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BILL OF COMPLAINT.

(Filed Aug. 2, 1927.)

IN CHANCERY OF NEW JERSEY.

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

Complaining shows unto your Honor your orator, Grand Lodge of the State of New Jersey, Order Sons of Italy in America:

1. The complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, was instituted in the State of New Jersey in the year of nineteen hundred and eleven. It was created by authority of the Supreme Lodge, Order Sons of Italy in America, which for twenty-two years last past, has existed as a parent lodge of the Order Sons of Italy in America. At the time of the creation of the complainant, Grand Lodge, it was vested by the Supreme Lodge with full authority and jurisdiction throughout the State of New Jersey and given the right and privilege of creating other lodges within the State of New Jersey, which lodges were always to be subordinate to the complainant, Grand Lodge, and to the Supreme Lodge. The Order Sons of Italy in America consists of the Supreme Lodge, which exercises jurisdiction throughout the United States, of a Grand Lodge, which exercises jurisdiction in each of the several States, and of subordinate lodges in various localities within the States, subject in each instance to the authority of the Grand Lodge of that State. Followng the creation and

organization of the complainant, Grand Lodge of the State of New Jersey, the complainant lodge functioned as a subordinate lodge to the Supreme Lodge, Order Sons of Italy in America, and by its authority from time to time instituted subordinate lodges in various municipalities in the State of New Jersey. Each lodge so created became subordinate to the jurisdiction and authority of the complainant, Grand Lodge of the State of New Jersey, and by the constitution and by-laws of the Supreme Lodge, Order Sons of Italy in America, and of the complainant, Grand Lodge, the latter formulated and approved following the institution and creation of the complainant, Grand Lodge, all property and effects of subordinate lodges within the State of New Jersey was subject to the jurisdiction and control of the complainant, Grand Lodge, and in the event of an attempted secession or any violation of the constitution and by-laws of the Supreme or Grand Council, had full power and authority to take into its possession all such property and effects of such subordinate lodge and administer the same in accordance with the constitution and by-laws for the purpose for which the Order existed. The Order Sons of Italy in America, the Supreme Lodge, the Grand Lodges, and all subordinate lodges from a part of a fraternal and beneficial order existing not for pecuniary profit.

2. On March 12th, 1916, by virtue of the power and authority vested in the complainant as Grand Lodge of the State of New Jersey, it instituted at Camden, Camden County, New Jersey, a subordinate lodge to be called Dante Alighieri Lodge No. 494, Order Sons of Italy in America. Said subordinate lodge organized by electing officers, and thereafter

accepted new members and functioned as a subordinate lodge of the Order Sons of Italy in America subject to the jurisdiction and control of the complainant, Grand Lodge. The chartered members and every subsequent member of Dante Alighieri Lodge, in applying for membership, agreed to be subject to the jurisdiction of the complainant, Grand Lodge, and of the Supreme Lodge. At the time of the institution of Dante Alighieri Lodge there was in force and effect a constitution and by-laws of the complainant association similar to the constitution and by-laws now in effect, whereby it was provided that all property and effects of such subordinate lodges, as Dante Alighieri Lodge, was subject to the jurisdiction and control of the complainant, Grand Lodge. At the monthly meeting of the Grand Council of the complainant association in the month of August, 1919, a constitution and by-laws for Dante Alighieri Lodge was submitted by that subordinate lodge for approval and such constitution and by-laws were approved. On February 17th, 1919, the complainant, Grand Lodge, approved a revised constitution and by-laws to govern and control it and its subordinate lodges within the State of New Jersey, which constitution and by-laws is still in full force and effect. Sections 75 to 96, inclusive, of said by-laws are annexed hereto, marked "Schedule B" and made a part hereof. Said complete constitution and by-laws are in complainant's possession ready to be produced and proved.

3. The complainant, Grand Lodge, was not incorporated until May 1st, 1920. On that day a certificate of incorporation was duly filed in the State of New Jersey incorporating the complainant, Grand Lodge, as a fraternal and beneficial association, not

for pecuniary profit, a true copy of the certificate of incorporation of the complainant, Grand Lodge, is attached to this bill, marked "Schedule A" and made a part hereof. Prior to this actual incorporation of the complainant, Grand Lodge, Dante Alighieri Lodge had applied to the complainant for permission to file a certificate of incorporation and such request had been granted, it being represented that said subordinate lodge required such actual incorporation in order to effectuate a mortgage on its real estate. Before such incorporation, Dante Alighieri Lodge always recognized the fact that it was a lodge subordinate to the complainant, Grand Lodge, and subject to its authority, and all of its acts were submitted to the complainant association for approval or disapproval. From time to time, in accordance with the constitution and by-laws, Dante Alighieri Lodge reported the condition of its finances to the complainant and made payments to the complainant of dues and benefits.

4. In and by the authority conferred upon the complainant, Grand Lodge of the State of New Jersey, by the Supreme Lodge, Order Sons of Italy in America, in and by its constitution and by-laws, and in and by its certificate of incorporation, the complainant was specifically authorized and empowered to compel subordinate lodges within the State of New Jersey to apply funds and money of subordinate lodges, in every case, to the uses and purposes contemplated by the constitution and general laws of the Order, the laws of the Grand Lodge of the State of New Jersey and the laws of the Supreme Lodge, Order Sons of Italy in America, and to any other use and purpose of any kind whatsoever, and to regulate by law the custody of all

property and money of subordinate lodges becoming suspended, expelled, defunct or seceding from the Order Sons of Italy in America and granted all other such rights and powers, although not enumerated in the certificate of incorporation, which were not in conflict with the laws of the State of New Jersey appertaining to fraternal and beneficial associations.

5. In and by the general laws of the Order adopted immediately following the incorporation of said Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and still in force, default, suspension and expulsion of subordinate lodges, members and the regulation of property rights was provided for, among other things, in Sections 75 to 96, inclusive; a true copy of said sections are attached hereto, marked "Schedule B" and made a part hereof.

6. In and by said general laws of the Order, all funds and properties of a subordinate lodge in New Jersey was placed within the control of the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, to be cared for and administered in accordance with the purposes of the Order.

7. On the twenty-fourth day of March, A. D. nineteen hundred and nineteen, said Loggia Dante Alighieri No. 494, Order Sons of Italy in America, purchased a lodge building and premises at Fourth and Spruce Streets, in the City and County of Camden and State of New Jersey, for the use of the lodge and the furtherance of its fraternal and beneficial purposes. Said premises were purchased from

the Pennsylvania Company for Insuring Lives and Granting Annuities, by deed dated March 24th, 1919, which deed was duly recorded in the office of the Register of Deeds, Camden County, in Book 441, page 424, on the tenth day of April, A. D. nineteen hundred and nineteen. By said deed of conveyance said Loggia Dante Alighieri No. 494, Order Sons of Italy in America became seized in fee of said premises; a true copy of the description of said premises, as contained in said deed of conveyance, is attached hereto, marked "Schedule C," and made a part hereof.

8. Said Loggia Dante Alighieri No. 494, Order Sons of Italy in America, paid for said premises so purchased, the sum of $7500, and thereafter rebuilt and improved the same in order that it might use for its particular purposes lodge and other rooms and rent to advantage stores and other portions of the premises; a replica of the insignia of the Order was erected upon the outside of the said building and covered with goldleaf at great expense to said lodge; extensive furnishings were built and installed in said lodge and other rooms in order to adapt them for the convenient and efficient use of said lodge and its members. Said lot and building and said furnishings are now of a conservative value of fifty-five thousand dollars. A purchase money mortgage of twelve thousand dollars was created at the time of said sale to Loggia Dante Alighieri No. 494, Order Sons of Italy in America. This purchase money mortgage remained against the property for three years. At the end of that period it became necessary to secure a new mortgage in that sum to pay off the original purchase money mortgage. Application was made for that purpose and the mortgage

was placed but the new mortgagee insisted that Loggia Dante Alighieri No. 494, Order Sons of Italy in America should be incorporated before executing this mortgage. The clear equity in said premises and furnishings is at least forty-three thousand dollars.

9. At the time of the institution of said subordinate lodge, Loggia Dante Alighieri No. 494, Order Sons of Italy in America was not incorporated, but thereafter functioned and existed as a subordinate branch or lodge of the complainant. Following the purchase of said premises and the application for a new twelve thousand dollar mortgage and by reason of the insistance of the new mortgagee that Loggia Dante Alighieri No. 494, Order Sons of Italy in America be incorporated, said subordinate lodge applied to the complainant for permission to incorporate and was granted such permission for said purpose.

10. On March 12th, 1920, Loggia Dante Alighieri No. 494, Order Sons of Italy in America was incorporated as a fraternal and beneficial association in accordance with the laws of the State of New Jersey and on July 1st, 1920, a deed of conveyance was made by the Pennsylvania Company for Insuring Lives and Granting Annuities to said incorporated lodge covering the same premises and confirming the previous sale and conveyance. Said deed was duly recorded in the office of the Register of Deeds, Camden County, in Book 518, page 414 on the twenty-first day of November, A. D. nineteen hundred and twenty-two. On November 17th, 1922, Loggia Dante Alighieri No. 494, Order Sons of Italy in America made and executed a mortgage

to the Camden Safe Deposit and Trust Company of Camden, New Jersey, covering said premises so purchased, to secure the sum of twelve thousand dollars, with interest at six per cent. payable semi-annually, which mortgage was duly recorded in the office of the Register of Deeds, Camden County, on the twenty-first day of November, A. D. nineteen hundred and twenty-two in Book 206, page 5.

11. Late in the year nineteen hundred and twenty-six, some differences arose between certain individual members of Loggia Dante Alighieri No. 494, Order Sons of Italy in America and the parent association, the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and several members were suspended.

12. In the latter part of January, nineteen hundred and twenty-seven, these individuals began to create dissension within Loggia Dante Alighieri No. 494, Order Sons of Italy. In the last week of January, nineteen hundred and twenty-seven, Michele Lalli was the Venerable or presiding officer of Dante Alighieri Lodge; he assumed to call a meeting of the council of the lodge which consisted of five trustees, two secretaries, the venerable, the assistant venerable and the orator. The meeting was held in the lodge room and there Michele Lalli suggested that it would be advisable to create a holding corporation to consist of five members of Dante Alighieri Lodge, which corporation might hold the lodge building and real estate at Fourth and Spruce Streets, Camden, New Jersey, which had been purchased and was owned by the lodge. Said Michele Lalli explained that this holding corporation was always to be affiliated with Loggia Dante Alighieri

No. 494, Order Sons of Italy in America and was only to be created and to exist as a holding corporation; then said Michele Lalli called upon a member of the lodge, who was not a member of the council, to explain the plan in detail. This member was named Louis Guiaglianone and was a close friend of Michael Lalli. The said Louis Guiaglianone recited the fact that Loggia Dante Alighieri No. 494, Order Sons of Italy in America, owed upon said property the sum of twelve thousand dollars, represented by the first mortgage and three thousand dollars which had been borrowed from the Victory Trust Company and used for building improvement purposes and suggested that as the older members of Dante Alighieri Lodge had purchased bonds and made contributions to create the fund with which said premises were purchased and subsequently to provide and maintain same, that new members should be required to also contribute proportionately so that the aggregate of their subscriptions or contributions would equal such indebtedness and result in extinguishing the same; he then said to the members of the council that Michele Lalli contemplated holding a celebration as soon as the subscriptions of new members would equal the obligations, at which time all of the members who had contributed and held bonds would surrender the same to the lodge that they might be burned and the entire lodge property freed of debt for the ultimate good and benefit of the lodge and of all its members.

13. At the conclusion of the discussion in the council room Michele Lalli suggested that the members of council adjourn to the lodge room; it was not a regular lodge night and no formal notice had been given to members of the council of the lodge of the

time and purpose of this meeting and no notice had been given to the various members of the lodge that a meeting of the lodge was to be held or meeting of the council for the purpose of such discussion. At that time Loggia Dante Alighieri No. 494, Order Sons of Italy in America consisted of about three hundred sixty members. When the members of the council entered the lodge room some fifteen or twenty members of the lodge were assembled there and Michele Lalli and Louis Guiaglianone restated their plan of creating a holding corporation to be affiliated with the lodge.

14. About ten days following this informal meeting a printed postal card was received by certain members of the lodge, but not by all, said card announced that a meeting of the lodge would be held at the lodge room to approve of the transfer of the premises at Fourth and Spruce Streets, Camden, New Jersey and of other lodge property to the holding company.

15. At the time fixed on said postal card a meeting was attempted to be held by Michele Lalli; of the total number of lodge members, approximately three hundred sixty, not over fifty or sixty were present; Michele Lalli and Louis Guiaglianone restated their plan adding that there were death benefits owing to the Grand Lodge of the State of New Jersey, Order Sons of Italy in America of twenty-seven hundred fifty dollars, which sum was also to be raised and paid by additional subscriptions. On the statement made by Michele Lalli and Louis Guiaglianone the members present approved the plan whereupon Louis Guiaglianone and Attilio C. Marino proceeded to incorporate a holding com-

pany; said Louis Guiaglianone personally selected the five incorporators of the holding company, who were: Michele Lalli, Giovanni Marini, Felice D'Aloise, Agostino V. Guaglianone and Innoncenzo Visceglia.

16. On February 26th, 1927, said five persons, all then members of Dante Alighieri Lodge incorporated the "Sons of Italy Association of Camden, New Jersey." The certificate of incorporation of said association provided that the association should exist for fraternal and beneficial purposes, that its principal office should be at the southwest corner of Fourth and Spruce Streets, Camden, New Jersey, and that the name of the agent in charge thereof, upon whom process might be served, was Michele Lalli; and it provided for five trustees, the five incorporators.

17. Following the incorporation of the Sons of Italy Association of Camden, New Jersey, a meeting of the incorporators was held at the call of Michele Lalli and at his request this meeting was attended by Mario Manaresi, financial secretary of Loggia Dante Alighieri No. 494, Order Sons of Italy in America. He was directed by Michele Lalli to draw a check to the order of Attilio Marino in the sum of fifty dollars to pay for the incorporation of the Sons of Italy Association of Camden, New Jersey, out of the funds of the Loggia Dante Alighieri No. 494, Order Sons of Italy in America. The check was also signed by Michele Lalli and by Louis Guiaglianone. Another meeting of the same incorporators was called by Michele Lalli. Innocenzo Visceglia, one of the incorporators, was not notified of this meeting but, following the meeting, it was

announced by Michele Lalli that officers had been chosen for the Sons of Italy Association of Camden, New Jersey, as follows: Felice D'Aloise, President; Attilio Marino, Vice-President; Louis Durso, Treasurer; Louis Guiaglianone, Recording Secretary; Mario Manaresi, Fnancial Secretary; this announcement was made at a regular meeting of Loggia Dante Alighieri No. 494, Order Sons of Italy in America. There were many protests from members of the lodge who had been uninformed of the proceedings and who objected thereto.

