as to make the whole $7,000? *A.* Yes, sir.

Q. Do you know anything about who he made a mortgage to, to secure $7,000—to represent that $7,000? *A.* I heard nothing between the two parties together, but I had good reason to believe where it came from.

Q. Did you have any conversation with Mr. Knapp

about it? *A.* No, I never had any particular conversation with him about that, but he told me that he calculated—(Interrupted.)

Q. Never mind now; come to about the time that a certain agreement was executed in 1874, and when you received some money on the mortgage. Did you receive some money on your mortgage in the Spring of 1874? *A.* Yes, sir.

Q. How much did you receive on the mortgage in
10 1874? *A.* I received $5,000.

Q. Now state about that time. Did you see Samuel Knapp at your house in Freehold? *A.* Yes, sir; before I received the money.

Q. Yes, sir; before you received the money; now about how long before that time. *A.* Well, it was the latter part of February. I think he came there on a Sunday.

Q. Well, go on and state what he said? *A.* Well, Peter was about renting the farm. *Defendants' counsel ob-*
20 *jected. Admitted.*

Q. Mr. Golden, state now what occurred between you and Samuel Knapp when he came to Freehold, in February, in reference to this farm? *A* Well, he came there and told me that he wanted to put Peter—to make that farm—that is if Peter would make him a deed for it, he would deed it over to his wife and children, and he would pay half of the mortgage, and if Peter would deed it to him he would deed it back to him in one year after that. I told him I did not approve of it at all; that I ob-
30 jected to it, and he said he did not want the farm, but he wanted to give him a chance to make something because he was paying interest on it; and he said that as farming was then he had no chance to do much, and he wanted to give it to him free and clear, and then he could go on it and have a chance to make something. I did not take with it at first, for I did not approve of it right away, and he repeated it over frequently that he wanted the farm to remain in the name, and in doing that Peter and his wife

could not spend it, and could only have the use of it; he said he did not want the farm, that he was not doing it for anything of that kind, that he had a farm of his own to live on and was not in want of this farm.

Q. Where did he say his farm was? *A.* At Piscataway township.

Q. He said he would pay off half of the encumbrances; now, just tell us what you mean fully? *A.* He said he would pay half of it down, and then pay the other half the next Spring, a year from then. 10

Q. Half of it the next Spring, a year from then? *A.* Yes, sir; and then he would deed it over again, and I objected to that; well, he said he would give Peter an instrument in writing to show that it should be deeded back after a year from that day.

Q. Which mortgage or encumbrance did he refer to? *A.* The mortgage that I held, of course.

Q. The $10,000? *A.* The $10,000; he said if I would take some bank stock or some other stocks that he named, or he said he would give me his note for $5,000, 20 but I said that I was fully satisfied with the way it laid, and if he wished to pay it off he could send me the money and I would have to receive it if it was transferred over to him, but I said I would not take any stock or any man's note, but that I was satisfied that my money was safe where it laid; so he said that he would do it within a year from that day.

Q. Did you afterwards, about the same time, see him anywhere else? *A.* Yes, sir.

Q. This was at Freehold? *A.* Yes, sir. 30

Q. Where did you see him next? *A.* On the farm.

Q. What farm? *A.* The farm you are talking about.

Q. The Golden farm? *A.* Yes, sir.

Q. How did you go down; did you go from Freehold down there? *A.* Yes, sir; a day was appointed for us to meet there and finish the arrangement.

Q. For who to meet? *A.* Mr. Knapp, Peter and myself.

Q. Well, state what took place and what was said when you went there, to Holmdel, and how long was it after you saw him at Freehold that you met him on the farm? *A.* I don't recollect whether it was that week or the next.

Q. Well, it was either that week or the next, was it? *A.* Yes, sir.

10 *Q.* Who did you see there? *A.* Samuel Knapp and Peter.

Q. Well, you say you met Peter and Samuel Knapp there? *A.* Yes, sir.

Q. At the house? *A.* Yes, sir.

Q. Was anybody else there? *A.* Yes, sir.

Q. Who was there? *A.* Benjamin Dorrance; he went with me from Freehold.

Q. Who is he, a boy? *A.* Yes, sir.

Q. Well, who else was there? *A.* Nobody else;
20 only Dorrance and I went down together.

Q. Do you remember whether Thomas Bedle was there. *A.* Yes, sir; he was there at the time, in the other part of the house, though.

Q. What was he there for? *A.* Well, he had been on the farm and had not left it altogether yet; he only occupied part of the house; the other part of the house Peter had occupied when he saw proper to be there.

Q. Now, what was the conversation between you
30 and Samuel Knapp in reference to this matter? *A.* The conversation was similar to the first.

Q. By the Vice Chancellor. State it, sir; state all that was said.

Q. Further Direct. You say it was not finished at Freehold? Now, state what was agreed? *A.* I thought, finally, that his proposition—(Interrupted.)

Q. Whose? *A.* Knapp's, to pay over the $5,000; I gave in to their agreement; he to pay me $5,000, promis-

ing that he would pay the other $5,000 in the next Spring, and that he would deed it over again, and would give an instrument for it to show that it should be done in a year from then; he repeated this again; he said he did not want the farm, but he only wanted to secure it and give him a chance to make something out of it, and he said what with his paying interest it was as much as he could do to make that farm pay; that farming was rather a poor business.

Q. Was the arrangement finally consummated then? 10
A. Yes, the arrangement was consummated then.

Q. That is, between you and Knapp, as far as you know? *A.* Yes, sir.

Q. Was that the last that you saw of Mr. Knapp before this deed from Peter was made, and when he gave Peter that agreement? *Objected to.* *A.* Well, he came to Freehold and paid me the $5,000.

Q. Who did? *A.* Samuel Knapp.

Q. Where was that? *A.* At my house.

Q. After you saw him at Holmdel? *A.* Yes, sir. 20

Q. Did he state then what had been done? *A.*—Well, there was so much said, I do not recollect exactly whether he stated—Oh, yes; of course he did.

Q. Well, what did he state? *A.* Well, when was this assignment made—this deed; when was that deed dated?

Q. Well, never mind. You say you recollect his paying $5,000? *A.* Yes, sir; he came to my house and paid it himself, by check.

Q. [Handing witness a letter marked exhibit "C."] 30
Is that the letter which you received? *A.* Yes, sir.

Q. You say you received this letter in the course of mail? *A.* Yes, sir; I received this letter.

Q. *Complainants' counsel.* I will read this letter which is dated New Brunswick, March 30th, 1874, &c.; you received that letter, did you? *A.* Yes, sir.

Q. Was it before or after that letter, that he paid you that $5,000? *A.* It was after I received the letter.

Q. Did you or not, receive a letter at this time from Peter Golden, in reference to this matter now in controversy? *A.* Yes, sir. *Defendants' counsel, Mr. Allen, objected.*

The Vice Chancellor said that he would admit the fact to be proved, that such a letter was received by the father from the son, in reference to the transaction, and the letter would be competent evidence to fix the time, and that the contents of the letter would not be received.

10

Q. Did you receive that letter? [handing witness letter and envelope marked exhibit "D," for identification.] *A.* Yes, sir.

Q. At about the time it bears date, which is March 9th, 1874, and the post-mark of the envelope being March 9th, 1874? *A.* Yes, sir.

Q. Now in reference to the amount due on your mortgage, have you been paid the other $5,000? *A.*—Well, I received $5,000 at that time.

20

Q. But since that time have you received any more than that? *A.* Yes, sir; I received $1,500 more on it since that time—the next Spring.

Q. The amount then now held by you, and due on your mortgage against the property, is $3,500? *A.* Yes, sir.

Q. Cross-Examined. You resided on this place up to the time of its sale to Peter? *A.* Yes, sir.

Q. Then you moved off? *A.* Yes, sir.

Q. That was after Peter's marriage, you sold it?

30 *A.* Yes, sir.

Q. Prior to his marriage he had no means of his own, had he? *A.* He had some means.

Q. How much? *A.* I can not pretend to say how much he had.

Q. Well, he was not able to buy the farm? *A.* I guess not, without help.

Q. When you made this sale to him, you expected him to get some help from his wife? *A.* Of course.

Q. Was he living on this farm with his wife at the time you sold it to him? *A.* No, sir; his wife had not moved there yet.

Q. She moved there after you moved off? *A.* Yes, sir; or about that time; a little before, maybe; I do not recollect now.

Q. You knew of the execution of this second mortgage for $7,000? *A.* Well, from hearing say so, I did.

Q. From Peter to Mr. Knapp? *A.* I heard say so, but I had never seen it. 10

Q. Was that $7,000 paid at the time of the conveyance from you to him? *A.* Well, I do not know about that now.

Q. You did not make the deed until you got the $7,000, did you; that is, you did not make the deed for the farm until you got the $7,000? *A.* I don't know what $7,000 you are talking about.

Q. Well, he did not pay you $7,000 when you took the mortgage for $10,000? *A.* Of course I received the money before I gave him the deed for the 20 farm.

Q. Who was present at the time he paid you the $7,000. *A.* Well, I received it from Peter.

Q. You received it from him? *A.* Yes, sir.

Q. By money or checks? *A.* Checks.

Q. Whose checks? *A.* I cannot tell you now.

Q. His check? *A.* His check; Peter's check.

Q. Who paid you interest from 1868, the time you sold, up to the time you had this conversation with Mr. Knapp, in February, 1874? *A.* Peter. 30

Q. Each year? *A.* Yes, sir; he paid me; there is some interest back.

Q. How did he pay you, by check or what? *A.* I don't know; part of the time by check, I guess; but I kept no account about that.

Q. From the time when you sold to Peter and he paid you $7,000, in March, 1868, up to February, 1874,

you had no conversation with either of the Knapp's with reference to this farm? *A.* No, sir.

Q. Did you see them? *A.* Let me understand you?

Q. I ask you if you had any conversation with either of the Knapp's in reference to this farm from the time you sold it to Peter, in 1868, up to February, 1874, when Knapp came to your house on Sunday? *A.* Of course I may have talked about the farm, but nothing
10 about buying the farm.

Q. You had nothing to do with buying or selling it then, had you? *A.* I never had any conversation with Samuel P. Knapp, at all.

Q. I ask you if you had anything to do with the farm after you had sold it to Peter. You had no interest in it, had you? *A.* I had an interest in the mortgage.

Q. But you had no control over the title in any way? *A.* Not after I conveyed to him.

20 *Q.* Now, the first conversation you had in February was on Sunday, when he came to your house? *A.* Yes, sir.

Q. Who came with him? *A.* Peter's wife.

Q. Was she with Mr. Knapp? *A.* Yes, sir; Peter's wife and her father.

Q. Was she present during the conversation between you and Mr. Knapp? *A.* I do not recollect.

Q. Was there any conversation in the house? *A.* Yes, sir.

30 *Q.* In the room? *A.* Yes, sir.

Q. Can you state who was present in that conversation? *A.* My sister was present part of the time.

Q. Who else? *A.* Well, I don't know as I can tell you.

Q. Was not Mrs. Peter Golden present? *A.* She might have been and she might not.

Q. Can you tell us whether she was or not? *A.*

No, sir; I cannot; there was a conversation took place but I did not pay any attention to it.

Q. Had you, prior to that time, written Mr. Knapp a letter, stating that you would like to have the money on that mortgage? *A.* No, sir.

Q. You did not want it at that time? *A.* No, sir; I never called for it in any way, or asked for it, for of course I had nothing to do with him about the mortgage.

Q. But you knew that Peter had not the means of raising it himself? *A.* That made no difference, whether I knew it or not, if I was satisfied with the money where it lay.

Q. But if you had wanted the money you would have notified Mr. Knapp, would not you? *A.* No, sir; not at all.

Q. You say Mrs. Golden was there? *A.* I did not consider Mr. Knapp had anything to do with the farm, but I considered I had a right there in case I wanted money.

Q. You say Mrs. Golden came there with him? *A.* Yes, sir.

Q. And she might or might not have been present during this conversation? *A.* Yes, sir; I could not say at all; she may have heard it all, and may not.

Q. Was Peter there at the time? *A.* I do not recollect whether Peter was there; he was at my house, but whether he was there when they first came or not, I don't recollect.

Q. Was he present during the conversation? *A.* I don't know whether he was present all the time, but some of it I know.

Q. How long did the conversation last? *A.* Well, now, he broached the subject then, and commenced it the next morning again.

Q. Did he stay all night? *A.* Yes, sir.

Q. Did you talk all that afternoon and evening about it? *A.* No, sir; we did not talk all the time about it.

Q. Why was there so much talk about it? *A.* Because there was a difference of opinion.

Q. Why was there? *A.* Besause I did not believe in what they wanted to to do.

Q. You did not believe in Mr. Knapp's proposition, which was, to buy the farm and pay for it, and give it to your son, free and clear? *A.* He made no proposition to buy the farm; he made the proposition to pay the mortgage off and get it free and clear, and deed it over; 10 he was going to make that present.

Q. You did not like that proposition, to pay $17,000 and then give it to his wife? *A.* I did not like the proposition of deeding it in that way, from one to the other.

Q. Why? *A.* Because, I believed it was better as it was. It was in the name then.

Q. Well, would it not have been in the name after he had deeded it over? *A.* Yes, sir; but it would have been different.

Q. In a different name, do you mean? *A.* I did 20 not say in a different name.

Q. Well, just state if you can, with some degree of directness, just what the conversation was between you and him? *A.* I believe I have stated it as near as I can.

Q. Now, state it again, please? *A.* Well, yes, sir; I will endeavor to; he stated that there was $10,000 on the farm that Peter had to pay interest for, and farming was not a very good business now, and it was as much as he could do to pay the interest, and he was willing to pay $10,000 on the farm, if Peter would deed it to him, and 30 then he would deed it over to his wife and children, as you may say.

Q. Well, it is not as you may say; did he say that? *A.* Yes, sir; he said he would deed it over so that it could not be spent from the children. Perhaps I do not give the words he used, but I don't know what way you want me to shape the words.

Q. Well, I dont want you to shape them at all; I want you to give what he said? *A.* Well, it was that

Peter and his wife should have the use of the farm, and after them it should be entailed on the children, so that neither of them could sell it.

Q. Why did he want to take the property away from Peter? *A.* He said he could not make anything, as well as pay interest, and he said, that if he made the farm clear he could go on it and make something.

Q. Did he give any reason why he wanted to keep him from spending it? *A.* Well, he said he wanted to secure it to the children; that is what he said, and that is all I can tell you, for he gave no other reason. 10

Q. Did he give no reason why he thought he would spend it? *A.* No, sir; he did not; but he said it could not be spent then, and that it would remain to the children, and he was willing to put it in that way.

Q. There was $7,000 on it then, was there not? *A.* I know nothing about the $7,000, any more than I heard tell so, but that is hearsay, and that is no evidence; the hearsay was at the time that he was going to make him a present of that, and afterwards he made him give him a mortgage. 20

Q. He took a mortgage on it? *A.* Yes, sir; I know it from hearsay, I never saw it.

Q. What reason was given, if any, in that conversation, for believing that Peter or his wife, or either of them would spend that property? *A.* He did not give me any.

Q. I understood you to say that both the old gentleman and his daughter staid all night? *A.* Yes, sir.

Q. Was she present at the conversation you had in the morning? *A.* I am not able to tell you. 30

Q. Did the conversation in the morning differ or not, from the conversation you had the previous afternoon? *A.* It was on the same subject.

Q. About the same thing? *A.* Something similar, I presume.

Q. Well, was it to the same effect? *A.* About the same effect.

Q. Now, at the time did you make any appointment

for a future conversation between you and him? *A.* I did not, but an appointment was made.

Q. Well, who made it? *A.* I don't know whether it was Mr. Knapp and Peter made it together, or in what way it was made.

Q. What was the appointment made for? *A.* To see if they could not get me to agree to it.

Q. What had you to agree to? *A.* Well, he did not want to do it without my permission.

10 *Q.* Who did not want to? *A.* Peter, unless I would think it would be as well.

Q. Did you make an appointment that day to meet again? *A.* The appointment was made, but I do not recollect whether it was made then or not.

Q. Was a day fixed that you should go down there at that time? *A.* I do not recollect.

Q. How came you to go down there? *A.* I was notified.

Q. Who notified you? *A.* Peter notified me that
20 they was going to meet there—that they had not done with it that day—but I cannot tell certain about that.

Q. Now, you say that you and Mr. Dorrance went down there; who were there at the time you got there? *A.* Nobody, in that part of the house.

Q. Was Mrs. Golden there? *A.* No, sir.

Q. Not there? *A.* No, sir.

Q. Was Peter Golden there? *A.* Yes, Peter was.

Q. Was Mr. Knapp there? *A.* I don't know whether he was there when I got there or not.

30 *Q.* Well, at the time you had the conversation in the house who were present at that conversation? *A.*—I do not know as anybody was present with us.

Q. Nobody but you and Knapp? *A.* Well, Dorrance was there.

Q. Was not Mrs. Peter Golden there? *A.* No, sir.

Q. Not there? *A.* She was not there at all, then.

Q. Where was she? *A.* Well, I don't know

No. 7012. New York, April 3, 1868.

THE CHATHAM NATIONAL BANK

Pay to the order of Peter S. Golden, six thousand dollars.

$6000. (Signed) S. P. KNAPP.

Endorsed by Peter S. Golden.

No. 2571. New York, March 28th, 1874.

THE CHATHAM NATIONAL BANK

Pay to the order of Samuel Knapp, two thousand dollars,

$2000. (Signed) S. P. KNAPP.

Endorsed by Samuel Knapp.

No. 2573. New York, March 30th, 1874.

THE CHATHAM NATIONAL BANK

Pay to the order of Samuel Knapp, five hundred dollars,

$500. (Signed) S. P. KNAPP.

Endorsed by Samuel Knapp.

New York, March 22d, 1875.

THE CHATHAM NATIONAL BANK

Pay to the order of Samuel Knapp, one thousand dollars,

$1000. (Signed) S. P. KNAPP.

Endorsed by Samuel Knapp.

New York, March 29th, 1875.

THE CHATHAM NATIONAL BANK

Pay to the order of Samuel Knapp, eight hundred and fifty dollars.

$850. (Signed) S. P. KNAPP.

Endorsed by Samuel Knapp.

Endorsed by John Golden.

whether she was back at her father's at that time, but she was not keeping house then.

Q. Was Peter there? *A.* Yes, sir.

Q. Was Mr. Bedle there? *A.* Yes, sir.

Q. Was Mr. Bedle present at the conversation? *A.* I do not know.

Q. Well, was he in the house at the time, then? *A.* I don't know that.

Q. You cannot state whether he was there or not? *A.* No, sir. 10

Q. Cannot you tell whether he heard the conversation or not? *A.* No, sir.

Q. What is his first name? *A.* I think it is Thomas.

Q. What was the conversation there; just give us the language as near as you can? *A.* Well, I have given it to you several times.

Q. No, we have not been there before; we have been up to the house; now we are down here? *A.* Well, it was the same proposition; he was willing to pay off the mortgage if Peter would deed it to him, and then he 20 would deed it back free and clear of everything.

Q. Did he agree to do it there? *A.* Who?

Q. Peter? *A.* He agreed to do that.

Q. What day was that in February? *A.* I am not certain whether it was in February or March.

Q. You said it was a week after you had met before? *A.* Well, I am not certain about the day, but it was about a week after that.

Q. Was any memorandum made of the conversation or the agreement at that time? *A.* I do not know 30 whether there was or not.

Q. Was any made by you? *A.* I did not make any.

Q. And you only speak from recollection? *A.*—That is all; I made no writing of it, but of course what I agree to do I can recollect for a week or two, anyhow.

Q. Do you mean to say that you cannot recollect over a week or two? *A.* I said I could recollect certain things for a week or two, sometimes.

Q. Do you swear—well, of course you swear—that in that conversation anything like a written agreement was spoken of? *A.* Yes, sir; I do.

Q. A written instrument? *A.* Yes, sir; Mr. Knapp said he would give him a written agreement that it should be made over.

Q. And that day they met at your house, too? *A.* Yes, sir.

Q. What kind of a written instrument was it to be?
10 *A.* I did not ask him any more, after he said that it should be something to show it should be done.

Q. Did you talk of making a conveyance right away —what was the necessity for postponement at that time? *A.* I do not know.

Q. Why did he want to delay it for a year; was there any reason given for that? *A.* Yes, sir; so that he could make it free and clear.

Q. And pay you the whole $10,000 at the end of the year? *A.* He was to pay me $5,000 then, and in a year
20 he was to pay me the other $5,000; then he said that would be off it, and then he could make it over free and clear. That is what he said.

Q. Was anything said about Peter's outside debts at that time? *A.* No, sir; nothing more than the interest due me.

Q. Did you want Knapp to pay that? *A.* I told him I must receive the interest before I received the principal. I said I would not receive any principal until the interest was paid that was back on to it.

30 *Q.* How long was the interest back at that time? *A.* It was the interest due that Spring.

Q. It had all been paid up except that Spring? *A.* The Spring before was paid up until then.

Q. Then there was about a year's interest in arrears? *A.* Yes, sir.

Q. *Re-Direct Examination.* Look at that check and see if that is the check that you received from Peter, and which you endorsed in putting back and getting the mon-

ey on? [Showing witness exhibit "E."] *A.* Yes, sir.

Q. This is for $6,000; was the $6,000 for a part of the consideration of the deed from you to your son? *A.* That $6,000 was what he paid me besides the mortgage which he gave me; it was to pay part of that $7,000.

Q. You got this $6,000 did you? *A.* Yes, sir.

Q. And the other $1,000, how did you arrange that? *A.* That was paid previous to this, by Peter.

Q. The interest on your mortgage was due that first of April? *A.* Yes, sir. 10

Q. And this conversation you say was in February? *A.* Yes, sir.

By complainants' counsel. I offer in evidence a certified copy of a mortgage from Peter S. Golden and wife to Samuel Knapp, for $7,000, dated April 1st, 1868, recorded August 6th, 1868, in Book N 2 of mortgages, page 192, cancelled March 10th, 1874, marked "Exhibit F."

PETER S. GOLDEN, SWORN. 20

Q. You are the plaintiff, or one of them, in this case? *A.* Yes, sir.

Q. And the others are your children? *A.* Yes, sir.

Q. You are, how old, Peter? *A.* I am forty years old.

Q. You were married, when? *A.* In 1867.

Q. Sept. 25th, 1867? *A.* Yes, sir.

Q. You married Elizabeth W. Knapp? *A.* Yes, sir; I did. 30

Q. Of New Brunswick, the daughter of Samuel Knapp? *A.* Yes, sir.

Q. She is his only daughter? *A.* I think so.

Q. You have, since your marriage, had three children? *A.* Yes, sir.

Q. Their names are Florence and Samuel S. *A.* No, sir; Samuel P.

Q. And William J.? *A.* Yes, sir.

Q. The youngest is how old? *A.* Two years on the first of August.

Q. When was the youngest born? *A.* The first of August, 1874.

Q. In the summer of 1874? *A.* Yes, sir.

Q. Where, at New Brunswick? *A.* On my farm.

Q. The other children are under seven years of age? *A.* Yes, sir; well, the oldest, I think, was seven in Feb-
10 ruary.

Q. Are you living with them now? *A.* Not at present?

Q. You are separated from them? *A.* Yes, sir.

Q. This farm—you are the son of John Golden—and the farm was conveyed to you? *A.* Yes, sir.

Q. When did you first commence, if at all, to work that farm? *A.* When I was about nineteen years of age I began to work on it; my father gave me a share; my brother and I leased it for a term of years.

20 *Q.* Did you live upon the farm at the time of your marriage? *A.* Always.

Q. You married in 1867? *A.* Yes, sir.

Q. After your marriage did you purchase the farm? *A.* Yes, sir.

Q. You gave the consideration named in the deed, of $17,000; now, what was the actual value of the farm at that time? *A.* It was taxed for $20,000 at that time; it will, perhaps, be worth, at the way property sold there, 24 to 26 to $28,000, according to the idea of people.

30 *Q.* What, in your judgment, was it worth? *A.*—$25,000.

Q. What is it worth now? *A.* Well, it is hard to tell, since the panic.

Q. Well, according to the reduced rates of real estate—or, I will say in 1874; what was it worth in March, 1874? *A.* Well, the property was then considered to be worth the same as it had been. The panic had not fallen at that time.

Q. What was it worth March, 1874? *A.* I considered that it was worth as much as in 1868, to me.

Q. $25,000? *A.* Yes, sir.

Q. When you bought this property from your father you were married then? *A.* Yes, sir.

Q. Did you or not do it with the knowledge of Samuel Knapp? *A.* Buy the farm?

Q. Yes, sir. *A.* I did it at his advice; I had an understanding with my father to lease it for a term of years before that. 10

Q. Now, after 1868, did you continue to farm it? *A.* Yes, sir.

Q. Up to what time did you farm it? *A.* The Spring of 1872.

Q. The Spring of 1872? *A.* Yes, sir.

Q. You and your wife lived there? *A.* Yes, sir.

Q. And your children were born there? *A.* Yes, sir.

Q. Now, in 1872, what happened? *A.* My wife and I moved to New York and rented the farm to Thomas Willett for one year—1872. 20

Q. Now what was done next year? *A.* The next year I put it on shares with Thomas Bedle.

Q. 1873? *A.* Yes, sir.

Q. Now in the Spring of 1874, what? *A.* Then I moved on it.

Q. In the Spring of 1874 you moved on it? *A.* Yes, sir; I had partly rented it to Gordon Thompson; he was to take part of the farm and to take part of the house, and was to have some acres of land adjoining; and I was out there to see him the day before Mr. Knapp and my wife came down to my father's; and he was to come up Monday morning to sign the lease for it, as my father-in-law and my wife came to Freehold on Sunday and advised me different. 30

Q. Then you did not make the lease to Gordon Thompson because of the advice you got from them? *A.* Yes, sir.

Q. What did he say at that time? *A.* Well, my wife preferred having the whole house, and not having another family in it, as we had done before. The summer previous that my wife and I had lived on the farm and remained there several months; she thought that it would not be pleasant to have another family in the house.

Q. Then you did not rent to Gordon Thompson for the reason you mentioned? *A.* Yes, sir.

Q. Did you see your father-in-law, Samuel Knapp,
10 at your father's house in Freehold? *A.* Yes, sir.

Q. Prior to March 9th, 1874? *A.* Yes, sir.

Q. On the occasion that your father spoke of? *A.* Yes, sir.

Q. Did you see him on that occasion? *A.* Yes, sir; he came down to see me; my wife advised me to consult with him about the farm.

Q. Did they go with you, or separately from you? *A.* No, sir; I went out on Saturday night to make my negotiations with Gordon Thompson for renting the farm.

20 *Q.* You went out from New York city then? *A.* Yes, sir.

Q. And you did not go with them? *A.* No, sir; I had no knowledge of their coming; they came over on Sunday afternoon. I wrote my wife that I was coming up to Freehold on Saturday night for the purpose I have stated.

Q. And then your wife and father-in-law came out there? *A.* Yes, sir.

Q. Now, what took place, and what was said by
30 your father-in-law in reference to this farm and its conveyance? *A.* Well, after dinner I went up to my brother-in-law's, Dorrance, as my sister was sick there, and while I was there word was sent to me that my wife and father-in-law had come down and were anxious to see me up at my father's house, so I went down there; and that was about the twenty-second of February. I think it was the last Sunday in February.

Q. On Sunday? *A.* Yes, sir; on Sunday.

Q. You did not go out until Sunday, do you mean? *A.* Yes, sir; I came down on Saturday night, but they drove down on Sunday from New Brunswick.

Q. Well, now, what then? *A.* Well, when I got their word I went there.

Q. Now, state what was said? *A.* Well, my wife advised me to manage the whole farm myself, and to put out thirty or forty acres to till, so as to have no other family in the house, as she was to be a mother sometime that Summer, and on that account and others she preferred 10 having the whole house to ourselves. We had lived in the house a year before that with others and did not get along very nicely with the family there; then I told her that I had leased it to Gordon Thompson and expected him up Monday morning to finish the negotiations and sign the lease, and I could not do it unless he was willing.

Q. What did Samuel Knapp say in reference to what you should do? *A.* My wife first told me that her father was willing to pay off the $10,000 mortgage that I owed my father, if I would secure it to her and the chil- 20 dren in some way; that is, I was to deed the farm to her through him and she advised me to do it, and then we had some general conversation about it.

Q. Yes, but what did Samuel Knapp say? *A.* He said he was willing to pay off this $10,000 and give me a chance to go ahead and make some money; he said that business was poor in the city and farming was dull, and thought by my not having any interest to pay—the interest being $700 a year—that I could have that money to put out on the farm; then there was some discussion be- 30 tween him and my father as to the terms of the payment, as my father has related.

Q. I want you to state what Mr. Knapp said, if he said anything in your presence, to your father in reference to what should be done about it—about the conveyance of the property? *A.* He said to my father that he would pay him this mortgage and transfer the farm to my wife and children free and clear of all encumbrances, so that

there should not be a cent of debt upon the property in any way.

Q. Did you afterwards see him on the occasion that your father speaks of, when he went down to Holmdel? *A.* Yes, sir; they could not decide on it exactly then, and as I was going away on Monday morning I appointed a day, I think it was Wednesday or Thursday, I know it was in the middle of the next week, for the two old gentlemen to meet down there on the farm and have a further
10 conversation about it.

Q. Give that conversation at the farm between Samuel Knapp and your father? *A.* Yes, sir; it was in the back parlor of the house—(Interrupted.)

Q. Who was there? *A.* My father, myself, and Samuel Knapp.

Q. Well, now, proceed? *A.* Well, after speaking on general subjects they commenced to broach the subject of the transfer of the farm; then we had a discussion—(Interrupted.)

20 *Q.* Never mind that. I want to know what was said, as near as you can recollect, by Samuel Knapp and your father on that subject? *A.* Samuel Knapp said he would pay the $10,000 mortgage, provided my father would take his note for $5,000, or would take some mortgages and bank stock for $5,000, and that in that case he would immediately transfer it over.

Q. Transfer what? *A.* Transfer the farm to my wife and children.

30 *Q.* Now what did your father say to that? *A.* He would not consent to accept of his note, or the mortgages, or the bank stock. The mortgages Mr. Knapp said were on some place near New Brunswick, or about there.

Q. Well, what was the final arrangement—state fully all they did? *A.* The final arrangement was, that provided I was willing to do it, Mr. Knapp would pay $5,000 in the Spring, on the farm.

Q. What was to be done with the farm? *A.* My

family and me was to move out on to the farm and I was to remain in New York—(Interrupted.)

Q. No, no. As to the conveyance of it; who was the farm to be conveyed to? *A.* I was to convey it to Mr. Knapp, and he was to convey it to my wife and children. I could not convey it to my wife and children except through a third party.

Q. Well, and he was to pay $5,000 down? *A.* Yes, sir.

Q. And another $5,000 in a year? *A.* Yes, sir. 10

Q. And that, you say, was the final arrangement?—*A.* Yes, sir; that was Mr. Knapp's offer; we had not exactly accepted it, yet it was open to my consideration and father's.

Q. Then that was to be done—it was to be conveyed back to your wife and children? *A.* Yes, sir; and he said that he would give me an instrument in writing to show in case of his death that such was his intention, and that it should be carried out.

Q. How long were you at this interview at the 20 house? *A.* Well, we were there—I think father got down about 10 o'clock in the morning, or so, and we were there probably until 3 or 4 o'clock.

Q. Did you and Mr. Knapp go there together? *A.* No, sir; I went over to the farm the night before, I think, and I think Mr. Knapp came down that morning from New Brunswick.

Q. Now, then, when did you next meet? *A.* Well, I went out to New Brunswick on that Saturday night from New York city, and saw my wife and children; they were 30 staying then with her father; and on the Monday morning in going to New York city, Samuel Knapp and I had some conversation on the bridge at the depot. This conversation occurred in the middle of the week that I mentioned, at the farm, and at the latter end of that week I went out again to New Brunswick from New York city, to see my wife and children, and that was about March second.

Q. Now, then, on March ninth—go on and state what occurred then? *A.* On March ninth, on the morning of that day—I had consented before that, and I told my brother-in-law—(Interrupted.)

Q. Well, I do not want to know that; I am speaking of the matters between you and Samuel Knapp? *A.* Well, I offered to go down to Jersey City and make the transfer that Monday morning.

Q. Well, did you go? *A.* No, sir; we went to
10 New Brunswick.

Q. And you went to the office of Mr. Woodbridge Strong? *A.* Yes, sir.

Q. Well, now, state what occurred there? *A.* Well, I was introduced by my father-in-law to Mr. Woodbridge Strong, and made known my object.

Q. Well? *A.* I told him we had made an arrangement to transfer my farm to my wife and children through Mr. Knapp.

Q. Well? *A.* I told him that Mr. Knapp had of-
20 fered to pay off the indebtedness of $10,000 on that farm, and was then to transfer it to my wife and children.

Q. Well, proceed? *A.* Well, Mr. Knapp and my wife both understood the arrangement, and heard me talking to him, and it was all said in the presence of all of us; then Mr. Strong proceeded to give directions to his son to make out the papers, and I think that Mr. Knapp went out on an errand, and then my wife and I went out for a little walk or a stroll and was gone for a while and then came back into the office; then Mr. Strong or his
30 son was preparing the paper, and we had some further conversation, and his son was then filling out the paper and we spoke about the agreement and arranged the terms of that.

Q. What agreement? *A.* The agreement in consideration of my transferring the farm to my father-in-law.

Q. What was said about that? *A.* Well, we instructed Mr. Strong to draw the agreement for a year,

mentioning or designating the property that was to be transferred, and that in consideration of this agreement I was to transfer the property to my father-in-law, and that he was to transfer it to my wife and children after that year, and that this agreement was to be for my protection, that it should be done.

Q. Within a year you say? *A.* Yes, sir.

Q. Was that afterwards changed to eighteen months? *A.* Yes, sir.

Q. Well, I want you to go on and state the whole thing? *A.* Well, Mr. Knapp proposed making it eighteen months instead of a year; then Mr. Strong asked me if I objected to that, and I told him that the original understanding was that it should be for one year; but I said to please Mr. Knapp, if it was more convenient to him, I would make it eighteen months.

Q. Eighteen months from what? *A.* From the date of the ninth of March, for him to transfer the property to my wife and children free and clear of all and any encumbrances.

Q. Go on and state what occurred after that? *A.* Well, Mr. Knapp agreed to do it and then after the papers were duly executed we proceeded to sign them; that is, I signed the deed to him and my wife too, and then I think he signed immediately after—signed the other paper—the deed and the agreement were both at that time on the table.

Q. Who drew the argeement? *A.* Judge Strong.

Q. How did the agreement come to be drawn? *A.* Well, that was the understanding previous to our meeting there, that I was to have such an agreement, and in the office; I being a stranger to Mr. Strong, and my wife and father-in-law being better acquainted with him, I left them to do most of the conversation, and the Judge suggested my having something to protect myself, and then I told him that that was the understanding, and I left it to him to word it.

Q. Then Judge Strong suggested it? *A.* Yes, sir;

I had not said anything to the Judge about the agreement, but it had been spoken of prior to that; and then when both the agreement and the deed had been signed, we glanced them over, and Mr. Knapp handed Judge Strong his deed, and I handed him my agreement, and he told Mr. Strong to send that deed to Freehold and have that recorded; and then I said to Mr. Strong send this down and have this recorded too; and Mr. Knapp objected to it going on record; that is, the agreement; and then Lizzie called me on one side and said for me not to offend pa; that he would do more for us if I let him have his way; and that I could give her the paper and she would give it to me afterwards, and I could then have it recorded; so she asked Judge Strong for the paper and I told him to let her have it, and he then handed it to her.