18. Subsequently on March 15th, 1927, a form of deed was prepared reciting a conveyance by Loggia Dante Alighieri No. 494, Order Sons of Italy in America to "Sons of Italy Association of Camden, New Jersey," of said premises at Fourth and Spruce Streets, Camden, New Jersey, for a consideration of twelve thousand dollars. This deed was signed by Michele Lalli, calling himself President, and attested by Luigi Faragalli, calling himself Secretary. This deed was acknowledged and on March 16th, 1927, recorded in the office of the Register of Deeds, Camden County, New Jersey.

19. Prior thereto and on January 13th, 1927, another conveyance was attempted to be made by a form of deed reciting that Loggia Dante Alighieri No. 494, Order Sons of Italy in America sold and conveyed to Enrichetti Angelo Vito, a tract of ground and premises in Winslow Township, Camden County, New Jersey. Said deed was signed by Michele Lalli, calling himself President and attested by Luigi Faragalli, calling himself Secretary, and the premises attempted to be conveyed were the premises which were conveyed to Loggia Dante Alighieri No. 494, Order Sons of Italy in America by

Jersey Suburban Development Company, by deed dated May 6th, 1926, and of record in the office of the Register of Deeds, Camden County, in Book 648, page 265, on the fourteenth day of January, nineteen hundred and twenty-seven. The consideration recited in said deed was one dollar and other good and valuable consideration.

20. Subsequently, on April 26th, 1927, a form of letter alleged to have been signed by Mario Manaresi, was sent to some but not all members of Dante Alighieri Lodge. This statement fixed a price for the Fourth and Spruce Streets property at twenty-five thousand five hundred dollars, added an additional credit of the house committee of two hundred fifty-three dollars and six cents, or a value on the property and its fixtures and furnishings of twenty-five thousand seven hundred fifty-three dollars and six cents. Against this sum the statement charged the mortgage debt of twelve thousand dollars, the balance then due on the note of Dante Alighieri Lodge to the Victory Trust Company of twenty-seven hundred fify dollars, obligation of Dante Alighieri Lodge to its members for contributions to the building and maintenance fund of nine thousand nine hundred sixty-three dollars and seven cents, and bills to be paid by the house committee of eight hundred eighty-five dollars and eighty-nine cents, or a total of twenty-five thousand five hundred ninety-eight dollars and ninety-six cents, indicating a balance to be paid by the Sons of Italy Association of Camden, New Jersey, to Loggia Dante Alighieri No. 494, Order Sons of Italy in America, of one hundred fifty-four dollars and ten cents.

21. Notwithstanding said attempted transfer of all the real estate owned by Loggia Dante Alighieri

No. 494, Order Sons of Italy in America, regular meetings of the lodge were being held and presided over by Michele Lalli. At the regular meeting on the third Thursday of June, 1927, an election of officers was to be held and notice to that effect was sent to the members; no notice was given the members that any other or special business was to be transacted. At this meeting Michele Lalli announced that building and loan shares owned by the lodge were to be withdrawn to pay sick and death benefits and, over protests of many members, succeeded in passing by a majority vote a motion to withdraw these shares; at that time Dante Alighieri Lodge had more money on deposit in bank than it owed for sick and death benefits. Immediately after the motion was passed typewritten forms, which had been prepared in advance, were presented to the Recording Secretary of Dante Alighieri Lodge, with the request that he sign these forms for the withdrawal of the building and loan money. After protesting against such action the secretary finally signed.

22. The Italian American Building and Loan Association shares which were so attempted to be withdrawn had almost matured and had they been withdrawn a very considerable financial loss would have been suffered by the lodge and its members. At the time of said attempt to withdraw, Dante Alighieri Lodge owned ten shares of stock in the sixteenth series of the Camden First Italian Building and Loan Association and five shares of stock in the fourth series of the Italian American Building and Loan Association. The withdrawal value of the shares of stock in the Camden First Italian Building and Loan Association was at that time $705; the

withdrawal value of stock in the Italian American Building and Loan Association was $772.30; the shares of the Italian American Building and Loan Association would have naturally matured within the next three months and a withdrawal would have entailed great financial loss upon said lodge.

23. At said meeting of Dante Alighieri Lodge the financial secretary refused to accept dues of members who offered to pay them in accordance with the constitution and by-laws of the complainant and of said subordinate lodge.

24. At said regular meeting of Dante Alighieri Lodge, held on the third Thursday of June, 1927, following the signing by the Recording Secretary of the orders to withdraw the building and loan money, said Michele Lalli immediately announced that by reason of an alleged difficulty with the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, he had determined that the members of Loggia Dante Alighieri No. 494, Order Sons of Italy in America should secede from the state body and operate under their new certificate of incorporation. At the time this statement was made Michele Lalli was under suspension by the complainant, Grand Lodge of the State of New Jersey. No notice was given to the membership at large of Dante Alighieri Lodge of any suggested action to withdraw from the State and National Associations, Sons of Italy in America. Following the announcement of Michele Lalli that the members should secede from the State and National organizations, he removed the official regalia which he was wearing and announced that the members of the lodge were no longer connected in any wise with the complain-

ant or with the national organizations of the Sons of Italy in America. Thereupon Michele Lalli took into his possession the books of Dante Alighieri Lodge.

25. Immediately following this meeting said Michele Lalli and others attempted to sell said building and loan stock of Dante Alighieri Lodge at its mere withdrawal value. In order to make such sale some person forged the name of Luigi Faragalli, Secretary of Dante Alighieri Lodge. The secretary of said building and loan associations, however, detected said forgery and refused to approve of the transfer of stock and up to the present time said stock has not actually been withdrawn.

26. Said Dante Alighieri Lodge at the time of said attempted secession had moneys on deposit with the Victory Trust Company, Camden, New Jersey.

27. Since on or about Thursday, June 16th, 1927, the defendant, Sons of Italy Association of Camden, New Jersey, and its officers and incorporators have held possession of all the personal property of Loggia Dante Alighieri No. 494, Order Sons of Italy in America with the exception of said building and loan stock, held possession of all its books, papers and accounts, have assumed to collect rents and income from portions of the real estate rented, have used the lodge and social rooms of said premises in which to hold meetings of said Sons of Italy Association of Camden, New Jersey, have assumed to solicit the members of Dante Alighieri Lodge No. 494, Order Sons of Italy in America to resign as members of that subordinate lodge and of the State

and National organizations, Order Sons of Italy in America, and to affiliate themselves with the Sons of Italy Association of Camden, New Jersey, and have collected dues and assessments from members of Loggia Dante Alighieri No. 494, Order Sons of Italy in America.

28. On July 11th, 1927, a written demand was made upon Michele Lalli for delivery of the books, papers, regalia and other real and personal property of Loggia Dante Alighieri No. 494, Order Sons of Italy in America; said Michele Lalli refused such demand.

29. Complainant charges that by the constitution and by-laws of the National and State Lodges, Order Sons of Italy in America and of Loggia Dante Alighieri No. 494, Order Sons of Italy in America, it, the complainant, is entitled to have and receive all of the real and personal property owned by Dante Alighieri Lodge No. 494, Order Sons of Italy in America at the time of said attempted secession.

Section 87 of the by-laws of the complainant association provides: "When a Subordinate Lodge is suspended for any reason whatsoever, if so requested, it must give over to the representative of the Grand or Supreme Council, all the funds, books, seal, papers, paraphernalia, charter, etc., in the possession of the said lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the lodge."

Section 88 of the by-laws of the complainant association provides: "Any officer of the suspended lodge who refuses to deliver to the representative of the Grand or Supreme Council wholly or in part the funds and other properties of the lodge in his

possession, may be expelled from the Order, even if the lodge were subsequently restored or reorganized."

Section 89 of the by-laws of the complainant association provides: "All the funds and properties of a lodge suspended or dissolved and delivered to the Grand or Supreme Council shall be administered for the account of said lodge and returned in the event of the lodge being restored or reorganized. From such funds, however, there shall be deducted the cost of the proceedings."

Complainant is without adequate remedy in the courts of law and, therefore, prays:

1. That the Sons of Italy Association of Camden, New Jersey, Felice D'Aloise, President; Attilio Marino, Vice-President; Louis Durso, Treasurer; Louis Guiaglianone Recording Secretary, and Mario Manaresi, Financial Secretary; Loggia Dante Alighieri No. 494, Order Sons of Italy in America, Michele Lalli, Venerable; Giovanni Marini, Assistant Venerable; Mario Manaresi, Financial Secretary; Luigi Faragalli, Recording Secretary; Ignazio Marini, Orator, and Joseph DiPatrizio, Chairman of Board of Trustees; Italian-American Building and Loan Association, Camden First Italian Building and Loan Association, Victory Trust Company and Enrichetti Angelo Vito, who are defendants to this suit, make answer to this bill of complaint and each statement therein made.

2. That the defendants or some of them who have the possession of the funds and property may be decreed by this Honorable Court to turn over and deliver to the complainant all of the personal prop-

erty of Loggia Dante Alighieri No. 494, Order Sons of Italy in America and to convey and transfer by deed all of the real property of Loggia Dante Alighieri No. 494, Order Sons of Italy in America.

3. That in the meantime and until the further order of this Court, the said defendants be enjoined and restrained from disposing of, or in any way dissipating any of the funds or property formerly held by Loggia Dante Alighieri No. 494, Order Sons of Italy in America.

4. That a receiver may be appointed to take into possession and hold all of the real and personal property so possessed of Dante Alighieri Lodge, No. 494, Order Sons of Italy in America, to conduct and administer, collect and hold rents and income from the real estate and lodge building of said lodge, to pay the building and loan association dues and current charges necessary to the maintenance of the real estate.

5. That a writ of subpoena may issue commanding said defendants to answer this bill of complaint and abide by such decree as this Court may make in the premises.

6. That the complainant may have such other and further relief as shall be agreeable to equity.

ALBERT S. WOODRUFF,
Solicitor for and of Counsel with Complainant.

AFFIDAVIT.

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY. ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill &c. Affidavit.

STATE OF NEW JERSEY, }
COUNTY OF CAMDEN, } *ss.*

INNOCENZO VISCEGLIA, being duly sworn according to law upon his oath deposes and says:

1. I have read the annexed bill of complaint and know of my own knowledge that all the facts therein alleged are true, except those stated to be on information and belief; as to those matters, I believe them to be true.

2. The complainant is a part of a fraternal and beneficial order extending throughout the United

States with a supreme lodge, a state lodge in each state and subordinate lodges in the several states; the subordinate lodges in each state are subject to the jurisdiction and control of the grand lodge of that particular state and the grand lodges are subject to the jurisdiction of the supreme lodge of the United States.

3. The complainant was duly incorporated as a fraternal and beneficial association on May 1st, 1920, in the State of New Jersey, under the Act providing for the incorporation of companies not for pecuniary profits; a true copy of the certificate of incorporation is attached to this bill, marked "Schedule A" and made a part hereof.

4. Loggia Dante Alighieri No. 494, Order Sons of Italy in America, was instituted at Camden, Camden County, New Jersey, on the twelfth day of March, nineteen hundred and sixteen, by complainant as a subordinate lodge of the complainant within its jurisdiction of New Jersey. Ever since its creation said Dante Alighieri Lodge has functioned as a subordinate lodge to the complainant, recognizing the power and authority of said grand lodge.

5. In and by its certificate of incorporation the complainant was specifically authorized and empowered to compel subordinate lodges within the State of New Jersey to apply funds and money of subordinate lodges, in every case, to the uses and purposes contemplated by the constitution and general laws of the Order, the laws of the Grand Lodge of the State of New Jersey and the laws of the Supreme Lodge, Order Sons of Italy in America, and to any other use and purpose of any kind whatsoever, and

to regulate by law the custody of all property and money of subordinate lodges becoming suspended, expelled, defunct or seceding from the Order Sons of Italy in America and granted all other such rights and powers, although not enumerated in the certificate of incorporation, which were not in conflict with the laws of the State of New Jersey appertaining to fraternal and beneficial associations.

6. In and by the general laws of the Order adopted immediately following the incorporation of said Grand Lodge of the State of New Jersey, Order Sons of Italy in America and still in force, default, suspension and expulsion of subordinate lodges, members and the regulation of property rights was provided for among other things in Sections 75 to 96 inclusive; a true copy of said sections are attached hereto, marked "Schedule B" and made a part hereof.

7. In and by said general laws of the Order, all funds and properties of a subordinate lodge in New Jersey was placed within the control of the complainant, to be cared for and administered in accordance with the purposes of the Order.

8. On the twenty-fourth day of March, A. D., nineteen hundred and nineteen, Loggia Dante Alighieri No. 494, Order Sons of Italy in America, purchased a lodge building and premises at Fourth and Spruce Streets, in the City and County of Camden, and State of New Jersey, for the use of the lodge and the furtherance of its fraternal and beneficial purposes. Said premises were purchased from the Pennsylvania Company for Insuring Lives and Granting Annuities, by deed dated March 24th, 1919, which deed

was duly recorded in the office of the Register of Deeds, Camden County, in Book 441, page 424, on the tenth day of April, A. D. nineteen hundred and nineteen. By said deed of conveyance Loggia Dante Alighieri No. 494, Order Sons of Italy in America, became seized in fee of said premises; a true copy of the description of said premises, as contained in said deed of conveyance, is attached hereto, marked "Schedule C," and made a part hereof.

9. For said premises Dante Alighieri Lodge paid the sum of $7500 and thereafter improved and rebuilt the same in order that it might use for its particular purposes lodge and other rooms and rent to advantage stores and other portions of the premises; at great expense to the lodge a replica of the insignia, covered with goldleaf, was erected on the outside of the building; extensive furnishings were built and installed in said lodge and other rooms in order to adapt them for the convenient and efficient use of said lodge and its members. Said lot and building and said furnishings are now of a conservative value of fifty-five thousand dollars. At the time of said sale to Loggia Dante Alighieri No. 494, Order Sons of Italy in America, a purchase money mortgage of twelve thousand dollars was created. This purchase money mortgage remained against the property for three years. At the end of that period it became necessary to secure a new mortgage in that sum to pay off the original purchase money mortgage. Application was made for that purpose and the mortgage was placed but the new mortgagee insisted that Loggia Dante Alighieri No. 494, Order Sons of Italy in America should be incorporated before executing this mortgage. The clear equity in said premises and furnishings is at least forty-three thousand dollars.