Q. Do you remember whether he or you handed it to her? *A.* I think he did; he either handed it to me and I handed it to her, or else he did; but my impression is, that he did; but I am not positive which of us, at this time.

Q. What, if anything, did you tell her to do with it? *A.* I told her to be sure and take good care of it. I was going on to the city that morning, and I said I would be around town all the forenoon, and that perhaps I might lose it if I took it with me; thinking that if I could not trust my wife I didn't know who I could, as it was as much to her interest to protect it, as mine, as it was intended to protect her and the children.

Q. I ask you what was said, not what you thought. Just confine yourself to that—to what was said and done? *A.* Well, that ended the business there; and then I rode with them from Judge Strong's office to the depot, and went on to New York; and that night I told my brother-in-law that I had transferred the farm to my father-in-law and—(Interrupted.) *Defendants' counsel objected.*

Q. Never mind that now; after that, you say, you went to New York; when did your wife get home? *A.* At my farm do you mean?

Q. Yes, sir; or where did she go? *A.* She was staying that winter with her father and mother.

Q. Well, where next did you see her? *A.* I came out to her father's the following Saturday.

Q. At New Brunswick? *A.* Yes, sir.

Q. And you saw her there, did you? *A.* Yes, sir.

Q. At her father's? *A.* Yes, sir.

Q. Well, did you see the agreement there, or not? *A.* No, sir; but I asked her for it.

Q. *By the Vice Chancellor.* On the following Saturday night? *A.* Yes, sir. 10

Q. *Further Direct.* Well, you asked her for it; what then? *A.* I asked her for it on Sunday and on the following Monday morning, and she replied, saying, that it was packed with her jewelry and valuables, at the bottom of her trunk, and when she got down to the farm she would give it to me; she expected to be ready to move down to the farm that week some time; the next time I saw her—I think I did not see her again until I went down to the farm, a day or two in advance of her, preparing things, and then after she moved down—(Interrupted.) 20

Q. State how long after that it was that you next saw her? *A.* I don't remember whether she came there that week or the following week.

Q. Well, it was within two weeks, about? *A.* Yes, sir; it was inside of that time.

Q. And that was at your house? *A.* Yes, sir.

Q. In Holmdel? *A.* Yes, sir.

Q. Did you see the agreement then? *A.* No, sir.

Q. Have you ever, since the time you or Judge Strong handed that agreement to your wife, seen it again? *A.* I have never seen it. 30

Q. Have you ever had possession in any way, of that agreement, or seen it since that time? *A.* Never, in any way, since I left it in my wife's possession.

Q. Have you asked your wife for it? *A.* Very frequently.

Q. Now, what were the terms of that agreement?

A. That in consideration of the transfer to my wife and children—(Interrupted.) *Defendants' counsel objected*, until he had first cross-examined witness upon the subject of the agreement.

Q. Cross-Examined by Mr. Allen. How long were you at the house, Mr. Golden? You say that you were in New York city at different times. Now, how long at any one time were you at the house? *A.* Well, when we first moved there, and before she moved there, I was
10 there a number of times; because I had stock there and was interested in it. I was over there the third of March the first time, and made arrangements with a man to look after my stock until I was ready to move down there.

Q. Did you and your wife occupy the same room where this trunk was? *A.* The trunk was up at New Brunswick at that time.

Q. Well, did the trunk come down to the house at the farm? *A.* I suppose it did, there were several trunks came down.

20 *Q.* Well, I ask you if it did? *A.* I could not tell you, but she told me after we got down to the farm that she had it and would give it to me.

Q. That she had what? *A.* That she had the agreement.

Q. She told you that she had it, down to the farm? *A.* Yes, sir.

Q. By the Vice Chancellor. Do you mean to say, that at your house, on the farm, she admitted having it in her possession? *A.* Yes, sir.

30 *Q. Further Cross-Ex.* You say, she admitted having it still in her possession? *A.* Yes, sir.

Q. Did she say then where it was? *A.* No, sir; she never gave me to understand what trunk it was in.

Q But she admitted having the agreement after having moved on to the farm? *A.* Yes, sir.

Q. How long after she moved on the farm did she admit having it? *A.* Very shortly.

Q. Did she say when it was then? *A.* She did not.

Q. Did she say whether it was in the bureau draw, or in the trunk, or where? *A.* She did not.

Q. Where was the trunk at the time she said she had the agreement at the farm? *A.* I don't know what trunk she deposited her valuables and jewelry in.

Q. You did not? *A.* No, sir; she had several trunks.

Q. How long was it after she and you first moved on the farm that she said she had that agreement; was it one or two days, or a week? *A.* Well, I do not remember. 10

Q. Was it day time or night that you had the conversation in which she said she had that agreement? *A.* I think it was in the evening.

Q. Was it in the bed room or down stairs, or where? *A.* In the bed room.

Q. Did you then ask her to give it to you at that time? *A.* I asked her for it and told her I wanted to take it to Freehold and have it recorded.

Q. When she said she had it, did you ask her for it that evening? *A.* No, sir; not that evening. 20

Q. About how long was that conversation; was it five minutes or half an hour—I mean the conversation in reference to the agreement? *A.* It was not more than a few moments—it was among other conversation—I just asked her if she had it.

Q. Was that the only conversation that evening in reference to that agreement? *A.* Yes, sir.

Q. I understand you to say that was the first. Now, when was the next? *A.* The next was some time when I was going up to Freehold. 30

Q. How many days after the first? *A.* I do not remember.

Q. Did you go with her? *A.* Yes, sir.

Q. It was in the house the talk was? *A.* Yes, sir.

Q. Day time or night? *A.* I think, probably night and morning both, I asked for it.

Q. What answer did she give you? *A.* An evasive

answer; I do not remember the exact words; she said there was time enough for me to have it, and that she did not want it put on record.

Q. Did she say she had it? *A.* She did not say she hadn't it.

Q. Did she say she had it, I ask you? *A.* She had said so previously.

Q. Did she at this conversation? *A.* I did not ask if she had it in that conversation, but she did not say she
10 did not have it.

Q. You did not ask her then? *A.* I asked her for that paper because I was going to Freehold.

Q. What did she say? *A.* That she did not want it to be recorded. That it was good enough as it was, or words to that effect. I do not remember the exact words.

Q. Did she say anything about its being lost? *A.* No, sir; I never heard of its being lost until this suit was begun.

Q. And she did not say whether she had it or not?
20 *A.* Not at that time; but previous to that she had.

Q. Well, I am talking about this conversation? *A.* No, sir; but I supposed she had it.

Q. Well, I don't want to know what you supposed; what did she say? *A.* Well, she evaded the question, saying in answer that it was not necessary for me to take it to record.

Q. Did she ever say that she had or that she did not have it? *A.* She did not say she had it or that she did not have it.

30 *Q.* Now, when was the next conversation? *A.* I cannot tell you; but I asked her a number of times through the summer.

Q. Was there another? *A.* Yes, sir; several others at different times.

Q. Well, let us have the third one? *A.* I could not tell you the exact time or date.

Q. Well, I want to know what the third conversa-

tion was; do you recollect asking her a third time for it? *A.* Yes, sir; I did, frequently.

Q. At any of these subsequent conversations, after the second, did she say that she had it? *A.* She evaded giving me a direct answer.

Q. Did she say she had it? *A.* She did not say either way.

Q. Did she say it was lost? *A.* She did not.

Q. At any time? *A.* At no time; that was the first year—the first Summer. 10

Q. Well, then, the second Summer; did you ask her the second Summer? *A.* I did.

Q. Did she say she had it? *A.* She said it was not in her possession.

Q. That was the Summer of 1875? *A.* Yes, sir; the Summer of 1875.

Q. Did she say where it was? *A.* She said it was in the hands of a third party, but she could get it if she wanted it.

Q. Did she give the name of the third person? *A.* 20 She did not. I asked her who it was that had it.

Q. And she said she could get it if she wanted too? *A.* Yes, sir; she remarked to me at one time that she could get it within twelve hours.

Q. Did she give you the name of that third person? *A.* No, sir; although I asked her.

Q. And she declined to give it? *A.* She refused to tell me and then I asked her if it was uncle Johnny Phillips had it, and she made no answer, and I asked her if her father or brother had it and she would not admit 30 anything.

Q. Then after you proposed these names and she refused to tell you, did you have any further talk about the possession of it being in a third person? *A.* Not for some time after that.

Q. Has she ever changed the features of that talk, that it was in the hands of a third person? *A.* No, sir; not that I know of.

Q. Re-Direct Ex. You said you had not either seen it or had the possession of it? *A.* Yes, sir.

Q. Has anybody with your consent, or knowledge, or connivance had the possession of that paper? A. No, sir; except my wife.

Q. And you have asked her repeatedly for it? *A.* Yes, sir.

Q. And have never yet seen it? *A.* No, sir.

Q. She said it was in her room; now did you ever
10 see it in any room of hers? *A.* No, sir.

Q. Or in her trunks? *A.* No, sir; and I never knew in what room it was.

Q. Now tell us the terms of that agreement? *Objected to. Admitted.*

Q. You stated that you were at Mr. Strong's office and what occurred there? *A.* Yes, sir.

Q. Did you or not see this agreement in the first place? *A.* Certainly; I read it and Mr. Knapp read it, and I think my wife read it.

20 *Q.* After it was drawn? *A.* Yes, sir.

Q. Before or after it was signed? *A.* After it was signed? No, before it was signed.

Q. Have you any knowledge of its contents? *A.*—Certainly.

Q. Just state now the contents of this instrument? *A.* Well, it set forth that in consideration of the said Samuel Knapp having agreed to pay off the indebtedness on the farm, and to transfer the same within one year or eighteen months to my wife and children, that in consid-
30 eration of that I deeded the farm to him. The only consideration I received was that he would transfer it to my wife and children within a year or eighteen months, as he afterwards got us to put in.

Q. You forget that you are giving the contents not verbally; I do not ask you that, but the substance of the contents of that instrument. *A.* Well, it designated, that is, it commenced in this way: "Whereas, Peter S. Golden, &c."—(Interrupted.)

Q. By the Vice Chancellor. You say and so forth; please repeat what it was? *A.* I do not remember the exact phraseology, not being well versed in legal matters.

Q. Well, Mr. Vredenburgh desires you to state all you remember of the contents, as far as you can; but you say, and so forth; instead of saying that, say as much as you remember? *A.* Very well, sir.

Q. Further Direct. Now, you had got to where the said Golden; now, proceed? *A.* "Of the township of Holmdel, and State of New Jersey, hath this day conveyed to Samuel Knapp, of Piscataway, his said farm," giving the situation, "therefore, upon doing which, the said Samuel Knapp agrees, within one year or eighteen months, to transfer the said farm free and clear of all and any encumbrances, to the said Elizabeth W. Golden, and her children." It was then witnessed by the two clerks in Judge Strong's office.

Q. Do you know who the clerks are? *A.* His son, I think, is in Europe, and I was not acquainted with the other. I was a stranger in the office when I went in, and I was not introduced to the young men, yet I think one of them was his son.

Q. You have already come to the point of time in answer to your cross examination by Mr. Allen, as to your asking your wife for the agreement; and you have said that she did not tell you where it was; and since that time you said you had repeatedly asked her for it, and that you had not seen it? *A.* Yes, sir.

Q. Now, as to the occupation of the farm; how has the farm been occupied since that time. In the first place, in 1874, did Mr. Knapp and his wife come there? *A.*—After my wife first moved down, in 1874, she went back home, and there her little boy was taken sick and she was not able to come down there, and her father and mother came down and staid on the farm with me until she was able to come back.

Q. They were down there while she was attending to her sick child? *A.* Yes, sir.

Q. How long did they stay? *A.* I do not remember; but they were backwards and forwards during the Summer, at New Brunswick, and were at my place at different times.

Q. How was the farm worked at that time? *A.* I designated the tills and crops to be put on that farm, and told my father-in-law what fields I wanted planted with corn and potatoes, &c., and he planted and attended to them according to my wishes.

10 *Q.* Did you put out any fields? *A.* I put out that year one back field and one small field to William Antonides; but they were unable to till the whole of it, and so they gave up the back field and tilled the little field; and after that I saw Mr. Dual, a neighbor, and told him he could have that field for planting corn; and I told my father-in-law to make arrangements with him, and Mr. Dual took one field for 1874. Then there was another field that I wished him to put out to Mr. Stewart, and he put it out to another man.

20 *Q.* Did you go over in the Summer? *A.* I came over and put in the hay and harvest myself. Mr. Knapp made a beginning, I think, of one or two days in hay, but the oat harvest I put in myself, and the principal part of the hay. He was down once in a way, and staid with us and then went back to New Brunswick.

Q. Afterwards, in the Fall—what occurred in the Fall as to your living there; did Mr. Knapp and his wife continue there during the Winter? *A.* No, sir; they went up to New Brunswick.

30 *Q.* Who occupied the farm? *A.* I came over there and my wife and family were there and spent most of the Winter there. I remained there until about December eighth—until Mr. Knapp ordered me off the place.

Q. You was there that Winter of 1874 and 1875? *A.* Yes, sir.

Q. When did he order you off the place? *A.*—Well, along in the Fall of this last year.

Q. The Fall of 1876? *A.* Yes, sir; or rather, the Fall of 1875 I should say.

Q. Well, we have only got the Winter of 1875; now during the year 1875 how was the place occupied? *A.* By me; I hired the hands. Well, in 1874 I left a flock of sheep on the farm to pay the expenses of the farm, and a couple of hundred bushels of corn and potatoes to plant, and found everything for planting the ground on the farm, and there was forty odd barrels of potatoes, I guess I left, for planting and eating. 10

Q. What was done with that? *A.* It was fed up on the farm and part was sold, which Mr. Knapp received the money for.

Q. One of the mortgages was cancelled in the Spring of 1874? *A.* Yes, sir.

Q. Now, the mortgage of $10,000—who paid the interest on that? *A.* Mr. Knapp, in the Spring, 1875; he paid the year's interest and $1,500 of the principal.

Q. You say he got this corn and other things you have mentioned? *A.* Yes, sir. 20

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Q. Who got the corn and these other things in the year 1874? *A.* I left that on the place to run the farm with.

Q. That was there for the benefit of the farm? *A.* Yes, sir.

Q. When did you go to the farm to live permanently? *A.* I left my business in the city about the tenth or twelfth of December; somewhere about that. 30

Q. What year? *A.* 1874.

Q. Well, proceed? *A.* And I was on the farm and have been on the farm since that.

Q. Then you went on the farm the last of the year of 1874? *A.* Yes, sir.

Q. To live there? *A.* Yes, sir.

Q. With your wife and family? *A.* Yes, sir; well, I did not know but what I might go back to the

city if there was a prospect of getting back my business, for the real estate business was very poor then.

Q. Well, you did go back to the farm; did you stay there from that time until the time you say your father ordered you off? *A.* Yes, sir.

Q. That was when? *A.* That was December and January.

Q. In January, 1876? *A.* Yes, sir.

Q. When he ordered you away from the farm?
10 *A.* Yes, sir.

Q. Now in December, and from December through the Winter of 1874 and 1875, who occupied that property actually; who was on the property? *A.* I occupied it.

Q. With whom? *A.* With my wife and family.

Q. Was Mr. Knapp there that Winter? *A.* Oh! yes; he came down once or twice afterwards on a visit.

Q. Now, the next year, who farmed the farm? *A.* I commenced paying the hands myself; on the first of March, 1875, before that, Mr. Knapp had hired some
20 hands for me, he and my wife together, and they paid them together and sometimes I did myself.

Q. You say that Winter Mr. Knapp came down, and that he came down and hired hands; now, when did he come down again? *A.* He never came to stay or make a permanent visit, until July.

Q. July, 1875? *A.* Yes, sir. Mrs. Knapp came in May sometime, or the first of June.

Q. And Mr. Knapp, when? *A.* He went out West, and came back sometime in the forepart of July, when I
30 was through harvesting.

Q. Your family and they resided together? *A.*—Yes, sir.

Q. Did he stay on the farm constantly, from July, 1875, until he ordered you away? *A.* Pretty much.

Q. Pretty nearly constantly? *A.* Yes, sir.

Q. Do you know whether he ever left his residence in New Brunswick? *A.* He brought no personal property down with him except a carriage and horses, when

he came to the house, that he claimed as his own; but he bought a team of horses and gave my wife.

Q. Had he a house at the same time at New Brunswick? *A.* Yes, sir.

Q. Do you know how that was occupied? *A.* His son, I think, moved out there in May, 1874.

Q. And since January you have not been in possession of the property? *A.* No, sir; not since January, 1876.

Q. After the expiration of the eighteen months— that would have been sometime in September, 1875—did you demand, or ask, of Mr. Knapp the conveyance to be made in accordance with the terms of that agreement? *A.* I asked him if he was ready to fulfill that agreement. 10

Q. When did you ask him? *A.* Sometime in September, I think.

Q. What year? *A.* 1875.

Q. What did he say? *A.* I do not remember what he said.

Q. Did he do it? *A.* He did not. 20

Q Did you speak to him after that about it? *A.*— I spoke to him in the latter part of December; sometime in the middle or latter part there was something said about it.

Q. What did you ask him? *A.* Well, we had a little row, and I told him I thought it was about time to settle up, and have things fixed as had been agreed upon. He was collecting some money of mine from the steamboat.

Q. Well, never mind; you asked him to have things settled up? *A.* I saw I could not do anything with him, so I went up to have a talk with his son. 30

Q. Never mind the son; what did he say about it? *A.* I do not remember; he was very angry, and ordered me out of the house.

Q. He did not do it? *A.* No, sir.

Q. Is that the last or not, that you have seen of your

father-in-law, when he ordered you out of the house, and you went out? *A.* Well, he gave me until the next February; he told me one morning.

Q. In September he ordered you out and you did not go until February? *A.* Well, I thought he did it under an impulse of anger, so I did not pay much attention to it; but in January he ordered me off again, one morning, and said he would give me until the first of February to go out and get away, and I went the twenty-
10 sixth of January.

Q. Have you been back since? *A.* No, sir; except to see my wife and children.

Q. Since the suit was commenced you went down to see them? *A.* Yes, sir; occasionally.

Q. You have not lived there at all since? *A.* No, sir.

Q. As to Mr. Samuel P. Knapp, state what knowledge and information from you he had in reference to the agreement of your father-in-law, and when that informa-
20 tion was given to him? *A.* On the evening of the ninth of March, at my place, No. 957 6th avenue, I told him what I had done; I told him I had transferred the farm to my father-in-law, and that he had given me his agreement that within a year or eighteen months he would transfer it to my wife and children.

Q. Go on, what did he say? *A.* Well, he said he thought it was a very good plan, and was glad I took his advice or words to that effect; I do not remember the exact words he used.

30 *Q.* Did you see him about the time, or a short time before that, on the bridge at New Brunswick in reference to this matter? *A.* I think that was about March second, on Monday morning, as he and I were going to New York city, that we had a conversation on the bridge.

Q. You say that was March second? *A.* I think it was.

Q. Well, sir; what did you tell him in reference to giving him any information; and if so what was it, in ref-

erence to what was intended to be done by you and your father-in-law? *Objected to by Mr. Allen. Admitted.*

Q. What was the conversation between yourself and Samuel P. Knapp. *A.* He advised—(Interrupted.) *Objected to.*

Q. You say that you saw him on the ninth of March and told him then what you have said? *A.* Yes, sir.

Q. Did you see him after that in reference to this matter, and if so when, and what occurred between you? 10 *A.* I will correct that about it being the evening of the ninth of March; it may have been another evening.

Q. Well, about that time? *A.* About that time; it may not have been the evening of the ninth; Mr. Knapp may not have been in that evening, but it was the first time we met together in the office.

Q. Now go on to the next occasion that you saw Samuel P. Knapp in reference to this matter? *A.* I went to see him in the Fall; he was very busy and could not see me. I think I went up to see him in December 20 twenty-third, and staid all night in order to see him the next day. That was on the twenty-third day of December. I met him at his office, or saw him there, and he said he was going out of town, but would get home at nine or ten that evening; and I told him I would stay all night and see him the next morning.

Q. When was that? *A.* December twenty-third, 1875.

Q. Did you see him then? *A.* I saw him on the morning of the twenty-fourth. 30

Q. Where? *A.* At his boarding place, Mrs. Deans, No. 955, or 953, Sixth Avenue.

Q. When was this? *A.* I think it was on the morning of the twenty-fourth.

Q. Where did you see him? *A.* I saw him in the morning in the parlor of Mrs. Deans' house; he said he had not time to talk to me then, as he wanted to go down

town; and told me to meet him at his office, No. 1 State street, between eleven and twelve.

Q. Did you see him then? *A.* I did.

Q. What occurred then? *A.* We had some conversation, and I told him that his father had been collecting money from the proceeds of the place, and that I had no money to pay my hands with and carry on the business; and I had been compelled to borrow $200 of my father; and that I wanted him to go over there, for I
10 wanted some understanding with the old gentleman, because he had refused to fulfill the agreement.

Q. You told him that the old gentleman refused to fulfill his agreement? *A.* Yes, sir; and that he was taking my property away from me.

Q. What agreement did you refer to? *A.* The agreement to transfer the place to my wife and children; and I told him that if his father did not fulfill it within ten days, I would have to take measures to compel him to do it, and that I should put the matter in Chancery.

20 *Q.* What did he say to that? *A.* He replied that I might do it and be—I forget what language he used, but he said that he would meet me on the spot, or something of that kind.

Q. What then? *A.* He reconsidered the matter, and appointed a time to meet me, and said he would come over and see me in a few days—five or ten days—and asked me to wait a few days, and said that he would come over and see me. Then I said that I was going to work it in some shape so as to get the benefit of it to my wife
30 and family; and he said he would meet me, and arrange between my father-in-law and myself.

Q. When did you afterwards hear, or when did you first hear, that in January after that, Mr. Samuel Knapp had conveyed this property to Samuel P. Knapp? *A.*—Not until I had put my business in your hands, sir, in March.

Q. When the search was made at the Clerk's office? *A.* Yes, sir.

Q. Did Samuel P. Knapp give you any notice or information that he intended—I mean in December, 1875—that he intended to get this deed from his father? Not at all.

Q. Cross-Ex. by Mr. Haight. In 1872 real estate had depreciated, had it not, in Monmouth County and all over? *A.* I don't know as it had in Monmouth County.

Q. Do you say it had not? *A.* Not to my knowledge.

Q. Had not? *A.* I don't know of any farms that were sold at a depreciation. I was not in New Jersey much at that time. 10

Q. Do you know what the value of the real estate was? *A.* It had not declined at that time, in 1872.

Q. Was not $17,000 a fair consideration for this place in 1872; was it not all it was worth? *A.* No, sir.

Q. You think it was worth more? *A.* I do.

Q. Now, sir, prior to your wife and Mr. Knapp coming down to your father's house on that Sunday, which was the first time you speak of, had you not been trying to persuade her brother, Samuel P. Knapp, to buy this farm? *A.* No, sir. 20

Q. Was he not, prior to that time, negotiating for a house in New York city for your wife? *A.* He was.

Q. S. P. Knapp, I am talking about? *A.* Yes, sir; he and his father together.

Q. My question is, if Samuel Knapp was not in negotiation for a house for your wife in New York? *A.* Yes, sir.

Q. That was prior to the time of their coming down to Freehold, was it not? *A.* Yes, sir. 30

Q. At that time your wife was living at New Brunswick with her father? *A.* She spent the Winter there.

Q. Well, she was living with him at that time? *A.* Yes, sir.

Q. And you were at New York, in business there? *A.* Yes, sir.

Q. On the different visits that you made out there,

did not you try and get her to see your brother-in-law, Samuel P. Knapp, who was interested in buying her house, to negotiate with you to buy the farm for her? *A.* No, sir.

Q. What? *A.* She wanted her money placed in security; they offered to buy her a house and lot, and she asked me whether it would not be better to pay off the mortgage on the farm and have me transfer the place to her and the children, so as to secure the place to them.

10 *Q.* Did not you prevail upon your wife to go to Samuel P. Knapp and ask him not to buy her house, but to buy the farm instead? *A.* I did not.

Q. Did you not prevail upon your wife to use her influence with your brother-in-law to buy the farm instead of buying the house in New York? *A.* No, sir; I never heard Samuel P. Knapp's name mentioned; it was her father that was giving her this money to buy the house.

Q. Do you say it was her father? *A.* So she told me.

20 *Q.* Were the negotiations through Samuel P. Knapp? *A.* Well, I looked for a house, and Samuel P. Knapp looked for a house, and then his father came down.

Q. Don't you know the negotiations were with Samuel P. Knapp? *A.* Well, I expected Samuel Knapp would buy the house.

Q. You don't know who was going to pay for it, do you? *A.* No, sir.

Q. Did you go to New York to see Samuel P. Knapp
30 and request him, prior to your father-in-law and wife coming down to Freehold to see Mr. Golden, did you go and see Mr. Samuel P. Knapp and tell him that his sister wanted to see him in New Brunswick? *A.* I have no recollection of it.

Q. Did not you ask him to go down that very night to see her? *A.* She may have asked me if her brother was coming out that night, and I probably did; if she asked me to notify anybody, I did so.

Q. Did not he tell you that he would come out in a few days? *A.* I don't remember.

Q. Did not he come out in a few days, and come back to you and tell you, that your wife told him what you wanted her to do? *A.* No, sir.

Q. You are positive? *A.* Yes, sir.

Q. Did not he tell you that your wife wanted her brother, Samuel P. Knapp, to buy her a farm? *A.* No, sir.

Q. When you were down at Freehold you say your wife and Mr. Knapp came down there—and was she present at the conversation between Mr. Knapp and your father? *A.* Part of the time; she was in and out of the room. 10

Q. That conversation was in reference to the purchase of the farm, was not it? *A.* Yes, sir.

Q. I understood you to say that no conclusion was arrived at that time? *A.* Not definitely.

Q. You did not agree to sell it? *A.* No, sir.

Q. Then, I understand, you made an appointment to meet down to the farm the next week, on Wednesday? *A.* I think so. 20

Q. Was your wife down there the next time? *A.* She was not.

Q. You are positive? *A.* I am.

Q. Was not she at the house? *A.* No, sir.

Q. And there you had about the same conversation as you had at Freehold? *A.* Yes, sir.

Q. Did you come to any conclusion with reference to it? *A.* We did not finally consummate it. 30

Q. Well, you had it under advisement? *A.* Yes, sir.

Q. Did you agree at that time to fix it up—did you make any arrangements to fix up the property? You say there was no final arrangement made at that time. You did not agree to let him have the farm for seventeen thousand dollars. You say they had agreed to buy it, and pay

that; but it had not been consummated then, had it? *A.* No, sir.

Q. You only talked about the preliminaries? *A.*—Yes, sir.

Q. You at that time were engaged in the real estate business in New York city? *A.* I was.

Q. Prior to this ninth of March, 1874, when this conveyance was made, you came from New York on Saturday night; and this was on Monday, was not it? *A.*—
10 Yes, sir.

Q. On Saturday night you went to see Samuel P. Knapp, and got him to go out to New Brunswick with you? *A.* Not that I remember.

Q. Did not you go out together? *A.* He sometimes came out on Sundays.

Q. Well, did you not go out on that Saturday night? *A.* I don't remember.

Q. Did you and Samuel P. Knapp, and your wife talk with reference to the purchase of this farm on Sun-
20 day, and did not you ask him twenty-two thousad dollars for it; and he told you he would not pay any more than the encumbrances for it? *A.* No, sir.

Q. Did you have any such conversation in the presence of your wife and father, and Samuel P. Knapp? *A.* We might have had some desultory conversation.

Q. You was anxious to fix it up at that time? *A.* No, sir.

Q. No? *A.* Well, I was not so anxious.

Q. Did you have a conversation about it on Sunday;
30 did not you talk the matter over thoroughly, and you refuse to take seventeen thousand dollars for it? *A.* We may have talked about it.

Q. Did you come to any conclusion with reference to it? *A.* We had come to a conclusion previous to that with my father, and it only needed consummating.

Q. You said you had not come to any conclusion about it? *A.* Yes, sir; we had; provided I was willing to give him the deed for a year; we had not come to a

definite conclusion about my giving the deed to him for a year, yet.

Q. Did you not, down at your father's, demand a higher price than seventeen thousand dollars for it? *A.* Yes, sir; I told him that if he was going to buy it I wanted so much for it; but if he was going to make the deed to my wife and children, I did not mind.

Q. Did you not tell them that you would have nothing left if it was sold for the encumbrances? *A.* There was no talk of selling it. 10

Q. Did you not talk of selling it? *A.* No, sir.

Q. Did you not ask twenty-two thousand dollars? *A.* No, sir.

Q. Did you have any such conversation? *A.* I may have said that it would bring twenty-two thousand dollars.

Q. Did you not ask Samuel P. Knapp twenty-two thousand dollars for it? *A.* I would not sell the farm at any price; it was a family heir-loom and I wanted to keep it. 20

Q. How could you keep it? *A.* By paying interest.

Q. How? *A.* By selling some of my other property.

Q. How much property did you have? *A.* I had some then, but I don't know what it would have brought.

Q. Have you sold it since? *A.* Some of it.

Q. Did you have enough to pay the seven thousand dollar mortgage? *A.* Not enough to pay the entire amount. 30

Q. Well, how much did you have? *A.* Well, according to what my stock and property would have brought, probably it would have cleared me three to five thousand dollars.

Q. What stock do you mean? *A.* I owned stock.

Q. Did not Mr. Samuel P. Knapp buy most of the stock on that place? *A.* I mean other stock; I don't

mean the stock on the farm, but I mean property stock.

Q. What kind of stock did you mean? *A.* Stock consisting in an interest in mining operations.

Q. Where; out in Colorado? *A.* Well, it was in coal and iron stock, in New Jersey and Pennsylvania.

Q. How much did you have? *A.* I invested two thousand dollars, and in 1864 it paid me thirty per cent.; and it did so for one or two years, and then the speculators enlarged the business.

10 *Q.* When did you say it paid that? *A.* In 1864.

Q. What was it worth in 1874? *A.* I don't know.

Q. You don't remember any conversation between you and S. P. Knapp, when you got him to go out there on a Sunday? *A.* I do not remember getting him to go out.

Q. Well, you do not remember any conversation, if he was there on a Sunday? *A.* No, sir.

Q. Did you go down to the depot with him on Monday morning, the day the conveyance was made? *A.*—
20 Yes, sir.

Q. Then he was there on Sunday? *A.* Yes, sir.

Q. Then you remember it now? *A.* I never denied it.

Q. You know he was there the Sunday prior to this Monday morning? *A.* Yes, sir.

Q. Did you have a conversation with him in reference to this thing? *A.* I do not remember.

Q. Did you have a conversation when you went down to the depot? *A.* I do not remember.

30 *Q.* Did you have a conversation at the depot with reference to the sale of this farm to him? *A.* We did—not with reference to selling it to him.

Q You had no conversation with reference to selling it to him? *A.* No, sir; not at any time did I ever have a conversation about selling him the farm.

Q. Did you not at the depot, on that Monday morning prior to going to New York city, agree to sell him this farm for seventeen thousand dollars? *A.* I did not.

Q. Did you have a conversation at the depot with Samuel P. Knapp, with reference to his buying this place? *A.* I did not.

Q. Did you not agree to sell it to him there? *A.* I did not.

Q. Did he not give you a letter to take to his father, stating that he had purchased the farm of you at a certain price, and as long as he had gone to New York city he would like his father to go look after the conveyance? *A.* No, sir. 10

Q. Did you have any such conversation? *A.* No sir.

Q. Now, with reference—after this deed was made, the buildings were repaired and painted, were they not? *A.* No, sir; the house was painted and some little repairs were done to the house.

Q. Who done that? *A.* Mr. Knapp.

Q. Which one? *A.* The older.

Q. Did not Samuel P. Knapp pay the bills for it? *A.* No, sir. 20

Q. Did he not furnish the money? *A.* Not that I know of.

Q. Don't you know who did? *A.* Well, at the depot that morning he said the house needed painting, and he would send over the paint for it.

Q. Did he do so? *A.* He did.

Q. Who did? *A.* Samuel P. Knapp.

Q. Did he send stock there? *A.* I had stock on the place, and then Mr. Samuel Knapp gave my wife a team of horses. 30

Q. Well, what other stock? *A.* I bought some and gave my note to Mr. Knapp, and that was paid from the proceeds of the farm.

Q. Who paid the hands and attended the working of the place? *A.* My wife.

Q. How do you know? *A.* Well, I gave her the money to do it with at first.

Q. I am talking about when the conveyance was

made? Did not they pay for nearly everything that was put on the place after that? *A.* They paid for some out of the proceeds of the place.

Q. Who had charge of it? *A.* Mr. Knapp had charge for me and my wife.

Q. You were in New York in 1874? *A.* Yes, sir.

Q. How much of the time? *A.* During the Spring of 1874; only came home Saturday and staid until Monday morning, generally.

10 *Q.* What proceeds were they from the place? *A.* Well, the sheep, lambs and wool.

Q. What else? *A.* Corn.

Q. The corn that was on the place prior to that time, a year before? *A.* Yes, sir.

Q. You say you did not know Mr. Strong; you all three went there together, did not you? *A.* I think we did.

Q. When did you have the understanding that you should make this conveyance prior to your going there?

20 *A.* I agreed with Samuel P. Knapp that I would consent to give my father-in-law a deed for one year, and he wrote to his father from New York that I had agreed to do so.

Q. Then the contract was finally consummated between you and Samuel P. Knapp? *A.* No, sir; but I consented on his advice.

Q. Now, I ask you what you told Samuel P. Knapp? *A.* I told him then I thought I would give the old gentleman a deed for a year.

30 *Q.* Where? *A.* At the depot.

Q. Did you go to New York? *A.* Yes, sir.

Q. Did you go to Mr. Strong's—that is, that morning? *A.* No, sir; it was the week subsequent to that; this was the second of March, and on the ninth of March I gave the deed; it was the second of March I had the conversation with Samuel P. Knapp.

Q. Did you tell Samuel P. Knapp to write a letter? *A.* I did not.

Q. What did you say about this letter just now? *A.* I said that he wrote a letter to his father, saying that I would give him a year.

Q. Did you take the letter? *A.* I think not.

Q. Do not you know? *A.* I think not; I was not out until Saturday night again.

Q. You did not inform old Mr. Knapp with reference to letting him have the property at all, except what he learned through Samuel P? *A.* Not until I went out on Saturday night. 10

Q. Was Samuel P. Knapp there? *A.* No, sir.

Q. On Sunday was he? *A.* No, sir; nor Monday.

Q. And on Monday you went to Strong's office?—*A.* Yes, sir.

Q. Did you meet Samuel P. Knapp there on the ninth or the second? *A.* On the second.

Q. You went to Strong's office, and you say that you did not do any of the talking? *A.* Well, I did some of it, of course.

Q. When you first went in there, did Mr. Strong and the old gentleman, Mr. Knapp, go by themselves and have a conversation? *A.* I think they did. 20

Q. You think they did? *A.* I think so.

Q. Do you know about that? *A.* I can not say positively, but my impression is they did.

Q. Did you have any private conversation with Mr. Strong? *A.* All that I said to Mr. Strong I said in the presence of my wife and my father-in-law.

Q. Then you had no private conversation with him? *A.* Not when we went in. 30

Q. Did you at any time? *A.* No more than he suggested to me that it would be proper and right for me to have an agreement prepared, and I told Mr. Strong that that was the intention before; and I asked him to draw it up.

Q. Was that in the presence of these parties? *A.* Yes, sir.

Q. Was there any objection made to it? *A.* No, sir.

Q. You say you remember the terms of the agreement? *A.* Some of them.

Q. Wont you give me the language of the agreement he gave, as near as you can—it was a short agreement, was it not? *A.* It was an agreement covering somewhere about like that, (pointing to sheet legal cap.)

Q. Now, what was the language of the agreement?
10 *A.* Of—in consideration of—that Samuel Knapp, in consideration of my deeding the farm to him, would pay off the encumbrances upon it, and within one year or eighteen months pay off the indebtedness on the farm, and transfer the farm free and clear of all and any encumbrances to the said Golden's wife and children.

Q. Did it say wife and children? *A.* I am not positive whether it said wife and children, or wife and heirs; but wife and children was understood.

Q. But you can not say whether it was wife and
20 children, or wife and heirs? *A.* I can not say positively.

Q. You speak of being down at the house; was any one present but old Mr. Knapp and your father? *A.*—Mr. Dorrance was in and out, and during the day Mr. Bedle came up on business to see me.

Q. I spoke of in the room where you were talking? *A.* Yes, sir.

Q. You'r sure your wife was not there at the house that day? *A.* Certainly I am.

Q. Did you not go back with your father? *A.* I
30 think I went from there to New York city.

Q. Do you remember how long after it was that you saw your wife, from that time? *A.* When I went out to New Brunswick again next.

Q. On the Saturday following you saw your wife, did not you? *A.* Yes, sir.

Q. During all this time no memorandum had been made of the arrangements proposed between you and either one of the Knapps respecting the farm? *A.* No

written memorandum was made that I know of; I may have made a little memorandum on my journal, but I do not remember.

Q. Now you have spoken of sheep being on the farm; how many were there? *A.* I owned twenty, and Mr. Bedle owned seven.

Q. The twenty were yours? *A.* Yes, sir.

Q. What were they worth? *A.* There was twelve Southdowns that were worth probably—(Interrupted.) *Objected to.* 10

Q. What other stock was there of your own? *A.* I had three hogs and some poultry.

Q. What other property? *A.* There was twenty-five bushels of oats, and a few bushels of rye and wheat left there by Mr. Bedle for me.

Q. Do you speak of them as being your own? *A.* Yes, sir; it was left by Mr. Bedle in 1873, and was my own.

Q. And that staid in 1874? *A.* Yes, sir; it was produced in 1873, and left there until the Spring of 1874. 20

Q. Was that purchased in 1873 by yourself as your property? *A.* Yes, sir.

Q. Is that what you mean? *A.* Yes, sir.

Q. Now the sheep and corn, without going through the different items on that farm, the produce you speak of, how much of it had you withdrawn and sold in 1874? *A.* I sold in the Spring, to Mr. A. H. Stewart, or rather, I hired him to cart potatoes for me, and I paid him in corn to the amount of ten or twelve bushels; and I sold twelve bushels to a gentleman who bought the farm near 30 by me.

Q. That makes twenty-two; now, how much more did you sell? *A.* I had a man on the farm to take care of my stock, from March the third to the ninth; and I let him have a bushel, or a bushel and a half.

Q. How much more? *A.* That is all.

Q. How many sheep did you sell? *A.* I sent off some lambs, and received twenty-five dollars that I gave

my wife to use for household purposes, and pay the hands.

Q. Some sheep died, did they not? *A.* The dog damaged the flock a hundred and nineteen dollars' worth; and Mr. Knapp bought seven sheep for me and afterwards gave them to my wife.

Q. I ask you how many sheep died? *A.* Two, I think.

Q. Two died; now that left eighteen? *A.* Well, the two that died, died out of the flock that was owned by
10 me and Mr. Bedle in partnership.

Q. Then half that died were of his flock, and half of yours? *A.* Bedle and I owned one flock together, and I owned a Southdown flock independent.

Q. Is that all you disposed of with corn and oats? *A.* I think he sold some.

Q. Who? *A.* Mr. Knapp.

Q. Anything else? *A.* We left the rest to feed up with; nothing else was sold except potatoes, and they was sold previous.

20 *Q.* You speak about paying the interest on the mortgage, who paid that? *A.* I paid it.

Q. In what way do you mean? *A.* My father-in-law advised me to borrow seven hundred dollars of him and pay the interest, and to leave produce on the farm and run the farm during the season, saying that I could pay that seven hundred at my leisure.

Q. You mean your father-in-law? *A.* Yes, sir.

Q. There was something said about paying the seven thousand dollars in your evidence, I think to your
30 father, that is to your own father; who paid that? *A.* I paid it.

Q. Sir? *A.* I paid my father seven thousand dollars originally.

Q. In what way, checks, bills or what? *A.*—Checks; Mr. Knapp gave me his check for one thousand dollars, and Samuel P. Knapp gave me his check for six thousand dollars, and I deposited it at the Middletown Bank, and gave my father a check.

Q. There was one previous to that? *A.* Yes, sir; I left that to my father's credit at the Bank at Freehold.

Q. By check or bills? *A.* By check, I believe, from Mr. Knapp; I do not remember how it was drawn.

Q. Further Direct. The mortgage your father-in-law held for seven thousand dollars; do you know whether he directed Mr. Strong to have that cancelled of record? *A.* He did.

Q. When? *A.* On the morning of the ninth.

Q. At this time—when these arrangements were consummated? *A.* Yes, sir. 10

Q. You were asked on your cross examination as to a conversation between yourself and Samuel P. Knapp, on some Monday morning; there was some obscurity about whether this was on the second or the ninth? *A.* It was on the second.

Q. What was that conversation in respect to this matter? *A.* Mr. Samuel P. Knapp advised me to humor the old gentleman's whim, and give him a deed for a year. I said I wanted it done right away; that the place had been in the family for a hundred and seventy years, and that I did not want it to be out of the family longer than was necesary to make the transfer; but he said: "Pooh, pooh, you may as well let him have the deed; it is only his whim, and he will transfer it free of all encumbrances; and" said he, "you may as well do it—let him have it for a year." 20

Q. That was the question you discussed at the depot? *A.* That was the only question.

Q. Told you, you might as well humor the old gentleman's whim, and let him have his way? *A.* Yes, sir. 30

Complainants' counsel offered in evidence the exhibits heretofore offered, A, B, C, D, E, and F, for identification; the same were received.

Complainants' counsel. Now I offer the deed from Samuel Knapp to Samuel P. Knapp, dated the fifth day of January, 1875, acknowledged the fifth day of January, 1876; recorded the eleventh day of January, 1876.

SAMUEL P. KNAPP, SWORN.

Q. By Mr. Vredenburgh. Was this deed—the original of the copy I have here—ever delivered to you? *A.* Did they deliver it to me?

Q. Yes? *A.* Certainly it was; I have it now, sir.

Q. Was it delivered before it was acknowledged? *A.* My impressions are, sir, that it was; but I can't say positively. You mean before it was signed, do you? Oh, no, sir; of course not.

10 *Q.* I mean by acknowledgment, this thing on the back; the man who took it first did not know how to take it, because he took the husband and wife's acknowledgment together, and without taking the wife's acknowledgment separately and apart; and then there was another attempt before a Mr. Leonard? *A.* Well, it was all acknowledged as it is now, before I got it.

Q. Then you did not get it until after the fifth day of January, 1876? *A.* No, sir. *Complainant rests.*

20 DEFENDANTS' COUNSEL THEN CALLED SAMUEL P. KNAPP; SWORN.

Q. By Mr. Haight. You live in New York city? *A.* I do; yes, sir.

Q. And are in business there, I believe? *A.* Yes, sir.

Q. You formerly lived in New Brunswick? *A.* No, sir; I never resided permanently there.

Q. You are the brother of Mrs. Golden? *A.* Yes,

30 sir.

Q. Samuel Knapp is your father? *A.* Yes, sir.

Q. Now, I wish you would just commence and state as briefly as you can, from the time of this marriage to your sister up to the time of the negotiations in relation to this farm, and your connection, and all your transactions with it, and so far as you know, of your father's connection with it? *A.* My sister married Mr. Golden, I think on the twenty-fifth day of September, 1867, if I

remember right. In the Winter, either before the first of January, 1868, or immediately after that, my sister came up to my father's house and stated in my presence, and in the presence of my father, that she could not live on the farm except Mr. Golden owned it; that she did not wish to live on anybody's farm except they owned it, because we had money enough to buy her a place if nobody else had; and my father then, in the course of a short time after that, came to my office in New York city and said that Mr. Peter Golden had been to see him with his wife, and that his father would sell him the farm—(Interrupted.) *Objected to.* 10

Q. I direct your attention in the first instance to this $7,000, for which a mortgage was given to your father? *A.* Well, my father came to my office and repeated to me—(Interrupted.) *Objected to.*

Q. I don't care what he said—what did you do with reference to this $7,000. *A.* Well, I can tell you what I done; I gave my father $6,500 to loan to Mr. Golden, towards making a payment to his father on the farm—(Interrupted.) *Objected to.* 20

Q. Now with reference to your knowledge of the transactions in relation to the conveyance of the farm, and the transactions that preceded the conveyance from Peter Golden to your father? *A.* About February first, 1874; or, in May, 1873, my sister was living in New York city, her and her family; and I was boarding them and paying all the expenses of herself and Golden, and her children, and furnishing his office, furnishing him with money and everything, and clothing him and clothing his family; and I told my sister—(Interrupted.) *Objected to.* 30

By witness. I said to my sister that I could not—(Interrupted.) *Objected to.*

By witness. Then on the first of May, my sister and her family went out to my father's—on the first of May, 1873—to New Brunswick, and remained there. I boarded in New York city, and Mr. Golden boarded at the same

house with me. During the Summer of 1873, and the Fall, my sister kept on saying—(Interrupted.)

Q. In the presence of her husband? *A.* Sometimes.

Q. Well, direct your testimony to those occasions when the husband was present? *A.* About the first of February, 1874, I was looking for a house for my sister in New York city; and I spoke to Golden, and told him that I was going to buy a house for my sister in New
10 York city; and I said to him, if you see any or know of any you think would suit her, I wish you would let me know. A gentleman in Fifty-third street came in my office one day, and said his sister wished to sell her house.

Q. In the presence of Golden? *A.* Yes, sir; and Golden said to me "May be, Samuel, that might suit Lizzie." I said I would go and look at it. Mr. Golden went with me, and he liked the appearance of the house very much; then I asked what the price was and he told me; then I wrote a letter to my father and sister to come
20 down and see it, and stating that I liked the house very much. They came down and came to see me at my boarding house, and wanted to know what I thought of it.

Q. Was Golden there? *A.* Peter Golden was there, and I told them that I liked the house, and that if he could buy it at $20,000 to buy it. Then my father, and Peter Golden, and sister went along to see the house—(Interrupted.)

Q. Were you negotiating for a house a short time prior to the sale of the farm? *A.* Yes, sir.

30 *Q.* And the negotiation fell through? *A.* Yes, sir.

Q. For what reason? *A.* On account of the parties refusing to let the mirrors and gas fixtures go in; so I withdrew the offer.

Q. After that fell through did Mr. Golden come to see you then in reference to this farm? *A.* Yes, sir; about a week after that Golden came down on a Monday, to the house where I boarded, and said to me: "Your

sister wants you to go up to New Brunswick; she wants to see you, and she wishes you to go up to-night." I said it was impossible; that I could not go up that night, but that I would go up to-morrow; so I went up and asked her—(Interrupted.)

Q. Was Golden present? *A.* No, sir.

Q. Then I don't care about that. By reason of the conversation you had with your sister did you return to New York and see Mr. Golden? *A.* Yes, sir.

Q. What took place between you? *A.* I told him that my sister told me that he had been up there insisting upon her getting me to buy the farm instead of a house in New York. He said, yes, that was so, for several reasons; in the first place, he said, that the farm would be a better place for the children, and that if I bought a house for her in New York, and expended her money in a house in New York, that she would have nothing to live on outside of her house; and he said the farm was a better place for her and the children. I told him that that was for her to decide upon; that it would make no difference to me if I bought the farm for her, or a house; that I was willing to buy the farm or a house, just which ever she decided on. Well, that night while I was there and my sister told me about buying the farm, I said to her—(Interrupted.)

Q. Was Golden present? *A.* No, sir.

Q. Well, you must not tell of anything, except Golden was present? *A.* Well, the next Saturday night of that same week, I and Golden went up to New Brunswick together.

Q. Who? *A.* Peter S. Golden and myself.

Q. Went where? My father's house.

Q. Was his wife there? *A.* Yes, sir.

Q. Your sister? *A.* Yes, sir.

Q. Just state what took place? *A.* Nothing was said about the farm as we were going up. Well, we arrived there that Saturday evening, and there was scarcely anything said. There some little said. But on Sunday

we commenced talking in regard to it, about the price, and about setling it, and so forth. And he held off and held off, and said he did not want to sell it now. Well, I said, you have been talking sale, and wanted your wife to have me buy it; and you have been running after your wife to have her get me to buy the farm; now, if you don't want to sell it, say so. And I said, the only offer I can make you for the farm is the amount of the encumbrances, $17,000; and I said, I will pay your father this
10 $10,000 you owe him, and the other $7,000 I have already paid for it out of my own money. Well, he said, he supposed I let my father have it; and I said, of course you did. Then we talked about it, and I said to him, what are you going to do? And he said he wanted $22,000; that the farm was worth $25,000. I said, Mr. Golden, I will not pay you one cent over $17,000 for that farm; and if you can get one cent more for it from anybody else, why sell it to them; I don't want it. That is the substance of the conversation on Sunday. Then, on Monday morning
20 my father took us both in the wagon to the depot, and when we had got within a quarter of a mile of the depot, and in the presence of my father, I said: "Now, Peter, what is it you want; we have not made any bargain yet; what is it you are making so much talk about?"—Well, he said, I owe money—I am in debt, and if I sell you this farm for $17,000, it is just the amount of the encumbrances, and I will not have a dollar left; and I don't wish to do that; I don't feel like selling it for less than $20,000; I may take $20,000, but I want $22,000."
30 My father then turned 'round and said, "Samuel, let the farm go to the devil; don't have anything more to say to him." That was the end of that conversation. Then, when we were at the depot, I went out on the platform, and said to him: "Now, Peter, this talk is all over with now and I am going to buy a house in New York city for my sister." "Well, now," said he, "I don't know as that is the best." "Well," said I, "I think it is; I can't buy the farm, so I shall buy a house, for she must have a

home; she has got a young family coming up, and she don't want to live with her father, so she must have a place to live; and I am going to buy her a place to live, and if I can't buy the farm I shall buy her a place in New York city." Well, he said he liked to have everything go off peaceably and quietly; and I said, so do I, and I have done everything to have peace and quiet with you, but it don't seem as if it is. He said, Well, what will you do? I said: Now, Peter, I say this to you for the last time—I offered you, yesterday, in talking about the 10 farm, that I would pay your father—if you let us have the farm for $17,000—that I would pay your father his $10,000, that he holds the mortgage for, because, as you said your father was badly in need of money, and that he was in debt, and owed this one and that one a thousand dollars, and that he had no money; that E * * had got him in trouble, and he wanted a good deal of money, and was in a bad place. I said if that was the case—(this was at the house, I refer to)—I told you at the house that I would do that. Now, said I, I withdraw that offer, and the only thing 20 I will do is to give you $17,000 for the place, and pay your father $5,000 on the first day of April; and I will pay him the balance in a year from April the first. Then he stood for a minute, and said: "Well, you may have it; I will do it." Now, said I, Peter, remember I buy this farm myself, and I pay my own money for it. And I said, I want you to understand that I want you to make the deed of this farm in the name of my father, for the reason that I want to show some respect to my father, and I want him to feel good. And another thing, said I, he 30 has got plenty of time to attend to it; and I want the old gentleman to feel well, and I think he would like it, if it is in his name. Well, he said, that would make no difference; that I could have it so if I wished it. Then we had some further conversation, and I said: "Now, remember, I buy this farm myself." He said: "I suppose so, because," said he, "nobody dares say anything about buying, if you are not there, and I supposed," said he,

"you would have it all to do, and I supposed," said he, "that you paying for this farm, your father gives you the one at New Brunswick, don't he?" I did not make any reply to that remark of his. Then we went to New York, and I went to my office and he went to his. In the evening I went to him and said I had forgotten to write a letter to my folks that day, in regard to the purchase of the farm, so I sat right down in his office and wrote a letter to my sister; and I read the letter to him, and he took it up the next day—or next night—to my father's house, and gave it to her. This was on the twenty-third day of February, and not the second day of March, as he swore to; it was the twenty-third day of February, for I have a copy of the letter in my pocket.

Q. By complainants' counsel. Where is the original? *A.* I sent that; I may have it home.

Q. Further Direct. Proceed. *A.* On the twenty-third of February—on Monday I thihk it was—on Monday night I wrote the letter. In about two weeks from that time, or a little later, in the presence of a third party—the lady that Mr. Golden and I boarded with—I said to Mr. Golden "have you attended to that business yet?" He said "I have; I went up to New Brunswick and took your father and sister, and we went down to Woodbridge Strong's office and had the business all attended to as you directed." This he said in the presence of Mrs. Deane, the lady with whom we both boarded, and it was said at the dinner table when we were both sitting at the table.

Q. Did you give any directions for him, or say anything about the re-conveyance to his wife and children? *A.* There was never any such re-conveyance spoken of by me.

Q. You never said any such thing at all? *A.* I told him I was buying it for my sister; that I intended it for her.

Q. And that was the truth, was it not? *A.* Yes, sir; and he said "I suppose that is the case;" and he

said "I suppose your father gives you the farm at New Brunswick for you buying this one."

Q. Was anything else said between you and him with reference to the conveyance of the farm? Nothing further than my instructions to him to have the deed made out in the name of my father.

Q. No other instructions? *A.* No, sir.

Q. I call your attention, now, to if there was any agreement to be given by anybody? *A.* No, sir; not a particle. 10

Q. Was there anything said with reference to any re-conveyance, and if so, what was it? *A.* No, sir; not a thing; my father was not to buy it; my father did not buy the farm.

Q. Was there, or not, any understanding about the property being conveyed to your sister and her heirs or children? *A.* No, sir; nothing was said further than this; I told him that I was buying it for my sister.

Q. Did you know at that time—about the time of this conveyance to your father, as you have stated—that 20 there was any agreement entered into at that time by any parties? *A.* No, sir.

Q. Did you know there was any agreement entered into between Golden and your father? *A.* No, sir.

Q. Did you ever hear of any such agreement? *A.* No, sir.

Q. At that time or after that time? *A.* No, sir.

Q. And you never saw it? *A.* I never saw it, and did not know there was such a thing, until Mr. Golden told me there was such a paper. 30

Q. You did not know there was any such paper? *A.* No, sir.

Q. Or that there had been any such paper executed and delivered? *A.* No, sir.

Q. You had no knowledge of it at the time, and gave no such instructions? *A.* No, sir.

Q. When did you find out that the property had been conveyed to your father? *A.* In about ten days,

or two weeks after this, Mr. Golden and I were up at New Brunswick; it must have been somewhere about the tenth or fifteenth of March, and that was the first I knew of it from him.

Q. When did you first see the deed, if at all? *A.* I did not see it; I don't know as I saw the deed until this last Winter or Spring.

Q. The deed that was made to your father? *A.*—Yes, sir.

10 *Q.* When this conveyance was made you say you knew nothing about this paper, until sometime when Golden spoke to you about it? *A.* Yes, sir.

Q. When was that? *A.* It was in my office about the twenty-third day of December last.

Q. What was said? *A.* He came in my office and said—or rather I am a little ahead of my story—no, I guess that's it. He came in my office about the twenty-third day of December, and said that my father and him could not get along very well. He said my father had 20 taken him by the collar and shook him, and called him some names or other; and I said did you not call my father any names first? And he said he did not. Well, says he, if I can't live there peaceably, he says, and do as I am a mind to, why, said he, I will go to work and throw it in Chancery. I laughed at him, and said "what will you throw in Chancery?" Well, said he, there is a paper. I said what paper, and he said, "*my God, didn't your folks tell you anything about a paper?*" I said no; well, said he, *then you will find out about it.*

30 *Q.* Was that the first you heard of it? *A.* Yes, sir; when he said I would find out about it.

Q. He testified to a conversation in his office, in which he says he told you he had made a deed to your father, and that they had executed a paper to him in which your father agreed to re-convey the property at the end of a year to his wife and children or heirs; did he ever tell you that? *A.* There was never such a word passed between us.

Q. At the depot he says he told you that only difference between yourself and him at the house was, that he wanted it to be made for a year, and that your father wanted it to be longer. *A.* There was no such conversation in regard to the place, about any length of time at all. I told him that if I bought the farm I should buy it for my sister, and that I intended to hold it for her. He said to me what are you going to do, are you going to keep it for her? and I said certainly, it is for her benefit.

Q. Did you have a conversation as to the length of time? *A.* No, sir; not for a year, or five months, or for any length of time. This was about the Fall of 1874. 10

Q. You had not signed any such paper? *A.* No, sir; there was no such paper.

Q. But he told you there was a paper? *A.* Yes, sir.

Q. After this purchase what did you do? *A.* I told my father to go down and look after it.

Q. When was that? *A.* Immediately after buying it—a month or so. 20

Q. In the Spring of 1874? *A.* Yes, sir.

Q. Did your father go? *A.* My father and mother moved down there with my sister in the Spring of 1874. My father took charge of the place, and took down all the farming utensils and stocked the farm with ploughs, and cows and wagons, and so forth; and horses and mules and everything to work it with, and he hired some men, and I furnished—(interrupted.)

Q. By the Vice Chancellor. Do you know of this except as you learned it from others? *A.* Yes, sir; I paid for them. 30

Q. Further Direct. You were back and forth on the place and saw them, and you paid for these things? *A.* Yes, sir; and I painted the place; I bought the paint for painting the house, and paid the money for the painting and carpenter work and for whatever was done.

Q. You say that $5,000 was to be paid to John Golden on your purchase? *A.* Yes, sir.

Q. Who paid it? *A.* I did.

Q. By what? *A.* Checks and notes.

Q. Have you got them? *A.* Yes, sir.

Q. I want to know if you paid Mr. Golden, after this purchase, the $17,000? *A.* Myself, individually?

Q. Yes? *A.* No, sir.

Q. State how you did it? *A.* I gave my father the money.

Q. In what way? *A.* Checks and notes.

10 *Q.* Are any of them endorsed by John Golden? *A.* I have one check endorsed John Golden.

Q. How much is that? *A.* $850.

Q. Is that part payment? *A.* Yes.

Q. Then you paid more than $5,000? *A.* Yes.

Q. How much did you pay? *A.* Exactly?

Q. Yes? *A.* I paid Mr. John Golden, or, rather I wrote to Mr. John Golden, if I am allowed to state, saying that if it would be convenient to him to take less than the $5,000 on the first of April, 1875, that it would 20 oblige me, and that as I had a great deal of sickness and trouble in the family, I said I would be obliged if he would take less than the $5,000; and Mr. Golden replied to my letter, saying that if I would send him $1,500 and the interest, he would accept it. So I drew my checks, one for $1,000 and another for $850, making the $1,500 and the interest on the $5,000. The communication in regard to this payment of $1,500, was directly to me from John Golden. I wrote to him and he answered me as I have stated. In the Fall of 1874, he came to me as I was sit- 30 ting in his office in Sixth avenue, and said, Samuel, I would like to go back to the farm to work. I said, Mr. Golden, my father is running the farm now, and is doing it very successfully, and I don't wish to change at present. I said I am satisfied, and you had better stay in the business you are in. We had some little further conversation in regard to it, and I think in thirty or sixty days from that time he came in again one day and was about half tight, and he said to me, using an oath, that if I did

not let him go on the farm and go to work that he would go West or to California. I said, Mr. Golden, your great fault with you is rum, and if it had not been for that, said I, the place would have been in a different position than what it is to-day, but your drinking has forced me to do what I have done. Then he went on and commenced crying, and said he wanted to be down there and so forth; and he said to me if you will let me go down there I will stop drinking; I know I have drank too much, and if God spares my life I will quit it, if you will let me go 10 down there. Well, I said, Mr. Golden it will require a pretty sound promise from you to make me believe you intend to stop it; I said you have promised me so many times. I have got his letters here now where he has written to me that he would stop drinking, and yet did not. And, said I, I have got these letters from you, but you don't stop, and I shall require a pretty sound promise from you that you will stop, before I consent to let you go on the farm, because, said I, it is conducted properly by my father, and he is taking care of it and everything is 20 satisfactory to me. Well, we talked further and he gave me his pledge. Then we talked the next day in regard to it, and I said, now, Mr. Golden, if you will give me your solemn promise, that you will stop drinking, and let rum alone, I will let you go on that farm, and take charge of it; but, said I, remember there is one condition, and that is, that the first time I hear of you being drunk on that farm, you can take up your duds and get; for I will turn you off the very first time I hear you have been drinking. Then he made his promises to me, that he would abstain. 30 Then I said to him, remember my father is an old man, and has got some peculiarities the same as some other old people of his age; and I said, if he wishes to have one field ploughed, I want you to obey him, because it makes no difference to you what field is ploughed, it is going to be a benefit to you. I said to him, I would try him again, and I told him that I did not want my father to go there on the farm, but that he had to do it, because of you, I

[*Complainants' counsel* objected to evidence as to drinking, alleging that he could prove that both Samuel and Samuel P. Knapp were intemperate. *Vice Chancellor* held that such evidence was not material on either side.]

said; and, said I, you know how you conducted yourself on the farm before; and he said it should not happen again as long as he lived.

Q. What was the value of that farm? *A.* About $15,000 was all it was worth at that time. That Fall, after the purchase, Mr. Golden came into the house where we were boarding and said, I have sold the farm too cheap to you; and I said, Mr. Golden you may have the farm back at what I paid you for it; yes, I said, you may have it back for less; $2,000 less. That was the same Fall, as I bought it in the Spring; and that was in the presence of a third party. I said I would sell it to him back for $2,000 less than I paid him for it.

Q. Who was the third person? *A.* Mary Dean.

Q. Did I understand you to say your father went on the farm under your direction? *A.* Yes, sir; and worked it under my direction; I paid all the bills; I furnished the money to father and sister to pay the hands and the hired help.

Q. *Cross-Ex. by Mr. Vredenburgh.* When was it you delivered this moral lecture to Mr. Golden? *A.* About the middle of December, 1874.

Q. In his office? *A.* Yes, sir; in sixth avenue.

Q. Did he read you a lecture on the same subject—intemperance? *A.* I don't see what he had to deliver me a lecture about; I am not a drinking man.

Q. You have no faults—did you send that letter, (handing witness Exhibit C)? *A.* I presume I did, sir; I don't know as I sent it, but I wrote it.

Q. You wrote it in the name of your father? *A.*—Yes, sir.

Q. You transacted your father's business as well as your own? *A.* No, sir; he transacted his own business.

Q. In January, 1876, when this property was conveyed to you, at the time the deed was passed over to you, did you pay any money to him? *A.* I had already paid him some.

Q. Well, you can answer my question? *A.* Not that day, I did not.

Q. You state in the deed that you took it subject to two encumbrances; one of $10,000 and one of $7,000? *A.* That, I presume was made so, in copying it from the other.

Q. Do you know? *A.* I never read it, so I could not tell you.

Q. Well, the $7,000 mortgage had been cancelled? *A.* I presume so from what I heard of it.

Q. Did you not know it? *A.* No, sir; not at that time. 10

Q. You say you did this in your father's name? A. But I did not know that the $7,000 was cancelled. I told father to have it done, but did not know it was done.

Q. And yet you took it subject to mortgages of $10,000 and $7,000? *A.* Yes, sir.

Q. Then you really gave $10,000 for it? *A.* No, sir; I paid that $7,000 myself.

Q. So you claim—I asked you whether you paid any consideration on that day? *A.* On that day, I did not. 20

Q. *By the Vice Chancellor.* The mortgage for $7,000, that was made to your father; who had the actual custody of that bond and mortgage from 1868 to 1874? *A.* The actual custody was in my possession most of the time.

Q. Where was it when it was not in your possession? *A.* Well, I could not say—my father had it, sir.

Q. What part of that period was it not in your custody? *A.* I should think for the first two years.

Q. *Further Cross.* For the first two years after the ninth day of March? *A.* Yes, sir. 30

Q. Did not your father give it to Woodbridge Strong? *A.* Well, I had taken it up there; it was my property and I entrusted it to him.

Q. I did not ask you that? *A.* Well, March ninth I left it with him.

Q. Then it was in your father's custody? *A.* Yes, sir.

Q. When did you pass it over to him? *A.* I think about a week before.

Q. You have no distinct recollection about that? *A.* No, sir; but I know it was a week before I handed it to him.

Q. Where is the bond accompanying that mortgage? *A.* I have it, sir; but not here.

Q. *By the Vice Chancellor.* Was there any interest paid on that bond between April first, 1876, and the
10 ninth day of March? *A.* Never a dollar.

Q. Is it a fact that by the terms of the bond it does not draw interest? *A.* No, sir; it is silent; there is nothing into it about it.

Q. *Re-Direct.* I asked you whether you were backwards and forwards from New York to the farm after you purchased it; and I understood you to say that you gave directions with regard to it? *A.* Yes, sir; about what should be bought and what sold, and what they should do; and my father used to joke with me about it.

20 *Q.* Was Peter there at the time? *A.* No, sir.

DEFENDANTS' COUNSEL ALSO CALLED SAMUEL KNAPP, SWORN.

Q. *By Mr. Haight.* You are the father of Samuel P. and Elizabeth W. Knapp? *A.* Yes, sir.

Q. Do you live on the farm now in question? *A.* Yes, sir.

Q. How long have you lived there? *A.* Two
30 years last March.

Q. You and your family? *A.* Yes, sir.

Q. When did you first go with your family to live there? *A.* I think it was a year ago last March?

Q. *By the Vice Chancellor.* *Q.* A year or two years? *A.* Two years.

Q. *Further Direct.* Who was there when you went there two years ago? *A.* Nobody was there. Mr. Bedle had been there, but he had left.

Q. Where was Peter then? *A.* In New York.

Q. There is a deed of the farm to you? *A.* Yes, sir.

Q. You remember that? *A.* Yes, sir.

Q. In reference to the transaction of that deed, there is a question raised here about who paid the money for it; how was the money raised for the consideration in that deed? *A.* My son raised the money, and let me have it.

Q. Whose money was it? *A.* It was his. *Objected to.* 10

Q. Do you remember how it was paid to John Golden, by checks or how? *A.* Checks, I guess, mostly.

Q. See if you can identify these? (Handing witness two checks.) *A.* Yes, sir; I can.

Q. Now, here is another one? (Handing witness one check.) *A.* Yes, sir.

Q. Now, then, that check for $300; what connection did that have with it? *A.* That is for part of the interest on the mortgage to Mr. Golden.

Q. That is made to Peter and endorsed by John? 20 (Handing witness one of the checks.) *A.* Yes, sir.

Q. Well, now I want to know whether the money was yours or your son's? *Objected to.*

Defendants' counsel offers the three last above mentioned checks in evidence, and same were marked as follows:

Check for $1,000, exhibit 1, defendants.

Check for $5,400, exhibit 2, defendants.

Check for $300, exhibit 3, defendants.

Q. What was the first intimation you had, and when was it, of the transfer or deed, from Golden to yourself? 30 *A.* I don't understand you.

Q. What was the first conversation you heard of in respect to the transfer from Peter Golden, of that farm? *A.* Well, it was about the time they made the bargain.

Q. When was it? *A.* That was in March, two years ago.

Q. Where did you get it from? *A.* I got it from Peter, I guess.

Q. You guess? *A.* I know.

Q. Where? *A.* At my house in New Brunswick.

Q. Who was present? *A.* My daughter.

Q. Who else? *A.* My wife, I guess.

Q. Well, I don't want you to guess? *A.* Well, I know.

Q. What was said; what was the first introduction of it? *A.* Well, that Samuel had purchased the farm and wanted that I should take the deed in my name. 10 Peter fetched a letter up there from my son that he had bought a —(Interrupted.)

Q. Did you see the letter, and who it was to? *A.* I guess it was to my daughter.

Q. Directed to her? *A.* Yes, sir.

Q. Do you know where the letter is? *A.* No, sir; I don't.

Q. That was the first you heard about it? *A.* Yes, sir.

Q. Was anything spoken about the price at that 20 time? *A.* It was; $17,000 was spoke of.

Q. Well, what else in regard to the transfer of the farm, was said by Peter? *A.* Nothing, only he wanted that we should get all the business done, and I asked him if he had his old deed there, and he said he had.

Q. Where did he want you to go? *A.* To New Brunswick.

Q. What day was this; a week day or Sunday? *A.* Week day; Wednesday or Thursday I think.

30 *Q.* Just state what took place; you took the old deed down to New Brunswick? *A.* I went to Mr. Strong and spoke to him to draw up the deed.

Q. Who was with you? *A.* My daughter and Mr. Golden.

Q. Who spoke to Mr. Strong to draw the paper? *A.* I spoke to him first.

Q. First? *A.* I think I did. I ain't so sure. I gave Mr. Golden an introduction to Mr. Strong, you

know; and I ain't sure whether I first spoke to him, or Peter did; I can't say.

Q. Who had the old deed? *A.* Golden.

Q. Who handed Mr. Strong the old deed? *A.*—Golden.

Q. Where was your daughter at that stage? *A.* She was there in the office.

Q. Mr. Strong's office? *A.* Yes, sir.

Q. Now, then, who gave Mr. Strong instructions as to doing the business? *A.* Me and Mr. Golden. 10

Q. What were those instructions? *A.* He was to draw a deed and give it to me.

Q. Well, just state what you said to him? *A.* Well, I told him I was to have the deed in my own name.

Q. What did you say to Mr. Strong? You told him to write the deed and transact the business? *A.* Well, that is the same as a mortgage I had, that I held there; and that told the boundaries, you know; and then Mr. Golden had the old deed that his father gave him, and he took and drew it up from that. 20

Q. Yes, but I asked you what instructions you gave to Mr. Strong as to doing the business; tell me what instructions you gave him? *A.* (*A pause.*)

Q. By the Vice Chancellor. What counsel desires is that you should tell everything that occurred at Mr. Strong's office? *A.* Well, you see, we told him to draw the deed, which he done. He drew up the deed and Mr. Golden signed it, and his wife signed it, and after it was signed then Mr. Golden spoke about the paper, and I objected to that. 30

Q. After the deed was signed? *A.* Yes, sir; and I told him I would not give him the paper.

Q. Where was your daughter at that time? *A.* She was in the room.

Q. Well, go on? *A.* Then Mr. Golden and my daughter went out, and she came in afterwards and begged of me for to sign it; to sign that paper. I told her I would not, but I did so through her persuasions.

Q. Now, you say that after the deed was signed, Peter spoke to you about signing a paper; did he show you any paper then? *A.* No, sir; not at first.

Q. How did he describe what kind of paper he meant? *A.* Well, he wanted a paper he said, to show that it should be deeded back to my daughter. I told him that that would have to be done; that we would do that anyway.

Q. Where was Mr. Strong when Peter said that to
10 you; you say Peter's wife was there; now, how far was Judge Strong off from you then—was he in the office? *A.* He might have been in the back office.

Q. Was his son there? *A.* No, sir; he was out in the back office, and Mr. Strong was back and forwards in and out of the front office.

Q. Who was the first one that mentioned to you about the paper? *A.* Mr. Golden.

Q. Peter? *A.* Yes.

Q. He was the first one? *A.* Yes, sir.

20 *Q.* Where was he when he first spoke to you about it; in the front or back office? *A.* The front office.

Q. Did he speak to you before you went to the office about it? *A.* No, sir.

Q. In referring to the paper, tell us what he called it; give us some idea of how he described it himself? *A.* I don't know.

Q. Did he have anything in his hands? *A.* I could not say.

Q. Did he point to anything? *A.* I could not
30 say.

Q. Well, give us all he said about the paper when he first mentioned it? *A.* That he merely wanted a paper, you know, to show that it would be deeded back to my daughter; something to that purpose.