10. At the time of the institution of said subordinate lodge, Loggia Dante Alighieri No. 494, Order Sons of Italy in America was not incorporated, but thereafter functioned and existed as a subordinate branch or lodge of the complainant. Following the purchase of said premises and the application for a new twelve thousand dollar mortgage, and by reason of the insistance of the new mortgagee that Dante Alighieri Lodge be incorporated, said subordinate lodge applied to the complainant for permission to incorporate and was granted such permission for said purpose.

11. On the twelfth day of March, A. D. nineteen hundred and twenty, Loggia Dante Alighieri No. 494, Order Sons of Italy in America was incorporated as a fraternal and beneficial association in accordance with the laws of the State of New Jersey and on July 1st, 1920, a deed of conveyance was made by the Pennsylvania Company for Insuring Lives and Granting Annuities to said incorporated lodge covering the same premises and confirming the previous sale and conveyance. Said deed was duly recorded in the office of the Register of Deeds, Camden County, in Book 518, page 414, on the twenty-first day of November, A. D. nineteen hundred and twenty-two. On the seventeenth day of November, A. D. nineteen hundred and twenty-two, Dante Alighieri Lodge made and executed to the Camden Safe Deposit and Trust Company of Camden, New Jersey, a mortgage covering said premises so purchased in the sum of twelve thousand dollars, with interest at the rate of six per cent per annum, payable semi-annually, which mortgage was on the twenty-first day of November, A. D. nineteen hundred and twenty-two, duly recorded in the office

of the Register of Deeds, Camden County, in Book 206, page 5.

12. Late in the year nineteen hundred and twenty-six, some differences arose between certain individual members of Dante Alighieri Lodge and the complainant and several members were suspended.

13. In the latter part of January, nineteen hundred and twenty-seven, these individuals began to create dissension within Dante Alighieri Lodge. In the last week of January, nineteen hundred and twenty-seven, Michele Lalli was the venerable or presiding officer of Dante Alighieri Lodge; he assumed to call a meeting of the council of the lodge which consisted of five trustees, two secretaries, the venerable, the assistant venerable and the orator. The meeting was held in the lodge room and there Michele Lalli suggested that it would be advisable to create a holding corporation to consist of five members of Dante Alighieri Lodge, which corporation might hold the lodge building and real estate at Fourth and Spruce Streets, Camden, New Jersey, which had been purchased and was owned by the lodge. Said Michele Lalli explained that this holding corporation was always to be affiliated with Dante Alighieri Lodge and was only to be created and to exist as a holding corporation; then said Michele Lalli called upon a member of the lodge, who was not a member of the council, to explain the plan in detail. This member was named Louis Guiaglianone and was a close friend of Michele Lalli. The said Louis Guiaglianone recited the fact that Loggia Dante Alighieri No. 494, Order Sons of Italy in America owed upon said property the sum of twelve thousand dollars, represented by the first

mortgage and three thousand dollars which had been borrowed from the Victory Trust Company and used for building improvement purposes and suggested that as the older members of Dante Alighieri Lodge had purchased bonds and made contributions to create the fund with which said premises were purchased and subsequently to provide and maintain same, that new members should be required to also contribute proportionately so that the aggregate of their subscriptions or contributions would equal such indebtedness and result in extinguishing the same; he then said to the members of the council that Michele Lalli contemplated holding a celebration as soon as the subscriptions of new members would equal the obligations, at which time all of the members who had contributed and held bonds would surrender the same to the lodge that they might be burned and the entire lodge property freed of debt for the ultimate good and benefit of the lodge and of all its members.

14. At the conclusion of the discussion in the council room Michele Lalli suggested that the members of council adjourn to the lodge room; it was not a regular lodge night and no formal notice had been given to members of the council of the lodge of the time and purpose of this meeting and no notice had been given to the various members of the lodge that a meeting of the lodge was to be held or meeting of the council for the purpose of such discussion. At that time Dante Alighieri Lodge consisted of about three hundred sixty members. There were about fifteen or twenty members of the lodge in the lodge room when the members of council entered and Michele Lalli and Louis Guiaglianone restated their plan of creating a holding corporation to be affiliated with the lodge.

15. About ten days following this informal meeting a printed postal card was received by certain members of the lodge, but not by all; said postal card announced that a meeting of the lodge would be held at the lodge room to approve of the transfer of the premises at Fourth and Spruce Streets, Camden, New Jersey, and of other lodge property to the holding company.

16. A meeting was attempted to be held by Michele Lalli at the time fixed on said postal card; of the total number of lodge members, approximately three hundred sixty, not over fifty or sixty were present; Michele Lalli and Louis Guiaglianone restated their plan, adding that there were death benefits owing to the grand lodge of twenty-seven hundred fifty dollars, which amount was also to be raised and paid by additional subscriptions. On the statement made by Michele Lalli and Louis Guiaglianone, the members present approved the plan, whereupon Louis Guiaglianone and Attilio C. Marino proceeded to incorporate a holding company; said Louis Guiaglianone personally selected the five incorporators of the holding company, who were: Michele Lalli, Giovanni Marini, Felice D'Aloise, Agostino V. Guiaglianone and myself.

17. On February 26th, 1927, said five persons, all then members of Dante Alighieri Lodge, incorporated the "Sons of Italy Association of Camden, New Jersey." The certificate of incorporation of said association provided that the association should exist for fraternal and beneficial purposes, that its principal office should be at the southwest corner of Fourth and Spruce Streets, Camden, New Jersey, and that the name of the agent in charge there-

of, upon whom process might be served, was Michele Lalli; and it provided for five trustees and five incorporators.

18. Following the incorporation of the Sons of Italy Association of Camden, New Jersey, a meeting of the incorporators was held at the call of Michele Lalli and at his request this meeting was attended by Mario Manaresi, financial secretary of Dante Alighieri Lodge. He was directed by Michele Lalli to draw a check to the order of Attilio Marino in the sum of fifty dollars to pay for the incorporation of the Sons of Italy Association of Camden, New Jersey, out of the funds of Loggia Dante Alighieri No. 494, Order Sons of Italy in America. This check was also signed by Michele Lalli and by Louis Guiaglianone. Another meeting of the same incorporators was called by Michele Lalli. I was not notified of this meeting, although I was one of the incorporators. Following this meeting Michele Lalli announced that officers had been chosen for the Sons of Italy Association of Camden, New Jersey, as follows: Felice D'Aloise, President; Attilio Marino, Vice-President; Louis Durso, Orator; Louis Guiaglianone, Recording Secretary; and Mario Manaresi, Financial Secretary; this announcement was made at a regular meeting of Loggia Dante Alighieri No. 494, Order Sons of Italy in America. There were many protests from members of the lodge who had been uninformed of the proceedings and who objected thereto.

19. On March 15th, 1927, a form of deed was prepared reciting a conveyance by Loggia Dante Alighieri No. 494, Order Sons of Italy in America to "Sons of Italy Association of Camden, New Jer-

sey," of said premises at Fourth and Spruce Streets, Camden, New Jersey, for a consideration of twelve thousand dollars. This deed was executed by Michele Lalli, calling himself President and attested by Luigi Faragalli, calling himself Secretary. This deed was acknowledged and on March 16th, 1927, recorded in the office of the Register of Deeds, Camden County, New Jersey.

20. On January 13th, 1927, another conveyance was attempted to be made by a form of deed reciting that Loggia Dante Alighieri No. 494, Order Sons of Italy in America sold and conveyed to Enrichetti Angelo Vito, a tract of ground and premises in Winslow Township, Camden County, New Jersey. Said deed was signed by Michele Lalli, calling himself President and attested by Luigi Faragalli, calling himself Secretary, and the premises attempted to be conveyed were the premises which were conveyed to Loggia Dante Alighieri No. 494, Order Sons of Italy in America by Jersey Suburban Development Company, by deed dated May 6th, 1926, and of record in the office of the Register of Deeds, Camden County, in Book 648, page 265, on the fourteenth day of January, nineteen hundred and twenty-six. The consideration recited in said deed was $1.00.

21. On April 26th, 1927, a letter alleged to have been signed by Mario Manaresi, was sent to some, but not all, members of Dante Alighieri Lodge. In this letter a price was fixed for the Fourth and Spruce Streets property at twenty-five thousand five hundred dollars, added an additional credit of the house committee of two hundred fifty-three dollars and six cents, or a value on the property and its fixtures and furnishings of twenty-five thousand

seven hundred fifty-three dollars and six cents. Against this sum the statement charged the mortgage debt of twelve thousand dollars, the balance then due on the note of Dante Alighieri Lodge to the Victory Trust Company of twenty-seven hundred fifty dollars, obligations of Dante Alighieri Lodge to its members for contributions to the building and maintenance fund of nine thousand nine hundred sixty-three dollars and seven cents, and bills to be paid by the house committee of eight hundred eighty-five dollars and eighty-nine cents, or a total of twenty-five thousand five hundred ninety-eight dollars and ninety-six cents, indicating a balance to be paid by the Sons of Italy Association of Camden, New Jersey to Loggia Dante Alighieri No. 494, Order Sons of Italy in America of one hundred fifty-four dollars and ten cents.

22. Notwithstanding said attempted transfer of all the real estate owned by Loggia Dante Alighieri No. 494, Order Sons of Italy in America, regular meetings of the lodge were being held and presided over by Michele Lalli. At the regular meeting on the third Tuesday of June, 1927, an election of officers was to be held and notice to that effect was sent to the members; no notice was given the members that any other or special business was to be transacted. At this meeting Michele Lalli announced that building and loan shares owned by the lodge were to be withdrawn to pay sick and death benefits and, over protests of many members, succeeded in passing, by a majority vote, a motion to withdraw these shares; at that time Dante Alighiere Lodge had more money on deposit in bank than it owed for sick and death benefits. Immediately after the motion was passed typewritten forms which had been pre-

pared in advance, were presented to the Recording Secretary of Dante Alighieri Lodge, with the request that he sign these forms for the withdrawal of the building and loan money. After protesting against such action the Secretary finally signed.

23. The Italian American Building and Loan Association shares which were so attempted to be withdrawn had almost matured and had they been withdrawn a considerable financial loss would have been suffered by the lodge and its members. At the time of said attempt to withdraw Dante Alighieri Lodge owned ten shares of stock in the sixteenth series of the Camden First Italian Building and Loan Association and five shares of stock in the fourth series of the Italian American Building and Loan Association. The withdrawal value of the stock in the Camden First Italian Building and Loan Association was at that time $705; the withdrawal value of stock in the Italian American Building and Loan Association was $772.30; the shares of the Italian American Building and Loan Association would have naturally matured within the next three months and a withdrawal would have entailed great financial loss upon said lodge.

24. At said meeting of Dante Alighieri Lodge the Financial Secretary refused to accept dues of members who offered to pay them in accordance with the constitution and by-laws of the complainant and of said subordinate lodge.

25. Following the signing of the orders to withdraw the building and loan association stock, Michele Lalli at said regular meeting held on the third Tuesday of June, 1927, announced that be-

cause of some difficulty with the complainant, he had determined that the members of Dante Alighieri Lodge should withdraw from the state body and operate under their new certificate of incorporation. At the time this statement was made Michele Lalli was under suspension by the complainant. The members of Dante Alighieri Lodge did not have notice of any action to withdraw from the state and national organizations. After Michele Lalli made the announcement that the members should withdraw from the state and national organizations, he took off the official regalia and announced that the members of the lodge were no longer connected with the complainant or with the national organizations of the Sons of Italy in America. He then took the books of Dante Alighieri Lodge.

26. Michele Lalli then attempted to sell the building and loan association stock at its withdrawal value; the name of Luigi Faragalli was forged in order to make the sale, but the secretary of the building and loan association discovered the forgery and the stock was not sold.

27. There were moneys on deposit with the Victory Trust Company at the time of said attempted secession.

28. Since on or about Thursday, June 16th, 1927, the Sons of Italy Association of Camden, New Jersey, and its officers and incorporators have held possession of all the personal property of Dante Alighieri Lodge with the exception of the building and loan association stock, has held possession of all its books, papers and accounts, has assumed to collect rents and income from portions of the real estate

rented, has used the lodge and social rooms of said premises in which to hold meetings of said Sons of Italy Association of Camden, New Jersey, have assumed to solicit the members of Dante Alighieri Lodge No. 494, to resign as members of that subordinate lodge and of the state and national organizations and to affiliate themselves with the new corporation, Sons of Italy Association of Camden, New Jersey, and have collected dues and assessments from members of Loggia Dante Alighieri No. 494, Order Sons of Italy in America.

29. A written demand was made upon Michele Lalli on July 11th, 1927, requesting the delivery of the books, papers, regalia and other real and personal property of Dante Alighieri Lodge; said Michele Lalli refused such demand.

INNOCENZO J. VISCEGLIA.

Sworn and subscribed to before me this 26th day of July, A. D. nineteen hundred and twenty-seven.

ISABELL WALLAZZ,
Notary Public of N. J.

"SCHEDULE A"

CERTIFICATE OF INCORPORATION
OF THE
GRAND LODGE OF THE STATE OF NEW JERSEY
ORDER SONS OF ITALY IN AMERICA

The undersigned persons, members and officers of and acting in accordance with a resolution of the

Grand Executive Council of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America, a voluntary fraternal organization, hereby associate themselves and the members of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America, into a corporation pursuant to an act of the legislature of New Jersey, entitled "An Act to Incorporate Associations not for pecuniary profit," approved April 21, 1898, and the several supplements thereto and acts amendatory thereof and hereby certify:

First: That the name of this association is, Grand Lodge of the State of New Jersey, Order Sons of Italy in America.

Second: That the purposes for which it is incorporated are to perpetuate the objects for which the Orders "Sons of Italy" as a voluntary organization, as shown by the General Laws and Constitution of the Order, and as a secret fraternal beneficiary organization on the lodge system, with a representative form of government; and more particularly, to unite fraternally all persons, of both sexes, of Italian birth or blood, of good moral character and of sound bodily health, between such ages as may from time to time be designated; to give all moral and material aid in its power to its members and those dependent upon them; to provide relief in case of sickness or distress among its members; to promote their moral, material and intellectual betterment, respecting without distinction any and all religious, philosophic and political beliefs they may entertain and to encourage, prepare and assist them in the achievement of American citizenship wherever possible.