Q. Was any time mentioned? *A.* Yes, sir.

Q. Well? *A.* He mentioned about a year, and I would not do it; and he went on, and I don't know but

what he said eighteen months ; but I was for not signing it at all.

Q. You objected to a paper of that kind? *A.* Yes, sir.

Q. What occurred right after that. Did Mr. Strong say anything? *A.* Well, he mentioned something about giving a paper, or drawing up a paper.

Q. Mr. Strong did? *A.* Yes, sir; and I told him I was not willing to sign any paper at all.

Q. Where was the deed at that time; you say Peter and his wife had signed the deed, where was it then? *A.* I either had it, or else it laid on the table; I won't say which. 10

Q. Was it signed and executed at that time? *A.*—Yes, sir.

Q. What was? *A.* The deed.

Q. Before this paper was spoken of? *A.* Yes.

Q. Now, Mr. Strong spoke about a paper; did he have anything in his hands or point to anything on the table? *A.* No, sir. 20

Q. You say Peter spoke to you first about it; and then Mr. Strong spoke to you? *A.* Yes, sir.

Q. Did he come out of another room when he spoke to you about it? *A.* I don't remember whether he did or not; but he was in the front office when he spoke about it.

Q. Had Peter and his wife stayed in the room all the time up to the time Mr. Strong spoke to you about it?—*A.* No, sir; they had been out. 30

Q. When Mr. Strong first spoke to you about it, had they returned? *A.* I don't know as they had; but Mr. Strong, he was talking about drawing up a piece of writing, and I told him I would not give any.

Q. How did Mr. Strong talk about it? *A.* He thought maybe it would be best for that purpose.

Q. How did he describe what he wanted you to execute? *A.* Well, he knew I was buying it for my daugh-

ter; Mr. Golden's name was not mentioned in that paper at all

Q. Yes, but what did Mr. Strong say to you about the paper; did he describe what kind of paper it was, that should be drawn? *A.* I don't recollect that he did.

Q. Did he have any paper in his hand? *A.* No, sir.

Q. You did decline and object to sign it, while Mr. Strong was talking to you? *A.* Yes, sir.

Q. What occurred after that? *A.* Well, Golden
10 and his wife came back in the office, and my daughter came to me and said: "Pa, will you please sign that paper; it don't make any odds;" and I done so, after Mr. Strong had read the paper over.

Q. Now, tell us how it read? *A.* I can't do it, sir.

Q. As near as you can remember? *A.* Well, it was that I was to deed it back to my daughter and her heirs.

Q. That is the way the paper read? *A.* Yes, sir; that is the way the paper read.

20 *Q.* Who read it to you? *A.* Mr. Strong did.

Q. Did you read it yourself or only Mr. Strong? *A.* No, sir; I never read it; and I never read it after I signed it.

Q. But you signed it, and no one else signed it besides yourself at any time that you know of? *A.* No, sir.

Q. Do you know who witnessed it, if anybody? *A.* No one, I guess.

Q. Were any seals on it that you remember? *A.*
30 I think not; I think there was no seals on it at all. I don't think it was made for to go to record at all, as has been spoke of here.

Q. Do you remember if it was written on half a sheet of paper, or as to what size the paper was, you signed? *A.* It was about the half of one side of a sheet.

Q. *By Complainant.* About half of one side? *A.* Yes, sir; so I should think.

Q. *Further Direct.* As you signed this paper on the

table, where were the rest of them; Judge Strong, your daughter and Peter? *A.* They were all right close by there.

Q. Who else—his son? *A.* No, sir; only Mr. Strong, Mr. Golden, and my daughter.

Q. Then when you signed it where did you leave the paper, and what became of it as far as you know at that time? *A.* I don't know whether my daughter took it or Mr. Strong; I gave the deed to Mr. Strong to send down to Freehold to have it put on record; and whether he took the other paper or not, or whether he gave it to my daughter, I don't know. 10

Q. You have given deeds and mortgages before, have you not? *A.* Yes, sir.

Q. And papers under seal? *A.* Yes, sir.

Q. You are familiar enough with them to know when you acknowledge a paper? *A.* Yes, sir.

Q. Did you acknowledge that agreement? *A.* I don't think I did. I think there was no acknowledgment to it.

Q. Would not you know if you did or not? *A.*— Yes, sir; I am pretty certain I did not acknowledge it; I don't think it was acknowledged at all. 20

Q. From that time forward did you see anything of that agreement? *A.* I never saw it, Mr. Allen, from the time it was drawn up, to this time.

Q. Do you know what became of it from that time afterwards? *A.* I do not; no, sir.

Q. Where did you go to from Mr. Strong's office? *A.* Went home.

Q. Where; in New Brunswick, or on the farm? *A.* New Brunswick. 30

Q. Who with? *A.* My daughter.

Q. Where did Peter go? *A.* He went out as far as the depot, and went to New York.

Q. You left the deed in possession of Strong? *A.* Yes, sir.

Q. And it was put on record? *A.* Yes, sir.

Q. When was it you went on the place, and when

Peter also lived there? *A.* Well, he has never been there, only backwards and forwards, until last Summer, a year ago.

Q. Last Summer a year ago he came and lived on the place; now, state what charge or control of the property he had? *A.* Well, I gave him my horses and things to use and to take care of, and to work with; and he was to go on and farm as well as he could. And I was up in York State. Along about the first of July I had word
10 sent to me to come back; that Mr. Golden was not doing right there.

Q. Who had control of the property? *A.* I had.

Q. And the management of it? *A.* I had.

Q. Where was your daughter living at the time? *A.* She was there with me and the children. I had been taking care of them.

Q. Was there any condition upon which Peter lived there, and had anything to do with the place? *A.* No, sir.

20 *Q.* He has spoken of your removing him off the place? *A.* Yes, sir; the way I came to talk to him was he was about two-thirds tight, and he began to abuse his wife—(Interrupted.)

Q. Never mind that; were you present at the time of the talk with John Golden, at the house in Freehold, and if so who were there? *A.* My daughter and I went down there.

Q. State what the conversation was in reference to the property? *A.* Well, I will tell you—(Stopped.)

30 Adjourned until Friday morning, September 29th, 1876, at 10 A. M.

DEFENDANTS' COUNSEL RE-CALLED SAMUEL KNAPP FOR FURTHER DIRECT EXAMINATION.

Q. I was asking you about going to Freehold, if you remember? *A.* Yes, sir.

Q. Well, where did you go from? *A.* I went from my house in New Brunswick.

Q. What prompted your going? *A.* Well—(Interrupted.)

Q. At whose request was it? *A.* Through my son's request.

Q. The last question was on Friday, as to what the conversation was in reference to the property, and with whom it was. *A.* Well, my daughter spoke to Peter and told him what she had come down for, and told him I had come down for to see about the farm, and he went and took his father out of the room, and they was gone some time; and when they came back in there he told her that his father was willing that he should sell the place.

Q. Well, sell the place to whom? *A.* To my son or to her. Well, you see it was coming to my daughter.

Q. Was this a week day or Sunday? *A.* It was on Sunday we went down there.

Q. Well, how long did you stay? *A.* I think we staid over night.

Q. Now, what else was done in reference to the farm, between you and the parties? *A.* Well, he consented and said he was willing to sell it.

Q. Peter did? *A* Yes, sir.

Q. State what the terms were, and give us all the talk? *A.* Well, my daughter talked more to him than I did about it.

Q. Well, what was the talk? *A.* Well, that is pretty much all the talk there was, except he wanted that his father and I should meet him down at the farm that week.

Q. Did he say anything about the price? *A.* Not that I know of.

Q. Sir? *A.* No, sir; not to my knowledge.

Q. In this talk you were present? *A.* Yes, sir.

Q. Was anything said about the time of payment? *A.* No, sir; nothing was said about any payment.

Q. Was anything said about the nature of the deed or what kind of deed should be made? *A.* The deed

was to be for the amount of the encumbrances on the place, $17,000.

Q. Well, was anything said about the kind of paper, and who was to own the farm—who it was for—in this Freehold talk? *A.* My son was the one that was going to pay for the place.

Q. No, I am asking you for the talk? *A.* No, sir; nothing was said about that.

Q. You are stating the conversation wherein Peter
10 and your daughter, and yourself, and her father took part; now was there any proposition made by any one? *A.*—No, sir; not by me; I did not.

Q. I did not ask if it was made by you, but by any of the parties that you have spoken of as being present there; was any proposition made? *A.* No, sir; not that I remember.

Q. In respect to the farm? *A.* No, sir.

Q. Was not it mentioned that you should meet at the house at the farm? *A.* Oh! I think that was to be
20 on Wednesday or Thursday.

Q. Well, who proposed that day? *A.* Peter.

Q. Peter did? *A.* Yes, sir.

Q. Well, then, proceed? *A.* Well, he had rented the farm out to a man named Bedle, and he wanted that we should go down and see the situation which he went off and left it in; and he said he was to sue him for damages.

Q. Why was this meeting postponed—for what reason? *A.* I could not tell you.

30 *Q.* How? *A.* I could not tell you.

Q. Peter proposed it, you say? *A.* Yes, sir.

Q. Who was present when he proposed it? *A.* His father, and my daughter and myself.

Q. Did you go to New Brunswick or to the farm? *A.* We went to New Brunswick from Freehold.

Q. Was your daughter with you? *A.* Yes, sir.

Q. Did you go to the farm on the day that was spoken of? Yes, sir.

Q. Who was to be there by that arrangement? *A.* Mr. Golden.

Q. Who else? *A.* His father.

Q. Who else? *A.* Not any one that I heard of, only my daughter; she went with me there.

Q. Then you went there from New Brunswick, you and your daughter, to the farm? *A.* Yes, sir.

Q. On this day that was appointed? *A.* Yes, sir.

Q. Who was at the farm when you got there, and while you were there; give us the names of the parties? 10 *A.* There was no one there except Peter and his father, and my daughter and myself.

Q. Was that on Sunday, or a week day? *A.* On a week day.

Q. Tell us who was there then; Peter and his father, you and your daughter? *A.* Yes, sir.

Q. This was at the farm? *A.* Yes, sir.

Q. Well, go on; did you go to the house? *A.* Yes, sir.

Q. What was the subject of your talk there respecting the farm, between you four people? 20 *A.* Well, they appeared to be very willing to sell it.

Q. By the Vice Chancellor. You must not state what appeared to be, but state what was said. When you state what appeared, you state simply your own judgment and opinion in the matter, and that is not evidence; but whatever occurred there, is evidence? *A.* Yes, sir.

Q. Further Direct. Give us the talk just as it comes to your memory? *A.* Well, sir, (*A pause.*)

Q. By the Vice Chancellor. What Mr. Allen wants 30 is, that you shall tell everything that was said there, to the best of your recollection? *A.* I want to do it, may it please your Honor, if I can think of it.

Q. Further direct. Well, proceed? *A.* I know we talked about the farm, and they appeared to be willing to sell.

Q. Well, proceed; give us the talk; who did the

most of the talking? *A.* My daughter did the most of the talking.

Q. Well, tell us what she said, all of you being present? *A.* Well, she spoke about it, and Mr. Golden wanted to know if we would pay off all Peter's debts, beside the mortgages, you know.

Q. No, I do not know anything about it? *A.* Well, besides the mortgages then, and I told him that we would not.

10 *Q.* Well, state the rest of it? *A.* And my daughter told him the same, and she said that if we paid off these mortgages that was enough.

Q. Well, now tell us what else occurred; you say that she said you would not do it; that it was enough to pay the encumbrances? *A.* Well, they appeared to be willing to take it.

Q. You say they appeared to be? *A.* Well, they were willing to take the $17,000.

Q. Now, then, what was said about making a deed;
20 what was the arrangement? *A.* I guess there was nothing said.

Q. You guess so? *A.* I think so.

Q. How could the farm be sold without a deed? *A.* Well, Peter came up there the next—(Interrrupted.)

Q. Never mind; we want what took place here, first? *A.* That is pretty much all that took place.

Q. *By the Vice Chancellor.* Is that all you remember? *A.* That is pretty much all.

Q. Well, pretty much all; they want everything?
30 *A.* Well, it is all.

Q. *Further Direct.* What room was it in that this talk was had; try and connect your mind with something or other; was there a stove in the room? *A.* It was in the back parlor.

Q. Was there a fire in the room? *A.* Yes, sir.

Q. Were you all pretty close together; just describe how you were? *A.* Yes, sir; we were not very far apart.

Q. Then you got to the stage of it where you say, they wanted Peter's debts to be paid, besides the encumbrances; and you and your daughter said no; that you would pay nothing but the $17,000; now, was anything else said—as to when the deed was to be made? *A.* No! no!

Q. Was anything else said about any papers being made, and if so, who should write them? *A.* No, sir; not a word.

Q. Was there any proposition from any of the parties that there should be any written agreement about this arrangement? *A.* No, sir. 10

Q. By none of the parties then present at all? *A.* No, sir.

Q. How long were you all there together; half a day, or an hour, or twenty minutes? *A.* We might have been there—well not half a day, three or four hours.

Q. Were you and your daughter there first, or Mr. Golden? *A.* I think Mr. Peter S. Golden was there first, and then his father came.

Q. Was anything said about what time the sale should be consummated—finished up, and where it should be? *A.* No, sir. 20

Q. You say that they agreed to take the encumbrances for the property; then what was said by you and your daughter in response to that, if anything? *A.* Mr. Golden said he would go up to New Brunswick and see about it—talk it over.

Q. Which Mr. Golden? *A.* Peter S. Golden.

Q. That he would go up to New Brunswick to see about it? *A.* Yes, sir. 30

Q. Well, then, where did you go with your daughter; did you go back to New Brunswick? *A.* Yes, sir

Q. Was she present at all that conversation between you and Peter Golden and John Golden? *A.* Yes, sir.

Q. At the house I mean? *A.* Yes, sir.

Q. Your daughter was present at all the conversation you had with the parties? *A.* Yes, sir.

Q. At the house on the place? *A.* Yes, sir.

Q. Now, did you go to New Brunswick afterwards? *A.* Yes, sir.

Q. In connection with this business? *A.* Yes, sir.

Q. To Mr. Strong's office? *A.* Yes, sir.

Q. Well, at New Brunswick; did Peter Golden then come again about it? *A.* Yes, sir.

Q. Peter S. Golden, I mean? *A.* Yes, sir.

Q. Did old Mr. Golden come too? *A.* No, sir.

Q. Only Peter S. Golden? *A.* Yes, sir.

10 *Q.* Did he come alone? *A.* With my son.

Q. After you were at the farm house? *A.* Yes, sir.

Q. How long after? *A.* The next Saturday.

Q. Following? *A.* Yes, sir.

Q. Now state who was present at that time? *A.*—Peter S. Golden, my son, myself and my daughter.

Q. In relation to this farm business? *A.* Well, they talked it over on Sunday and talked a number of times about it, but never came to any conclusion.

20 *Q.* Who do you mean? *A.* My son and Mr. Golden.

Q. While you were present? *A.* I was present part of the time; I was in and out.

Q. State now, what transpired at that time? *A.*—Well, they did not come to any conclusion about the farm, and on Monday, when they started to go to New York I took them down to the depot, and they were talking it over again in the wagon; and Peter seemed to be way off, you could not get anything out of him; and finally Sam-

30 uel asked him what he wanted, and he said—(Interrupted.

Q. By Complainant. Were you there then? *A.* I was in the wagon, taking them down.

Q. Further Direct. Well? *A.* And Samuel asked him what he wanted; and he said he wanted more than the $17,000, otherwise he would have no money left.—Them was his words.

Q. Well, go ahead? *A.* I told my son to let the farm go and have no more to do with it.

Q. Well, what else; give us all that talk; I understand you to say this was in the wagon? *A.* Yes, sir; going down to the depot.

Q. Well? *A.* Well, I took them to the depot, and they got out and I went on down to the city.

Q. You said that Peter wanted more than $17,000, but you have not told us whether there was any answer from your son to that? *A.* My son said no; he would give nothing more than the mortgages on the place.

Q. Then after that they went away and you went away? *A.* Yes, sir. 10

Q. Now, then, when was there any talk about it at which you were present, in respect to the farm next; state when it was and what it was? *A.* Well, I cannot recollect what time it was, but my son wrote a letter up to his daughter.

Q. By the Vice Chancellor. You mean your daughter? *A.* Yes, sir.

Q. Further Direct. Is that the next you heard? *A.* Yes, sir. 20

Q. There was a letter written to your daughter you say? *A.* Yes, sir; that he—(Interrupted.) *Objected to.*

Q. Were you present at a talk at any time, between your daughter and Peter, in respect to the farm, after the letter came? *A.* I don't remember that I was.

Q. Were you present when the letter came to the house? *A.* Well, my daughter read the letter to me.

Q. Then you were there? *A.* Yes, sir.

Q. Was there any talk between your daughter and Peter and yourself, either one of you at that time about the farm? (*A Pause.*) 30

Q. By the Vice Chancellor. After the letter was received, Mr. Knapp, was there any talk between Mr. Peter Golden and his wife and yourself, about the farm? *A.*—There was, yes, sir; but I don't know as I can recollect it.

Q. Further Direct. Was the letter read in the presence of Mr. Golden? *A.* Yes, sir; Mr. Golden was there and it was read in his presence.

Q. How long after the time you were in the wagon was that? *A.* The same week; about the middle of the week I should guess.

Q. Was there any other person present at the time of the reading of the letter, besides Peter, your daughter and yourself? *A.* I guess not, sir; I do not know whether my wife was there or not.

Q. It was in your house? *A.* Yes, sir.

Q. You spoke 'bout a transaction in Mr. Strong's of-
10 fice when you got the deed; now, who went into possession of the farm immediately after that? *A.* I did, and have possession yet.

Q. Now, then, who attended the farm after that—under whose direction was it run? *A.* My son wanted that I should go down and take charge of it and I did so.

Q. Now, under whose direction was the farm tilled? *A.* Under my son's, using my own judgment in putting the fields in.

Q. Under your judgment as to putting the fields in?
20 *A.* Yes, sir; for farming.

Q. For what period of time? *A.* Well, I guess it was in March, about the middle of March, 1874.

Q. I say, for how long under your own judgment—was it one season or all the time? *A.* All the time except a year ago, when I was out in York State for a little while.

Q. Then under whose direction were the tills put in? *A.* Well, my daughter mostly, and Mr. Golden was kind of overseeing it.

Q. Peter Golden? *A.* Yes, sir.

30 *Q.* Now, who furnished the stock; you say it was done under your direction as to the tills, using your own judgment; now, who furnished the stock? *A.* I did.

Q. Who paid the hands? *A.* I did myself, sir.

Q. I mean the hands working on the place? *A.*—Yes, sir; I done it, myself and my daugheer; my son sent my daughter money and she paid Mr. William Nallen, and I paid the others.

Q. What year was this that your daughter paid that?

A. This was in 1874 that she paid Mr. Nallen; and since that I paid them myself.

Q. In 1875, can you tell us about who paid the expenses of the farm? *A.* I did.

Q. Sir? *A.* I did.

Q. Well, part or all? *A.* Well, pretty much about all; Mr. Golden had two or three things there, and I lent him money for to pay for them; he wanted some money to go off to York, and I lent him some; and he carted away potatoes for to pay him. 10

Q. Who had the produce? *A.* Mr. Golden carted off a lot of potatoes, and I carted some.

Q. What year did Mr. Golden cart some? *A.* I could not say, but I guess it was all of a third; I guess he took away a third of them.

Q. What year, I asked? *A.* Last year, I guess.

Q. Outside of that who had the crops, &c.—the produce? *A.* I did.

Q. In regard to the improvements and fences, and building and fixing, who went to that expense after you 20 got the deed? *A.* I did.

Q. Who paid for them? *A.* I did. I put up something like one hundred panels of new fences this Spring.

Q. Take the year 1874, before the suit was brought, Mr. Knapp? *A.* What do you mean?

Q. In regard to fixing the property? *A.* My son sent the paint up to paint the house.

Q. Was anything else done besides painting the house? *A.* Not much; no, sir. They all hung by their eye-lids.

Q. *Cross-Ex.* You said you signed this agreement, 30 Mr. Knapp? *A.* I did; against my will, too.

Q. In that matter you say—or what do you say; that you were acting as your son's agent in the matter of this farm? *A.* I never said that I was any agent.

Q. I understand that you have sworn here that you did this at your son's request; and took this farm in your son's name? *A.* Yes, sir; I did; for I had got one of my own at New Brunswick.

Q. Have you not made a conveyance of that one? *A.* No, sir.

Q. Have you not signed a conveyance? *A.* No, sir.

Q. After you took this deed and signed the agreement in Mr. Strong's office, did you report to your son what you had done? *A.* No, sir.

Q. Did you never tell him anything about it? *A.* No, sir; I never mentioned the paper to him.

Q. Did you never tell him that you had a deed? *A.* Yes, sir; I did; I told him I had took the deed at his request.

Q. When did you tell him that you had taken the deed? *A.* About the time I took it.

Q. Well, I want you to give us the actual time? *A.* I could not tell you.

Q. You were at Mr. Strong's office on Monday; now, when was it after that, that you told your son you had taken this deed for the property? *A.* The next time he came up.

Q. When was that? *A.* Well, whether it was the next Saturday or not, I could not say.

Q. The next time he came up you told him? *A.*—Yes, sir.

Q. That is, came to New Brunswick? *A.* Yes, sir.

Q. You had on that day the possession of a mortgage for $7,000—on the day you were in Mr. Strong's office? *A.* I had; yes, sir.

Q. Did your son come up to stay over Sunday the next Saturday when you say you reported to him? *A.*—He generally came out every Saturday, every week or every two weeks.

Q. And he staid there during Sundays? *A.* Yes, sir.

Q. You had plenty of time to converse with him? *A.* Yes, sir.

Q. Did he write this letter for you, "exhibit C," which is dated thirtieth of March? *A.* Yes, sir; he talked about that before he wrote it.

Q. He talked about that before he wrote it? *A.*—Yes, sir.

Q. Where was it he wrote this? *A.* I could not say, sir, whether he wrote it at home or whether he wrote it at New York.

Q. Did you see him write it? *A.* No, sir.

Q. He wrote it with your authority? *A.* Well, he told me he was going to write it to Mr. Golden.

Q. And he used your name with your authority? *A.* Yes, sir; I did not tell him for to use my name. 10

Q. Did he use your name with your authority? *A.* Well, he did; he wanted to see about the payments, how much money Golden wanted.

Q. Did he use your name with or without your authority? *A.* I did not give him any authority to sign that.

Q. You have looked at the letter and know what it is? *A.* Yes, sir; but never before I saw it here, though.

Q. Did you ever know he had written that letter? *A.* He told me he had written the letter. 20

Q. Then you withheld from him the information of what transpired in Mr. Strong's office, when you saw him on the Saturday afterwards? *A.* What do you mean?

Q. Why, you say you reported to Mr. Knapp, your son, that the deed had been made from Peter Golden to you, but you withheld from him the information that you had made the agreement which you did to Mr. Golden? *A.* I never told him about that.

Q. You recollect it? *A.* I do; it was against my will to; I never would have done it if it had not been through my daughter. 30

Q. That is not what I ask you; just answer my question. Knowing that you had made the agreement which you say was to give your daughter, in the way you have stated it, the property, you withheld that information from your son? *A.* No, sir; I never told any person about it; I never thought it worth much anyhow.

Q. Why, did you not tell him? *A.* Well, I do not know; I do not tell him all I know.

Q. By the Vice Chancellor. Why did not you tell him you had executed such a paper to Mr. Golden? *A.* Well, I will tell you the reason; I never thought it worth telling.

Q. Further Cross. Then you cannot give any other reason why you did not tell your son than that you never thought it was worth anything? *A.* Yes, sir.

10 *Q.* You say your daughter took this agreement? *A.* Yes, sir.

Q. Did she ever talk to you about that agreement afterwards? *A.* She never did, sir.

Q. Has she ever had any conversation with you about that agreement up to the commencement of this suit? *A.* Never; no, sir.

Q. You say then, Mr. Knapp, for I want to understand you distinctly, that you had no conversation in any way with your daughter, about that agreement, since it 20 was signed and given to her, up to the commencement of this suit? *A.* No, sir; nor I have never seen it from the time I signed it.

Q. (*To the Stenographer.* Do not take that down; it is not in answer to my question.) She never then, told you it was lost? *A.* No, sir; I know nothing about it.

Q. In 1874, when you sent this money, your son, Samuel Knapp, wrote the letter for you. *A.* Yes, sir.

Q. Was not your name—you sent money to Golden 30 —$5,000 to Mr. Golden in the Spring of 1874, for which we have your checks here; they are your checks, are they not? *A.* I guess I took it to him.

Q. You took it to him? *A.* Yes, sir.

Q. At that time you supposed that agreement was still outstanding, did not you? *A.* I don't know.

Q. By the Vice Chancellor. The question put to you is, whether at the time you paid the money to John Golden, you still supposed that the agreement you signed at

Mr. Strong's office was outstanding? *A.* I did not know anything about it any more than you do, may it please your Honor; I had never seen it again.

Q. Further Cross. You knew you made it? *A.*—Yes, sir.

Q. And you knew you signed it? *A.* Yes, sir.

Q. And you knew your daughter took it? *A.* Yes, sir.

Q. And you did not know anything to the contrary but what she still held it, at the time you sent this $5,000 to Golden to pay him? *A.* Yes, sir—well, it was $5,400, was not it? 10

Q. Did you pay $400 interest that Spring? *A.* I paid what was coming to Golden in back interest.

Q. In the Spring of 1874 you paid the interest on the $10,000 mortgage, that was due at that time? *A.*—Yes, sir.

Q. Now, then, since that time—(Interrupted.) *A.* Hold on; when I paid him that interest it was by a $400 check, with the $5,000, and you have a check here for that very amount; and then I gave him a check for $300, and that makes $700 that I paid him in interest, which was back for one year. 20

Q. Those are the checks you refer to; your checks payable to the order of John Golden? (Handing witness checks.) *A.* Those are the ones.

Q. And they were paid? *A.* Yes, sir.

Q. You afterwards sent another $1,000, March twenty-ninth, 1875; now at that time you had heard nothing to the contrary of the agreement being still outstanding and in your daughter's hands? *A.* I knew nothing about it. 30

Q. Well, you heard nothing to the contrary? *A.* No, sir.

Q. By that agreement, Mr. Knapp, you were to convey, you say, the farm to her and the heirs of her body, or how were you to convey it? *A.* That, I believe, is the way the paper read, and what was calculated, too; it

was what was calculated from my son, to give it her and her heirs.

Q. And that was to be in eighteen months, I understand? *A.* I guess that is the way it read.

Q. Eighteen months from the date of it? *A.* Yes, sir.

Q. Now, in September, 1875, the eighteen months would have expired at that time, would it not? *A.* Yes, sir.

Q. From March ninth, 1874, to September, 1875, 10 would be eighteen months, would it not? *A.* Yes, sir.

Q. Now, when that eighteen months was up, did you ask your daughter for that agreement? *A.* No, sir.

Q. You still supposed she held it? *A.* I did not know anything about it.

Q. You did not know anything to the contrary but that she still held it? *A.* No, sir; I did not know whether she had it or Mr. Golden had it.

Q. You did not know anything to the contrary but 20 that she still held it then? *A.* No, sir.

Q. And yet you never asked her for it? *A.* I never did, sir.

Q. And never offered to convey it to her? *A.*—No, sir.

Q. And she never said anything to you about it? *A.* No, sir.

Q. The payments which you made to John Golden were intended to be payments by you upon the mortgage 30 encumbrances upon that farm, were they not? *A.* Yes, sir; that came from my son, or was sent to me, and I took them over to him.

Q. No; I did not ask you that; I ask you whether the payments you made were for the purpose of paying the mortgage debt of John Golden against that farm? *A.* Yes, sir.

Q. Do you mean to say that Peter did not farm that farm the second year, 1875? *A.* I let him run it a little

while in the Spring, but I took charge of it in the Summer.

Q. Did you not both run it? *A.* No; he did, I say, in the Spring for a while.

Q. What year? *A.* 1875; and then he went away and ploughed a meadow that I did not want him to plow.

Q. Well, never mind that; he staid all that year of 1875? *A.* No, sir; but he was backwards and forwards, but did not do anything on the farm at all.

Q. Now, in the Spring of 1874, did you, or not, report to Peter about the condition of the stock upon the farm? *A.* There was no stock there except sheep, and half of them was about dead when I went there. 10

Q. Well, I asked you if you did not report to him? *A.* No, sir.

Q. Not about the sheep on the farm? *A.* Well, there was sheep on the farm, and he got a man to see to them; and three or four of them were about dead, anyhow.

Q. Did you or not report to him about them? *A.* No, sir; I did not; or, I do not think I did. 20

Q. See whether this is one of your letters? *A.*—Well, this—(*A Pause.*)

Q. *By the Vice Chancellor.* Is that letter in your handwriting, sir? *A.* Yes, sir.

Q. *Further Cross.* And you sent it in the course of the mail? *A.* Yes, sir; I think it was. (Said letter was marked "exhibit H," the same being dated April fifteenth, 1874.)

Q. How did you go to Holmdel on that day when you went to Holmdel with your daughter; did you drive down, or go down by car? *A.* I drove in my own conveyance. 30

Q. You went in your own conveyance? *A.* Yes, sir; with a horse and buggy.

Q. One horse? *A.* One, I think.

Q. One horse? *A.* Yes, sir.

Q. And a buggy? *A.* Yes, sir.

Q. To Holmdel? *A.* Yes, sir.

Q. Are you sure on that occasion you took your daughter with you? *A.* I know it.

Q. You had been down before to Freehold—how long before that had you been to Freehold? *A.* That was on Sunday.

Q. Well, how long before? *A.* We went to the farm on Wednesday or Thursday, from Freehold.

Q. You say you went down to Holmdel and met these parties on the farm? *A.* Yes, sir.

10 *Q.* And before that time you went to Freehold? *A.* Yes, sir.

Q. Now, I want to know how long before that it was that you went to Freehold? *A.* I told you that we went down to Freehold on the Sunday previous to this Wednesday or Thursday.

Q. Only two or three days before? *A.* Two or three days before.

Q. This meeting at Freehold, then, was only two or three days prior to this? *A.* That is all.

20 *Q.* You had nothing to fix your mind upon the dates at all, as to this meeting? *A.* Nothing, only what I remember, sir.

Q. Have you not confused some other meeting at Holmdel with this one? *A.* No, sir.

Q. What was your object in going down to see John Golden? *A.* To see whether the old gentleman was willing that his son should sell the place.

Q. But the old gentleman did not own the place? *A.* No, sir; but my son wanted that I should go and see

30 whether he would consent to it.

Q. The old gentleman only held a mortgage against the property? *A.* That is all, and we held one, too.

Q. Well, if Peter was the absolute owner of it, why did you go to the old gentleman to get his consent? *A.* Well, because I thought it would show some respect to him; it was my son's and daughter's notion.

Q. Did you not go because it was a family arrangement, that the farm should be conveyed to you for certain

purposes, and for that reason you wanted to consult the father? *A.* No, sir.

Q. Peter was more than of age then, was not he? *A.* I guess so.

Q. How old do you suppose he was? *A.* I do not know his age.

Q. In 1874 what was it, in your judgment? *A.* Betwixt thirty and forty, I should think.

Q. He always acted for himself? *A.* He did for all I know. 10

Q. You never consulted the old gentleman about him before? *A.* The old gentleman and I talked about Peter's conduct a number of times, but not about this, but about Peter's conduct.

Q. Did you talk with him before about the sale of this property? *A.* No, sir.

Q. The old gentleman, I mean? *A.* No, sir.

Q. You did then, though? *A.* No; I told you before that my daughter done pretty much all the talking.

Q. I want to know whether you had a talk with the 20 old gentleman? *A.* No, sir; I do not think I did say anything about the sale.

Q. Did you talk in the presence of Elizabeth Golden or Elinor Golden? *A.* No, sir.

Q. You know her, do not you? *A.* Yes, sir; she was not there; she was at Mr. Dorrance's, sick.

Q. Did you see her on the second of April when you went down to pay him—I understand you went down to Freehold and paid this money in person? *A.* Yes, sir; I did. 30

Q. Did you see her on the second of April? *A.* I don't remember whether I did or not, but she had been sick for sometime?

Q. Well, I asked you if you recollect seeing her? *A.* No, sir; I do not.

Q. Where did you get the potatoes from that you planted on the farm in 1874? *A.* They was in the cellar down there.

Q. Well, they came from the farm; they were Peter's potatoes, were not they? *A.* I don't know whose potatoes they was.

Q. Well, of course they was his; they were in the cellar; the oats in the granary; there were oats there were not they? *A.* There was eight bushels, but I would not have given four cents a bushel for them.

Q. Was there corn in the crib? *A.* Yes, sir; about forty bushels.

10 *Q.* How many bushels of corn? *A.* Forty or fifty bushels, and I can tell you about the stock if you want to know about it.

Q. No, never mind.

Q. *Re-Direct Ex.* Yes, tell what you want to say about it? *A.* He said I gave to my daughter some horses, but I never gave them to any one. I bought them and paid for them, and have them yet; and he tried to bribe one of his hands there—(Interrupted.) *Objected to and overruled.*

20 *Q.* This letter, you say, Peter brought to your daughter; do you remember what became of that letter? *A.* No, sir.

Q. You have not it in your possession? *A.* No, sir.

Q. You never had it in your possession? *A.* No, sir.

Q. And have never seen it since it was read there in the presence of the parties? *A.* No, sir.

Q. And you do not know where it is now, of course?

30 *A.* No, sir.

Q. I understand that you swear that neither in the conversation at Mr. Golden's house, on Sunday, or at the conversation at the farm during the subsequent week, was there any mention made about any written agreement to be executed at the time of the delivery of the deed? *A.* No, sir.

Q. And the first agreement spoken of was at Mr. Strong's office? *A.* Yes, sir.

Q. To what sheep does the letter of April fifteenth, 1874, refer to? *A.* The sheep on the farm.

Q. Whose sheep? *A.* Well, I owned part of them; I owned about one-third of them.

Q. Whose sheep were killed? *A.* Well, the most of the Southdowns he claimed. They was killed.

Q. *By the Vice Chancellor.* I understand you to say that this paper, which was executed by you at Mr. Strong's office, was executed under Mr. Strong's advice? *A.* Yes, sir. 10

Q. And he advised that it was a proper paper for you to execute? *A.* Well, he thought it was; but I objected.

Q. And he advised that it was a proper paper for you to sign? *A.* No, sir; he did not say anything about it was a proper paper, as I understood.

Q. Did he advise you that it was necessary that you should execute it? *A.* He thought, may be it would be best.

Q. He drew it? *A.* Yes, sir. 20

Q. After it was drawn, and before you saw your son next, did you confer with any lawyer about the paper?—*A.* No, sir.

Q. How did you get the impression, then, that the paper, having been executed in Mr. Strong's office, he advising you that it was best that it should be executed, and he having drawn it—how did you get the impression or opinion that it was worthless? *A.* Well, it was merely a memorandum, you know—or, rather, that is what I call it. There was no seal on it, and no acknowledgment 30 to it, nor any witnesses to it.

Q. I understand you to say that you stated to Mr. Peter S. Golden, at Mr. Strong's office, that the farm was being bought for your daughter? *A.* Yes, sir.

Q. Had you made any such statement as that to him before that time? *A.* To Peter S. Golden?

Q. Yes, sir? *A.* He knew it at the time.

Q. You evidently do not understand my question.—

You stated to Mr. Peter S. Golden, at Mr. Strong's office, that the farm was being bought for your daughter? *A.* Yes, sir.

Q. Now, my question to you is, had you made any such statement as that to him before that time? *A.* Oh! it had been talked of.

Q. Where was that fact first mentioned? *A.* I guess it was at my house; I think so.

Q. How long before you went to Mr. Strong's office? *A.* Well, as I stated a little while ago, it was on a Sunday, you know.

Q. The Sunday before you went to Mr. Strong's office? *A.* Oh! yes, before that; because they went to New York, you know, and then sent me a letter back.

Q. About how long was it between the time that that statement was made to Peter S. Golden, and the time you went to Mr. Strong's office to have the deed prepared? *A.* A week or ten days.

Q. *Further Cross.* Mr. Strong did business for you before that? *A.* Yes, sir.

Q. And he was your lawyer? *A.* He had been.

Q. *Further Direct.* The Court has asked you a question to which you answered a week or ten days; now, who was present during that first talk, when you first made the statement you speak of? *A.* At Mr. Strong's office, do you mean?

Q. No, sir; I mean the first time the statement was made? *A.* Do you mean about the farm?

Q. Yes, sir; when you first mentioned about the farm being purchased for your daughter? *A.* My son and daughter were there at my house.

Q. On that occasion? *A.* Yes, sir.

Q. Any other persons? *A.* My wife may have been there.

Q. Was it at your house? *A.* Yes, sir.

Q. *Further Cross.* At New Brunswick? *A.* Yes, sir.

Q. How long before you went to Mr. Strong's office? *A.* Oh! she had been there for a year.

Q. No, no; you do not understand me; how long was this conversation before you went to Mr. Strong's office to have the paper executed? *A.* I guess it was only a day or two; I don't know but what it was the next day after we received the letter—Mr. Golden came up with the old deed.

Q. *Further Direct.* Prior to the talk about purchasing the farm, your son was in negotiation for buying a house in New York? *A.* Yes, sir. 10

Q. For your daughter? *A.* Yes, sir; and he got his sister and me to go and look at it.

DEFENDANTS' COUNSEL ALSO CALLED JOHN L. CONOVER, SWORN.

Q. You are acquainted with Peter S. Golden? *A.* Yes, sir.

Q. How long have you known him? *A.* About twenty years. 20

Q. Do you know this farm we have been talking of? *A.* Yes, sir.

Q. The Golden farm? *A.* Well, not very much; I am not very much acquainted with it.

Q. Not very much? *A.* No, sir; I never have been on it except to ride through it on the road.

Q. How long have you known it in that way? *A.* For the last twenty-five years.

Q. How far do you live from it, or did you live from it in 1874? *A.* In 1874 I lived about two miles and a half, or three miles, probably, from it. 30

Q. Did you notice it at that time in 1874? *A.* Not particularly, sir.

Q. Did you notice its condition? *A.* I did not; I did not pass there very often, and then I moved up into Holmdel township, in the Spring of 1874.

Q. You did not notice it particularly then, before

that time; now what was it worth in 1874? *A.* Well, sir; it is impossible for me to tell from the fact that I do not know anything at all about it; I never was on it, as I say, before that time.

By the Vice Chancellor to Defendants' Counsel. Anything else, sir, with this witness?

Defendants' Counsel. Well, I propose to show, in addition to what is in the pleadings, the intemperance of
10 Peter S. Golden, if it is allowed by the Court, and that by Peter S. Golden's management of the property resulting from that system of life, Samuel P. Knapp had to furnish the livelihood of Peter S. Golden and his wife and family. I propose to show that as circumstances showing why he became the legal holder of the farm—first Samuel Knapp and then Samuel P. Knapp. It is to rebut the presumption or evidence on their side of the reasonableness of the reason why the deed should be made to the wife and
20 children.

The Vice Chancellor overruled the testimony.

DEFENDANTS' COUNSEL ALSO CALLED ELIZABETH W. GOLDEN, SWORN.

Q. By Mr. Allen. What is your age? *A.* Thirty-six.

Q. How? *A.* Thirty-six last June.

Q. What is the age of your father? *A.* Seventy
30 or seventy-one; I can't say which, just now.

Q. You lived at this farm you have heard talk of? *A.* I did.

Q. How long? *A.* Four years before I went to New York.

Q. Well, before you lived on the farm, where did you live? *A.* Before I was married, or after?

Q. When you were married, where did you move to? *A.* On this farm at Holmdel.

Q. How long? *A.* Four years.

Q. Then where did you move? *A.* New York.

Q. How long did you live there? *A.* One year.

Q. Then where did you move to? *A.* New Brunswick, to my father's.

Q. How long were you there? *A.* One year.

Q. You heard the evidence, or most of the evidence in this case; now, I call your attention to a visit you heard spoken of to Freehold, to Mr. Golden and Peter? *A.* Yes.

Q. Do you remember when that was? *A.* Yes, sir. 10

Q. What prompted that visit; just state how you came to go there? *A.* We were talking—(Interrupted.)

Q. Who are we? *A.* Why, Mr. Peter S. Golden and myself; or, first, my brother was talking about purchasing a house in New York for me, and I told him I would consult my husband about it, and I did so; I told him my brother was willing to buy me a house, and that he had supported us long enough; and if he would buy me a house I could do something towards supporting myself and children by taking boarders. 20

Q. Was Peter present at this conversation? *A.*—This conversation was to Peter S. Golden.

Q. Go on? *A.* I said that we had taxed our brother too much already; and if he was willing to buy me a house, I would take boarders and try and support myself and children. He remarked that if I bought a house I would have no income, and that I had better persuade him to buy this farm; that he was willing to invest money for me, and if he bought me a house and lot in New York, he would want to recall the $7,000 mortgage on this farm; 30 and that he, my husband, had not the money to pay it off.

Q. What next? *A.* Well, we were talking some time about it; and then by his persuasions that I should not buy a house in New York; that my money would be more safe if my brother would invest it in this property—then I told him to tell my brother to come out to New Brunswick and see me.

Q. By Complainant. He said that the money would

be more safe in the farm property? *A.* That was Mr. Golden's advice; that he could not pay the $7,000, if my brother called in the mortgage, so as to buy me a house and lot.

Q. Further Direct. Well? *A.* I told Peter S. to go and see my brother the next day as he went to New York, and to tell him to come out and see me, as I wished to have a conversation with him concerning the house.

Q. Well? *A.* He came and I told him—(Interrupted.

Q. Was Peter there? *A.* No, sir.

Q. Well, he did come out? *A.* Yes, sir; and advised me to see old Mr. Golden and see if he was willing that Peter should part with the farm.

Q. And then you went to Freehold? *A.* Yes, sir.

Q. Who with? *A.* My father. I asked him to take me down; it was on a Sabbath we went.

Q. Who did you see there? *A.* I saw his father, and his aunt, and Peter S. Golden. He was not there at the time we arrived; he was at his sister's, Mr. John Dorrance's wife, and they sent for him and he came over; and I told him our errand.

Q. Well, what did you say? *A.* That my brother had advised me to come down there and see his father, and asked him if he was willing to have him part with the farm, as he held the first mortgage; and then he went into another room with his father, by themselves, and was gone sometime. I was not present at their interview. When he returned I asked him what his father said, and he said his father thought it was the best thing he could do, and was perfectly willing.

Q. Well, willing to do what? *A.* For him to part with the farm.

Q. Where was your father at that time? *A.* My father was sitting in the sitting room, sir, when he returned.

Q. Was that the same day as you went? *A.* Yes,

sir; the same evening; it was on a Sabbath evening when they had that interview.

Q. State what occurred? *A.* I did not hear their interview.

Q. Well, after that I mean? *A.* I don't recollect any more than father spoke that, perhaps, it would be the best thing to pay off these mortgages on the farm, as it would save Peter from paying interest.

Q. Well, was anything said about any writing? *A.* No, sir; no writings, nor agreement, nor deed was spoken of at that time; no bargain was made and no arrangement when any bargain should be made. 10

Q. Was any postponement made? *A.* Yes, sir; I was to meet them in the middle of that week down on the farm; but nothing as I remember, in reference to this business about the farm; but he wished his father and my father to go down and see the condition that Mr. Bedle had left the place in.

Q. Now, the next morning—Monday morning? *A.* Nothing particular occurred, that I remember. 20

Q. When did you go down to the farm? *A.* The middle of the week.

Q. Did you go? *A.* I did, sir.

Q. Who with? *A.* My father.

Q. Well, you got to the farm—who did you meet there? *A.* I met Peter S. Golden and his father, John Golden.

Q. By the Vice Chancellor. Your father and your husband, and your husband's father, and yourself were there? *A.* Yes, sir; and I think that they had Mr. Dorrance's youngest son with them. 30

Q. Further Direct. Proceed, now, and state what, if any, conversation took place between you and the parties in respect to the farm? *A.* Yes, sir; there was some remarks made. We were in the back parlor, sitting by the stove, all of us; I think it was after we had lunched, or before, I can't say which; and while we were sitting by the stove in the back room, something was said that

brought this farm in question, and then they asked Mr. Golden if he was willing to take bank stock for the payment of his claim. My father asked Mr. Golden if he would take it.

Q. Where was Peter then? *A.* He was there.—Mr. Golden said no, he did not know anything about the stock; he preferred leaving it on the farm where it was, rather than to take bank stock.

Q. Well? *A.* And then Mr. John Golden said:
10 Mr. Knapp, as you are going to pay the mortgage off the farm, why not set Peter on his feet and pay his private debts as well; he is owing me $500 or more. Then Pa told him no, he would not do it, and I objected, too; and I said: "Mr. Golden, I think it is enough if my father pays off the mortgage, and buys the farm for me, without paying his private debts."

Q. State all the conversation? *A.* That's all; there was no bargain made for the place, and no agreement was spoken of; nor no paper nor nothing at that time.

20 *Q.* How long were these parties there, that you have mentioned? *A.* Well, some part of the day; I can't say how long or how many hours.

Q. How long were they in that room where this conversation was? *A.* Where the conversation was continued?

Q. Yes? *A.* I don't think it was over fifteen minutes. We were all sitting by the stove, and other topics were brought up.

30 *Q.* Well, what was the next conversation, if any, concerning the farm, or the sale of it? *A.* At that place, sir, do you mean?

Q. Was there anything else said at that place? *A.* No, sir.

Q. Well, when was the next? *A.* Then we went home and I can't say whether it was that Saturday or the Saturday following, that Mr. Golden came up to my father's.

Q. Who? *A.* Peter S. Golden came to my father's in New Brunswick.

Q. Was there any talk then? *A.* Yes, sir; we had a conversation; himself and me, and I think my brother also came with him, if I remember right, and I think I do.

Q. Well? *A.* This was on Saturday. The following Sabbath they talked about the farm; my brother and him, and sometimes my father would make remarks about buying the farm for me, and paying these mortgages. Mr. Golden wanted more than the face of the mortgages, and they objected, and said it was all the place was worth, and all they thought proper to give; and Mr. P. S. Golden said that if he let them have the farm for the amount of the mortgages, he would have nothing left for his other debts; that he would have no money left over.

Q. Well, state if there was any arrangement made? *A.* There was no arrangement made, and no bargain concluded, sir, while they were there. Then they went away the next Monday morning; my father took them to the cars.

Q. Who do you mean by "them?" *A.* Peter S. Golden, Samuel Knapp, and my brother; my father took them to the cars. That Monday previous to their going away they had some conversation concerning the farm, but did not come to any decision concerning it; then my father took them to the cars, and I heard nothing of them again until Peter S. Golden brought me a letter from my brother, stating—(Interrupted.)

Q. By Complainant. Are you now about to state what the letter said, or your husband said? *A.* Mr. Golden said there was a letter from my brother.

Q. Further Direct. Where is the letter? *A.* I don't know. I took no care of it; I did not think it would be of any importance.

Q. You have tried to find it? *A.* Yes, sir; since this suit has been commenced, but not before.

Q. Could you find it at all? *A.* No, sir.

Q. Do you know what has become of it? *A.* No, sir; I do not.

Q. How long after you read the letter was it you saw it? *A.* I don't remember taking any care of the letter.

Q. You don't know as you saw it after you read it?

By Defendants' Counsel. We offer to prove the contents of the letter.

10 *Complainants' counsel objected* until he had first cross-examined witness upon it.

Q. *Cross-Ex.* (as to proof of loss.) This letter, you say, your husband handed to you? *A.* Yes, sir.

Q. And you had it? *A.* I did, in his presence and read it, and opened it in his presence.

Q. Did you keep it? *A.* No, sir; I did not.

Q. Who did you give it to? *A.* I don't recollect; I think I laid it on the dining table, sir; Mr. Golden may 20 have picked it up, for all I know; I think he did and read it afterwards.

Q. What did you do with the letter after that? *A.* I don't remember.

Q. Have you ever seen it since? *A.* No, sir; not to my recollection.

Q. Since it was on the dining room table, I mean? *A.* No, sir; except when I saw Mr. Golden, my husband, read it.

Q. You have never seen it since that? *A.* No, 30 sir.

Q. Where was it when you last saw it? *A.* In Peter S. Golden's hands.

Q. Did he take it away? *A.* I can't say.

Q. Did you notice what became of it? *A.* I did not.

Q. Did you notice what became of him? *A.* No, sir.

Q. Did you notice whether he took the letter or not? *A.* I can't say.

Q. Well, it was your letter? *A.* It was sent to me.

Q. And was directed to you? *A.* Yes, sir; and it was concerning the business he transacted with my brother.

Q. Since that time, the last you saw of it was in his hands? *A.* Yes, sir; Mr. Golden was then reading it.

Q. Did you see him take it away? *A.* No, sir.

Q. Where did he get it from? *A.* I cannot say whether I handed it to him, or whether he picked it up off the table. 10

Q. This was at New Brunswick? *A.* Yes, sir.

Q. You were living there at that time? *A.* I was.

Q. Did he go away after that? *A.* No, sir; not until we went to Mr. Strong's office.

Q. Was that the very day you went to Mr. Strong's office? *A.* Yes, sir.

Q. What time in the morning did you read this letter? *A.* Sometime in the forenoon; I can't state the hour. 20

Q. When was it you saw it in his possession? *A.* Immediately after reading it to my father.

Q. How long had you had it before you saw it in his possession? *A.* I simply read it, sir.

Q. And all you recollect of it is from reading it at that time? *A.* Yes, sir.

Q. And after it passed out of your hands you never saw it again? *A.* No, sir.

Q. And then you immediately got ready to go to Mr. Strong's office? *A.* Yes, sir; we made preparation to go; it gave us directions in that letter to go and have the deed drawn in my father's name, that they had made a bargain at the depot. 30

Q. Did he come in the train that morning from New Brunswick? *A.* I can't say.

Q. When did you first see him that morning? *A.* In the forenoon.

Q. What time did you go to Mr. Strong's? *A.*—Directly after he came.

Q. What time in the day? *A.* I can't tell the hour, sir.

Q. Morning or afternoon? *A.* I think it was the middle of the forenoon, as near as I can remember.

Q. Did Mr. Golden come from New York that morning? *A.* I can't say, sir, where he came from. *Objected to. Overruled.*

10 *Q.* I understand you he brought it there that morning? *A.* Yes, sir.

Q. At what time? *A.* I can't say. *Objected to. Overruled.*

Q. Have you asked Mr. Golden since for it? *A.*—For that letter?

Q. For that letter? *A.* No, sir.

Q. Did you ever have any conversation with him about it? *A.* No, sir; not about that letter.

Q. You say you made a search for it since the suit
20 commenced? *A.* I did.

Q. Where? *A.* In my trunk, among some other letters.

Q. In your trunk where? *A.* At the farm; I thought perhaps I might have it there.

Q. Have you looked in the house of Mr. Knapp at New Brunswick? *A.* No, sir; I am not living there.

Q. But you were then? *A.* When I received the letter I was there.

Q. Have you looked there? *A.* No, sir.

30 *Q.* You occupied a room there then? *A.* I did at that time.

By Complainants' counsel. I submit that there has not been sufficient search made for the letter.

Q. By the Vice Chancellor. Have you searched for this letter in the place where you kept your letters and papers? *A.* I have sir.

Q. And have you done all you could to find it? *A.* Yes, sir.

Q. And your search has been unsuccessful? *A.* It has,

By the Vice Chancellor. I admit the evidence as to the contents of the letter, provided the contents are competent evidence. I will hear counsel upon that point. *Complainants' counsel objected.*

The Vice Chancellor, after hearing the arguments of counsel *admitted* the evidence.

Q. Further Direct. Just look at that letter and see if that is a copy of the letter you received? (Handing witness a letter purporting to be a copy of the one lost.) *Objected to. Overruled.* 10

Q. You received a letter from your brother? *A.*—Yes, sir.

Q. And by reason of that letter you went to Mr. Strong's office? *A.* Yes, sir.

Q. Was there any other letter besides this at that time, you received from your brother? *A.* No, sir; he only handed me that one letter. 20

Q. In reference to the farm? *A.* Yes, sir.

Q. By the Vice Chancellor. What Mr. Allen intends to ask, is did you receive any other letter from your brother in relation to the purchase of this farm, after the time you received this? *A.* No, sir; this is the only letter I received concerning the case.

Q. Further Direct. What was the letter that he wrote to you? *A.* That he had purchased the farm of Peter, and we were to go down and have the deed drawn in my father's name. 30

Q. Was anything said in that letter with reference to—(Interrupted.) *Objected to.*

Q. You say that you received a letter at the hands of Peter Golden, from your brother, stating that he had purchased the farm, and you should have the deed made out to your father? *A.* Yes, sir; in his name.

Q. Do you remember anything else? *A.* I can't remember the particulars; no, sir; no more than that.

Q. Was nothing else said about the farm that you remember? *A.* Not that I remember of at all.

Q. Was anything else directed that you can remember in the letter? *A.* (*A pause.*)

Q. *By the Vice Chancellor.* What the General desires is that you shall give everything that you remember that was stated in that letter? *A.* All that I remember of the particulars, and all that is impressed upon my mind as to its contents, is that he had bought the farm of Mr. Golden, and he wanted the deed made out in my father's name.

Q. *Further Direct.* You can't remember anything else? *A.* Nothing particularly.

Q. Do you remember anything else at all about it? *A.* No, sir; I don't; that is all I remember at this present time.

Q. What followed in the transaction of this business, after the reading of this letter? *A.* Well, we prepared to go to New Brunswick to have the deed drawn.

Q. *By the Vice Chancellor.* You say you prepared to go to New Brunswick; I understood you you were at your father's house in New Brunswick? *A.* Well, my father lives a short distance from the city of New Brunswick, just across the Raritan river, but we always speak of it as New Brunswick?

Q. *Further Direct.* Well, go on and state the whole transaction; you say you went to New Brunswick? *A.* Yes, sir; Peter S. Golden, my father, and myself.

Q. Well, where did you go to? *A.* Woodbridge Strong's office.

Q. I understand this was the same day as you received the letter? *A.* Yes, sir.

Q. What took place there? *A.* What transpired after we arrived there?

Q. Yes? *A.* We went in, but Mr. Strong was engaged and could not do the business immediately.—Then we went down town, and I had some shopping to do for my children. Mr. Golden became excited in the

store, and told me while I was buying an article that he wanted my father to give him a paper that he would transfer the property to me; I told him it was not necessary; that he knew that their intention was to buy the property for me.

Q. Well? *A.* I told him it was not necessary; that they were buying the property for me, and that he knew what their intentions were. Then he became somewhat excited, and I immediately paid for the article I had in my hand, and went out. Then we walked a short distance 10 up the street, and at the corner of ——— and Auburn streets he became very wild in his manner, and said—using profane language—that he would revenge me as long as I lived, if I did not prevail on my father to have the paper drawn agreeing to sign this property over, which I refused to do; and then he said he would revenge me as long as he lived. Then we met father in Church street, and he took us in the carriage and we went to Mr. Strong's; and when we drove up to the office Mr. Golden said: "I want to see Mr. Strong first;" and he jumped out of the 20 carriage and left me as father was tying the horse; then father helped me out and we went in there; and Mr. Golden had been talking to Mr. Strong. Mr. Strong said the deed was not quite made out, but his son was writing it; or, I don't know what you call it—but he was filling out the papers; then Mr. Strong brought in the deed and it was signed and acknowledged. Then Mr. Strong wanted father to sign a paper promising that he would convey this property to me in eighteen months; and my father refused to do it. 30

Q. You say the deed was drawn then? *A.* The deed was drawn and signed before this paper was spoken of to my father, and requested of him. He refused, and said he would do no such thing. Mr. Strong requested him to sign a paper that he would transfer this property to me within eighteen months. Pa still refused and said no, he would not. And Mr. Strong said: "We have no doubt but what your intentions are all right, but in case

of any accident, or your death, it would be, perhaps, right to have such a paper, to show that you had bought the farm with that intention.

Q. Well? *A.* Pa still refused to do it, and then Mr. Golden called me on one side and told me, using a terrible oath, that he would follow me to some certain place if I did not prevail upon my father—for he knew my father never denied me, and he knew I could prevail on him—he said if I did not prevail on him to sign such a
10 paper he would revenge me as long as he lived. I then went to my father and put my hands on his shoulder, and said: "Please, Pa, sign it for me; it will make no difference." I remember using those words, distinctly; I said: "It will make no difference;" and he then signed the paper.

Q. What became of the paper at that time? *A.*—I think, as far as I can remember, that Mr. Strong picked up the deed and Mr. Golden spoke something about having the paper put on record; I cannot remember whether
20 it was Peter S. said that, or Mr. Strong. Mr. Strong had the paper; then I said "Mr. Strong, that paper interests no one but me, why not give it to me?" He said no, and handed it to me.

Q. Where was Peter? *A.* He was by me at that time, in the office.

Q. By the Vice Chancellor. Do I understand you that your husband wanted this paper on record? *A.* I don't remember whether it was my husband proposed it, or Mr. Strong.

30 *Q. Further Direct.* Can you give us any idea of the size of that paper which you say your father signed? *A.* Yes, sir; it was one of those half sheets, and I don't think it was more than half filled out, if it was that. It was a paper similar to that.

Q. A half sheet? (holding up a sheet of legal cap.) *A.* I don't know what you call it, but it was a paper like that.

Q. Well, now, take this page (holding up a page of

legal cap.) How much writing was there on the paper? *A.* Not over a third.

Q. One-third of it? *A.* A third of that present paper facing me now.

Q. Was there any seal or wafer on it? *A.* No, sir.

Q. As your father signed it who sat closest to him? *A.* Mr. Woodbridge Strong; I sat by his side, sitting with my hand on his shoulder; or I had it there previously. I sat by him. 10

Q. Immediately after it was signed was anything else done with the paper? *A.* Yes, sir; Mr. Peter S. Golden gave father, afterwards, a note for $700.

Q. I am speaking of that particular paper; you say there was writing on the page one-third of the way down. Now, was there any other writing put on that paper after your father signed it there, between the time he signed it and the time you say you took it? *A.* No, sir.

Q. Do you know what the acknowledging of a paper is? *A.* No, sir; except that I acknowledged the deed. 20

Q. Well, now, was the instrument or paper you speak of, acknowledged by your father in the presence of Mr. Strong, or to Mr. Strong, as the deed was acknowledged? *A.* No, sir; father simply wrote his name at the bottom of the paper.

Q. You say you took the paper? *A.* I did.

Q. Well, what did you do with it? *A.* I took it home with me, and went into my room when I got home and put it in my bureau drawer, in my bed-room; and I most always have a paper at the bottom of my drawers—trunk—and I raised that paper and slipped this writing under that paper in my drawer. 30

Q. How long after you got home did you put it in that drawer; a half hour, or a day, or what? *A.* I can't say, sir; it was when I went up stairs.

Q. Then did you see that paper afterwards at any time, and if so, when? *A.* Never but once, sir; I spoke

to mother about Mr. Golden wanting the paper, and I took it down and read it to my mother.

Q. Took it down where? *A.* To the dining-room from my bed-room; or, to the sitting-room, rather.

Q. Same day? *A.* Yes, sir.

Q. Who else was present when you read it to your mother? *A.* Not any one, sir.

Q. Then what, after you read it to your mother, did you do do with it? *A.* I took it up stairs and put it in
10 the drawer, sir; under that paper that I spoke of.

Q. You are speaking of New Brunswick, now? *A.* Yes, sir.

Q. When next, if at all, did you see that paper? *A.* I never saw the paper afterwards, sir.

Q. After you read it to your mother? *A.* Not after I placed it in my bureau drawer.

Q. What room was that in—your bed-room? *A.*—Yes, sir; my bed-room.

Q. What is it you kept in that drawer besides that pa-
20 per? *A.* Different articles.

Q. Clothing, I mean, or other articles? *A.* No, sir; clothes simply.

Q. Who else, if anybody, had access to that room besides yourself? *A.* The children; and Mr. Golden would generally come out on Saturday and spend the Sabbath, and go back on Monday morning.

Q. Have you at any time searched for the paper since you put it in the drawer? *A.* I have.

Q. Frequently? *A.* Well, I looked for it, but I
30 could not find it; and when I left there my father went back to the farm, and he could not find the paper; but then I emptied the drawer entirely of everything—of its contents.

Q. How often have you searched for it? *A.* A number of times.

Q. This particular paper? A. I cannot enumerate the times.

Q. This was at New Brunswick, you say you put it,

in the bureau? *A.* Yes, sir; the same time that I returned.

Q. Then afterwards you lived at the farm awhile? *A.* Yes, sir; he moved there.

Q. After you put it in the bureau drawer? *A.*—Yes, sir.

Q. Was that bureau moved to the farm? *A.* No, sir.

Q. But the articles in that bureau you took to the farm? *A.* I did. 10

Q. And when you took the articles out of the bureau—(Interrupted.) *A.* The paper was not there.

Q. The paper was not there? *A.* No, sir.

Q. Was the paper read to you, or did you read it at Mr. Strong's office? *A.* Woodbridge Strong read it at the office, and then, after that, I read it to my mother.

Q. What were the contents of that paper? *A.* As near as I can remember—that the farm was to be assigned to me within eighteen months from the time the deed was drawn; I think it was to me and my heirs. I 20 know it was to me and my heirs; in eighteen months from the time of its date.

Q. Now, recall your attention back to Mr. Strong's office; who went into the office first? *A.* My husband went in first, when we returned the second time.

Q. I mean when you went the first time? *A.* I think we all went in together; I am not sure, but I think we did; I know we did.

RECESS. 30

Q. After this transaction in New Brunswick, I understand you went on the farm; now, in regard to the stock on the farm, who managed it? *A.* My father, sir; and he put stock on the place. There was some poultry, some seven chickens; hens, perhaps, you would call them; and three pigs.

Q. In regard to the management and tilling of it;

who put the crops in? *A.* My father did it; and a few fields he rented.

Q. Who did? *A.* My father rented them.

Q. To whom? *A.* To Mr. Stillwell, Mr. Van Tondis and Mr. Duel; there were three different fields put out that season.

Q. What year? *A.* The first year I was on the place; when we moved back on the farm.

Q. Do you know anything about the corn there?
10 *A.* I saw some corn there.

Q. Stock, horses, &c.; who furnished them? *A.*—My father bought them.

Q. *Cross-Ex. By Mr. Vredenburgh.* Did your father give you a team of horses? *A.* No, sir; he never gave them to me.

Q. The horses, you know, I am asking you about; I asked him about that? *A.* Yes, sir; I know.

Q. You say he did not give them to you? *A.* No, sir; he bought them to use on the place.

20 *Q.* Is that your handwriting in this book? (Handing witness a small pocket book.) *A.* Yes, sir; this book is what I lost. I told Mr. Golden I had lost it, and asked him if he had it, and he denied it.

Q. Yes; is that your book? *A.* Yes, sir; it belongs to me. It shows my husband's principle. I told him if he bought the horses and would leave them on the place for me, I would pay him for it.

Q. And this is in your handwriting? *A.* Yes, sir; Pa bought for my use sheep and lambs, and one team of
30 horses.

Q. Then you are mistaken about it when you say he did not buy them for you? *A.* I say he did not give them me.

Q. Well, do you say whether that entry is correct or not? *A.* I put it there; but I told father I would pay him for those horses; he never gave me those horses.

Q. Then this entry is not correct? *A.* I may have put it down in that manner.

Q. These are entries of sheep, and different transactions connected with the farm? *A.* Yes, sir; and money I received from my brother, I think, you will find there; I know there was money here that I received. There was an entry of where my brother sent me money to pay Mr. Nallan. And here is something here I never put in it, "paid for sheep;" that is not in my hand-writing.

Q. Then do you mean that Mr. Golden's hand-writing is in your books there? *A.* It seems so. All this here about paid for sheep, and—I don't know what this is, in Mr. Golden's hand-writing.

Q. Was it done at that time? *A.* No, sir; it was not done in my presence, either; I don't know anything about it; it was not in my book when it was in my possession. This is not in my hand-writing. Yes, sir; this is my book; I am so glad that you found it.

Complainants' counsel offered said book in evidence.

Q. Is not that the book, Mrs. Golden, in which you both kept your farm accounts? *A.* No, sir; Mr. Golden never had any connection with my book; he put this down here after it went out of my possession.

Q. Do you mean to say he put it down afterwards? *A.* Yes, sir; I never saw this in my book until you showed it to me.

Q. Is not it part of the farm account? *A.* Well, I guess he put it down.

Q. It is part of the farm account, is it not? *A.* I don't know anything about it.

Q. There is some of your hand-writing at any rate, there? *A.* Yes, sir; that accounts for a good many other things I have lost.

Q. You have three little children? *A.* Yes, sir; I wish, though, I had never had one of them.

Q. Your husband was there in 1875, on the farm? *A.* Why, he went back and forth.

Q. Did you live upon the farm in 1875? *A.* I have been on the farm ever since it was first bought.

Q. He lived with you until sometime last year, the

latter part of it? *A.* Off and on; no, sir; he was in New York, some time.

Q. You have never been separated? *A.* From the twenty-sixth of January he has left me, sir; and I have only seen Mr. Golden a few times since.

Q. That book has none of your private entries in it, has it? *A.* I don't know, sir.

Q. Well, I want to know whether it was the farm book or not? *A.* No, sir.

10 *Q.* Was it not used for your accounts on the farm? *A.* I may have put down some memorandum; I don't know what is in it.

Q. Then it was of no importance at all? *A.* It was of importance to me.

Q. As connected with the farm? *A.* No, sir; I don't mean that.

Q. The object, you say, as I understand you, of all these different conversations that you have detailed, was that the farm might be conveyed by Peter to your father, 20 to the end that you might have it for yourself and your children; is that correct? *A.* I did not say for myself and my children; my brother bought the farm for me, that was his intention; that was my brother's intention.

Q. And you meant also to hold it for your children, did you not? *A.* I understood that my children should get the benefit of it, when I got through with it, perhaps; but that would be as I liked. It would be natural for me to take care of my own children.

Q. The last that you saw of this agreement it was in 30 a drawer in the bureau in your father's house at New Brunswick? *A.* There is where I put it, sir.

Q. And that is the last you saw of it? *A.* Yes, sir.

Q. And that was the very day it was executed? *A.* It was the very day I took it down and read it to my mother.

Q. Well, was that or not the day it was executed? *A.* Yes, sir.

Q. When had you occasion to go into that bureau again? *A.* I was in it frequently.

Q. Did you look to see where it was? *A.* My articles were in there, and I was more or less there every few days.

Q. Did you look to see where it was. *A.* No, sir.

Q. You did not look for it? *A.* Not at that time; I did not look for it every time I went into the bureau drawers.

Q. When you went home you took everything out of the bureau, did you? *A.* I did. 10

Q. When was that? *A.* When I moved; sometime in the middle of March, I think it was.

Q. The middle of March? *A.* I can't say exactly.

Q. Well, as well as you can say? *A.* Sometime in March.

Q. That same March, 1874? *A.* Yes, sir.

Q. How did you move—did you move all your things from New Brunswick? *A.* A great many of them had been left there and I had nothing at New Brunswick except my clothing and the children's. 20

Q. You had your clothes there? *A.* Yes, sir.

Q. The other things were at the farm? *A.* A few things; part was stored at New York.

Q. Well, were any of them at the farm? *A.* A few things.

Q. When you came to look in that drawer did you look for this instrument? *A.* I did, frequently.

Q. This time, I mean, in March? *A.* I made a thorough search when I moved. 30

Q. You looked under the paper where you put it, did you? *A.* I looked all through the drawer, sir; I emptied the drawer.

Q. You say you put this instrument under the paper? *A.* I did.

Q. You looked under that? *A.* Certainly.

Q. Now, when you found it was gone did you speak of it to anybody? *A.* I did not.

Q. Did you inquire of anybody in the house for it? *A.* No, sir; I was afraid my husband would put some of his threats into execution.

Q. I guess you were not very much afraid. You say you were afraid your husband would put his threats into execution? *A.* Yes, sir.

Q. That is, he threatened you by saying you must have the farm conveyed to yourself. Do you consider that much of a threat? *A.* Well, he threatened me
10 about that paper he got from my father.

Q. And that paper stipulated that the farm should be conveyed to you, did it not? *A.* Yes, sir.

Q. Well, now, was there much of a threat about that; did you feel frightened about that? Yes, sir.

Q. Do you say then, Mrs. Golden, that you were frightened because Peter insisted upon an agreement being made that your father should convey this farm to you? *A.* Well, I was, after I persuaded my—(Interrupted.)

Q. Please answer the question? *A.* Yes, I was
20 frightened when I missed the paper; yes, sir.

Q. Well, I never heard that before; let's have that down. Now my question is this; you say at the time this agreement was executed, or just before that, your husband made some threat; now I ask you if you say that you were then frightened because he threatened to you ask your father to convey this farm over to you? *A.*—Was I frightened?

Q. Yes? *A.* In what way?

Q. At that threat? *A.* I was frightened when I
30 found the paper was gone, for I feared—(Interrupted.)

Q. Well, the day when you found the paper was gone was the day when you were going from New Brunswick? *A.* No, sir; it was before that.

Q. How long before that? *A.* I can't say.

Q. Tell me as near as you can? *A* I can't.

Q. *By the Vice Chancellor.* Had you discovered the loss of that paper before you made preparations to move down to the farm? *A.* Yes, sir.

Q. Further Cross. How long before, about? *A.* I can't say; I don't remember.

Q. Well, you moved down in March? *A.* Yes, sir.

Q. And you got the paper about the ninth or tenth of March? *A.* Yes, sir.

Q. Now within how many days after you got that paper did you discover it was lost? *A.* I don't remember.

Q. Can't you give us any idea? *A.* No, sir; I can't; for I have not the slightest idea myself.

Q. Did not you speak about it to your mother? *A.* No, sir. 10

Q. Did you speak about it to any of the servant girls? *A.* I did not.

Q. Did you not think it was a matter that your mother or some of the servant girls could help you in?— *A.* No, sir; I spoke to none of them.

Q. There were servants in the house? *A.* Yes, sir.

Q. How many? *A.* One.

Q. What effort did you make to get the paper? I made a thorough search among my things. 20

Q. Did you make any effort except your personal search? *A.* No, sir.

Q. You did not ask the others in the house where it was? *A.* No, sir.

Q. After you were down on the farm, did you tell your husband this paper was lost? *A.* I never told him it was lost.

Q. Did you tell him where you had put it? *A.* I did not.

Q. Did you show him where you had put it?— One question more. He went away that day, the ninth of March? *A.* We left him at the depot, sir. 30

Q. How long did he stay? *A.* I can't say.

Q. Give me your recollections as to whether he came back or not, before you went down to the farm? *A.* Yes, sir.

Q. Re-Direct. After this deed was executed and this paper was given at Mr. Strong's office, how soon after

that did you see your brother? *A.* Well, I can't say.

Q. About how long a time was it before he came out to New Brunswick? *A.* I can't say; a short time; he came out every two weeks.