Third: That the Grand Lodge of the State of New Jersey, recognizing the Supreme Lodge Order Sons of Italy in America, as the source of all true legitimate power and authority, shall have and exercise the same powers as heretofore and shall have and exercise all the rights and privileges of a grand lodge over the subordinate lodges, as defined and provided in the Constitution and General Laws of the Order, and shall have power with the consent and under the supervision of the Supreme Lodge Order Sons of Italy in America, specifically:

a) To establish its jurisdiction within the State of New Jersey.

b) To make laws for its own government in conformity with the Constitution and General Laws of the Order and the laws of the Supreme Lodge Order Sons of Italy in America.

c) To join with the Supreme Lodge in granting dispensations for the institution of new subordinate lodges within the State of N. J., upon such forms as are supplied by the Supreme Lodge, Order Sons of Italy in A.

d) To provide for the distribution of all passwords and all other methods of securing the safe and easy intercourse and identification of the members, after the same have been promulgated by the Supreme Lodge Sons of Italy in America.

e) To raise revenue for its subsistance by means of a per capita tax and a profit on supplies or otherwise.

f) To furnish, in all cases, supplies, regalia, jewels, emblems and paraphernalia for the use of subordinate lodges, necessary for the uniform working of the Order, after the form, material and color have been first prescribed by the Supreme Lodge Order Sons of Italy in America.

g) To establish a mortuary fund from which shall be paid death benefits as follows:

(1) In the event of the death of a member, a sum not exceeding one thousand dollars, which sum shall be paid to the person and in manner prescribed by the rules of the "Fondo Unico Mortuario" as they now are or shall hereafter be amended.

(2) In the event of death of a member's wife or husband, as the case may be, a sum not exceeding five hundred dollars, which sum shall be paid in the manner prescribed by the rules of the "Fondo Unico Mortuario" as they now are or shall hereafter be amended.

h) To establish an orphan asylum for the children of members.

i) To establish a home for indigent or aged members.

j) To acquire, hold and convey both real and personal property necessary for these purposes.

k) To provide for representation from the subordinate lodges to the annual conventions of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America.

l) To hear and determine all charges, duly brought, as may be provided in the Constitution and General Laws of the Order, and the Laws of the Supreme Lodge Order Sons of Italy in America, and all appeals from the Arbitration Committee of the subordinate lodges through proper committees first appointed for such purpose.

m) To correct and approve constitutions and by-laws of all subordinate lodges within its jurisdiction.

n) To suspend, fine or punish in the way provided by law, through its Grand Venerable, Grand Executive Council or Arbitration Committees, any subordinate lodge or member thereof, for failure to comply with its edicts, resolutions or enactments of the Grand Lodge of the State of New Jersey and the Supreme Lodge Order Sons of Italy in America.

o) To see that all constitutional enactments, rules, edicts and resolutions of the Grand Lodge of the State of New Jersey and the rules, edicts and resolutions of the Supreme Lodge Order Sons of Italy in America, are duly and properly observed, and to suspend any subordinate lodge for any failure to observe said enactments, rules, edicts and resolutions.

p) To see that the constitution and By-Laws of each subordinate lodge is fully observed by the officers and members thereof.

q) To compel subordinate lodges to apply funds and money of subordinate lodges, in every case, to the uses and purposes contemplated by the Constitution and General Laws of the Order, the laws of the Grand Lodge of the State of New Jersey and

the laws of the Supreme Lodge Order Sons of Italy in America, and to no other uses and purposes of any kind whatsoever.

r) To compel subordinate lodges to issue the sick benefits prescribed by the constitution and by-laws of each subordinate lodge when the members thereof shall be sick and unable to follow their usual employment.

s) To compel subordinate lodges to render quarterly reports as to finances and membership standing.

t) To promulgate rules for granting relief to members in distress.

u) To regulate by law, the custody of all property and money of subordinate lodges becoming suspended expelled, defunct or seceding from the Order Sons of Italy in America.

And all other such rights and powers, although not enumerated herein, which are not in conflict with the laws of the State of New Jersey appertaining to fraternal beneficiary associations.

Fourth: That the Grand Lodge of the State of New Jersey Order Sons of Italy in America, shall be composed of:

1. A Grand Venerable.
2. An Assistant Grand Venerable.
3. An Ex-Grand Venerable.
4. A Grand Orator.
5. A Grand Recording Secretary.
6. A Grand Financial Secretary.
7. A Grand Treasurer.
8. Five Grand Trustees.

and such other and different officers or members as may be required by changes in the laws from time to time.

Fifth: That the Corporation is to be located, and its principal place of business, is to be conducted in the City of Paterson, County of Passaic and State of New Jersey which location may hereafter, from time to time, be changed to other city or place within the State of New Jersey due notice of said change however, being filed contemperaneously with said change, in the Office of the Secretary of State.

Sixth: That the number of trustees shall be five and the names of the trustees elected and the term for which they are elected are: viz:
Name, Term and Office and Residences.

1. Albert Malice, two years, 12 East Broad St., Burlington, N. J.
2. Louis Marinaro, Two years, 36 Jersey St., Morristown, N. J.
3. Michele Feniello, two years, 139 High St., Newark, N. J.
4. Filippo Sammarco, two years, 570 Bloomfield Ave., Silver Lake, N. J.
5. Beniamino Tirico, two years, 65 Glen Ridge Ave., Montclair, N. J.

Seventh: That the Corporation shall maintain an office at 136 Washington Street, Paterson, New Jersey, and Giovanni Ciammaichella shall be registered agent in charge of such office, upon whom process against the corporation may be served.

In Witness thereof, we have here unto set our

hands and seals this First day of May, nineteen hundred and twenty.

Signed, Sealed and
Delivered in the
Presence of

Frank J. V. Gimino,
Notary Public.

"SCHEDULE B"

DEFAULT, SUSPENSION AND EXPULSION OF DISTRICT LODGES.

SECTION 75: A District Lodge is in default with respect to the entity to which it is tributary wherever it has failed to pay such entity during 2 consecutive quarters the prescribed contributions.

SECTION 76: The Lodge indebted in any amount to the entity to which it is tributary is not entitled to be represented at conventions.

SECTION 77: The default entails suspension of all financial and moral rights vested in the lodge as toward the entity to which the Lodge is tributary.

SECTION 78: A defaulting lodge which fails to affect settlement within 90 days is expelled from the Order.

SECTION 79: A District Lodge may be suspended for disciplinary reasons apart from the case of default in the following cases:

(a) Failure to obey the laws or the orders of superior authorities.
(b) Performance of acts which conflict with the spirit of harmony, brotherhood and union.

Notice of default or suspension shall be given to a lodge either by registered letter or through its deputy or through a special deputy.

SECTION 80: A suspended lodge is assisted by its deputy or by the special deputy to make good the default.

SECTION 81: A lodge which removes the reasons that have given rise to the default or to the suspension is restored to the enjoyment of its rights subject to the approval of the authority from which the suspension was declared.

SECTION 82: The list of defaulting or suspended lodges is published monthly in the Official Bulletin.

SECTION 83: The brother of a suspended district lodge may by means of a transfer card issued to him by the Grand or Supreme Council, pass to another lodge by submitting to all the provisions of the regulations.

SECTION 84: A lodge suspended for disciplinary reasons and within 60 days fails to eliminate the reasons that have given rise to the suspension, is held to have been dissolved.

SECTION 85: The effects of the suspension affect all the brothers of the lodge in their relationship with the Order but not with respect to the financial rights involved in such relationship.

SECTION 86: The suspension may be pronounced by a Grand Council but the dissolution is to be pronounced by the Supreme Council upon the proposition of the Grand Council having jurisdiction.

SECTION 87: When a Subordinate Lodge is suspended for any reason whatsoever, if so requested, it must give over to the representative of the Grand or Supreme Council, all the funds, books, seal, papers, paraphernalia, charter, etc., in the possession of the said Lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the Lodge.

SECTION 88: Any officer of the suspended Lodge who refuses to deliver to the representative of the Grand or Supreme Council wholly or in part the funds and other properties of the Lodge in his possession, may be expelled from the Order, even if the Lodge were subsequently restored or reorganized.

SECTION 89: All the funds or properties of a Lodge suspended or dissolved and delivered to the Grand or Supreme Council shall be administered for the account of said Lodge and returned in the event of the Lodge being restored or reorganized. From such funds however, there shall be deducted the cost of the proceedings.

SECTION 90: Wherever at least seven members of the Lodge oppose its severance from the Order, the Lodge remains connected with the Order with all its equipment and departing brothers forfeit all their rights.

SECTION 91: Against those upon whom rests responsibility for the dissolution of s Lodge there is immediately pronounced by the Supreme Council a judgment of expulsion from the Order, which judgment has the same legal effects as an award pronounced by the Arbitral Board.

SECTION 92: The members of a Lodge dissolved by way of discipline, forfeit all their financial and moral rights both with respect to the Order and with respect to all the Lodges with which they are enrolled. However, if they succeed in furnishing convincing proof that they are not responsible for the events that brought about the disciplinary measure, they may remain members of the other Lodges with which they are enrolled and if they were members of only the dissolved Lodge they may be enrolled with another Lodge under a transfer card.

SECTION 93: The Lodge which dissolves or whose dissolution is ordered is to return to the Order its Charter.

SECTION 94: The holder of a charter of a dissolved Lodge refusing to return same is expelled 17—SAM. P. ORLANDO—15338 Joe from the Order and an action at law shall be instituted against same before the Court of Law to compel him to return such charter.

SECTION 95: The members of a Lodge dissolved owing to default shall be held to have resigned.

SECTION 96: The dissolved Lodge may be reorganized upon same submitting itself to all the provisions covering the organization of new Lodges.

"SCHEDULE C."

BEGINNING at the Southwest corner of Spruce and Fourth Streets, and extending thence (1) Westwardly along the Southerly line of Spruce Street fifty-four feet, thence (2) Southwardly at right angles with Spruce Street seventy-five feet seven inches, thence (3) Eastwardly at right angles with Fourth Street and parallel with Spruce Street fifty-four feet to the Westerly side of Fourth Street, thence (4) Northwardly along same seventy-five feet seven inches to the place of beginning; together with the buildings and appurtenances.

ANSWER.

(Filed Sept. 8, 1927.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Answer.

The joint and several answer of the defendants, Sons of Italy Association of Camden, New Jersey, Felice D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lallie and Enrichetti Angelo Vito, to the complainant's bill of complaint.

These defendants, answering the said bill of complaint, say that:

1. These defendants admit the existence of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and the Supreme Lodge,

Order Sons of Italy in America, as alleged in paragraph one of the bill of complaint, but they deny all the other allegations thereof.

2. These defendants admit the existence of Dante Alighieri Lodge, #494, Order Sons of Italy in America, as alleged in paragraph two of the bill of complaint, but they deny all the other allegations thereof. As to the contents of the Constitution and By-laws of the complainant, these defendants respectfully beg leave to refer to the same.

3. These defendants admit the incorporation of the complainant, as alleged in paragraph three of the bill of complaint. As to the time when the complainant was incorporated, and its corporate powers granted by the certificate of incorporation, as alleged in said paragraph, these defendants have no knowledge or information sufficient to form a belief. They deny all the other allegations contained in said paragraph.

4. Paragraph four is denied.

5. Paragraph five is denied.

6. Paragraph six is denied.

7. These defendants admit the purchase by the defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, of the lands and premises referred to in paragraph seven of the bill of complaint.

8. These defendants have no knowledge or information sufficient to form a belief as to the statements contained in paragraph eight, except the allegations that the said lot and building and furnish-

ings are of the value of $55,000 and that the clear equity in said premises and furnishings is at least $43,000, which allegations these defendants deny.

9. These defendants admit that at the time of its institution, the said subordinate lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, was not incorporated, as alleged in paragraph nine, but they deny the other allegations of said paragraph.

10. These defendants admit the incorporation of the defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, as alleged in paragraph ten, but they have no knowledge or information sufficient to form a belief as to the remaining statements contained in said paragraph.

11. Paragraph eleven is denied.

12. Paragraph twelve is denied.

13. Paragraph thirteen is denied.

14. These defendants admit that a postal card, properly addressed, was mailed to members of the said defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, as alleged in paragraph fourteen, but they deny that said postal cards contained the information set forth in said paragraph. They aver that a postal card, properly addressed, was mailed to each and every member of said lodge. As to the contents thereof, these defendants respectfully beg leave to refer to the said postal cards, so as aforesaid mailed to the members of said lodge.

15. Paragraph fifteen is denied, except that de-

fendants admit that said defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, authorized, by the unanimous vote of those present, the sale of the lands and premises referred to in the bill of complaint.

16. Paragraph sixteen is admitted. As to the contents of said certificate of incorporation, these defendants beg leave to refer to the same.

17. These defendants admit the meeting, for the purpose of organization, of the incorporators of the defendant corporation, Sons of Italy Association of Camden, New Jersey, as alleged in paragraph seventeen, and that the officers therein named were elected, but they deny the other allegations thereof.

18. These defendants admit the execution and delivery of the deed of conveyance referred to in paragraph eighteen. They assert that the execution and delivery of said deed of conveyance were the authorized acts and deeds of the said defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, and that said deed operated to convey to the grantee, title in fee simple absolute to said lands and premises.

19. These defendants admit the execution and delivery of the deed of conveyance referred to in paragraph nineteen. They assert that said tract of land was a gift to said defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, by one of its members, for the purpose of sale, in such manner as the said defendant lodge determined, for the purpose of raising funds to liquidate some of the debts of said defendant lodge, and that the execution and delivery of said deed of conveyance to said defen-

dant, Enrichetti Angelo Vito, was the execution of a plan conceived and executed by the members of said defendant lodge to raise moneys for the purpose aforesaid. They assert that the execution and delivery of said deed of conveyance were the authorized acts and deeds of the said defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, and that said deed operated to convey to the grantee, title in fee simple absolute to said lands and premises.

20. These defendants admit the forwarding to members of said defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, of a financial statement relating to the transfer and conveyance of the property at Fourth and Spruce Streets, in the City of Camden, as alleged in paragraph twenty. As to the contents of said statement, these defendants beg leave to refer to the same. They assert that said statement was sent to each and every member of said defendant lodge.