Q. Did you say anything to him with reference to the execution of this agreement? *A.* No, sir.

Q. Did you tell him anything about the agreement? A. No, sir; never.

Q. You never did? *A.* No, sir; it was done with-
10 out his consent or knowledge.

Q. In none of the conversations that you had prior to the execution of this deed, with your brother, in Golden's presence, in talking about the farm, was anything said about a paper being drawn if Mr. Golden deeded the property to Mr. Knapp; that is, should be made over in any length of time to you or your heirs? *A.* No, sir.

Q. In none of the conversations when you were talking about the purchase in the presence of your brother was there any such talk? *A.* No, sir.

20 *Q. By the Vice Chancellor.* About how soon after your visit to Mr. Strong's office did you see your brother, Samuel P. Knapp? *A.* Well, it was a short time after, but I can't state the time, sir.

Q. Was it within a week or two weeks? *A.* I fancy it was within two weeks.

Q. Before you moved down to the farm? *A.* Yes, sir; I think it was, but I won't say positively, sir.

Q. It is your impression now, that it was before you
30 moved down to the farm? *A.* Yes, sir.

Q. Now, then, when you did see him was there anything said about the conveyance of this property to your father—did you and your brother, Samuel P., have any conversation about the deed that had been made. *A.*—Yes, sir.

Q. You did talk about it? *A.* Yes, sir.

Q. Further Direct. What took place in that talk? *A.* He asked me if Peter had the deed made to Pa;

he asked me if it was done as he directed, and I said "yes."

Q. At the time you had that conversation did you tell him about this paper that had been drawn? *A.* No, sir.

Q. At any time did you? *A.* No, sir; I never mentioned the paper to my brother until after Mr. Golden commenced this suit.

Q. Where did you keep this book that Mr. Peter S. Golden produced? *A.* In my closet, sir; among my papers. I don't mean all my papers, but where I had some writing paper and envelopes in a little box. 10

Q. When was the last time you saw it before to-day? *A.* Shortly after my sickness; it was in the first of the Winter of 1874.

Q. Re-Cross. At the farm? *A.* Yes, sir; and I have asked my husband repeatedly for it, and if he knew anything of the book, and he always denied it.

Q. You say you did not tell your brother about this agreement. You had understood, and your brother had understood all along, that this house in New York, or if it was changed to a farm, then the farm was to be purchased, for your benefit? *A.* Yes, sir; certainly it was bought for my benefit. 20

Q. Why did you not tell him then about the agreement? *A.* I thought that I had done wrong in getting it without his knowledge. He knew nothing about the paper, and I thought I had done wrong in persuading my father to do it.

Q. You thought you did wrong; let's get that down? *A.* Well, my brother knew nothing about the agreement. 30

Q. One moment; did not you understand that your brother, or father, or both of them meant you should have this farm, or a house? *A.* Yes, sir; for my benefit.

Q. Now you say that the agreement was drawn for your benefit, don't you? *A.* Oh, I don't know any more than I have told you, the contents of it.

Q. You say that that agreement was that the farm should be deeded to you within eighteen months, and to your heirs? *A.* Yes, sir.

Q. Why, was that anything contrary to what Mr. Knapp understood? *A.* My brother had not authorized me to have my father say any such thing.

Q. But it was for you? *A.* Well, I had not been authorized to have it done.

Q. I simply, Mrs. Golden, am trying to get at why
10 you withheld from your brother this information as to this paper being executed, it being done by Mr. Strong's advice. I ask you did not you understand from the first, that either a house or the farm should be bought for your benefit? *A.* Yes, sir.

Q. Well, now, any agreement that should make it for your benefit, why should your brother be angry at that? *A.* Because he had not authorized such a paper.

Q. But that was the intention, was it not? *A.* He had not authorized the paper; no, sir.

20 *Q.* Yes; but it was the intention, that you should have the farm? *A.* It was for my benefit he bought the farm, as he would have done the house.

Q. That's all.

DEFENDANTS' COUNSEL RECALLED SAMUEL P. KNAPP: SWORN.

Q. I understood you to swear, in your direct examination, that you went from the depot at New Brunswick,
30 where you bought this farm, to New York, and a day or two afterwards you wrote a letter and gave it to Mr. Peter Golden to take to your sister? *A.* I did, sir.

Q. That letter was with reference to the purchase of this farm? *A.* Yes, sir.

Q. Did you ever write any other letter and deliver it to Mr. Golden to deliver to your sister? *A.* Not in connection with this farm; no, sir.

Q. Did you keep a copy of this letter? *A.* I did.

Q. Have you ever seen the original since? *A.* I have not; no, sir.

Q. Don't you know where the original is? *A.* No, sir.

Q. Can you produce that copy? *A.* I can, sir.

Q. *By Complainant.* Did you make the copy at the time? *A.* I did.

Q. *Further Direct.* Where was the letter written and where was the copy made? *A.* In the office of P. S. Golden & Co., 965 Sixth Ave. 10

Q. Did you read the letter to Mr. Golden at that time? *A.* Yes, sir; before I enclosed it in the envelope and gave it to him.

Q. Is this a copy of it? *A.* Yes, sir.

Defendants' counsel offered said copy in evidence and read the same. Said copy was marked "exhibit No. 4" for defendant. The same being dated the twenty-third of February, 1874.

Q. You said something about after your purchasing 20 the farm, your father went there by your directions, to look after the payment of bills and the expenses incurred on the place? *A.* My father and my sister went to the farm.

Q. Did you make advances to them? *A.* Yes, sir.

Q. To your sister? *A.* Yes, sir.

Q. And father? *A.* Yes, sir.

Q. For what purpose? *A.* To pay the expenses of the farm; and I also bought the provisions from the time they moved there, flour, meat, and everything else. 30

Q. Have you anything to show, by check or otherwise, the advances made? *A.* I have; but not here.

Q. There was a check for $6,000 you showed me? *A.* Yes, sir; that was a check I gave Mr. Golden on the mortgage on the farm at the time he first bought the farm of his father.

Q. You gave him your check for $6,000? *A.* Yes, sir.

Q. That was at the time he originally purchased the farm from his father? *A.* Yes, sir; father gave him a check for a $1,000, and I gave him a check for $6,000 to make up that $7,000 mortgage.

Q. *Cross-Ex.* When you sent that $5,000 you signed your father's name to the letter? *A.* Yes, sir.

Q. Where did you write that letter "exhibit C?" *A.* I have forgotten, sir.

Q. It is dated from New Brunswick? *A.* Then it
10 must have been written from there.

Q. Was it written at his request? *A.* No, sir.

Q. Why did you use his name? *A.* Because I told him I wanted him to attend to the business himself, and I said now I will write this letter, and I said I will sign your name to it; and after I done it I told him I had done it, and that I had signed his name to it, and he said it did not make any difference.

Q. Did you do it at New Brunswick in his presence? *A.* No, sir; not in his presence; he did not know
20 I was writing the letter at the time.

Q. Well, you told him of it afterwards? *A.* Yes, sir.

Defendants' counsel offered check in evidence, marked "exhibit No. 5."

DEFENDANTS' COUNSEL ALSO CALLED MARY DEAN: SWORN.

Q. You live in New York city? *A.* I do, sir.

30 *Q.* And did in the years of 1873 and 1874? *A.* Yes, sir.

Q. Mr. Knapp and Mr. Peter Golden boarded with you? *A.* Yes, sir.

Q. I refer to Mr. Samuel P. Knapp? *A.* Yes sir.

Q. In 1874 they boarded with you? *A.* Yes, sir.

Q. In 1874 do you remember any conversation between Samuel P. Knapp and Mr. Golden, at your house,

and if so, what was it; in reference to this farm? *A.*—Yes, sir; I do remember it.

Q. Just state what it was? *A.* One evening, about dusk, Mr. Knapp was sitting in my room, and shortly after Mr. Golden came in.

Q. That was when? *A.* I should think it was the latter part of February, but I am not positive. Mr. Golden said to Mr. Samuel Knapp, Liz wants you to go down to father's to-day.

Q. Down to New Brunswick? *A.* Yes, sir; Mr. Samuel Knapp replied: this is a strange time for you to tell me this, now that it is nearly dark; why did you not stop at my office when you came from the country, and tell me then? and then he said: what is the matter, is there anybody sick? and Mr. Golden replied no, there was no one sick; then Mr. Samuel Knapp said: very well, I will go up to-morrow; and he did so. When he returned he said to me—(Interrupted.)

Q; Was Mr. Golden present then? *A.* No, sir.

Q. Then we do not want that; we want nothing but what is strictly competent. Well, he came back and told you he had been to the farm? *A.* Yes, sir.

Q. Did you hear any other conversation between Mr. Golden and Mr. Knapp? *A.* Yes, sir.

Q. State it? *A.* A short time after that, I should think it was possibly two or three weeks afterwards, at the table, one day, Mr. Knapp said, interrupting other conversation: by the by, Peter, did you attend to that matter? Mr. Golden said yes, I took your father and Lizzie to New Brunswick, to a lawyer, and had that deed drawn up as you directed, and Mr. Samuel Knapp said all right. That was all the conversation had at that time.

Q. Did you hear any other conversation between them at any other time? *A.* Not any, that created an impression upon my mind, until the Autumn of 1874.

Q. What conversation did you hear then? *A.* They commenced a conversation about the farm.

Q. Who? *A.* Mr. Golden and Mr. Samuel Knapp,

and in the course of that conversation Mr. Golden remarked that he never regretted anything so much as selling him that farm, and that he had sold it too cheap—at much less than it was worth—or words to that effect.

Q. Well? *A.* Well, Mr. Knapp replied: very well, I will sell you back the farm, and I will sell it to you for what you paid me for it and less; I will sell it to you for $2,000 less than I paid for it.

Q. Who was paying for the board of Mr. Golden at
10 that time? *Objected to and overruled.*

Q. Did Peter board there to the house during all that time? *A.* During the intervals between these conversations do you mean?

Q. Yes? *A.* He did most of the time; he may have been back and forth to the country, but he made my house his stopping place in New York.

Q. Cross-Ex. Did all these conversations occur in 1874? *A.* The Autumn of 1876 was the last I saw of Mr. Golden.

20 *Q.* Is your husband living? *A.* He is not.

Q. How long has he been dead? *A.* Five years; a little over perhaps.

Q. Mr. Samuel P. Knapp boards with you now? *A.* He does.

Q. How long has he boarded with you? *A.* Five years; perhaps a little more, or perhaps a little less; I am not positive as to the day.

Q. Mr. Golden boarded with you during 1874? *A.* Yes, sir.

30 *Q.* And at any other time? *A.* During 1872, I think he took his meals at my house, but slept at his own house in Fifty-fifth street.

Q. What other boarders had you besides them? *A.* None other besides Mr. Golden and Mr. Knapp.

Q. Mr. Golden was there how long—did he have a room there? *A.* He did.

Q. How long? *A.* In 1873 he had a room there; in the Spring of 1873 until the Spring of 1874.

Q. And during 1874 up to what time? *A.* The Autumn of 1874.

Q. You live in one of Mr. Knapp's houses, do not you? *A.* I do not.

Q. Does he pay the rent? *A.* He does not.

Q. He is your only boarder? *A.* Yes, sir.

Q. You are very much interested for Mr. Knapp are you not? *A.* Not particularly; I am no more than I am for his family; I consider myself a friend of the family. 10

Q. For Samuel P. Knapp I mean? *A.* Yes, sir.

Q. You say you are not interested for him? *A.* Yes, sir—they are all my friends—the family are my particular friends.

Q. Have you not intimate relations with Mr. S. P. Knapp? *Objected to and admitted.* *A.* I decline to answer, sir.

Q. Is that a letter written to you by him, and is that the direction in connection with it? (showing witness a letter and envelope.) *A.* I should judge it was 20 Mr. Knapp's hand-writing.

Q. Was it received by you? *A.* I do not remember of receiving it.

Q. It is directed to you? *A.* I do not remember ever receiving it.

Q. You are the person to whom it is directed? *A.* My name is Mrs. Mary Dean.

Q. Is that also written to you—it is part of the same letter I think? (handing witness paper.) *A.* I presume it is; I do not remember the letter. 30

Q. This is in Mr. Knapp's hand-writing, too? *A.* It looks like it.

Q. You cannot say you did not receive it, can you? *A.* I cannot say I did not receive it, and I cannot say that I did receive it; but I do not remember now reading that letter before.

Complainants' counsel offered said letter in evidence for the purpose of showing the relationship between the parties.

Q. Further Direct. If you had this letter do you know how it came out of your possession? *A.* I do not.

Q. If you received this letter it was at the time Mr. Golden boarded at your house? *A.* I did not notice the date of the letter.

Q. September eighth, 1873, is the date, and I understood you to say that he was boarding at your house, then? *A.* He was.

Q. There don't seem to be any date to this letter, 10 but counsel says it is part of the other; the envelope is dated September ninth? *A.* Yes, sir; the letter is dated the eighth.

Q. Well, it was mailed September ninth; now if these letters were received by you they were not given to Mr. Golden by you, were they? *A.* My letters were always received at my own house.

Q. And were in your own custody and charge? *A.* Yes, sir.

Q. If these letters were received by you they were 20 extracted from your possession without your knowledge? *A.* Certainly; it is a matter that I am very particular about in my correspondence, and my letters are not thrown around promiscuously.

Q. This letter was never given by you to Mr. Golden? *A.* Certainly not.

Q. Or was given by you to any one? *A.* No, sir.

Q. You never gave this letter to any one? *A.* No, sir.

30 *Q.* Whose ever possession they are now in they came there by extraction, without your knowledge or consent? *A.* Certainly; I was very ill at that time, and had been ill for many months; and possibly it was because of that that I never received it.

Q. Do you remember of receiving it? *A.* No, sir; I do not.

Q. You never remember of receiving it? *A.* No, sir.

Q. Or reading it? *A.* No, sir; but the hand-writing looks like Mr. Knapp's.

Q. Were you sick in September, 1873? *A.* Yes, sir.

Q. Did Mr. Golden board there at the time? *A.*—Yes, sir.

Q. And did he receive your letters at the door? *A.* Never, to my knowledge.

Q. You cannot tell whether you received that letter or not? *A.* I have no recollection of ever reading that letter before. 10

Q. *Further Cross.* I understand you to say that you have no impression that you did not receive it? *A.* I have no idea that I ever read that letter before; the contents are new to me.

Q. Is it your recollection that you did not receive it or that you did? *A.* I don't think I received it, because I cannot remember having ever read it before.

Q. That is all?

The Vice Chancellor stated, with regard to one of the questions put by complainants' counsel, inquiring whether there were intimate relations existing between the witness and Mr. Knapp; the witness evidently misapprehended the question, and which she answered by saying she declined to answer. The Vice Chancellor stated further that he understood the question to relate to intimate friendly relations, and that the witness had understood it to mean something else. 20

Complainants' counsel said that he intended the question to relate to intimate criminal relations. 30

Q. *By the Vice Chancellor.* Mrs. Dean, the question that you answered by saying I decline to answer, did you understand the counsel desired to inquire of you whether the relations existing between Mr. Knapp and yourself were improper? *A.* I did, sir.

DEFENDANTS' COUNSEL ALSO CALLED SAMUEL LICHHARDT; SWORN.

Q. You live at New York city? *A.* I do.

Q. And have lived there how long? *A.* Thirteen years.

Q. Do you know the complainant, Mr. Golden? *A.* Yes, sir.

Q. Were you associated with him in business at any
10 time? *A.* Yes, sir.

Q. How long? *A.* From February, 1873, until the twenty-fifth July, I think it was, of the same year.

Q. 1873? *A.* Yes, sir; then I went away for two months after that. I was again associated with him in the Fall of 1873.

Q. How long did you stay then? *A.* Until towards the last November, when I was taken sick.

Q. November, 1873? *A.* Yes, sir.

Q. Were you with him after that? *A.* Yes, sir.

20 *Q.* When? *A.* The Fall of 1874.

Q. Mr. Knapp was frequently at the office with Mr. Golden, was not he? *A.* Yes, sir.

Q. Did you ever hear any conversation between Mr. Golden and Mr. Knapp in reference to the purchasing of a house in New York city, and a farm in New Jersey, in this State? *A.* Mr. Knapp and Mr. Golden both, at several times, requested me to look after a house and find a house for Mr. Knapp, as he wished to purchase it for his sister.

30 *Q.* Samuel P. Knapp was that? *A.* Yes, sir; Samuel P. Knapp.

Q. He wished to purchase it for his sister? *A.* Yes, sir.

Q. Well, was there any conversation with Mr. Golden in reference to this farm? *Q* He came to see me while I was sick.

Q. Who did? *A.* Mr. Golden.

Q. Well, what conversation did you have, if any?

A. I asked him if Mr. Knapp had bought that house; he told me no; that he had sold Mr. Knapp his farm.

Q. Samuel P. Knapp? *A.* Yes, sir.

Q. *Cross-Ex.* Have you talked to Mr. Samuel P. Knapp about this matter? *A.* Which way, sir?

Q. In reference to what Mr. Golden said? *A.* No, sir.

Q. Since yesterday, or a few days ago? *A.* No, sir.

Q. To-day have you? *A.* No, sir. 10

Q. What business are you in? *A.* None, at present.

Q. You are in none? *A.* No, sir.

Q. And have not been in any for sometime? *A.* About six weeks.

Q. Has Mr. Knapp, senior, offered you any business opening? *A.* Mr. Knapp has not; no, sir.

Q. Has Mr. Samuel P. Knapp? *A.* No, sir; he has not.

Q. Have you not borrowed money of Samuel P. 20 Knapp? *A.* At different times small amounts, may be a little change, or something of that kind.

Q. Have you had anything to call your attention to this conversation since it occurred? *A.* No, sir.

Q. Did you ever see the old gentleman there—you have seen the old gentleman at their office, have not you? *A.* Which one?

Q. Samuel Knapp's father? *A.* I have seen him several times.

Q. At his son's office? *A.* I have seen him once 30 or twice there, and once or twice at the office in Sixth Avenue.

Q. This last conversation occurred while you were sick? *A.* Yes, sir.

Q. Were you in bed? A. Yes, sir; I might possibly, at the minute he was in there, have been sitting up in a chair; but I was sick in bed during that time.

Q. In the bedroom? *A.* In my bedroom.

Q. Was there anything else said, then, than that the house had not been bought, but that the farm had been put in the place of the house? *A.* The conversation was this:

Q. No, no; answer the question; read the question, Mr. Stenographer?

The Stenographer then read as follows:

Q. Was there anything else said, then, than that the house had not been bought, but that the farm had been put
10 in the place of the house? *A.* The words he used were that Mr. Knapp was not going to buy the house—he said he has not bought the house, and I have sold him my farm.

Q. I have sold him my farm? *A.* Yes, sir.

Q. Did not he say the farm had been bought instead of the house? *A.* The way I think, now, that he had told me was, that he had sold him the farm.

Q. That is the way you think now? *A.* Yes, sir.

Q. You have had nothing to call your attention to
20 it since then? *A.* No, sir.

Q. What time was this that he called, when you were sick? *A.* Well, he was there two or three times.

Q. I mean this time? *A.* It may have been the middle or the last of February, 1874; I cannot locate the exact date because I was very low.

Q. By the Vice Chancellor. At the time this conversation occurred it was about the middle of February or the last of February, I understand you? *A.* Yes, sir; I was very low at that time.

30 *Q. Further Cross.* What were you low with? *A.* Well, sir, I had pleurisy, pneumonia, and dropsy of the chest.

Q. Are you nervous? *A.* A little; I have been so ever since I was sick.

Q. Is your memory affected by your sickness? *A.* No, sir; I think not.

Q. About how long had you been sick at that time? *A.* I think about three months then.

Q. Sick in bed? *A.* Yes, sir.

Q. About three months? *A.* Yes, sir.

Q. When were you taken sick? *A.* The day after Thanksgiving, 1873.

Q. *Re-Direct.* Counsel asked you if Mr. Knapp had been to see you with reference to what you knew about this case; now, did Mr. Golden come to see you? *A.* Yes, sir; he did.

Q. With reference to what you knew about this transaction? *A.* He did not ask me that. 10

Q. What did he come to see you about? *A.* Well, sir; I could not say.

Q. Well, what did he say to you? *A.* He asked me if I knew about his business capacity, &c.

Q. Is that all? *A.* That is all I think of just now.

Q. Did he ask you anything about witnesses? *A.* No, sir.

Q. Nothing about witnesses? *A.* No, sir.

Q. Did he offer to pay you anything? *A.* No, sir. 20

DEFENDANTS' COUNSEL ALSO CALLED JOHN S. LONGSTREET: SWORN.

Q. Where do you live? *A.* Holmdel township.

Q. What is your business? *A.* Farming.

Q. How far from the Golden farm are you? *A.*—Two miles, about.

Q. Sir? *A.* A mile and a half.

Q. How long have you known that place? *A.* All my days. 30

Q. How old are you now? *A.* I am sixty-one years old.

Q. You own a large farm there yourself? *A.* Yes, sir.

Q. From your knowledge of land and this particular land, what was the fair value of the Golden farm in March, 1874? *A.* Well, I suppose it would be worth between $16,000 and $18,000 at that time.

Q. *Cross-Ex.* Were you on the town committee? *A.* No, sir.

Q. Do you know what the farm was taxed for? *A.* No, sir; I heard it was taxed for $19,000 after Mr. Knapp bought it.

Q. That is what you understood? *A.* That is what I understood.

Q. Do you not hold some office in the township?—*A.* No, sir.

10 *Q.* That was based upon the idea of its being depreciated in value—I mean the valuation you have put upon it? *A.* It has kept on depreciating; it will bring nothing like that now.

Q. You put rather a low price on it? *A.* No, sir; I do not put a low price.

Q. How many acres are there in it? *A.* One hundred and ninety.

Q. *Re-Direct-Ex.* When did the depreciation in real estate commence? *A.* After the war was over.

20 *Q.* And has been gradually declining ever since? *A.* Yes, sir.

DEFENDANTS' COUNSEL ALSO CALLED RULOFF T. SMART: SWORN.

Q. Where do you live, and what is your business? *A.* Middletown township.

Q. What is your business? *A.* Farming.

Q. For how long? *A.* Twenty-two years.

30 *Q.* Do you know the Golden farm in question? *A.* Yes, sir; but only for five or six years, to know it; I have rode by the place, but I never was on it until five or six years ago.

Q. But you had known it long before that? *A.*—Yes, sir.

Q. In the Spring of 1874 what was the fair value of it, in your judgment? *A.* I should think that $18,000 would be big price for it, or a good price—a fair price.

Q. Cross-Ex. Have you sold your farm? *A.* No, sir.

Q. Or parted with it? *A.* No, sir.

Q. Since 1874 have you sold any farms? *A.* No, sir.

Q. I understand you that you have not looked at this property particularly, and have not gone over it to look at it? *A.* Yes, sir; I have. Mr. Magee, and I rented it to Mr. Willett.

Q. What rent did Mr. Willett pay? *A.* $1,000. 10

Q. In what year? *A.* Five or six years ago; I think 1871 or 1872.

Q. Well, a thousand a year and what else; did not he agree to cart rails, posts, and marl on it? *A.* He carted marl on there, but I don't know anything about rails and posts.

Q. Upon what valuation of that farm, about, would justify that rental—I mean on a farm of what value would justify that rental at that time? *A.* How do you mean; do you mean what ought a farm to be worth to rent for 20 that money at that time?

Q. Yes, sir? *A.* I cannot tell you.

Q. What valuation did you place on that farm? *A.* I told Mr. Magee and Mr. Willett, both, that I thought that farm would sell, at that time, from $18,000 to $20,000.

Q. Did you not estimate it at $20,000? *A.* $18,000 to $20,000? Yes, sir; it was represented to be two hundred acres, but after we got the lease of it we learned there was only one hundred and ninety acres in it, and 30 sixteen or eighteen thousand dollars, in 1874, would be a better price for it than eighteen or twenty thousand would have been in 1872.

DEFENDANTS' COUNSEL ALSO CALLED JOSEPH OSBORN: SWORN.

Q. Where is your residence? *A.* Middletown.

Q. How long have you lived there? *A.* I have been living there some two years.

Q. Were you born there? *A.* I was born in that township.

Q. How near do you live to Mr. Golden's farm? *A.* About two miles and a quarter.

Q. Did you not live closer than that to it at sometime? *A.* I owned the farm alongside of it at one time.

Q. When was that? *A.* Well, during the war.

Q. Are you a farmer? *A.* No, sir.

Q. Were you a farmer? *A.* I farmed three or
10 four years.

Q. Well, in your judgment, what was the fair value and worth of the Golden farm in the Spring of 1874? *A.* I should think seventeen to eighteen thousand dollars.

Q. *Cross-Ex.* Have you been over it at all to value it? *A.* No, sir.

Q. Or with any idea of that kind? *A.* Well, I have been over it a good deal, off and on.

Q. You still own your own farm? *A.* Yes, sir.

Q. How many acres are there in it? *A.* In Mr.
20 Golden's farm?

Q. No, in yours? *A.* Between forty-seven and forty-eight.

Q. In 1874, did you put any price on your farm?—*A.* Yes, sir.

Q. How much an acre did you hold it at? *Objected to and overruled.*

Q. Has your attention been called to the value of farms in 1874? *A.* No, sir; not a great deal; no more than I heard people talking around the country about the
30 price of farms.

Q. Is not the estimate that you put upon it perhaps more, as it is now, since that time? *A.* Mr. Golden's farm?

Q. Yes, sir? *A.* I suppose it is, most likely.

DEFENDANTS' COUNSEL ALSO CALLED ROBERT CARSON: SWORN.

Q. What is your residence? *A.* Holmdel.

Q. And has been for how long? *A.* Four years.

Q. Where did you live before that? *A.* At Marlborough.

Q. The Golden farm in question; how long have you known that? *A.* Several years.

Q. What was your business at that time? *A.*—Farming.

Q. How large a farm did you own? *A.* One hundred and nineteen acres.

Q. In your judgment, what was the value of the Golden farm in the Spring of 1874? I do not know a great deal about that farm; I have never been over it of any account, although I live close by it. 10

Q. *By the Vice Chancellor.* Do you know enough of it to form a judgment as to the value of the farm; do you consider that your knowledge is sufficient to justify you in forming an opinion of its value? *A.* I do not think it is, in regard to the Golden farm.

DEFENDANTS' COUNSEL ALSO CALLED AUGUSTUS STILLWELL: 20

SWORN.

Q. Do you know this Golden farm? *A.* Yes, sir.

Q. How long have you known it? *A.* Ever since I knew anything, much; ever since I knew how to walk.

Q. Did you ever work on any part of it? *A.* Yes, sir.

Q. In what way; as a tenant? *A.* Yes—well, as a tenant; that is, I took a field on shares.

Q. Who did you take it of? *A.* Mr. Knapp, the old gentleman. 30

Q. What year was that in? *A.* 1874.

Q. Was he on the place then? *A.* Yes, sir; he was there.

Q. What, in your judgment, was the fair value and worth of that farm in the Spring of 1874? *A.* Well, I don't know; I suppose seventeen or eighteen thousand dollars, or somewhere along there.

Q. Is that your judgment and opinion? *A.* Yes, sir.

Q. Did you till it in that way more than one season? *A.* I tilled it just to get that crop out.

Q. How large a field? *A.* Six to eight acres.

Q. Were there no other fields rented out besides that one, that season? *A.* There was more put out, I believe; but I do not know anything about it.

Q. There was some put out besides the one you had?
10 *A.* Yes, sir.

Q. *Cross-Ex.* You are not much of a land owner yourself? *A.* Sir?

Q. You do not own much land yourself? *A.* Not much.

Q. You hired fields? *A.* I rented; yes, sir.

DEFENDANTS' COUNSEL ALSO CALLED WILLIE NALLAN.

Q. Where do you live? *A.* In Middletown.

Q. How near to Mr. Golden's farm? *A.* A mile
20 and a half.

Q. Did you ever work on it? *A.* Yes, sir.

Q. Who for? *A.* Mr. Knapp.

Q. What year? *A.* 1774.

Q. What? *A.* 1874.

Q. Was that when you first went to work on it?—*A.* No, sir.

Q. When was the first year? *A.* In 1872—well, I worked on it, I guess, a few days in 1871; but I cannot remember much about that; but there was a few days, or
30 something, then.

Q. In 1874 you worked on it for who? *A.* Mr. Knapp.

Q. Who paid you? *A.* Well, his wife—his daughter, I mean, paid me; Mrs. Golden.

Q. By the day or by the month? *A.* By the day.

Q. For how long? *A.* I was there, I think, along—well, I cannot exactly tell, but from the first of April to cherry time, in June, somewhere.

Q. Any more that year? *A.* No, sir.

Q. From the first of April to June? *A.* Yes, sir.

Q. *Cross-Ex.* Did Mr. Peter Golden first hire you that year? *A.* I don't know that he did.

Q. Well, do you remember his speaking to you about it first? *A.* I do not recollect who did speak to me first—I don't remember that.

Q. Do you recollect his speaking to you first, and afterwards telling you that he was going to New York? *A.* I think he told me he was going to New York; yes, sir; I think he did. 10

Q. You do not recollect who it was first spoke to you about working there? *A.* I don't recollect; but Mrs. Golden came and paid me.

Q. Do you recollect having some talk with him about it being a dollar a day—your wages? *A.* I won't say, but I think I mought have talked with him; I cannot recollect it; it has kind of gone out of my memory; howsomever I went to work for a dollar a day.

Q. Mrs. Golden settled with you? *A.* Yes, sir; she paid me. 20

Q. *Re-Direct-Ex.* Who did you finally make your arrangements with; Mr. Knapp, or her? *A.* I think I talked to her.

Q. *Further Cross.* Do you remember whether Mr. Golden told you what fields to put into potatoes or corn? *A.* I do not remember.

Q. *By the Vice Chancellor.* Do you say that your original arrangement was with Mrs. Golden or Mr. Samuel Knapp? *A.* Mrs. Golden, I think, told me she would see me paid; that I should work for her. Mr. Golden went to New York at that time—or most of the time. 30

Q. *Further Direct.* Did anybody give you any directions how to work? *A.* Yes, sir.

Q. Who? *A.* Mr. Knapp.

Q. The old gentleman? *A.* Yes, sir.

Q. He gave you the directions? *A.* Yes, sir.

Q. And Mrs. Golden, you say, paid you? *A.* Yes, sir.

Q. And not Mr. Knapp? *A.* No, sir.

Q. Do you know where the money came from, of your own knowledge, I mean? *A.* Oh! no; I don't know.

Q. *Re-Cross-Ex.* Was Mr. Golden out there during the hay and harvest period? *A.* I do not know; I was not there after cherry time.

10 DEFENDANTS' COUNSEL ALSO CALLED JACOB FRITZENGER: SWORN.

Q. Did you live on the Golden farm at any time? *A.* Yes, sir.

Q. Did you work there? *A.* Yes, sir.

Q. What year? *A.* 1874.

Q. Spring, Winter or Summer? *A.* No, sir; I went there about the second day of July.

Q. How long did you work? *A.* I worked to the
20 last of January.

Q. Who hired you, and who paid you? *A.* Mr. Golden made the bargain with me, and then I made a bargain with Mr. Knapp, afterwards, and Mr. Knapp paid me.

Q. Then, the next year, did you work there any more? *A.* No, sir; I did not work any there until this Fall, and I am working there now by the day.

Q. Which Mr. Knapp do you mean? *A.* Mr. Samuel Knapp.

Q. Did you live there, then? *A.* Yes, sir.

30 *Q.* How long was the difference in time between the two bargains? *A.* Well, Mr. Golden was in the harvest field when he hired me, and after that, when Mr. Knapp came home, I saw him the next morning and made a bargain with him.

Q. Do you know who paid the help besides yourself? *A.* Mr. Knapp.

Q. How many others were there at the time you

were there? *A.* Well, William Parlis, and Dave May, and myself.

Q. Cross-Ex. You say Mr. Golden hired you in the harvest field down there? *A.* Yes, sir.

Q. Was he at work? *A.* Yes, sir.

Q. Were there other men at work there before you were hired? *A.* Yes, sir.

Q. Did you go to work there before Mr. Knapp came down—did you go right to work after you were hired by Peter? *A.* Yes, sir; I went right to work that afternoon. 10

Q. Then after that, in September, Mr. Knapp came down? *A.* No, sir; it was the next day.

Q. Did Peter tell you when he went away that Mr. Knapp would take charge? *A.* He said he was going to York, and he said that when he went to York Mr. Knapp would see after the place, or something like that.

Q. You say Peter was working in the hay and harvest? *A.* Yes, sir.

Q. And he was giving the other men directions before Mr. Knapp came down there? *A.* Yes, sir. 20

DEFENDANTS' COUNSEL ALSO CALLED ELLA CARTER: SWORN.

Q. Did you live at Samuel Knapp's in 1874? *A.* Yes, sir.

Q. Where at? *A.* New Brunswick.

Q. Was Mrs. Golden there at that time? *A.* She was; yes, sir.

Q. Was Peter Golden there occasionally, too? *A.* Yes, sir. 30

Q. Do you remember an occasion at any time, of old Mr. Knapp going down to the Holmdel farm, and who he went with? *A.* He went with Mrs. Golden.

Q. Do you remember what part of the year that was; Spring, or Summer, or when? *A.* It was in the Spring, I think.

Q. Spring of the year? *A.* Yes, sir; no, I think

it was the last part of the Winter; January or February.

Q. Did anybody else go except those two? *A.* No, sir; no one else was with them when they started.

Q. Do you remember what day of the week it was—whether it was Sunday or a week day? *A.* I think it was either Wednesday or Thursday.

Q. Do you remember when they came back? *A.*—Well, I wont be sure whether they came back that night or the next day.

10 *Q.* Did you see them when they came back? *A.* Yes, sir.

Q. Do you remember any circumstance when they came back, of any article Mrs. Golden brought back with her? *A.* She brought some children's clothes with her.

Q. Did you see that? *A.* Yes, sir.

Q Who were you working for then? *A.* Mr. Knapp.

Q. *Cross-Ex.* You were in the house and you saw them start off? *A.* Yes, sir.

20 *Q.* You did not know where they were going? *A.* They were going to the farm, they said.

Q. Well, except from what they said? *A.* That is all I know.

Q. You did not know from anything that anybody else around there said? *A.* No, sir.

Q. Who was it said that? *A.* Mrs. Golden and Mr. Knapp.

Q. Well, they started off in a buggy? *A.* Yes, sir.

Q. And you think it was in the Winter? *A.* Either

30 in January or February; I cannot say which.

Q. You do not know how many times they went to the farm that year? *A.* I don't remember; but I remember that one time in particular. *Defendants' counsel rest.*

COMPLAINANTS' COUNSEL CALLED MAYHON RUNYON: SWORN.

Q. You live at New Brunswick? *A.* Well, I lived

on the suburbs about a mile and a half from New Brunswick.

Q. How long have you been a resident there? *A.* Since 1840.

Q. You are President of one of the banks? *A.*—Yes, sir.

Q. Which one? *A.* The "Ninth National Bank of New Jersey."

Q. Have you known Samuel Knapp for a number of years; and if so, for how many? *A.* Well, to the best of my recollection, I should think at least fifteen years; but I will say twelve years definitely. 10

Q. He has resided in or near New Brunswick, during that time? *A.* Until within the last two years, I think.

Q. Have you had any acquaintance with his reputation for truth and veracity? *A.* Well, something, yes, sir.

Q. What is his general reputation in that community for truth and veracity? *A.* Well, I do not think it is good. 20

Q. Would you belive him under oath in a matter in which he was interested? *Objected to and admitted.* *A.* Well, that is a little further than I, in my business transactions with him, would be able to go in forming an opinion; it would be a pretty hard thing for me to do.