21. These defendants admit, as alleged in paragraph twenty-one, that after the transfer and conveyance of said real estate, regular meetings of the defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, were held, and presided over by the defendant, Michele Lalli, but they deny all the other allegations of said paragraph.

22. These defendants admit that an attempt was made to sell and dispose of the shares held by said defendant lodge in the Italian-American Building and Loan Association, and the Camden First Italian Building and Loan Association, as alleged in paragraph twenty-two, but they assert that the purpose of such sale was to raise funds to pay and liquidate

pressing obligations of said defendant lodge. These defendants deny the remaining allegations of said paragraph.

23. Paragraph twenty-three is denied.

24. Paragraph twenty-four is denied.

25. Paragraph twenty-five is denied.

26. Paragraph twenty-six is admitted.

27. These defendants admit that it has possession of the personal property of the defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, with the exception of the building and loan stock, has collected rents from portions of the said real estate, and has used the lodge and social rooms in the building erected upon said premises for the holding of meetings, as alleged in paragraph twenty-seven, but they deny the other allegations of said paragraph.

28. Paragraph twenty-eight is denied.

29. Paragraph twenty-nine is denied.

30. These defendants, further answering, say that on or about June 16, 1927, the defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, at a regular meeting, and in a lawful manner, and by the unanimous vote of all present, seceded from the complainant lodge, and thereby the complainant lodge lost all jurisdiction of said defendant lodge, and its individual members.

31. And these defendants, further answering, say

that the deeds of conveyance for the lands and premises referred to in the bill of complaint, made by the said defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, conveyed title in fee simple absolute to the grantees therein named, and the complainant lodge has no right, title or interest of any kind or character in and to the said lands and premises.

32. And these defendants, further answering, say that the complainant lodge has no right, title or interest of any kind or character in or to the property and assets conveyed to the defendant lodge, Sons of Italy Association of Camden, New Jersey, by the defendant lodge, Loggia Dante Alighieri, #494, Order Sons of Italy in America, and the property, real and personal, now held and possessed by said defendant, Sons of Italy Association of Camden, New Jersey.

33. And these defendants, further answering, say that this suit was not lawfully authorized by the complainant lodge, and for that reason the bill of complaint should be dismissed.

These defendants, therefore, pray to be hence dismissed, with their reasonable costs and charges in this behalf most wrongfully sustained.

SAMUEL P. ORLANDO,
Solicitor of Defendants, Sons of Italy Association of Camden, New Jersey, Felice D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito.

HARRY HEHER,
Of Counsel.

[Endorsed]

September 7, 1927.
Consent is hereby given to the filing of the within answer out of time.
Albert S. Woodruff,
Attorney for Complainant.

ANSWER.

(Filed Mar. 31, 1928.)

IN CHANCERY OF NEW JERSEY.

Between
Grand Lodge of the State of New Jersey, Order Sons of Italy in America,
Complainant,
and
Sons of Italy Association of Camden, New Jersey, *et als.*,
Defendants.

On Bill, &c.
Answer.

Defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America answering complainant's bill of complaint, says that:

1. It has no knowledge or information sufficient to form a belief as to the allegations contained in paragraph one of the bill of complaint and leaves complainant to its proof.

2. It admits the allegations contained in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the bill of complaint.

3. It has no knowledge or information to form a belief as to the allegations contained in paragraph 28 of the bill of complaint and leaves complainant to its proof.

4. It denies the allegations contained in paragraph 29 and on the contrary, it alleges that this defendant is entitled to have and receive all the real and personal property owned by this defendant at the time of said attempted secession.

5. It neither admits or denies as to the matters contained in Sections 87 and 88 of the By-laws of the complainant's association and leaves it to its proof.

6. This defendant alleges that it is entitled to a return of the real estate attempted to be transferred at a meeting of the lodge when all of its members were not notified of the purpose for which the meeting was called and to a return of furnishings and fixtures, in its lodge building at Fourth and Spruce Streets, Camden, New Jersey, and of a return of its books and regalia and that the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Re-

cording Secretary and Mario Manaresi, Financial Secretary or some of them who have the possession of the funds and property of this defendant may be decreed by this Honorable Court to turn over and deliver to this defendant all of the personal property and to convey and transfer by deed all of the real estate attempted to be conveyed belonging to this defendant.

7. That the defendant, Sons of Italy Association of Camden, New Jersey, shall be declared and decreed to hold the real estate, official regalia, books, papers, accounts, furnishings, personal property and building and loan stock, formerly owned by this defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, in trust for this defendant, attempted to be transferred at a meeting of this defendant lodge when all of its membership were not notified of the purpose for which the meeting was called; and, it further alleges that the said transfer was made upon the statement of Michele Lalli at said meeting that the defendant, Sons of Italy Association of Camden, New Jersey, should and would hold the said real estate and personal property as a holding company for this defendant.

8. That the said defendant, Sons of Italy Association of Camden, New Jersey, shall be decreed to account to this defendant for any rents collected or income derived from the real estate and lodge building of this defendant since the attempted transfer of title.

ROCCO PALESE,
Solicitor for Defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America.

[ENDORSED]

Consent is hereby given for the with in answer to be filed as of time.

Albert S. Woodruff,
Sol'r. for Complainant.

Dated: March 30, 1928.

STIPULATION.

(Filed Apr. 5, 1929.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Stipulation.

This matter having come on for a hearing on bill of complaint of Grand Lodge of the State of New Jersey, Order Sons of Italy in America, answer of

the defendant, Loggia Dante Alighieri, #494, Order Sons of Italy in America, and the answer of the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, and in the presence of Albert S. Woodruff, solicitor for Grand Lodge of the State of New Jersey, Order Sons of Italy in America, Rocco Palese, solicitor for Loggia Dante Alighieri #494, Order Sons of Italy in America, and Samuel P. Orlando and Harry Heher, solicitors for Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, and testimony having been taken in open court and arguments and briefs submitted, and it now appearing that the defendant, Loggia Dante Aligheri #494, Order Sons of Italy in America, failed to ask for affirmative relief, although it claimed the right to possession of real and personal property formerly owned by it, the subject of this proceeding, and a counterclaim now having been prepared and filed by this defendant.

Now, therefore, it is on this 5th day of April, A. D. nineteen hundred and twenty-nine, stipulated and agreed by and between Rocco Palese, solicitor for defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, Albert S. Woodruff, solicitor for complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and Samuel P. Orlando and Harry Heher, solicitors for defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, that the defendants,

Sons of Italy Association of Camden New Jersey, Felix D'Aloise, Attilio Mario, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, that said counter-claim be filed, and be a part of the pleadings in this cause; that the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, may answer said counter-claim within five days, and that further testimony be taken if deemed necessary by counsel for respective parties and leave be granted for filing additional briefs to defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, and defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

ALBERT S. WOODRUFF,
Solicitor for and of Counsel with Complainant.

ROCCO PALESE,
Solicitor for and of Counsel with Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America,

SAMUEL P. ORLANDO,
Solicitor for Defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito.

COUNTER-CLAIM OF DEFENDANT, LOGGIA DANTE ALIGHIERI #494, ORDER SONS OF ITALY IN AMERICA.

(Filed Feb. 21, 1929.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Counter-Claim of Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

By way of counter-claim against the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, says that:

1. For the sake of brevity paragraphs numbers 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the bill of complaint herein, are made a part of this counter-claim without repetition.

2. Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, after the attempted secession by some disloyal and unfaithful members, still continued to function, and still exists as a loyal unit of the Order Sons of Italy in America. More than a sufficient number of members, after said attempted secession and transfer of the real estate owned by said defendant, immediately filed a petition with the Grand Lodge of the State of New Jersey, Order Sons of Italy in America, for permission to reorganize and to continue as a loyal unit of said lodge. Said loyal members did immediately reorganize, they elected officers and Loggia Dante Alighieri #494, Order Sons of Italy in America, has ever since continued to exist and function as a subordinate lodge of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America.

3. Upon reorganization of defendant lodge, a demand was made upon defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, for a return of the paraphernalia, fixtures and belongings of the Loggia Dante Alighieri #494, Order Sons of Italy in America, which had been attempted to be transferred to the defendants, Sons of Italy

Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, which demand was refused.

4. This defendant alleges that it is entitled to a return of the real estate attempted to be transferred at the meeting of this lodge when all of its members were not notified of the purpose for which the meeting was called, and to a return of the furnishings and fixtures in its lodge building at Fourth and Spruce Streets, Camden, New Jersey, and of a return of its books and regalia, and that the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, or some of them who have the possession of the funds and property of this defendant may be decreed by this Honorable Court to turn over and deliver to this defendant all of the personal property and to convey and transfer by deed all of the real estate attempted to be conveyed belonging to this defendant.

5. Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, alleges that the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, since Thursday, June 16th, 1927, have held possession of all the personal

property of defendant including all of its books, papers and accounts and the real estate possessed by it which was transferred to defendant illegally and without said transfer being duly authorized by this defendant lodge. The alleged authorization was based upon misrepresentation and was attempted without proper notice being given to the members of the Loggia Dante Alighieri #494, Order Sons of Italy in America; no notice, actual or constructive, being given of such action to be taken by the Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary.

Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, therefore, prays that:

1. The defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, may answer this counter-claim and each statement herein made.

2. That the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, President, Attilio Marino, Vice-President, Louis Durso, Treasurer, Louis Guiaglianone, Recording Secretary and Mario Manaresi, Financial Secretary, shall be declared and decreed to hold the real estate, official regalia, books, papers, accounts, furnishings, personal property and building and loan stock, formerly

owned by this defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, attempted to be transferred at a meeting of this defendant lodge when all of its members were not notified of the purpose for which the meeting was called, for this defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

3. That the defendant, Sons of Italy Association of Camden, New Jersey, shall be decreed to account for any rents collected or income derived from the real estate and lodge building of this defendant since the attempted transfer of title.

4. That the said defendants, or any of them, who have the possession of the funds and property of this defendant, may be decreed by this Honorable Court to turn over and deliver to this defendant all the personal property and to convey and transfer by a good and sufficient deed of conveyance all of the real estate attempted to be conveyed, belonging to this defendant.

That the defendant Loggia Dante Alighieri #494, Order Sons of Italy in America, may have such other and further relief as shall be agreeable to equity.

ROCCO PALESE,
Solicitor for and of Counsel with Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

[ENDORSED]

Service of a copy of the within Counter-Claim acknowledged this 21st day of of February, A. D. 1929.

Samual P. Orlando,
Solicitor for Defendants, Sons of Italy Ass'n., Camden, N. J.
Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, M. Lalli and Enrichetti Angelo Vito.

ANSWER TO COUNTER-CLAIM OF DEFENDANT, LOGGIA DANTE ALIGHIERI #494, ORDER SONS OF ITALY IN AMERICA.

(Filed Apr. 13, 1929.)

IN CHANCERY OF NEW JERSEY.

Between GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA, *Complainant,* and SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*, *Defendants.*	On Bill, &c. Answer to Counter-Claim of Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

By way of answer to the counter-claim exhibited by defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, the defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, say that:

1. For the sake of brevity the same answers made in the answer to the bill of complaint of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America, are hereby made respectively the

answers to the respective paragraphs under paragraph one of the said counter-claim, to wit: Paragraphs, seven, eight, nine, ten, eleven, and twelve to twenty-seven, inclusive.

2. Paragraph two is denied. Defendants aver that any alleged continuation of relation with the Grand Lodge by the defendant Lodge Dante Alighieri #494, Order Sons of Italy in America, did not take place as alleged by the defendant, but was made merely for the purpose of attempting to get the property in question; that any alleged reorganization was not made in good faith and not as required by the by-laws of the Grand Lodge, but simply made for the purpose of making claim to the property in question.

3. Paragraph three is denied.

4. Paragraph four is denied.

5. Paragraph five is denied.

These defendants, therefore, pray to be hence dismissed from the charges made by defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, in the said counter-claim exhibited by said lodge against them, with their reasonable costs and charges in this behalf most wrongfully sustained.

SAMUEL P. ORLANDO,
Solicitor for Defendants, Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi.

ORDER OF REFERENCE.

(Filed Apr. 11, 1928.)

IN CHANCERY OF NEW JERSEY.

Between GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA, *Complainant,* and SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*, *Defendants.*	On Bill, &c. Order of Reference.

This matter being opened to the Court by Albert S. Woodruff, solicitor for and of counsel with the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America; and upon reading the consent hereto underwritten.

It is thereupon, on this 11th day of April, A. D. nineteen hundred and twenty-eight, ordered, that the above stated cause be referred to Hon. E. B. Leaming one of the Vice-Chancellors of this Court, to hear the same for the Chancellor and to report thereon

to him and advise what order or decree should be made therein.

E. R. WALKER,
C.

We consent to the entry of the above order.

ALBERT S. WOODRUFF,
Solicitor for Complainant.

SAMUEL P. ORLANDO,
Solicitor for Defendants, Sons of Italy Assn. of Camden, New Jersey, Felice D'Aloise, Attillio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Enrichetti Angelo Veto.

ROCCO PALESE,
Solicitor for and of Counsel with Defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America.

TESTIMONY.

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, N. J., *et als.,*
Defendants.

On Bill, &c.

LEAMING, V. C.

December 4, 5, 1928.

APPEARANCES:

ALBERT S. WOODRUFF, ESQ., for complainant.

ROCCO PALESE, ESQ., for defendant, Loggia Dante Alighieri.

SAMUEL A. ORLANDO, ESQ., for defendant, Sons of Italy Association of Camden, N. J.

The Court: Are counsel ready in today's case?

Mr. Woodruff: Yes.

The Court: I have gone over the bill, not very thoroughly, but I have glanced over it, but I haven't had time yet to take up the answers. You represent the defendants?

Mr. Orlando: I represent several defendants, along with Mr. Harry Heher, and I understand Mr. Palese represents one defendant, that is, the local lodge.

The Court: The local lodge?

Mr. Orlando: Yes.

The Court: On what theory do your answers claim the right of the local lodge to secede or convey away its property to another successor lodge?

Mr. Orlando: Our defense, if the Court please, is of this nature. First of all, we question the right of the Grand Lodge in this particular instance, which rights are based upon certain by-laws of the parent association, to come in and attempt to recover the property which originally belonged to the members which constituted a subordinate lodge.

The Court: Let me have that more specifically. I know nothing about this organization, but in almost every organization of this nature that has ever existed the Grand Lodge has supervision over the affairs of the local lodges and controls the disposition of its property in the case of a disagreement of any kind. In what respect does this differ?

Mr. Orlando: Because the by-laws, which ordinarily are part of the organic laws of all of these benevolent associations, are not as extensive in this particular case. They don't create the right to recover property in the case of secession. After the incorporation and -by-laws had been passed by the Grand Lodge they never exercised the right of passing by-laws to cover circumstances of that kind. In other words, the by-laws as to what the Grand Lodge can do in the event a local lodge secedes. The by-laws provide what can be done by the Grand Lodge in the event a subordinate lodge becomes dissolved, or is expelled, or is for some reason or other thrown out of the parent association, but there is no provision in the by-laws which says what a Grand Lodge can do or that gives the Grand Lodge any rights whatsoever in the event a subordinate lodge secedes. Does your Honor get my point?

The Court: Yes, but I think the general rule is that that power is inherent in organizations of that nature in the supreme body because the subordinate body is a creature of the supreme body.

Mr. Orlando: In this case the subordinate lodge was a corporation of the State of New Jersey.

The Court: Yes, but it is the same thing, whether it is a voluntary association or whether they take advantage of the statute and take a corporate form.

Mr. Orlando: Another point we make, if the Court please, is that all of the by-laws of the parent association, namely, the Grand Lodge ——

The Court: Let us go back to the first proposi-

tion. You claim when the subordinate lodge became incorporated it gave them a different relationship to the Grand Lodge.

Mr. Orlando: It gave them the right to do with their property as they saw fit.

The Court: Independently of the Grand Lodge, and that that additional right was acquired by reason of their taking on a corporate form?

Mr. Orlando: By reason of their taking on a corporate form, and furthermore, by reason of the fact the Grand Lodge never exercised the right to control property in the event of secession.

The Court: On your first proposition you probably won't go very far. I would suggest that as my first impression. I, of course, don't want to in any way commit myself as to that, but the ordinary doctrine is that the incorporation of a subordinate lodge is merely taking on another form, it doesn't do anything else, for the purpose of organization. Now, your second proposition is what?

Mr. Orlando: The second proposition is that while the Grand Lodge on becoming incorporated retained the right to pass rules and regulations to control or hold the property of a subordinate lodge in the event of secession—subsequent to the incorporation they held a meeting or a convention at which time they never exercised the right to control or do anything satisfy a mortgage when the husband has a bene- with properties of subordinate lodges which secede.

.ıe Court: You claim the Grand Lodge after its incorporation had lost some of its powers?

Mr. Orlando: In the exercise of those rights.

The Court: I don't see the necessity of it.

Mr. Orlando: The only point is that under the certificate of incorporation they can assume all kinds of powers, but ——

The Court: They simply take on a corporate cloak, that is all they do, they don't lose any powers or rights by incorporating.

Mr. Orlando: They must pass some rules or regulations to control those situations so that the subordinate lodges may have something by which they may be guided.

The Court: I should say they took on all the rights and retained them without any additional by-laws, all the rights they had. That would be my first impression. It would be unnecessary for them to affirmatively assert and exercise what rights they had enjoyed prior to incorporation. In other words, the corporation takes the place of the unincorporated body, it is a mere cloak, or form, to aid in ministerial or organization work. That is only my suggestion I am throwing out for your consideration. You may as well proceed with the proofs.

Mr. Woodruff: May I suggest, if the Court please, there are two local bodies now, both of them incorporated, one organization loyal to the State organization, that is the Loggia Dante Alighieri, and the Loggia Dante Alighieri is organized and has its officers and has continued right along. They are made a defendant, but they don't contest the right

of the State lodge in the sense that they are subject to it, but they do say that primarily it is their property, and having reorganized, and being in existence, that it ought to remain in them. We have no contest on that point, we are content as long as it remains with the loyal local lodge, but what occurred is this, a group of disloyal members organized a separate corporation and they took a name similar to the State lodge, calling themselves the Sons of Italy Association, and being in power in the loyal local lodge they transferred all the property over to their new organization. I just want to clear up in your Honor's mind the thought that this group is still a loyal group. May I say further it is admitted in the answer that this group did secede from the parent body, the State Lodge, and then they go on in their answer and recite what they term was a legal transfer of property to the seceding group. One other thought that is in the pleadings, the parent organization of them all, the National body, by a dispensation created the State body, and the State body at that time was not incorporated, but it came into existence with powers to create councils or groups in the State of New Jersey, and by an application of the members here in Camden, which offered to be subservient to the State body, the State body gave a dispensation to these men to organize Loggia Dante Alighieri, and it was organized without incorporating, and they went along with the State body until a situation arose where the Title Company raised a question as to the placing of a mortgage, and it was incorporated at that time to get by that question of title. There was no difference in its status.

The Court: I think I can turn to authorities in this State which hold that these incorporations of fra-

ternal bodies to be a mere new cloak they put on, and nothing more, for organization purposes and property transfer purposes, such as buying or selling property. I think it is defined as a cloak, a mere uniform they put on, changing their voluntary organization into a corporate body. Let me suggest. There is, I apprehend, here only a small field of dispute, probably only three or four points in dispute. I haven't gone over the answers, and I don't know how much is admitted, but can't counsel stipulate to the stenographer matters that are not in dispute so we can eliminate them and simply get down to the legal contentions and to the questions of fact that are in dispute.

Mr. Woodruff: I have certified copies of all the certificates of incorporation, except the Sons of Italy, and I think they can all be admitted. I have certified copies of the two deeds involved in this matter, and I think they can be admitted.

The Court: See how far counsel can go in their agreements, and wherever you can't agree we can leave that matter open. What do you wish to offer now?

Mr. Woodruff: I have first a certified copy of the certificate of incorporation of the Supreme Lodge Order of Sons of Italy.

The Court: Is that satisfactory?

Mr. Orlando: Yes.

(Said certificate marked Exhibit C1.)

Mr. Woodruff: Second, I have a certified copy of the certificate of incorporation of the Supreme Lodge Order of Sons of Italy in America.

The Court: The first one was the State?

Mr. Woodruff: The first one is the original body, Supreme Lodge Order of Sons of Italy.

The Court: That is the national body.

Mr. Woodruff: Yes. The second one is the national body but with a different title.

The Court: The same organization?

Mr. Woodruff: Yes.

The Court: If there is no objection that can be filed.

(Said certificate marked Exhibit C2.)

Mr. Woodruff: I offer certificate of incorporation of the Grand Lodge of the State of New Jersey, Order Sons of Italy in America.

(Said certificate marked Exhibit C3.)

Mr. Woodruff: Then there is a body within the State organization known as the Grand Council, and I offer certificate of incorporation of the Grand Council.

(Said certificate marked Exhibit C4.)

Mr. Woodruff: Then the certificate of incorporation of Loggia Dante Alighieri, Order of Sons of Italy in America.

(Said certificate marked Exhibit C5.)

Mr. Woodruff: We have here and offer a certified copy of a deed, Pennsylvania Company for Insurance, etc., to Loggia Dante Alighieri, covering their property at the southwest corner of Fourth and Spruce Streets. This is the lodge property.

(Said deed marked Exhibit C6.)

Mr. Woodruff: That exhibit was a confirmatory deed and should have been offered second, but I offer now the original deed which was made before the incorporation of the local lodge and which had to be confirmed by the subsequent deed. That is a deed from the Pennsylvania Company to Loggia Dante dated March 24, 1919.

(Said deed marked Exhibit C7.)

Mr. Orlando: May I make a further statement? I was outlining to your Honor the first point raised by the answer, and then we show these circumstances to the Court, that following the time when the Loggia Dante Alighieri became affiliated with the Grand Lodge for a number of years they went along, but within the last two or three years, because of the heavy taxation imposed upon the subordinate lodge by the Grand Lodge, the local lodge found it almost impossible for it to continue. In other words, the Grand Lodge imposes a certain taxation upon the subordinate lodge which the Grand Lodge

collects, and then in turn they pay a certain portion of that to the Supreme Lodge, which is the National Lodge. From time to time they would make special assessments and those assessments were so heavy on the local lodge that the local lodge was unable to make a go of it. In other words, instead of going ahead they were going backward financially, so at sometime during the early part of the year 1927 the local lodge found itself almost in an insolvent condition, its assets were not as great as its liabilities, and it found it most difficult to get on. They had a large building at Fourth and Spruce Streets which is covered by a $12,000 mortgage, and in addition to that when they purchased their property certain repairs had to be made to the property. That money came from the members, and in return for that money they gave a bond of indebtedness, the total of which aggregated over $9,000, and in addition to that they were indebted to the Grand Lodge for assessments and dues in arrears in the sum of $1,000 or more. They had a note in the Victory Trust Company of $3,000, and other obligations of the House Committee, so that the local lodge found it almost impossible to go on under the conditions, and it was then that some discussion was commenced in the quarters of the local lodge, Loggia Dante Alighieri, about some plan whereby they could relieve themselves of this heavy obligation, and finally it was decided at a regular meeting held, at which time they had a quorum, if they could get a price for that building that they should sell it, because if they didn't sell it they were very much afraid that the property might be sold under foreclosure, or for these other obligations. Sometime previous to that the defendant, Sons of Italy Association of Camden, had come into existence, and

while some of the members of the Loggia Dante Alighieri were also members of this Sons of Italy Association the two organizations were distinct, separate and apart, they had their own purposes and their own objects, so that some of the officers of the Loggia Dante Alighieri got into communication with the Sons of Italy Association, which is one of the defendants in this case, to see whether or not they would take this building over, and finally they agreed that they would take this building over if the price wasn't too great, and the way they came to the price was to appoint two real estate men to make an appraisal of the property, find out the reasonable value, and they would buy it if the price wasn't too big. The real estate men were consulted, they appraised the value of the property, and appraised the value of the chattels, and they came to the price of $24,000; then the Sons of Italy Association, which is one of the defendants in this case, reported back to its committee that they had conferred with Loggia Dante Alighieri and that the Loggia Dante Alighieri was willing to sell the property for $24,000 or $25,000, the exact figures I don't recall, and they agreed to buy, and the way they agreed to buy was this, they would assume the $12,000 first mortgage, they would assume all the obligations that Loggia Dante Alighieri had to its members, which was over $9,000, they would assume the obligation of a $3,000 note which the Loggia Dante Alighieri had in the Victory Trust Company, would pay certain indebtednesses which the House Committee owed to certain people, and also pay other sums, so on the strength of that agreement made by these two respective associations or organizations finally a conveyance was made for a valuable consideration, they assumed the mortgage, they assumed the note

—they made partial payment of the note—they have assumed the obligations to the various members who had money coming to them by reason of the advancements they had made originally, and they also paid the difference, and we say, representing the Sons of Italy Association, in addition to all these other things, we don't see how the Grand Lodge can come down on us, a corporation of the State of New Jersey, duly authorized, who purchased this property for a valid consideration, after coming to a conclusion what the reasonable price should be by taking the opinion of independent men. The property was assessed by the City of Camden for the purpose of taxation at $19,000, and they paid for $25,000.

The Court: Is this organization in any way affiliated ——

Mr. Orlando: Not affiliated at all, except some of the members that belonged to the Loggia Dante Alighieri also belong to the Sons of Italy Association, but the officers were different, they had their own officers and own membership.

The Court: What sort of an organization was it, did they have any Grand Lodge?

Mr. Orlando: No, it was an association incorporated under an act of the Legislature for the incorporation of associations not for pecuniary profit. It was a benevolent association.

The Court: An association that had existed for some time?

Mr. Orlando: They had been incorporated on the 26th day of February, 1927.

The Court: They were incorporated in order to carry out this transfer?

Mr. Orlando: The transfer didn't take place until sometime in May or June, at the time they were incorporated.

The Court: But what is the fact with reference to that, was it a corporation that was created for the purpose of effecting this transfer?

Mr. Orlando: No, the transfer was talked about after the existence of this corporation. At the time it was originally incorporated it was incorporated with the idea of forming a local organization which would have no connection with any Grand Lodge or Supreme Lodge, a Camden association made up of Italians of the City of Camden, and incorporated under the laws of the State of New Jersey.

The Court: Was permission of the Grand Lodge secured to this transfer?

Mr. Orlando: No, sir, because we found there is nothing under the laws that require that permission. They had a letter from the Grand Secretary of the Grand Lodge sometime prior to this time in which he told them what his opinion was of the laws of the Grand Lodge; he said, "The property is your property and the Grand Lodge doesn't own it or have any control over it."

The Court: It is difficult to conceive of organizations with a national parent body and a State parent body, or Grand Lodge, and subordinate bodies created by those State bodies, with powers of the

subordinate lodges to convey away their properties without the consent of the Grand Lodge. It is almost inconceivable in fraternal organizations, and if this organization was of that nature it was peculiar in itself.

Mr. Orlando: There are those peculiarities in this particular instance. I have examined a number of cases involving several associations, and find a number which have the provision your Honor has suggested, but in this particular case they do not have any such provision, and it was for that reason no such consent was sought. At the time of the association taking place originally it was talked about at a regular meeting at which time there were 63 members present, and 62, as I recall, voted in favor of secession, and one voted against it. Now, they consulted the by-laws and they felt that was a matter about which special notices should be sent to all the members before the secession could be effected. In other words, members of a subordinate lodge could not secede unless all its members were apprised of the fact that that matter was going to be taken up at a meeting, and they sent a letter to every one of the members that were paid up that on such and such an evening there was going to be a meeting of the subordinate lodge for the purpose of determining whether under the conditions which were prevailing, namely, a going back financially, they were going to remain with the Grand Lodge, or whether they were going to secede. The meeting was held, there were 92 members present, and the vote on that occasion, after notice had been given to every one, a unanimous vote to secede from the Grand Lodge, so that in that case notice had been given to every one and every one agreed they should secede.

The Court: What was the nature of the association, did they at the same time unite with this other body?

Mr. Orlando: Some of them did, not all of them. Some of the members of the old lodge became members of the new association and some of the members did not become members. So we say, in addition to what I suggested before, here we have as defendants, Sons of Italy Association, an organization which has paid value, who has received title to this property by having paid a reasonable price for it.

The Court: Is that organization going on with similar work?

Mr. Orlando: Yes.

The Court: What became of the paraphernalia, and matters of that kind?

Mr. Orlando: The paraphernalia, as I understand it, is still down there.

The Court: Still where?

Mr. Orlando: At the lodge headquarters. They can't use it.

The Court: Still with the Dante Lodge.