Q. *Cross-Ex.* Did he deal in the bank with you? *A.* No, sir.

Q. He did not? *A.* I have no recollection of any dealings of his since I have been connected with the bank; there may have been transactions of his there but not that I remember. 30

Q. He has bank stock there? *A.* I think he has.

Q. What was your business before you became President of the bank? *A.* It was the hay and grain business.

Q. You have had transactions with Mr. Knapp? *A.* Yes, sir.

Q. Who did you ever talk about him with, or hear speak about his reputation there for truth and veracity? *A.* Well, to give you an idea fairly—(Interrupted.)

Q. No, sir; my question is who have you heard speak about Mr. Knapp with reference to his reputation for truth and veracity, in that community? *A.* A man by the name of Vreeland, Jeptha Vreeland.

Q. What is his business? *A.* He was a farmer.

Q. Does he live there now? *A.* He has sold his
10 farm.

Q. Where does he live now? *A.* I think he resides at Millstone.

Q. When did you hear him speak about it? *A.*—Probably somewhere between 1864 and 1867.

Q. Now, who else? *A.* Mr. Abner N. Conover.

Q. When? *A.* During that time, I think.

Q. Who else? *A.* Well, Mr. Adrian VerMule.

Q. When, the same time? *A.* Yes, sir; about that time.

20 *Q.* Who else? *A.* I could not give you any names positively, although it was the general impression in the neighborhood, and I had business transactions with him.

Q. Yes, sir; and you base your opinion from some business transaction you had with him, do not you. Now, I ask you whether you base your estimate of his truth and veracity upon that business transaction? *A.* My own personal estimate was formed after that; I had heard of it before, but it was confirmed at that time, although I had heard the opinion of several people in reference to it, be-
30 fore.

Q. But then you had no opinion yourself, before that? *A.* Not before that.

Q. And all your opinion is based on what you heard these men say, and not from any transaction you had?—*A.* Yes, sir; it is.

Q. Well, is it on the transaction? *A.* It is on both.

Q. You had some difficulty with him, did you? *A.* Well, the transaction confirmed what the others told me.

Q. You had difficulty with him, I asked you? *A.* Yes, sir.

Q. What difficulty did you have with him? *A.* I purchased some hay of him at a stated quantity and price.

Q. Yes, sir? *A.* I made memorandum of it on the barn door or stable door.

Q. Well? *A.* And he did not live up to the contract.

Q. You mean to say that he did not deliver as much hay as he sold you? *A.* No, nor at the same price; he drove a load of hay down but did not drive it to the proper place, and then told me that the market had advanced, and he would not give me it at the same price. 10

Q. Re-Direct Ex. How near do you live to Mr. Knapp? *A.* There are three farms between us.

COMPLAINANTS' COUNSEL ALSO CALLED ADRIAN VER MULE: SWORN.

Q. Where do you live? *A.* I live about a mile from New Brunswick, in the township of Piscataway. 20

Q. How near are you to Mr. Knapp's place? *A.* There is one small farm between his and mine; I suppose four or five hundred yards.

Q. How long have you resided there? *A.* I lived there twenty-one years last October; I think it is twenty-one years this month.

Q. Are you acquainted with Mr. Samuel Knapp, and if so, how long have you known him? *A.* Yes, sir; I have known him ever since I have been there, or from very shortly after I went there I got acquainted with him. 30

Q. Have you any knowledge of his general character there for truth and veracity? *A.* Well, it is not very good.

Q. You have then, some knowledge of his character for truth and veracity—his general reputation? *A.* Yes, sir; some.

Q. Is his general reputation for truth and veracity good or bad? *A.* Well, it is rather bad, I should say.

Q. *Cross-ex.* Who have you heard speak of him? *A.* Well, I heard different ones.

Q. Who; give me the names? *A.* Mr. Runyon and Mr. Peter P. Stehl.

Q. Who else? *A.* And two different assessors in our township.

Q. Who are they? *A.* One of them is Mr. Daniel George Randolph, and the other is Mr. Dorrell.

Q. Who else? *A.* Mr. Abram N. Conover.

10 *Q.* Who else? *A.* I cannot mention every one; I heard a great many speak of it.

Q. You have had a difficulty with Mr. Knapp? *A.* I never had any particular difficulty.

Q. Well, you and he are not very good friends? *A.* We are good friends.

Q. You have not been on speaking terms for a long time, have you? *A.* Oh! yes.

Q. You do speak? *A.* Yes, sir.

Q. Is there any difficulty between you at all? *A.* 20 No difficulty, personally, between us.

Q. Is there any difficulty between you at all? *A.* The difficulty, I believe, arose out of a law suit about a gravel bed. Mr. Knapp took exception to the course I pursued about some gravel in the bottom of the Raritan river, which, I believe, belonged to the State of New Jersey, and he believed it belonged to him.

Q. And that is what you base your opinion on as to his character for truth and veracity, do you not? *A.* Not at all, sir, because I had no feeling towards him in 30 regard to it, but he had feeling towards me, although I had none against him.

Q. How came you to talk about his truth and veracity? *A.* It is the common talk of the neighborhood; the people are constantly talking about it.

Q. Why do they speak about it? *A.* I think I told you already.

Q. Well, why do they talk about it; was it from the transaction growing out of the gravel bed? *A.* No,

sir; but in speaking of different transactions they have had with Mr. Knapp.

Q. Those men you heard speaking of it had had some transaction with Mr. Knapp? *A.* Yes, sir; such as paying his accounts short, and such things.

Q. And that was the character of the transactions, was it? *A.* Yes, sir; that was some of them.

COMPLAINANTS' COUNSEL ALSO CALLED ABRAM N. CONOVER: SWORN. 10

Q. You are a resident of Middlesex county? *A.*—Well, I was formerly of Somerset, but one night they slipped me over to Middlesex.

Q. You are now a resident of Middlesex county? *A.* Yes, sir.

Q. And how long have you been there? *A.* I don't remember that; but they set us over one night—they changed it.

Q. You mean the Legislature? *A.* Yes, sir. 20

Q. How long ago was that; ten, fifteen, or twenty years? *A.* Twenty years.

Q. Do you know Samuel Knapp? *A.* Yes, sir.

Q. How long have you known him? *A.* Twenty-five years, I think.

Q. You live in the same neighborhood with him? *A.* Yes, sir; I live on one side of the river and he lives on the other.

Q. Have you any knowledge as to his character for truth and veracity? *A.* Yes, sir; I have had an acquaintance with him ever since he has been there. 30

Q. With his character, I mean? *A.* Yes, sir.

Q. What is his general reputation for truth and veracity in that community? *A.* Not very good, sir.

Q. Not good? *A.* No, sir.

Q. Would you believe him in a matter in which he was interested, under oath? *A.* I should not like to take his evidence.

Q. Cross-Ex. Who did you hear speak of it? *A.* Oh, generally.

Q. Well, give me the names? *A.* Well, I might tell you of the whole neighborhood.

Q. Well, give me the whole neighborhood, then; I want every man you heard talk about his truth and veracity? *A.* Well, George W. Stehl and Peter Stehl, and James Garrison, and Mayhon Runyon, and Adrian Ver Mule.

10 *Q.* Those are witnesses that have been sworn here? *A.* Yes, sir.

Q. Have you had any difficulty with Mr. Knapp?—*A.* No, sir.

Q. Do you mean to say that you never had any difficulty with him? *A.* No, sir.

Q. What? *A.* No, sir.

Q. Are you on speaking terms? *A.* Yes, sir.

Q. Have you been all the time? *A.* Yes, sir.

Q. Have you never had any difficulty? *A.* Not 20 that I recollect of—that is, nothing of any amount.

Q. Well, may be what we may call amount you do not; now, have you ever had any difficulty with him at all; and is there any feeling existing between you? *A.*—No, sir; no more than he was always short whenever he came to pay up; he was always a little short.

Q. You say, he was always a little short whenever he came to pay up? *A.* Yes, sir.

Q. And you do not think that right? *A.* No, sir.

Q. He was short when he came to pay up? *A.*— 30 Yes, sir; when I was in business.

Q. Do you think that affected his reputation for truth and veracity? *A.* Well, there was other things besides.

Q. Well, did you form your opinion of his general character for truth and veracity from that? *A.* I formed it from his actions.

Q. Have you ever heard him sworn in a case? *A.* Yes, sir.

Q. When? *A.* Well, I heard him sworn in a case.

Q. Was it between you and him? *A.* No, sir.

Q. Were you interested in it? *A.* No, sir; no more than the public were.

COMPLAINANTS' COUNSEL ALSO CALLED THOMAS WILLETT: SWORN.

Q. You rented this farm one year—1872? *A.* Yes, sir.

Q. Did you have it in 1872? *A.* Yes, sir.

Q. What was its condition in 1872? *Objected to.* 10

Q. Did you see it in 1874? *A.* No, sir.

Q. Were you not there in 1874? *A.* No, sir.

Q. Did you want to rent it for ten years? *Objected to.*

COMPLAINANTS' COUNSEL ALSO CALLED JOHN B. STORY: SWORN

Q. Do you live in Middletown township? *A.* Yes, sir.

Q. How far from the Golden farm? *A.* About a mile, or a mile and a half.

Q. Are you well acquainted with it? *A.* Not very well; I have ridden through the farm; that is, the road that goes through it. 20

Q. Well, you have been near it often? *A.* Yes, sir.

Q. Along by it? *A.* Yes, sir.

Q. And you say you live about a mile and a half from it? *A.* Yes, sir.

Q. How long have you lived there? *A.* Twenty-four years.

Q. You are a farmer yourself, and own land yourself, don't you? *A.* Yes, sir. 30

Q. And you know the value of lands in that section as well as other persons? *A.* Well, I do not know; it is a pretty hard matter to tell.

Q. Well, you stand on an equal footing with others in that respect; you are an owner of land? *A.* Yes, sir.

Q. What, in your judgment, was the value of that farm in 1874? *A.* I suppose that farm ought to be

worth $20,000, or somewhere in that neighborhood; I could not tell you exactly.

Q. Do you know what it was taxed for? *A.* No, sir.

Q. Are the farms there taxed for all they are worth, or not? *A.* Well, that is in another township from me.

Q. Have you been a township officer? *A.* No, sir.

Q. But you own land? *A.* Yes, sir.

10 *Q.* *Cross-Ex.* You say you were never over the place? *A.* No, sir; I never traveled over it; I have been on the back part of it, and one side of it; and I have been through where the road runs through.

Q. There is a great deal of broken land on it, is there not? *A.* Yes, sir; it is a little hilly.

Q. You do not know much about the farm? *A.*—Well, I have rode along by it.

Q. They generally make it look a little better along the road than they do back of it, do not they? *A.* Yes,
20 sir.

Q. That is a trick of our trade, ain't it? *A.* Well, may-be.

COMPLAINANTS' COUNSEL ALSO CALLED H. V. LUYSTER: SWORN.

Q. You live, and for a long time have been a resident of Monmouth county? *A.* Yes, sir.

Q. How near do you live to this Golden farm? *A.* About one mile.

30 *Q.* You own a farm? *A.* Yes, sir.

Q. Do you know this farm? *A.* Well, I have never been over it; I have been occasionally around it, and I used to go across it when I was a school-boy, but not much of late years.

Q. The public road runs through it? *A.* Yes, sir.

Q. You can see it on both sides of the road as you go through it, cannot you? *A.* Yes sir.

Q. In 1874 what, in your judgment, was the value

of this land? *A.* Well, I should say about $19,000, I should suppose it would be worth.

Q. Are you speaking of it in 1874 or at present? *A.* In 1874, I take it, it would be about that.

Q. Cross-Ex. You live in Middletown township? *A.* Yes, sir.

Q. In 1874 you were not on the place, were you? *A.* I do not recollect, sir; but I oftentimes crossed there.

Q. Were you there in the Spring of 1874, so as to see what condition the place was in? *A.* No, not to go and look and see what condition it was in. 10

Q. The value of it would depend on the condition it was in, would not it? *A.* Yes, sir.

Q. By Complainants' counsel. You were there in 1875? *A.* Yes, sir; last Fall.

Q. And you say you live within a mile of it? *A.* Yes, sir.

Q. Further Cross. They have put a good deal of improvement on it since that, in the way of fences, by the Knapp's? *A.* Yes, sir; Mr. Knapp was there with a man putting it up in 1875. 20

Q. Yes, sir? *A.* Oh! I think that was 1876; March, 1876, the Knapp's was putting up the fences.

Q. Was he painting the buildings? *A.* I could not tell when the buildings were painted, but I know they have been painted recently.

Q. Since Mr. Knapp has been there? *A.* Yes, sir.

COMPLAINANTS' COUNSEL ALSO CALLED EZRA OSBORN: SWORN. 30

Q. You live in Monmouth county, near the Golden farm? *A.* I do.

Q. How near? *A.* Three-quarters of a mile.

Q. Have you been accustomed to going to sales of real estate; being interested in sales? *A.* Yes, sir.

Q. You are a surveyor as well as a farmer? *A.* Yes, sir.

Q. And you have estates to administer? *A.* Yes, sir.

Q. And own a farm yourself? *A.* Yes, sir.

Q. This farm in question, I want you to give us your judgment of its fair value in 1874? *A.* I should think it was well worth $20,000.

Q. Do you know what lands have been sold for in the immediate neighborhood? *A.* Well, I am in the way of being interested in sales—yes, sir.

10 *Q.* *Cross-Ex.* Your interest has been generally in railroad matters, of late years? *A.* No, sir.

Q. Have not the sales of real estate been connected with railroads? *A.* Not at all.

Q. What farms have been sold in that neighborhood, of that character of land, since 1874? *A.* I sold a piece of land within a mile and a half of this, at public sale, last year.

Q. What kind of land was it? *A.* Well, it was rough land, and I sold it at a hundred dollars an acre, at 20 public sale.

Q. That was a fancy price, was not it? *A.* Well, it was about all it was worth.

Q. That was about like a sale of some Pepach land you know of? *A.* No, sir; it was a regular sale, by order of the court.

Q. Well, somebody wanted it particularly? *A.* I suppose the person wanted to buy the land.

Q. Well, was there not some especial reason for this sale? *A.* Well, we had to sell it to pay the encum- 30 brances.

Q. But did not somebody want it particularly? *A.* Yes, sir; I suppose they did.

Q. You know where a quarter of an acre of land was sold for two or three thousand dollars, don't you?—*A.* This was in the same neighborhood.

Q. And a church, too? *A.* Yes, sir.

Q. Oh? yes; and that was to the same New York broker, was not it? *A.* No, sir.

Q. You believe in high estimates, don't you? *A.* No, sir; not at all.

COMPLAINANTS' COUNSEL ALSO CALLED ABNER CORRELL: SWORN.

Q. Are you an assessor of Middlesex county? *A.* Yes, sir.

Q. Of Piscataway township? *A.* Yes, sir.

Q. And you have been such officer how long? *A.* Five years. 10

Q. Have you known Samuel Knapp, the old gentleman? *A.* Yes, sir.

Q. How long have you known him? *A.* Well, I have known him several years; probably fifteen or twenty years; but I never had any particular dealings with him until I was elected assessor.

Q. Are you acquainted with his reputation there in that community? *A.* Well, I am not acquainted with his reputation, only as an officer of the township.

Q. Well, in your business there? *A.* Yes, sir. 20

Q. What is his general reputation for truth and veracity; good or bad? *A.* Very bad.

Q. In 1874 or 1875, did Mr. Knapp go before you and claim a deduction from the value of his taxable property in Piscataway? *A.* Yes, sir.

Q. The old Mr. Knapp? *A.* Yes, sir; Samuel Knapp; I can refer to my books to see when it was.

Q. Do so? *A.* It was in 1875 that Mr. Knapp claimed a deduction.

Q. What did he claim? *A.* He claimed a deduction in that he owed John Golden, of Monmouth, $3,500; he claimed that deduction from the value of his property in Piscataway, Middlesex county; he filled out a blank to that effect, that he was entitled to that deduction in our county according to our laws. At least, I filled the blank out for him and read it to him, and he said it was all right. 30

Q. Do you know whether that farm in Piscataway

was claimed by Samuel P. Knapp, in your presence, as belonging to him? *A.* I put it down in my book as belonging to Samuel P. Knapp.

Q. Which farm? *A.* The one in Piscataway, and then Mr. Knapp, Sr., told me not to do it, that he would pay the taxes himself.

Q. You had got it put down to Samuel P. Knapp? *A.* Yes, sir; because Mr. Knapp told me he did not own it any longer.

10 *Q.* Which Mr. Knapp? *A.* Mr. Samuel Knapp; I did not know Mr. Samuel P. Knapp.

Q. Samuel Knapp told you he did not own it any longer? *A.* He told me that Mr. Samuel P. Knapp owned it, and then he said: No, do not put it down to him; leave it just as it was.

Q. When did he tell you Samuel P. Knapp owned it? *A.* In 1874, sir; I can find it in my books if you like.

Q. Do so? *Witness refers to his book.*

20 *Q.* Have you found the place in your book? *A.*—Yes, sir.

Q. You say you do not know Samuel P. Knapp? *A.* No, sir; I do not know him; I do not know that I ever saw him.

Q. You first put it down taxable to him? *A.* I put it down specifying that it belonged to Mr. Knapp, as it had been formerly assessed to him; and when I came to put down the number of acres, and the value of it, he said then that it belonged to his son, Mr. Samuel P. Knapp;
30 but he also said, never mind; leave it as it is; I will pay the taxes; it won't make any difference.

Q. When was it he said that? *A.* In 1874; then I erased it and marked in here, taxed for Samuel Knapp.

Complainants' counsel offers in evidence pocket-book identified by Mrs. Golden as hers. The same was marked "exhibit I."

COMPLAINANTS' COUNSEL CALLED ANN HOLMES: SWORN.

Q. By Mr. Vredenburgh. Mrs. Holmes, you are the sister of Mr. Golden? *A.* Yes, sir.

Q. Of John Golden? *A.* Yes, sir.

Q. You live at his house? *A.* Yes, sir; I live at his house and always have.

Q. Did you live at his house in 1874? *A.* Yes, sir.

Q. In the Spring? *A.* Yes, sir. 10

Q. Do you know Mr. Samuel Knapp? *A.* Yes, sir.

Q. The old gentleman? *A.* Yes, sir.

Q. In the Spring of 1874 do you remember seeing him at the house of Mr. John Golden, at Freehold? *A.* Yes, sir.

Q. Was Mrs. Peter Golden there at the time? *A.* Yes, sir; she and her father came there on the Sabbath.

Q. Now go on and state what, if anything, you heard the father say, or either of them, in respect to this 20 matter? *A.* Well, they had a talk, I believe, together; and then Mr. Knapp inquired of me if his daughter had told me what plans they had been making. I told him she hadn't; and then he said that he wanted the place conveyed over to him, and he would make it to Lizzie and her children; and Peter was to have the control and management of it the same as if it was his.

Q. Cross-Ex. Who else was present? *A.* My brother and his daughter—no, his daughter was not there; she was up to Mr. Dorrance's, sick; but my brother was 30 present.

Q. This was on the Sabbath? *A.* Yes, sir.

Q. This talk, I mean? *A.* That talk was on a Sabbath afternoon.

Q. And they stayed all night? *A.* Yes, sir; and the next day it was talked over again, I believe.

Q. Old Mr. Golden was there too? *A.* Yes, sir; old Mr. Golden was there; it was at his home.

Q. Yes; I mean he was in the room? *A.* I think he was, sir.

Q. Was he in the room when Mr. Knapp asked you, as you say? *A.* I don't know that he was in when Mr. Knapp asked me the first time, but it was talked of before Mr. Knapp, before he left. It was all talked over.

Q. And you were in the room during all the talk, you think? *A.* I can't say I was there during all the talk. That was the talk I heard, and I heard Mr. Knapp
10 repeat it over again when he came to pay brother the next Spring. He inquired why he could not convey it right over, and he said because he wished to pay it off and make it free and clear.

Q. By Complainant. Was that at another conversation or at the same time? *A.* Another conversation.

Q. By the Vice Chancellor. The next Spring, when he came to pay your brother? *A.* Yes, sir.

Q. By Complainant. What did you hear Mr. Knapp say? *A.* Brother inquired of him why he could not
20 convey it right over; and he said because he wished to pay it off and make it free and clear.

Q. This was the next Spring afterwards? *A.* Yes, sir; the next Spring afterwards.

Q. Further Cross. Just give us the time, as near as you can, of the other talk? *A.* It was, I think, in February, but I can't tell you what date. The first talk was in the Spring, in February, and the second talk was—I don't recollect what month it was in, but he came to pay it, and that was when he said he wished to make it free
30 and clear.

Q. About how long was it off the one in February; was it a month, or six weeks, or two months; was it the same year? *A.* Yes, sir; it was the same year.

Q. The two talks? *A.* Yes, sir.

Q. About a month apart, or two months; do you mean that one was in February and the other in April? *A.* Well, I won't be certain of the month it was in; I did not charge my mind with that part.

Q. Well, we will take the first talk; Mr. Golden, the old gentleman, was there, and old Mr. Knapp was also there, and his daughter and you were there? *A.* Yes, sir.

Q. Who else was there in the same room? *A.*—Peter was there.

Q. Well, I understand you to say that you have always lived there at Mr. Golden's? *A.* Yes, sir.

Q. Now this day; can you tell us what you were doing while there—were you sitting in the room all the time? *A.* I was in the room on the Sabbath; they came down in the afternoon, and she wished to see Peter; and I had no one to send for him, so I went myself for him. Then I came back and got their dinners. I was not in the room all the time the talk was going on.

Q. You had the cares of the house to look after? *A.* Yes, sir; I had, because his daughter was not home; she was sick; and what I have told you, I heard them say.

Q. Then the next morning they were there, you say? *A.* Yes, sir; until after breakfast.

Q. And his daughter was not home yet, was she? *A.* No, sir; but I believe they rode down to Mr. Dorrance's and seen her before they left.

Q. Was there any girl there to help you? *A.* No, sir; the girl had gone to Sabbath-school in the afternoon.

Q. Was there any girl there to help you the next morning? *A.* Yes, sir.

Q. But the care of the house was on you? *A.* I guess it was, if the girl was not home.

Q. Now this second talk was on a week day? *A.* I believe it was the next morning.

Q. Was the second talk the next morning? *A.*—Well, it was repeated over the next morning.

Q. But you said there was another talk when he came to pay your brother? *A.* That was not the next morning.

Q. Well, that was the second talk you spoke of—

were you present at that time? *A.* Yes, sir; and old Mr. Golden, and old Mr. Knapp, and his daughter.

Q. Any one else? I don't know that there was.

Q. That was on a week day? *A.* Certainly, it was.

Q. What was that second talk? *A* I told you before that my brother inquired of Mr. Knapp why he would not convey it right over; why he would not make it right over to Peter, and he said because he wished to pay it off and make it free and clear.

10 *Q.* You mean by your brother, Mr. Golden? *A.* Of course.

Q. And he inquired of Mr. Knapp? *A.* Yes, sir.

Q. He inquired why he did not make it right over? *A.* Yes, sir; and Mr. Knapp said because he wished to make it free and clear, and pay it right off.

Q. Was there any time spoken of when it was to be made free and clear? *A.* I believe the first time it commenced it was a year, and then he asked for a year and a half, and it has never been done at all.

20 *Q.* Well, at this second conversation, when he said he wanted to make it free and clear, was any time mentioned? *A.* I expect there was; they was talking, but I did not listen to every word of it.

Q. At the time of the second talk you speak of, did you have to look after the house? *A.* No, sir; his daughter had charge of it, but we had some one to help us do the work.

Q. Are you sure you were in the room all the time of the second talk, and heard it all? *A.* I don't know
30 that I heard every word that passed, but I heard what I have told you.

Q. How old are you? *A.* I am seventy-five—seventy-six, sir.

Complainant offered in evidence his account books, bills and receipts to disprove S. P. Knapp's pretences of supporting Golden's family. Also, account books, bills and receipts of money paid out by complainant

for his family, and farm expenses for 1874 and 1875. *Overruled by Vice Chancellor.*

COMPLAINANTS' COUNSEL ALSO CALLED SILAS REEVES: SWORN.

Q. By Mr. Vredenburgh. You work out on farms? *A.* Sometimes, sir.

Q. Did you work on this Golden farm? *A.* I have worked on it some, sir.

Q. What year did you work on it? *A.* Different years, sir. 10

Q. Well, did you work on it in 1874? *A.* 1874—I done nine days work on it.

Q. Did you work on it in 1875? *A.* Yes, sir.

Q. Who did you hire with in 1875? *A.* Peter S. Golden.

Q. And you worked there how long? *A.* Well, I went there sometime in January, and worked up to the first of March, under my first bargain; then I re-hired for one year and worked for eight months out of that year. 20

Q. Who did you hire with on the first of January? *A.* Mr. Peter S. Golden.

Q. Who paid you? A. Sometimes he paid me, and sometimes his wife did; on the first agreement, or first bargain, at least.

Q. Now what time did you hire the second time?—*A.* A few days before the first of March?

Q. Who hired you then? *A.* Peter S. Golden.

Q. Who paid you? *A.* He did.

Q. Did you receive all the money from him that year? *A.* I did not work the whole time out; I only worked-eight months of the year, and I received my payments in full from him. 30

Q. As to the other hands, from what you saw; who did you see hire and pay the hands? *A.* I saw Mr. Golden pay the hands frequently.

Q. Did you at any time hear a conversation between Peter S. Golden and his wife, Mrs. Golden, in reference

to a paper or agreement, or hear any remarks pass between them about it? *A.* I heard something about an agreement one day in the kitchen.

Q. What did you hear? *A.* I could not repeat the words now, no-how, I don't think; none of them; but I heard Mr. Golden say something about an agreement, and I heard Mrs. Golden say that that agreement could be got within twelve hours; and that's about all I know of the agreement.

10 *Q. By the Vice Chancellor.* When was this? *A.*— I could not tell the time.

Q. As nearly as you can? *A.* Well, I will tell you what I can say; it was between the first of March, and the first of November, and that's the nearest I can tell you, sir.

Q. Further Direct. 1875? *A.* Yes, sir.

Q. Cross-Ex. That was between, you think, March and November, 1875? *A.* I am certain of it, because that is the time I worked there.

20 *Q.* Now, you went there in January, you say? *A.* Yes, sir.

Q. And stayed until March, and Peter hired you then? *A.* Yes, sir.

Q. And then you made a new bargain in March? *A.* I made a new bargain a few days before the first of March.

Q. Now, can't you tell us when this talk was; was it between March and May? *A.* I can't; I would not like to say, because it was something that was none of my 30 business whatever, no more than I recollect hearing the conversation. I made no memorandum or any particular charge about it on my mind.

Q. When did you quit? *A.* Last October.

Q. How long before you quit was it? *A.* Well, I could just as well tell you how long it was after I commenced, as to tell you how long it was before I quit, but I can't do it; I expect to tell the truth here.

Q. Was it in the latter part of your time? *A.* It

was sometime while I worked there, and that is all I can say. It was sometime within those months I have mentioned, while I worked there.

Q. Who else was there besides you and Peter and his wife? *A.* I don't know whether the girl was in the kitchen or not; I could not tell you.

Q. Was it when you went to your dinner, or at what part of the day was it? *A.* It was meal time, because I was quite well engaged in eating, but I don't know what meal it was; that is generally the busiest time of day with 10 me.

Q. About how long were you there, do you think; half an hour, or an hour, or what? *A.* What, to eat?

Q. Yes; while this talk was going on? *A.* That's hard for me to say; if it was dinner time I was not in the house long; if it was supper time I was in the house all the evening; but I could not tell you what meal it was.

Q. I mean, did you hear them talking after you had been in the house awhile; or were they talking as you went in, and stopped talking as you came in; or did the 20 talk spring up after you had been in the kitchen for awhile? *A.* I think the talk arose after I went in the kitchen, that time.

Q. Then when you first went into the kitchen were they both in there, or only one of them? *A.* I don't know whether they were both in there, or one came in afterwards.

Q. You don't know whether Peter came in with you from the field at that time? *A.* I do not.

Q. Did he go out with you? *A.* That I don't re- 30 member.

Q. What was the nature of the talk; was there good feeling between them—was it pleasant, or did there appear to be some feeling about it? *A.* If it had been me, I should say there was some feeling.

Q. Can't you tell us how long they were talking together at that time? *A.* No, sir; I can't.

Q. And you can't remember whether anybody came

in and interrupted the talk? *A.* Not that I remember of.

Q. Did they talk about anything else? *A.* They were talking something about a child at the same time.

Q. What child? *A.* Willie.

Q. One child? *A.* Yes, sir.

Q. Was the child there? *A.* I forget whether the children were there or in the hall at that time.

Q. Had Mr. Golden been there at work that day? *A.* He had been about the place all day, I suppose; it
10 was very seldom he went off.

Q. Was old Mr. Knapp there then? *A.* No, sir; I don't think he was; I don't remember his being there.

Q. Who else was about the house; do you know? *A.* I do not; I don't think there was any more than the family, anyhow.

Q. The first nine days you speak of here, you say Golden hired you? *A.* No, sir; that was in 1874.

Q. Well, who did? *A.* I hired with Mr. Knapp.

Q. Old Mr. Knapp? *A.* Yes, sir.

20 *Q.* Did you work on the place? *A.* Yes; I picked pears and apples.

Q. You worked on the place? *A.* Yes, sir; picking apples and fruit.

Q. Was anybody else at work on the place besides you? *A.* Yes, sir; William Lane and Jacob Fritzinger, I think they called him, or some such name as that.

Q. Who else was on the place in 1875, besides you? *A.* Peter Wernens worked there in 1875.

30 *Q.* Who else? *A.* And they had a young man there named George.

Q. Well, who else. *A.* Aaron Applegate worked there for a while.

Q. This was in 1875? *A.* Yes, sir; and Samuel H. Reeves came there and finished out the time I stayed; I left him on the place.

Q. Now in 1874? *A.* There was another man there named William Titus.

Q. Who else? *A.* That's all I recollect of being there in 1874—while I was there—those three.

Q. Was Mr. Knapp there in 1875? *A.* Part of the time.

Q. Which part? *A.* Different parts; he was backwards and forwards, and part of the time he was there steady.

Q. Do you know who had charge of the horses and stock on the place in 1875? *A.* Well, as far as it was estimated to me, I supposed it was under Mr. Golden's charge in 1875, as far as I know. That is, in the beginning of my going there. 10

Q. Did Peter give any directions about the horses at all, to you? *A.* In what way, sir.

Q. In any way—about your taking care of them?—*A.* Yes, sir; Peter gave me charge of a pair of horses; they all did; to take to work and take care of them.

Q. Who gave them to you? *A.* Mr. Golden, Mrs. Golden, Mr. Knapp, and Mr. Samuel P. Knapp asked me to take a pair of horses there and work them. I refused to take them, twice; and then they sent them again and the man said that Mr. Knapp requested you very hard to take these horses and work them; and I did so, under Mr. Golden's directions. 20

Q. You said just now that Mr. Golden had charge of the place as far as was estimated to you in the beginning; now, I want to know what charge it was he had? *A.* I should suppose Mr. Golden was there as boss; that's all I know; he hired me and paid me, and I suppose that was the boss man's business. 30

Q. Did he give you any particular directions? *A.* He told me what to do right through; nobody else gave me orders in the forepart of that season except what Mrs. Golden gave me, of course, as a lady on a farm would do; except about those horses; they all wanted me to take and work them for reasons I can't tell.

Q. It was a good team, I suppose? *A.* Yes, sir.

Q. You speak of Mr. Knapp giving directions at

times—do you mean the old gentleman, or the young? *A.* About the horses?

Q. Anything about the farm; were there any directions from anybody else beside Peter Golden, in regard to working the farm? *A.* Well, I don't know what you call that; I will tell you how that was though. The forepart of the season nobody interfered with the business of the farm, except Mr. Golden; he was the sole manager of that farm. In the latter part of the season, Mr. Samuel
10 Knapp came there, and carted away stuff we were gathering, I mean produce; and, as I was told—(Interrupted.)

Q. No; we don't want that? *A.* Well, he carted away stuff, and as a general thing there was a great deal of consultation between him and Golden about gathering the stuff; but my orders generally came from Mr. and Mrs. Peter S. Golden on that farm. I looked upon them as my boss and mistress as I should pronounce it here.

Q. When you speak of Samuel Knapp, who do you
20 mean? *A.* The old gentleman that is sitting nearest me, sir.

Q. Did Samuel P. Knapp have anything to say about the produce for that year? *A.* I don't recollect Samuel P. Knapp having anything to say about it.

Q. Neither about the work or the stock? *A.* I heard him speak about the stock.

Q. Where was he then? *A.* In the house.

Q. Talking to you? *A.* No, sir; he gave me no
30 directions except one colt he sent from New Brunswick for me to break.

Q. But about the general work on the farm? *A.* No, sir; I heard him say nothing about it, any more than I heard him and Mr. Golden talking about the stock.

Q. What did he say? *A.* I should say he was giving advice to him about the best way to manage, and to take care of the stock and handle it.

Q. Did he say anything about the farm? *A.* I

don't know anything about Samuel P. Knapp giving any directions about the farm in general.

Q. Or in particular either? *A.* No, sir.

Q. Re-Direct. In 1874 you say Mr. Knapp hired you; do you know where Mr. Golden was at that time? *A.* In New York.

Q. Not at his house? *A.* No, sir; no more than he came out one afternoon and went back the next morning.

10

COMPLAINANTS' COUNSEL ALSO CALLED SAMUEL REEVES: SWORN.

Q. By Mr. Vredenburgh. Did you work in 1875 on the Golden farm? *A.* Yes, sir.

Q. During what time did you work on that farm? *A.* I began to work there on the sixth day of September, 1875.

Q. How long did you work there? *A.* Well, I am working there on the same farm now.

Q. You are still there? *A.* Yes, sir.

20

Q. Are you now under the employ of Mr. Knapp? *A.* I am working now under the employ of Mr. Knapp.

Q. How long did you work there in 1875, when you first went there? *A.* I have been on the place ever since.

Q. Who did you hire with? *A.* Peter S. Golden when I first started.

Q. For how long? *A.* By the month for as long as he wanted me.

Q. How many months did he pay you for? *A.*— Two months.

30

Q. Did you or not see him pay the other hands while you were there? *A.* Yes, sir.

Q. Cross-Ex. You first went there in 1875; had you worked there before? *A.* No, sir.

Q. And Peter hired you then? *A.* Yes, sir.

Q. And paid you for how long? *A.* Two months.

Q. Which two months do you mean; the first two? *A.* Yes, sir; the first two I worked there.

Q. Where was Mr. Knapp at that time? *A.* He was on the place there.

Q. Living there? *A.* Yes, sir; I suppose so; he was there all the time.

Q. Was his family there? *A.* Yes, sir.

Q. Then how about the other time after the first two months you were there—then who hired you? *A.*—
10 Mr. Knapp hired me after I had worked two months for Mr. Golden; old Mr. Samuel Knapp, I think.

Q. And you continued on under Mr. Knapp from that time—or how long did you hire at that time for? *A.* For all the Winter with Mr. Knapp.

Q. To work on that farm, or elsewhere? *A.* To work on that farm.

Q. Where was Peter when you hired with Mr. Knapp, after the first two months ended? *A.* When I hired with Mr. Knapp, Mr. Golden had gone away some-
20 where.

Q. Mr. Knapp has paid you for that hiring, has he? *A.* Mr. Knapp has paid me ever since I hired with him.

Q. That's what I mean; was anybody else working there after the end of the two months, when you first went there and hired with Mr. Knapp—any other hands beside you? *A.* Yes, sir; once in awhile there was.