Mr. Orlando: They are with this new association because the new association took over the old building and paraphernalia, but they can't use the old paraphernalia because they have new regalia of their

own. The other point is, in all these various by-laws of the Grand Lodge there is no mention whatever made of the right to control, or the control of real property, the only thing which seems to be controlled, or mentioned, is paraphernalia, books, rituals, and things like that. In other words, if the Grand Lodge intended to have, in the event of dissolution, or expulsion of a subordinate lodge, the things owned by a subordinate lodge, they intended to cover only personal property, rituals, constitutions, by-laws, and things of that character. There is nothing in this particular organization which gives them the right to control real property in any way. Now, there is another peculiar thing in this association which is different from the ordinary lodge your Honor has suggested. The majority of national organizations having state bodies and subordinate bodies have a provision in their by-laws that in the event of secession, or dissolution, or any other thing of that character, that the property should be taken over and held in trust for the purposes and objects for which the subordinate body was created, but in this particular instance there is no mention in any of the laws of the parent association, or the parent lodge, as to what they should do, so they might come down under some circumstances and take the property and convert it to their own use. There is nothing in their laws that says they should take it and hold it in trust, or give it to the widows, orphans, or what not. This lodge is different in its makeup than the ordinary makeup of lodges of a similar character, and we say there are several issues in this case, and one thing we dispute is that the bill of complaint in this case relies on certain by-laws which they say are the by-laws of the Grand Lodge, which they number as Articles 75

to 96, and they have annexed them to the bill of complaint in a translated form. Now, we have a copy of the laws of the Grand Lodge and we have referred to those sections and we find they are not a part of the Grand Lodge laws at all. As a matter of fact, the Grand Lodge laws have no such provisions in them at all, so we don't see where the Grand Lodge can answer or assert certain rights based upon certain provisions of the by-laws which they do not have at all. The bill of complaint relies on Sections 75 to 96 for the rights they attempt to assert in this case, and an examination of the by-laws of the Grand Lodge, a copy of which I have in my possession, shows there are no such provisions whatsoever in their laws, so we say they have nothing upon which to base this application.

The Court: Go on with your proofs.

Mr. Woodruff: I think a few things may be stipulated or admitted, perhaps. We have served notice asking that the dispensation for the original creation of the Dante Lodge be produced here.

Mr. Orlando: We will have that.

Mr. Woodruff: It is admitted the dispensation exists and they will produce it.

The Court: This is the original sanction of the Grand Lodge for the organization of the subordinate lodge?

Mr. Woodruff: In Camden. It is in Italian, but we will have it translated.

The Court: These Italian documents will have to be translated.

Mr. Orlando: We have no objection to that.

(Said paper marked Exhibit C-18.)

Mr. Orlando: We raise the further point that this action was never authorized by the Grand Lodge, it is a suit which is instituted without any authority whatsoever.

Mr. Woodruff: The Court also spoke about the regalia, as to its present location. I have served notice on the other side to produce the original demand, it was a written demand, which was made through me on July 11, 1897, for the turning over to Louis Faragalli, Secretary of Loggia Dante Alighieri, all of the books and papers, as well as flags and other property, which was in their possession or control, and which delivery has not been made. Do you admit the demand notice for the production of those things which we asked?

Mr. Orlando: We will admit that, if the Court please.

The Court: Let it be filed.

(Said notice marked Exhibit C9.)

Mr. Woodruff: I have not brought here, if the Court please, but it is admitted there was a deed attempting to convey the real estate at Fourth and Spruce Streets from the Loggia Dante Alighieri to the Sons of Italy Association, the new corporation.

The Court: You had better stipulate the date and details.

Mr. Woodruff: March 15, 1927, and recites a conveyance by Loggia Dante Alighieri to the Sons of Italy Association of Camden, N. J. They produce it and I offer in evidence the original of that deed.

(Said deed marked Exhibit C10.)

Mr. Woodruff: This is a certified copy of the certificate of incorporation of the Sons of Italy Association of Camden. N. J.

(Said certificate marked Exhibit C11.)

The Court: What is the date?

Mr. Woodruff: February 26, 1927. Check from the Loggia Dante Alighieri to pay for the incorporation of the Sons of Italy corporation.

Mr. Orlando: I will admit I received this check, but I can't admit it was paid for the incorporation.

Mr. Woodruff: We offer the check subject to subsequent proof. Check dated March 14, 1927, drawn on the Victory Trust Company, payable to the order of Marino Autillo in the sum of $50, signed by Mario Manaressi, Financial Secretary, and Innocenzio Visceglia, Treasurer. Printed is Loggia Dante Alighieri, and it is countersigned by Michael Lalli, and is endorsed by Marino Autilla and stamped, "For deposit only to the credit of William B. Knight and Samuel P. Orlando."

(Said check marked Exhibit C12.)

Mr. Woodruff: It is also admitted in the answer that the Sons of Italy Association has in its possession the real estate at Fourth and Spruce Streets, and all the rest of the property of Dante Lodge, with the exception of the building and loan stock which had never been transferred. An attempt was made to transfer it but it has never been transferred. They have everything else except that.

The Court: Did they take over any cash?

Mr. Woodruff: They took over an account but I can't give you the amount just now. The secession is admitted—if your Honor will bear with me a minute—it is admitted in Paragraph 30 of the answer that on June 16, 1927, as they put it, the defendant lodge, the Dante Lodge, at a regular meeting, and in a lawful manner, and by the unanimous vote of all present, seceded from the complainant lodge.

Mr. Orlando: That is all right, but the date should be June 23rd.

Mr. Woodruff: That is perhaps all that can be stipulated.

The Court: Aren't there some by-laws that can be stipulated?

Mr. Woodruff: I have here—I think Mr. Orlando has the Italian and I have a translation which was prepared for another case.

Mr. Orlando: If the Court please, with reference to the by-laws, that is one of the points we make in our answer. The by-laws which they rely on in the

bill of complaint are not the by-laws which they are attempting to offer now. The by-laws which they allege in their bill of complaint are the by-laws of the Grand Lodge Sons of Italy in America, and they are contained in this book. I happen to be fortunate enough to be able to understand the Italian language and I have looked them over and I find there are no such by-laws in the Grand Lodge books, and I prepared the case on the strength of those by-laws of the Grand Lodge.

The Court: I guess we will have to prove that.

THE CASE FOR THE COMPLAINANT.

THEMISTOCLES MANCUSI UNGARO, sworn.

By Mr. Woodruff:

Q. Mr. Mancusi, you hold what office in the Sons of Italy of America?

A. Grand Master of the State of New Jersey.

Q. You have been Grand Master of the State of New Jersey for how long?

A. The last five years.

Q. By virtue of that position do you also participate in the actions of the National body?

A. Yes, sir

Q. What position do you have there, or what function?

A. I am one of the Supreme Delegates that comprise the Supreme Lodge.

Q. That Supreme Lodge of the nation is composed of what?

A. Supreme delegates from all the Grand Lodges of the nation.

Q. You are one of those that represents New Jersey in that body?

A. Yes, sir.

Q. Are there others besides yourself?

A. Yes, there are 15 others.

Q. I have in my hand a printed book in Italian, which has on the outside "Loggia Suprema" and I have what purports to be a typewritten interpretation of that; are you familiar with those two objects I have handed you?

A. Yes, sir.

Q. What is the book printed in Italian?

A. This is the fundamental laws of the order in general.

Q. Adopted by what body of the order?

A. The Supreme Lodge.

Q. Of the nation?

A. Of the nation.

Q. What is the typewritten volume?

A. That is the exact translation of the Italian, the fundamental laws.

Q. Into English?

A. Yes, sir.

Q. That was prepared by whom?

A. That was prepared by an official translator of the Supreme Court of the State of New York in a case that was then pending in the State of New York.

Q. Have you used that since and compared it with the Italian?

A. Yes, sir.

Q. And you are an Italian by blood?

A. I am.

Q. And have you also an education in Italian?

A. I have.

Q. And is that a correct translation of the Italian book you have in your hand?

A. It is a true and correct translation of the fundamental laws of the order.

Mr. Woodruff: I offer those two in evidence.

Mr. Orlando: If the Court please, I object to the offer of those two things in evidence for this reason —first of all, I object to the book being offered in evidence because that book is taken from certain by-laws which were passed at various conventions from time to time, and I happen to know they have the original of those resolutions which were passed, and that is the best evidence in this case.

The Court: Who has the original?

Mr. Orlando: They are in the hands of the Grand Secretary, or the Grand Master, in New York City. I happen to have a similar case in which this very organization was involved, and in that case we had those produced, and we found a lot of discrepancies between this book and those laws, so I can't consent to the offer of this in evidence.

Q. These that I have offered here, are they the laws that are in force now?

A. They are.

Q. And how long have they been in force?

A. So far as I remember they have been in force practically since the start of the order, with some amendments and modifications made thereafter.

Q. Mr. Orlando speaks about the originals which were passed by the conventions, there must be, of course, originals of this printed book?

A. There is a proof.
Q. Of what?
A. A proof of the printed book with the amendments made, and this book is an exact copy of the laws, with the amendments, as shown on the proof.
Q. In whose possession is that proof?
A. The Grand Secretary.
Q. Where is he?
A. Right here in court.
Q. Does he have them with him?
A. He has got the book with him.
Q. Is this the paper?
A. This is the original of these by-laws, general laws.
Q. Were they the ones you referred to?

Mr. Orlando: I would like to see them.

Mr. Woodruff: I offer this in addition to the others.

Mr. Orlando: These are not the ones, Senator.

Mr. Woodruff: I offer these, if the Court please.

The Court: Let them be marked.

Mr. Orlando: Objected to, if the Court please, because there is no proof that they are the original and that they are correct, and furthermore we object to them because they are not the laws of the Grand Lodge Sons of Italy in America, the complainant in this case. According to the allegations of the bill of complaint, Paragraph 5, they allege that Sections 75 to 96, inclusive, upon which they rely, are the laws of the Grand Lodge of the Sons

of Italy in America, and they are not the laws of the Grand Lodge of the Sons of Italy in America, and therefore I object to it.

The Court: These may be filed and accepted provided the evidence supports them. I don't know what they are like. I think you had better stand aside and let the Grand Secretary identify these originals.

GIOVANNI CIAMMAICHELLA, sworn.

By Mr. Woodruff:

Q. Your position with the Sons of Italy in America is what?

A. Grand Recording Secretary of the State of New Jersey of the Sons of Italy in America.

Q. Do you have a position also with the Supreme Lodge of the nation?

A. I am a member of the By-laws Committee of the Supreme Lodge.

Q. How long have you been a member of the Sons of Italy in America?

A. About 18 years.

Q. These three documents that I have offered in evidence and which the Vice-Chancellor is examining, when were those laws originally created or adopted?

A. The general by-laws for the order were enacted in 1905.

Q. Did you have a part in the creation of those laws?

A. No, because I was not a member of the order then.

Q. The yellow proofs the Vice-Chancellor is examining now, what are they?

A. They are the revision of the general by-laws at the meeting of the Supreme Lodge at Cleveland, Ohio, in 1917.

Q. Were you a member of the committee on that revision?

A. Yes.

Q. These appear to be proofs, are there original documents, any written documents?

A. Yes.

Q. What happened to those?

A. This proof—we make some revision of the by-laws, the general by-laws, and we gave to the printer just to make a printed proof, and we present this printed proof to the Supreme Convention in New York in 1919.

Q. And are these the proofs which were presented to the Supreme Convention?

A. Yes, to approve and modify some article.

The Court: Were they approved at that convention?

The Witness: They were approved at that convention.

Q. And are they then duplicated in this printed book which is bound up?

A. Yes. After the convention of 1919 we had another Supreme Convention in Trenton in 1921, and there was the final approval of the general by-laws adopted.

Q. Was that a State Convention or National Convention in Trenton?

A. The Supreme Convention.

Q. The whole nation?

A. Of the Sons of Italy.

Q. And the book as it is bound up now with the finer binding on the outside ——

A. Yes.

Q. And printed, is that a duplicate of this book?

A. Exactly, an exact duplicate of that book, and I happened to see that every article was the same thing because I attend to the printing.

By the Court:

Q. And is this proof, as you call it, in yellow, in your possession and custody as Grand Secretary?

A. Yes.

Q. And does it come to you by virtue of your office?

A. As a member of the By-Laws Committee.

Q. And these are the final by-laws on file in your office?

A. Yes, printed in that book which has been offered here.

Q. And this, you say, is an exact copy—the green book you have in your hand ——

A. No, that book.

Q. The brown book is an exact copy of this yellow proof?

A. Of that one.

Q. And is this brown book in general use in the order as a correct copy?

A. Correct general by-laws for the entire order.

Q. It is the constitution, really?

A. Constitution and the general laws.

Q. The fundamental constitution, is that what you call it—that is my own translation—of the Supreme Lodge?

A. Of the Supreme Lodge.

The Court: I am not much of an Italian, but that is not difficult.

By Mr. Woodruff:

Q. Mr. Secretary, when a subordinate lodge is created or instituted, or when there are any modifications of these supreme by-laws, are all the local lodges in all the States in the United States given a copy of this book for their own use and guidance?

A. When any amendment or modification afterward is made in the general by-laws enacted by the Supreme Lodge they are communicated to every subordinate lodge in every State, and every member has this book so he can see the inside.

Q. Every individual member as well as the local lodge has a copy?

A. Yes, perfectly.

Mr. Woodruff: I renew my offer, if the Court please.

Mr. Orlando: I understand you offer them in evidence?

Mr. Woodruff: Yes.

Mr. Orlando: I would like to cross-examine this witness before they are offered.

The Court: You may do so.

By Mr. Orlando:

Q. Mr. Ciammaichella, these particular proofs, six months ago were they in your possession?

A. Yes, sir.

Q. Has this always been in your possession or has it been in the possession of the Grand Secretary in New York?

A. I as a member of the General By-laws Committee I had that in my possession.

Q. You had this in your possession six months ago?

A. Oh, yes.

Q. Always had it in your possession?

A. Always.

Q. You are positive about that?

A. Absolutely.

Q. I notice in this proof you offer here there are several changes, some of them made in pencil and some of them made in ink?

A. Yes.

Q. When were they made?

A. Those corrections were made for the printing proof, and I gave it to the printer to print the book.

Q. Would the book have these corrections which are inserted here in pencil or ink?

A. I think so.

Q. You think so?

A. Yes.

Q. Do you know?

A. Yes.

Q. Do they have them in there?

A. Yes, if they are in there they must be here.

Q. Now, some of these laws you have in here were laws passed in 1905, is that right?

A. The principal idea, the fundamental law of the Order of Sons of Italy in America they were made in 1905 when the order was organized.