Q. Who hired and paid them, as you know—not from what you heard—after the first two months? *A.*—
30 Mr. Knapp.

Q. He hired these other hands also? *A.* Yes, sir.

Q. *Re-Direct.* You say Peter Golden went away; do you recollect when he came back, or about that time, whether Mr. Knapp and Peter had a difficulty on the farm about the right of possession there; was there any question between them as to the right to the farm; do you recollect anything of that kind? *A.* After he came back or before he went away?

Q. Either time; was there a difficulty or not, and if there was state what you know about it, and what you saw? *A.* (*A pause.*)

Q. Why do you hesitate to answer? *A.* (*A pause.*)

Q. *By the Vice Chancellor.* Do you understand the question? *A.* Yes, sir.

Q. Then answer it? *A.* I heard a little difficulty between them a few days after Mr. Golden came back.

Q. Before or after Mr. Knapp had hired you for the balance of the Winter? *A.* It was after Mr. Knapp had hired me 10

Q. *Further Direct.* Mr. Knapp hired you when Peter was away? *A.* Yes, sir.

Q. Well, after he came back, then, you say there was a difficulty between them? *A.* Yes, sir.

Q. Did Mr. Golden tell you to go and gather corn? *A.* Yes, sir; he told me to gather corn when he went away.

Q. Did you tell him Mr. Knapp hired you? *A.*—I told him when he came back that Mr. Knapp had hired me. 20

Q. Well, what was the difficulty; did Mr. Knapp say anything to you while Mr. Golden was away, that Peter had no business there? *A.* No, sir; I don't remember his saying he had no business there.

Q. You say they had a difficulty; now just tell the difficulty you saw, or heard, that they had? *A.* (*A pause.*)

Q. *By the Vice Chancellor.* Answer the question? *A.* I don't remember what was said about gathering corn; there was something said between Mr. Golden and Mr. Knapp about it, a few days after he came home. 30

Q. *Further Direct.* Peter told you to gather corn? *A.* Yes, sir.

Q. And you told him that Mr. Knapp had hired you? *A.* Yes, sir.

Q. Did he like that? *A.* He did not say anything about it any more than: "It is all right, then;" just so.

Q. Then what was the difficulty? *A.* Mr. Golden

came home and asked me if I had gathered the corn, and I said: "No, sir." He said: "What have you been doing?" I said: "Working for Mr. Knapp." He said: "How long has that been?" and I said: "Since Monday." Said he: "Has he hired you?" I said: "Yes, sir." And he said: "That's all right, then." That's all he said to me.

Q. And you kept on working after that? *A.* Yes, sir.

10 *Q.* Do you know whether there was a difficulty or not, between them, as to the possession there, on the farm? *A.* I saw a difficulty between them a good deal, down there.

Q. By the Vice Chancellor. Do you mean that difficulties arose, about who had the right to the possession of the farm? *A.* Well, it was about the farm, always, when it commenced.

Q. Re-Cross. You said there were difficulties a good deal, between them; what do you mean; in the first two 20 months, or the other part of the time? *A.* In the first two months I was there.

Q. There was difficulty then? *A.* Yes, sir.

Q. Between whom, and what about? *A.* Between Mr. Golden and Mr. Knapp.

Q. What about? *A.* About some of the affairs of the farm.

Q. Sir? *A.* About some of the affairs of the farm.

Q. Well, was there also troubles after the first two months? *A.* Yes, sir.

30 *Q.* You say, Peter went away; how long was he away? *A.* He was away about three or four, or five days; something like that; I don't know exactly.

Q. Then he came back, and Mr. Knapp had hired you? *A.* Yes, sir.

Q. Let us know about this first two months—did you hire by the two months or one month, or for the season? *A* By the month, as long as Mr. Golden wanted me to work for him.

Q. When he went away did he tell you what to do? *A.* Yes, sir.

Q. He told you to gather this corn? *A.* Yes, sir.

Q. How was it you hired with Mr. Knapp in his absence—can you tell us that? *A.* Mr. Knapp told me that he was going to take possession, and run the farm; and he told me that he would hire me to work for him all the Winter.

Q. Did you hire with him? *A.* I told Mr. Knapp that Mr. Golden said it was likely he would want me another month, and may-be a month and a half, and may-be he would keep me all Winter; he did not know what he would do. And Mr. Knapp told me he would not board any hand round there for Mr. Golden.

Q. Did you live in the house—you did not live in a place of your own? *A.* No, sir; I boarded on the place.

Q. Well, go on? *A.* And I thought that as long as I had a chance to have a place all the Winter, I would hire with Mr. Knapp, being as he told me he was not going to board any man for Mr. Golden; and I wanted a place to work, so I stayed on.

Q. That's the way you came to hire with Mr. Knapp? *A.* Yes, sir.

Q. Now then, you know when Mr. Golden came back—you were at work then under the hiring of Mr. Knapp, on the farm? *A.* Yes, sir.

Q. During the time that you were there, was Mr. Knapp's family there, living on the place, too—Samuel Knapp and Mrs. Knapp? *A.* Mrs. Knapp was there.

Q. And Mrs. Golden was living there too? *A.*—Yes, sir.

Q. Was Samuel P. Knapp there at any time, whilst you were at work? *A.* The first two months?

Q. Any time—Yes; take the first two months? *A.* In the first two months I saw Mr. Samuel P. Knapp there twice.

Q. Well, go on; did you see him there any more?

A. Then, after that, I saw him there several times; but I never kept any account after that.

Q. In the first two months you saw him there twice? A. Yes.

Q. Did he stay a night and a day, or an hour, or how long did he stay? *A.* 'Most always he stayed all night.

Q. Did he stay any more than a day there at any time? *A.* He would come one day and go back the next.

10 *Q.* Was there any time he stayed there a week? *A.* No, sir.

Q. Did Samuel P. have anything to say about the work on the farm, or the stock? *A.* About it?

Q. Yes; did Samuel P. have anything to say about the stock on the farm, and the working of it? *A.* When I worked for Peter S. Golden, do you mean?

Q. Yes; when you worked for Peter S., or for Samuel Knapp; either one? *A.* He never had anything to say in my presence, about it.

20 *Q.* You did not hear any talk between Peter and Samuel P. Knapp one night, concerning the place? *A.*—I heard some talk one night concerning the place, but I was not close by to tell what it was, but I was close enough by to hear talking.

Q. That was between Samuel P. and Peter S.? *A.* Yes, sir.

Q. It was something about the place, but you could not tell what it was? *A.* No, sir.

30 COMPLAINANTS' COUNSEL ALSO CALLED BENJAMIN DORRANCE: SWORN.

Q. By Mr. Vredenburgh. How old are you? *A.*—Nearly seventeen.

Q. Do you remember going down to the farm—the Golden farm—with your grandfather? A. Yes, sir.

Q. How long ago was that, about? *A.* In the Spring of 1874.

Q. By the Vice Chancellor. With your grandfather, John Golden? *A.* Yes, sir.

Q. Further Direct. You drove down with him from Freehold? *A.* Yes, sir.

Q. Who did you see there? *A.* Mr. Knapp and Mr. Peter Golden, and Mr. Bedle.

Q. What Knapp? *A.* Samuel Knapp.

Q. Did you take dinner there? *A.* Yes, sir; we took part of our dinner with us.

Q. Did you all eat dinner together? *A.* Yes, sir. 10

Q. Who had dinner there? *A.* My grandfather, Mr. Knapp, Mr. Peter Golden, and Mr. Bedle and myself.

Q. Was Mrs. Golden, this lady, (pointing to Mrs. Peter S Golden) there that day? *A.* No, sir.

Q. Were you down with your grandfather afterwards? *A.* Yes, sir.

Q. How long after? *A.* I don't remember how long.

Q. Well, was it the same year? *A.* It was a few 20 months afterwards.

Q. You don't remember how long? *A.* No, sir.

Q. Did you drive down with your grandfather that time? *A.* Yes, sir.

Q. Who did you see there then? *A.* Mrs. Golden was there then, and Mr. Golden.

Q. Mrs. Golden was there then? *A.* Yes, sir.

Q. At the farm? *A.* Yes, sir.

Q. By the Vice Chancellor. You say Mrs. Golden and Mr. Golden; do you mean Mr. John Golden? *A.*— 30 Mr. Peter S. Golden, sir.

Q. Further Direct. You went down with Mr. John Golden? *A.* Yes, sir.

Q. What did they do that day you saw Mrs. Golden there? *A.* I don't remember what was done that day.

Q. Do you remember on the first visit, what was talked about generally? *A.* Yes, sir.

Q. What? *A.* About dividing the sheep.

Q. Mr. Knapp was not there the second time? *A.* No, sir.

Q. Was he there the first time? *A.* Yes, sir.

Q. Were you there with your grandfather at any other time? *A.* I was there before that—in the Fall before.

Q. Not in the Spring of 1874? *A.* No, sir; in that Fall, and those two times in the Spring.

Q. They were the only times you were there with
10 your grandfather? *A.* Yes, sir.

Q. Do you remember anything else except about the sheep being talked about, the first time you went down in the Spring? *A.* No, sir.

Q. Where were you? *A.* I was walking round different places; I was in the house part of the time, and out in the wagon house.

Q. *Cross.-Ex.* Who else was there besides you on the first visit? *A.* When they divided the sheep?

Q. Yes? *A.* Peter Golden and Mr. Knapp.

20 *Q.* The old gentleman? *A.* Yes, sir; and Mr. Bedle.

Q. Did they divide the sheep? *A.* I don't know whether they did or not.

Q. Well, that was the first time you met? *A.*—That was the second time; I went first in the Fall of 1873.

Q. Now, when you were there the third time, what were they doing? *A.* I don't remember what was going on that day.

Q. Who were there? *A.* Mrs. Golden was there.

30 *Q.* And Peter? *A.* Yes, sir.

Q. And his wife, you said? *A.* Yes, sir.

Q. And your grandfather? *A.* Yes, sir.

Q. Who else? *A.* I don't remember anyone else; the children were there; Mrs. Peter S. Golden's children.

Q. You don't know whether she was there before you got there, or whether she came from New Brunswick? *A.* No, sir.

Q. *By the Vice Chancellor.* Let me understand you,

Benjamin; you have spoken of three visits; one in the Fall of 1873, and two during the Spring of 1874, have you not? *A.* Yes, sir.

Q. Now, who did you see there on the occasion of your first visit, in the Spring of 1874? *A.* Mrs. Golden, but Mr. Golden was not there at that time. I went with my grandfather to get some posts.

By Complainant. "Let's see if I understand you." (To the Stenographer.) Read the question, if you please. 10

The Stenographer read as follows: Let me understand you Benjamin; you have spoken of three visits—one in the Fall of 1873, and two during the Spring of 1874—have you not?

A. Mrs. Golden; Mr. Golden I did not see there; I mean Mr. Peter Golden.

Q. Who else? *A.* Mr. Bedle was there.

Q. Further Direct. You made two visits in the Spring of 1874—one when they were dividing the sheep, and the other when you went about some posts? *A.* No, 20 sir; the first visit in the Fall was about the posts.

Q. The first visit in the Fall was about posts? *A.* Yes, sir.

Q. Now the second visit, which was the first in the Spring, that was about the sheep? *A.* Yes, sir.

Q. And the third you don't recollect what it was about? *A.* No, sir.

Q. Now, you went in the Spring, 1874, with your grandfather on both these visits? *A.* Yes, sir.

Q. Now, the first one in the Spring, when you went 30 with your grandfather; who did you see down there on that first visit you made in the Spring; who did you take dinner with? *A.* Mr. Knapp, Mr. Peter Golden, Mr. Bedle, and my grandfather, were all that were there.

Q. Was Mrs. Golden there? *A.* No, sir.

Q. When you took your dinner there? *A.* No, sir.

Q. Now, at the second time you went in the Spring;

did you take dinner? *A.* Yes, sir; then they had the whole house occupied.

Q. How was it the first time? *A.* The first time they were not in possession of the whole house at all then; they had possession of one part of it only.

Q. Re-Cross. You say you had dinner there with Mr. Knapp, Mr. Peter Golden, and your grandfather? *A.* Yes, sir.

Q. That was your first visit in the Spring? *A.*—
10 Yes, sir.

Q. By the Vice Chancellor. You must have misunstood my question just now, when I inquired of you who you saw there on the occasion of your first visit in the Spring of 1874; you said that Mr. Golden was not there? *A.* No, sir; he was not there on the first visit I made in the Fall of 1873; that is what I thought you asked about.

Q. Then you misunderstood my question?

Q. Further Cross. I understand you they were not occupying the house then? *A.* Not at that time.

20 *Q.* What do you mean by that; that there was nobody in it? *A.* Well, Mr. Bedle came up from Keyport, but he had moved out before that.

Q. And the second time you say it was occupied, in the Spring? *A.* Yes, sir; it was occupied by Mr. Golden's family.

Q. Who got dinner the first time you were there? *A.* We took something along with us, and had a fire to bake some potatoes.

Q. Re-Direct. Who baked the potatoes? Mr.
30 Peter Golden.

Q. When was it you saw Mr. Bedle there? *A.*—That was the time they divided the sheep.

Q. And that was the day the potatoes were baked? *A.* Yes, sir.

COMPLAINANTS' COUNSEL RE-CALLED JOHN GOLDEN: SWORN.

Q. By Mr. Vredenburgh. I understand that Mr. Knapp says something about your wanting him to pay

Peter's debts, or something of that kind; now I want to ask you what was the fact about that? *A.* I never asked him any such thing. Of course there was interest; he wanted to pay me $5,000, and I told him I must have the interest on it. There is where the difficulty was at the house, and why they appointed a second meeting; he did not want to pay that; and at that second meeting it was arranged there that it should be paid. Peter paid me part, and he paid part.

Q. At the first meeting he did not want to pay the interest up to the first of April? *A.* Yes, sir; there was nothing named about his debts either way; I did not know he had any debts; it was the interest we talked of, on the bond and mortgage. 10

Q. You did not know he had any debts? *A.* No, sir.

Q. Did he owe you anything? *A.* I had a note against him, but I never asked him for it.

Q. I call your attention to the time of the home-coming, as to a conversation with Mr. Knapp in relation to his intention of making a donation to his daughter; you remember the home-coming? *A.* Yes, sir; they took a trip off. 20

Q. Well, you lived on the farm? *A.* Yes, sir.

Q. Now, what was the conversation? *Objected to. Question overruled.*

Q. What did Samuel Knapp say to you after the marriage, and just before the conveyance by you to your son of this farm, as to his intention to donate—to give to his daughter, Mrs. Golden, $10,000. *Objected to. Question overruled.* 30

Q. Cross-Ex. You had a note you say, against Peter, at the time of this talk? *A.* Yes, sir.

Q. You did not then, make any remark to Mr. Knapp as to having that note paid also? *A.* No, sir.

Q. In your conversation with Mr. Knapp? *A.* No, sir.

Q. Nor about any other debt of Peter's outside of

the mortgage? *A.* No, sir; nothing was mentioned about debts, except this interest which I say was talked about.

Q. Well, the mortgage was talked of? *A.* Yes, sir; and he said he would pay the taxes. I don't know anything about any other debts.

Q. You mean to say, then, that no proposition was made by you to Mr. Knapp, to pay any debt besides the mortgage debt? *A.* No, sir; besides the interest on the
10 bond.

COMPLAINANTS' COUNSEL RE-CALLED SAMUEL P. KNAPP: SWORN.

Q. By Mr. Vredenburgh. I call your attention to a letter dated March third, 1875, and ask you if you sent that letter to Mr. John Golden at the time it purports to be dated? *A.* Yes, sir; that is my hand-writing.

Q. Sent about that time? *A.* Yes, sir; I suppose so.

20 *Complainant* offers same in evidence. Said letter was marked "exhibit J."

Q. By the Vice Chancellor. You wrote and sent this letter to Mr. John Golden? *A.* Yes, sir; and received his reply.

Q. Further Direct. In 1868, Mr. Knapp, were you embarassed in business so that you settled with your creditors? *A.* I was; yes, sir. *Objected to. Admitted.*

By the witness. Well, what part of 1868 do you mean, sir?

30 *Q.* You made an arrangement with your creditors, did you not? *A.* In the Fall or Winter of 1868, I did.

Q. Well, you made an arrangement with your creditors and settled with them for less than their claims? *A.* Not for less than their claims; no sir.

Q. Well, how much on the dollar? *A.* Dollar for dollar on nearly all my claims.

Q. You did not pay quite all, then? *A.* Well, I paid half cash and half by note.

Q. Do you mean you paid half in cash, and gave notes extending the time? *A.* Yes, sir.

Q. By the Vice Chancellor. Do I understand you that you paid dollar for dollar on all claims against you? *A.* No, sir; not all; but nearly all.

Q. Further Direct. (Handing witness a duplicate lease, dated first March, 1875.) See if this is in your hand-writing? *A.* It looks like it; I think it is.

Q. That is the lease under which Mr. Dunbar held this Piscataway farm? *A.* Yes, sir; it looks like it; I think it is. 10

Q. It is in your hand-writing? *A.* Yes, sir.

Complainants' counsel offers same in evidence, marked "exhibit K," for identification. *Objected to.*

Q. Now, these receipts, Mr. Knapp, were signed by you; they are dated September 4, 1875, and May 5, 1875? *A.* I presume so; and were given by me.

Q. In pursuance of one of the clauses of this lease? *A.* I presume so.

Complainant offers said receipts in evidence, some marked "exhibit L," dated September 4, 1875, and "M," dated May 5, 1875. *Objected to. Evidence overruled.* 20

Q. By the Vice Chancellor. What was your business in 1868? *A.* The grain business in New York.

Q. Purchasing and selling grain? *A.* Yes, sir.

Q. Cross-Ex. And was before that in the grain business, and since then continued in, and that is your business now? *A.* Yes.

Q. You were embarrassed in business in 1868? *A.* Yes, sir. 30

Q. You were asked the question whether you made a part payment? *A.* Yes, sir.

Q. And you said you had paid nearly all, dollar for dollar? *A.* Yes, sir.

Q. Now explain what you meant by that? *A.* Well, I paid perhaps one-third of my creditors in cash; yes, I guess nearly one-half of them. All the small ones I paid in full in cash, and the large ones I paid one-half cash, and

gave them notes for a year; and I have paid up all, I think, that I owed, except three people.

Q. Were there any of your creditors that you only paid part to, as a full discharge, and took receipts in full from them? *A.* They gave me receipts in full, some of them.

Q. But they took notes which you expect to pay? *A.* Yes, sir; and have paid.

Q. All but three? *A.* Yes, sir.

10 *Q.* But there were more that you paid cash to only, and got a full discharge from? *A.* Yes, sir; some of them gave me a full discharge.

Q. But they held your notes for the balance? *A.* No, sir; not all.

Q. *Re-Direct.* Mr. Cobb's claim went to judgment? *A.* It is not settled yet.

Q. He got a judgment for $5,000? *A.* Yes, sir.

Q. In October, 1868? *A.* No, sir.

Q. When did he get it? *A.* I think it was three

20 months ago.

Q. Well, you tried the case in 1868? *A.* No, sir.

Q. When was it tried? *A.* That suit was this; I bought the grain for somebody else from him, and he tried to get his money from them and could not, and he is now trying to get it out of me; and the case was tried three months ago, and is now in Court.

Q. *Re-Cross.* That was not in this line of transactions; it was a disputed liability? *A.* Yes, sir; he was trying to make me responsible for somebody else.

30 *Complainants' counsel* offered in evidence a certain book, as the account book of Peter S. Golden, which he kept of the groceries, &c., bought for the family. Also certain bills of different years, to show that the accounts were kept with Peter S. Golden. *Complainant rests.*

DEFENDANTS' COUNSEL RECALLS ELIZABETH W. GOLDEN: SWORN.

Q. By Mr. Allen. Just explain about this book that has been introduced in the evidence; which part of it is in your hand-writing, and when was the last time you remember that you saw it? *A.* In 1874—the Winter of 1874. It was in the Winter I missed the book.

Q. Since you last saw it has there been any writing put in that book? *A.* Yes, sir; this has been put there, (pointing to the writing on the inside of the cover of the book *that* is not mine. 10

Q. What else was put in since you last saw the book? *A.* *This* is not mine, on the fourth page.

Q. Was it in there when you last saw it? *A.* No, sir.

Q. Just mention what pages were not written when you last saw the book, and whose hand-writing this other writing is in, that was not in when you last saw it? *A.* Peter S. Golden's. I had an account of the money my brother sent me; I miss that from the book; I don't see it. 20

Q. That's what I want to ask you; is any of the writing you put in there not in there now? *A.* Yes, sir.

Q. Which part of the book was that written in? *A.* Near the front; that was an account of money I received from my brother.

Q. On one page, was it? *A.* It was on one leaf; I just commenced an account of it. I had it about one-half down; there was $50, $40, $30, $75, &c.; they were the amounts. 30

Q. And that was all money you had from your brother? *A.* Yes, sir; that he had sent to me from time to time.

Q. What year was that? *A.* 1874; the first year we moved.

Q. That is the only year missing out of the book? *A.* That's all I miss now.

Q. Was the book absent by your consent? *A.* No, sir.

Q. Was it written in by any one but yourself, with your consent? *A.* No, sir.

DENENDANTS' COUNSEL ALSO CALLED RUNYON PYATT: SWORN.

Q. *By Mr. Allen.* Where do you live? *A.* I live
10 at East Brunswick.

Q. How long have you lived there? *A.* Since 1853.

Q. Do you know Samuel Knapp, the old gentleman? *A.* Yes, sir.

Q. How long have you known him? *A.* Well, I have known him twenty years.

Q. You lived in the same neighborhood with him, did you? *A.* Yes, sir.

Q. Have you had intimate relations with him? *A.*
20 I have had business with him.

Q. You have? *A.* Occasionally.

Q. For how long during that period of time? *A.* At different times.

Q. Have you had opportunities of knowing about his character and reputation? *A.* Well, we had dealings together.

Q. Have you had opportuntities of knowing his general reputation and character in that neighborhood for truth and veracity; are you acquainted with his general
30 character for truth and veracity in the neighborhood in which he lives? *A.* Yes, sir.

Q. What is it? *A.* I never heard anything but what it was upright and honorable.

Q. For truth and veracity? *A.* Yes, sir.

Q. *Cross-Ex.* What is your business? *A.* Inspector.

Q. Inspector of what? *A.* Inspector of distilled spirits.

Q. Where does your business call you? *A.* New York.

Q. Where? *A.* 105 Broad street.

Q. In connection with the grain business? *A.* No, sir.

Q. You knew Samuel P. Knapp in New York? *A.* Yes, sir.

Q. Have you a place of business in New York? *A.* Yes, sir; 105 Broad.

Q. Then that is where your business connexion is? 10 *A.* Yes, sir; but I live out in New Brunswick.

Q. East New Brunswick? *A.* Yes, sir.

Q. Where is that? *A.* This side of the river; it joins the bridge.

Q. The lower bridge? *A.* On the turnpike bridge.

Q. You are during the day time at New York? *A.* Yes, sir.

Q. Re-Direct. You have business transactions in New Brunswick. Were you not as much in New Brunswick as in New York? *A.* I was there every day. 20

Q. Re-Cross. In the evening? *A.* Yes, sir; in the evening.

DEFENDANTS' COUNSEL ALSO CALLED LYALL VAN NUYS: SWORN.

Q. By Mr. Allen. Where is your place of residence? *A.* New Brunswick.

Q. And has been for how long? *A.* Ever since I was born. 30

Q. How old are you? *A.* Sixty-one or two.

Q. Have you known Samuel Knapp, and if so for how long? *A.* From the time he lived there; within six months, at any rate, after he moved to New Jersey, I got acquainted with him.

Q. Have you had opportunities of knowing his general reputation for truth and veracity? *A.* Yes, sir.

Q. Do you know his general reputation as to truth

and veracity in that neighborhood? *A.* Yes, sir; I have transacted business with him.

Q. Well, what is it; good or bad? A. I always considered it good.

Q. Is his general reputation good? *A.* Yes, sir.

Q. How does it stand in that neighborhood? *A.* I think it is very good; I never heard anything to the reverse.

Q. Cross-Ex. What is your business? *A.* Car-
10 riage making.

Q. Mr. Knapp buys carriages of you? *A.* He has bought wagons of me; buggies and carriages.

Q. He trades with you? *A.* Yes, sir; but before he traded with me I was intimate with him on account of my father-in-law's farm, which nearly joins his.

Q. You are rather intimate with him? *A.* Yes, sir.

Q. That's all?

20 DEFENDANTS' COUNSEL ALSO CALLED ROBERT MILLER: SWORN.

Q. By Mr. Allen. Where do you live? *A.* I live in New Brunswick, in Ogden street.

Q. How long have you resided there? *A.* Fifty-four years.

Q. And for how long have you known Mr. Knapp, the old gentleman? *A.* I could not say, positively, but I think very nearly all the time since he came to live there.
30 I was there before he came.

Q. For the last twenty years? *A.* I could not say positively; but about twenty years.

Q. Well, for ten years, positively? *A.* It is more than ten years, sir.

Q. Do you know his general reputation for truth and veracity, in that neighborhood? *A.* Well, he dealt with me considerably.

Q. Well, do you know his general reputation for

truth and veracity in that neighborhood? *A.* I know nothing against it.

Q. What is his general reputation for truth and veracity in that neighborhood—is it good or bad? *A.* As far as I know, it is good.

Q. You have had opportunities of knowing? *A.*—He has been dealing with me; I am a harness maker by trade.

Q. Cross-Ex. He buys his harness of you? *A.* Yes, sir; and he always paid me; sometimes he paid me when he bought it, and sometimes afterwards; and I always considered—(Interrupted.) 10

Q. That he was likely to buy more; exactly. That's all.

DEFENDANTS' COUNSEL ALSO CALLED HENRY W. ABBOTT: SWORN.

Q. By Mr. Allen. Your place of residence? *A.*—Elizabeth, now.

Q. Now, and has been for how long? *A.* A year last May. 20

Q. Before that time where was it? *A.* New Brunswick.

Q. How long was it there? *A.* I came there in 1862.

Q. Did you know, during the period of time you lived there, the old Mr. Knapp? *A.* Yes, sir.

Q. What was his reputation for truth and veracity in that neighborhood? *A.* Good.

Q. For how long? *A.* As long as I have known him; I never heard a word against him. 30

Q. Cross-Ex. He endorsed a note for you? *A.* He did, sir; it was a cross endorsement, though; I endorsed one for him.

Q. You are mutual endorsers? *A.* Yes, sir.

Q. Does he allow you to shoot on his farm? *A.* Yes, sir.

DEFENDANTS' COUNSEL ALSO CALLED SILAS NULL: SWORN.

Q. By Mr. Allen. Your residence? *A.* New Brunswick.

Q. For how long? *A.* Ever since 1839.

Q. Have you known Mr. Knapp during that period of time? *A.* No, sir; not all that time; I have known him ever since he moved to New Brunswick.

Q. About how long is that; about? *A.* I suppose it is nearly twenty years.

10

Q. What is his general reputation in that neighborhood, for truth and veracity? *A.* Good, sir.

Q. During that period of time? *A.* Yes, sir.

Q. You have had opportunities of knowing and hearing of it? *A.* Yes, sir; I used to buy butter, poultry, and straw, and sometimes hay, of him.

Q. Cross-Ex. You kept a public house, there? *A.* Yes, sir.

Q. And have always kept it? *A.* Well, I was away five years; I sold out.

20

Q. What five years were you away? *A.* Well, from 1870 to 1875.

Q. Then from 1870 to 1875 you have not been in New Brunswick? *A.* Well, I have lived across the river that five years.

Q. While you kept a public house did you see Mr. Knapp there? *A.* Yes, sir.

Q. You kept a bar? *A.* Yes, sir.

Q. Was he at your hotel quite often? *A.* Yes, sir; occasionally he would stop there before he moved down; when he lived up in New York State, somewhere. He did not have occasion to be up there after he went to house-keeping; but of course he came in there, or I could not have bought produce of him.

30

DEFENDANTS' COUNSEL ALSO CALLED CHARLES JENKINS: SWORN.

Q. By Mr. Allen. Where do you reside? *A.* New Brunswick.

Q. For how long? *A.* I was born and brought up there, and have lived there for thirty-one years.

Q. Have you known Mr. Knapp all that time? *A.* No, sir; I suppose I have known him for twelve years.

Q. Samuel Knapp, I mean? *A.* Yes, sir; I know.

Q. What is his general reputation for truth and veracity, and has it been during that time? *A.* I never heard anything but what it was good.

Q. *Cross-Ex.* You are a young man. How old are you? *A.* Thirty-one the ninth of this month, September. 10

Q. Are you in business? *A.* Well, I have been in the real estate and insurance business, except for about one month.

Q. Where, in New Brunswick? *A.* In New Brunswick, N. J.

Q. And in New York? *A.* No, sir.

Q. Where did you meet Mr. Samuel Knapp—are you intimate with Samuel P. Knapp? *A.* Yes, sir.

Q. Pretty intimate? *A.* I don't know as you would call it pretty intimate; I have seen him and know him. I know the father much better than the son. 20

Q. He subpœnaed you last night—the son? *A.*—Yes, sir.

Q. You have been intimate with the father? *A.* Yes, sir; I know him.

DEFENDANTS' COUNSEL ALSO CALLED JOHN FITZGERALD: SWORN.

Q. *By Mr. Allen.* Where do you reside? *A.* New Brunswick. 30

Q. How long have you? *A.* I was born there.

Q. How long have you known Mr. Samuel Knapp? *A.* By reputation for fifteen years.

Q. What is his general reputation for truth and veracity in that neighborhood? *A.* I never heard it questioned.

Q. What is it? *A.* Good.

Q. For that period of time? *A.* Yes.

Q. *Cross-Ex.* How old are you? *A.* Thirty-one in December.

Q. Then you could not have been very old when you first knew Mr. Knapp? *A.* No, sir; I was a boy.

Q. Did you graduate at the college there? *A.* No, sir.

Q. Are you in business there? *A.* No, sir; not now.

10 *Q.* Are you acquainted with Samuel P. Knapp? *A.* Well, only within this last three or four months, I think it is, that I have had a personal acquaintance with him.

Q. Have you been in New Brunswick all the time since you were born? *A.* No, sir; I have been to different places; Washington and New York.

Q. You have been a little roving? *A.* No, sir; New Brunswick has been my home.

Q. But you did not follow any one steady employment at New Brunsuick? *A.* No, sir.

20 DEFENDANTS' COUNSEL ALSO CALLED JAMES DUNBAR: SWORN.

Q. *By Mr. Allen.* Your residence is where? *A.*—Piscataway, N. J., for about six or seven years.

Q. How long have you known Mr. Samuel Knapp? *A.* About six years.

Q. In that same neighborhood? *A.* Yes, sir.

Q. What has his general reputation for truth and veracity during that time, been? *A.* Good, as far as I know.

30 *Q.* Have you had opportunities of knowing? *A.*—Yes, sir; somewhat.

Q. *Cross-Ex.* Are you still on that farm at Piscataway? *A.* On my own; yes, sir.

Q. You have one of your own? *A.* Yes, sir.

Q. Near to his? *A.* One-quarter of a mile in the rear of his.

Q. You have been in his employ? *A.* I worked his farm on shares.

Q. Up to what time? *A.* Last March, for one year.

DEFENDANTS' COUNSEL ALSO CALLED GEORGE CRATER: SWORN.

Q. By Mr. Allen. Your place of residence? *A.* New Brunswick, now, for about eight months.

Q. Before that, where? *A.* Flemington.

Q. Do you know old Mr. Knapp? *A.* Yes, sir.

Q. By the Vice Chancellor. Had you any acquaintance with Mr. Samuel Knapp prior to your going to New Brunswick? *A.* No, sir. 10

Defendant withdrew the witness.

Complainants' counsel withdraws offer of book, and certain accounts in relation to grocery bills, &c., on the ground that it was not a material question in the case how the accounts of Peter S. Golden and S. P. Knapp stood. It is admitted that Miss Eleanor Golden is unable to obey the process of the Court, by reason of sickness. 20

REST ALL.

Testimony closed and case adjourned until sixth and seventh December, 1876.

EXHIBITS.

[MARKED EXHIBIT ——.]

10 No.—— MIDDLETOWN POINT, N. J., April 3, 1868.

U. S. Rev. Stamp. FARMERS & MERCHANTS BANK.

Pay to John Golden or order, Six Thousand Dollars.

$6,000 00. PETER S. GOLDEN.

[MARKED EXHIBIT D.]

20 NEW YORK, March 9, 1874.

DEAR FATHER:

I sent you check this morning from New Brunswick, for $300, as part payment of interest on mortgage. Lizzie and I assigned the deed of the farm over to father Knapp this morning, and have got his agreement, under his sign and seal, to pay off the mortgages on the farm and transfer it clear of all encumbrances, to my wife and her heirs. So I have it all satisfactory. If the children are well, Lizzie will go down to the farm on Wednesday 30 afternoon, to remain. I will go, I think, to-morrow night. Father Knapp has bought a good team of young and gentle horses for us, and we have, we think, a nice young man to live with us. I shall farm or plant about 15 or 20 acres of corn and potatoes, and put the rest of the till out. Our business is beginning to look *livelier*. I will now have a pretty good chance to get along. Sammie will have to stay up to N. B. until we get settled. If you could come down I think Lizzie would let Florence go

back with you a few days; that is, if she is fixed to go. Tell Eleanor to write me soon. PETER S. GOLDEN.

The above letter sent in envelope marked thus:

WOODBRIDGE STRONG, LAW AND COLLECTION OFFICE, 131 George Street, New Brunswick, N. J. To be returned in 10 days if not delivered.	Post Marked New Brunswick, March 9, N. J.	Stamp.

JOHN GOLDEN, ESQ., 10

FREEHOLD,

N. J.

[MARKED EXHIBIT C.]

NEW BRUNSWICK, March 30th, 1874.

JOHN GOLDEN, ESQ., Freehold:

DEAR SIR: 20

I don't get my money until the first day of April, not in time for me to come to your place. I will be at your house next Thursday, April the 2nd, if does not storm so bad that it is not fit to be out.

Yours truly,

SAMUEL KNAPP.

[MARKED EXHIBIT J.]

S. P. KNAPP, DEALER IN GRAIN, No. 1, STATE STREET. 30

P. O. Box, 5,360. NEW YORK, March 3d, 1875.

JOHN GOLDEN, ESQ. Freehold:

DEAR SIR:

Owing to the great amount of sickness we have had, my father nor myself have been able to attend to money matters. My mother is just recovering from the

pneumonia, and father has had the tonsils of throat so he could not get out of the house for a week at a time. I have had inflammation of the kidneys; together with Lizzie's sickness we have had about our share, I think; so if you have not made arrangements for the balance of the money due the first of April, I should be under many obligations if you would leave it until another year. I can give you $2,000 and the interest, if you should require it, or if you want it all I can get it at the same time.
10 I should prefer not to pay all of it until next year; will pay your interest any time? We had to expend a good deal of money to get the farm in condition, and buy stock. Peter has given up his business in New York, and is going to work the farm and see if he can't do something with it. Pa thinks it is time Peter took charge of it, and see if he can't make some money, as he has no interest to pay now, and everything found him, he ought to do well. Please let me know on receipt of this about the money; if you would like 2 or $3,000 besides the in-
20 terest, I can give it to you, so please let me know at once whether you want it all, or part, or only your interest Write by return mail.

Truly Yours,

S. P. Knapp,

1 State Street, New York.

[Marked Exhibit I.]

No.—— New Brunswick, March 29th, 1875.

30 { Int. Rev. Stamp. } NATIONAL BANK OF NEW JERSEY.

Pay to John Golden or order, One Thousand Dollars.

$1,000. Samuel Knapp.

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