Q. And at that time you were not a member of the Grand Lodge, were you?

A. No.

Q. So you don't know what the laws were that were passed in 1905?

A. As a member of the Order I have in my possession the book issued at that time.

Q. These laws are the laws of the Supreme Lodge, not the Grand Lodge?

A. Yes, general by-laws governing the entire order, that means the Supreme Lodge, and the Grand Lodge and the subordinate lodges.

Q. Doesn't the Grand Lodge have its own laws?

A. The Grand Lodge as a law only what reflects—what you call—what covers the administration of the State, but the general laws are governed by the laws of the Supreme Lodge.

Q. These laws of the Grand Lodge aren't they the laws by which the Grand Lodge covers those in the State, the subsidiary lodges?

A. The Grand Lodge must make laws not in conflict.

Q. Aren't the laws which the Grand Lodge has, aren't they the laws by which it is conducting its business and controlling its subsidiary lodges under its jurisdiction?

A. I will reply the general law for the entire order covers every Grand Lodge, only what concerns the administration of the ——

Q. Its business?

A. Not business, just what you call the business of the subordinate lodge they are provided by the Grand Lodge, but within the power of this general by-laws. If you will allow me I will explain the idea.

Q. What became of the original from which this copy was made?

A. They were made in typewriting, they were destroyed.

Q. What happened to the original that was made in writing?

A. After we had this made in printing and have corrections certainly the original was destroyed—they were lost.

Q. Do you know whether the original which was made in 1905 was destroyed or not?

A. That I don't know because I wasn't a member. We had a printed book at that time and we were satisfied the printed book was an exact copy of the law enacted in 1905.

Q. Do you know how many changes were made in 1919 to the original laws of 1905?

A. Not a big revision of the law, only certain things going to the order. Every state has a Grand Lodge which makes the law according to the right given by the Supreme by-laws, and then within certain jurisdictions we have subordinate lodges which have certain rights for governing itself.

Q. How many changes were made, if you know?

A. I cannot say certainly, but the idea was to conform in the by-laws to the United States Constitution, that is the idea.

Q. You don't know just how the laws of 1905 were changed any other than the fact you were trying to make them comply with the Constitution of the United States, is that right?

A. Yes, sir.

Q. Where was that book printed?

A. In New York.

Q. New York?

A. Yes, the proof, I think, they were printed in New York. When everything was ready we made a kind—we ask estimates from other people, and this concern, Davidson Co., in New York, they got the contract.

Q. You weren't there when they printed these books, were you?

A. I wasn't present, but they send the proof.

Q. They sent the proof?

A. Yes, I saw the proof was entirely correct with the original and I gave the O. K. just to print.

Q. You say this list you have here is identical with those you have in the book?

A. Yes.

Q. Haven't there been any amendments made since 1919?

A. Yes, but this was printed after 1919. All the amendments enacted in 1919 and in 1921 in Trenton, just a little attached here, and this correction made in ink or pencil, they were made just at the convention, te Supreme Convention in Trenton in 1921.

Q. So that all you have in your book, including the amendments of 1921 are in here?

A. Yes.

Q. Have there been any amendments since that time incorporated in that book?

A. No.

Q. No amendments since 1921 down to the present time?

A. No.

Q. None whatever?

A. No.

Q. And these are not the laws of the Grand Lorge but they are the general laws of the Supreme Lodge?

A. Yes.

Mr. Orlando: If the Court please, I object to the offer of these laws as not being the laws of the Grand Lodge, the complainant in this case.

The Court: Let them be filed, I will overrule the objection.

(Said papers marked Exhibits C12, 13 and 14.)

The Court: I think, unless the originals are desired for examination, they may as well be returned to the witness and the printed book retained, if they are not for the purpose of comparison.

Mr. Orlando: I would like to have that privilege, if the Court please.

The Court: Leave them here then.

Mr. Orlando: I object to the offer of the translation. They were translated in New York and I think the translator ought to be here.

The Court: I had an impression the last witness said he had compared it and it was a correct translation.

Mr. Orlando: I haven't had the opportunity of looking at them.

The Court: That is not my concern; your opportunities will have to be suppplied the best they can.

By Mr. Woodruff:

Q. Mr. Secretary, when a subordinate lodge was created in New Jersey before your State Lodge was actually incorporated, how was that accomplished?
A. The Supreme Lodge has the power to grant

a charter to every subordinate lodge in every part of the United States.

The Court: I thought the subordinate lodges were instituted by the Grand Lodge of the State?

The Witness: With the concurrence of the Supreme Lodge. The Grand Lodge recommends to the Supreme Lodge the issuance of the charter to subordinate lodges in every part of the United States where there exists a Grand Lodge, because sometimes we have no Grand Lodge organized in some parts of the United States, and the Supreme Lodge has the power to issue directly.

The Court: If I understand you right then if a subordinate lodge is to be established it is authorized by the Grand Lodge of the State with the consent only of the Supreme National Lodge, is that right or not?

Q. When a group of men, as in Camden, wish to organize a lodge like Dante Alighieri, what is the first thing they do?

A. They make an application to the Grand Council of the State.

Q. Have you the original request of the men who wanted to organize Dante Alighieri Lodge?

A. Yes, I have it with me.

Q. Will you produce that, please?

A. (Witness complies.)

Q. This paper which you have produced which has at the top "Domondo di Dispensa" this is the original paper, is it, where the men who first wanted to organize Dante Alighieri Lodge made their application?

A. Yes, sir.
Q. What is that date?
A. February 4, 1916.

The Court: And the application is to the Grand Lodge?

The Witness: It is directed to the Grand Council of the State of New Jersey.

The Court: Isn't it translated?

Mr. Woodruff: No, but we will have a translation of it.

The Witness: It is directed to the Grand Council of the State of New Jersey.

Q. The Grand Executive Council, isn't it?
A. Yes.
Q. What is the endorsement that appears here toward the conclusion?
A. The Grand Council ——
Q. What is this endorsement here?
A. They make recommendation to the Supreme Lodge on February 5, 1916, and it is signed by the Grand Master.
Q. Of the State of New Jersey?
A. Of the State of New Jersey. Peter R. Caviti.

The Court: And make a recommendation that the petition be granted?

The Witness: Yes, and the Recording Secretary of the State of New Jersey——

Q. After that is recommended what is this?

A. This is ratified by the Supreme Executive Council.

Q. Of the United States?

A. Of the United States, February 21, 1916, by the Supreme Master and Supreme Recording Secretary, Francisco Mangini.

Mr. Woodruff: I offer that.

(Said paper marked Exhibit C15.)

Q. When that was approved by the State body and approved by the United States body, what paper was sent to these men who had made the application which showed they had the right to have a lodge, was it this paper which I have, the dispensation?

A. Following the presentation of that.

Q. Dispensation, Exhibit C8, is this it?

A. The original charter.

Q. The original charter sent to these men in Camden?

A. Yes.

Q. Is that original charter issued by the State Lodge of New Jersey or by the United States body?

A. By the Supreme Lodge of the United States.

Q. And it is the Supreme Lodge seal and the Supreme Lodge officers' signatures that appear on it?

A. Yes, sir.

Mr. Orlando: If the Court please, I think we can agree on a translation of that, and we can pin it on the original charter, a translation in English of what appears on it.

Mr. Woodruff: I offer in evidence a translation

which has now been agreed upon, of this dispensation.

(Said paper marked Exhibit C16.)

Q. At the time this dispensation was given to organize Dante Alighieri Lodge was the State body in New Jersey incorporated?

A. Certainly. The State Lodge, you say?

Q. Yes.

A. The State Lodge was incorporated.

The Court: It was?

The Witness: It was incorporated, yes.

The Court: I thought it was incorporated later?

Mr. Woodruff: I think it was, as a matter of fact, if the Court please. We have it in the record, anyway.

The Court: Wasn't it incorporated later?

The Witness: It was incorporated in 1914 or 1915, we had a regular certificate here.

The Court: I would like to know whether they incorporated before they received their charter, or after.

Mr. Woodruff: The charter is February 21, 1916, and the certificate of incorporation of the Grand Lodge of the State of New Jersey, C3, is dated the 1st day of May, 1920, and the certificate of incorporation was finally filed in the Department of State of New Jersey on the 29th of July, 1920.

The Court: Then they were unincorporated at the time the charter was issued and subsequently incorporated.

The Witness: They were incorporated.

Mr. Woodruff: The Secretary is correct, I guess. This exhibit C4, the certificate of incorporation of the Grand Council of the Grand Lodge, Order of Sons of Italy, shows the Grand Council was incorporated September 4, 1913.

The Witness: Yes.

Q. And then the Supreme Lodge was incorporated subsequent to the Grand Council?

A. Yes.

Q. You have been Secretary how long—you have held your present office how long?

A. Since 1919.

Q. Your office is where?

A. The office was in Paterson, but now it is in Newark.

The Court: Do I understand he is Secretary of the Grand Lodge, not of the State?

Mr. Woodruff: The State.

The Court: Secretary of the Supreme Lodge or Grand Lodge?

The Witness: I am Grand Recording Secretary of the State of New Jersey, Sons of Italy in America.

The Court: That is, of the Grand Lodge of New Jersey?

The Witness: Yes.

Q. And on the United States body you are on the Laws Committee?

A. Yes.

Q. Now, as Secretary of the State Lodge, Supreme Lodge in New Jersey, was any application made or consent given by the State body to the transfer of the lodge property at 4th and Spruce Streets by the Dante Alighieri Lodge to the New Sons of Italy Association?

A. I have no recollection. I know no authorization was given by the Grand Lodge to sell or transfer the property.

Q. Have you any knowledge, by virtue of your position, or otherwise, of any application made by Dante Alighieri Lodge for permission to sell its property?

A. To my recollection no permission was given by me.

Q. Was any permission asked, did they ask or demand permission?

A. They asked for permission, not to sell, just to settle their debt in some way. In other words, they were claiming they have no means to pay debts, and they made an application to the Grand Lodge to permit a loan, a mortgage, by the mortuary fund.

Q. That isn't my question. My question was definitely this. Was any permission asked to sell that property and transfer it over to the Sons of Italy Association?

A. No permission at all.

Q. Did you have any formal notice, the Supreme

body, did you have any formal notice of the secession of Dante Alighieri Lodge, or any group of its members?

A. I had notice when that was accomplished, that that crowd secede from the main body and took possession of all the paraphernalia, all the books, and the property of the Loggia Dante Alighieri, #494.

Q. And that notice came to you after it was accomplished?

A. Yes.

Q. Has Dante Alighieri Lodge any existence now, is it continuing to operate?

A. Yes, sir.

Q. And it is still operating as a subordinate body to your State body?

A. Yes, sir.

Q. And the two are working together in accord, Dante Alighieri Lodge and your Grand Lodge in New Jersey?

A. Certainly.

Cross-examination.

By Mr. Orlando:

Q. You are the Secretary for the Grand Lodge, is that right?

A. Yes, sir.

Q. And you are a member of the By-Laws Committee—that was 1919?

A. I am still now.

Q. Still a member?

A. Yes, sir.

Q. Were you a member of the By-Laws Committee in 1921?

A. Yes, sir.

Q. As a member of the By-Laws Committee from 1921 down to the present time has your By-Law Committee met and made any changes to the by-laws of the Order?

A. Yes, but not made any change. We got together just to prepare for the Supreme Convention, the next Supreme Convention to make some change.

Q. When did you get together for that purpose, how long ago?

A. It was about a month ago.

Q. And between 1921 and a month ago you never met for the purpose of making any changes?

A. No.

Q. You have been secretary, you say, for five years—or since 1919, as I understood you?

A. Ten years, almost ten years.

Q. Since 1919, is that correct?

A. The first of January, 1919.

Q. And as Secretary of the Grand Lodge do you visit the different subordinate lodges?

A. Yes, sir.

Q. Now, as Secretary of the Grand Lodge did you ever receive a communication from the Loggia Dante Alighieri at which time they informed you they were going to incorporate?

A. No, sir.

Q. Isn't it a fact you got a letter from the local lodge, Dante Alighieri, # 494, in which they told you they were going to incorporate in 1919, or early in 1920?

A. I don't remember to have signed any permission to incorporate.

Q. I am not asking that question, I am asking whether you got such a notice, letter, or communication?

A. I don't remember.

Q. You are the secretary?

A. Yes, sir.

Q. What do you do with all your communications you receive as secretary?

A. I put them in file.

Q. Do you have that file with you?

A. No.

Q. You started to testify a moment ago that application was made by the Loggia Dante Alighieri to do something about taking care of their debts, is that right?

A. They tried to have this loan from the Mortuary Fund.

Q. How long ago was that?

A. About 1927, just the first part of 1927, I think.

Q. Was that done in writing?

A. No, I went to the lodge. They asked me if we are willing to give some loan.

Q. How much did they want at that time?

A. About $6,000.

Q. Did they tell you they were in debt?

A. They told me they were in debt and I advised them to make a budget of the lodge and then to regulate the dues of the members in order to meet all those debts.

Q. And as a result of that the dues were increased 25 cents a month, weren't they, do you remember that?

A. That is a matter for the local lodge. I know, but I wasn't present.

Q. Do you know they increased the dues?

A. Yes, to $1.50.

Q. What were the dues before that?

A. I think $1.25, I don't remember.

Q. When was that you came down here with reference to that matter, was that in January, 1927?

A. I don't remember the date.

Q. Approximately when was that, what year?

A. I think it was the end of 1926 or the first part of 1927, I don't remember precisely the date.

Q. At that time with whom did you discuss this matter?

A. The lodge.

Q. In open lodge?

A. Yes.

Q. Who was the president at that time?

A. Mr. Michael Lalli.

Q. What was done by the Grand Lodge towards taking care of the local lodge on this loan, did they grant the loan?

A. I told them ——

Q. Never mind that, tell me what was done by the Grand Lodge, if anything, toward taking care of the loan, did they grant the loan?

A. They no ask for.

Q. Didn't they ask for $6,000 from the Mortuary Fund?

A. They said they will make an application, I was told they would make an application, I suggest that they make the application in writing because we are supposed to put this application before the committee, the Mortuary Fund Committee, and I then write to them after my visit to the lodge to make this application, but they never did.

Q. Were you questioned at the time you went down to the lodge as to what the rights were of the members to sell the property—didn't they talk about that?

A. No, sir.

Q. Didn't they ask you what were the rights of the members of the local lodge with reference to the property, wasn't that discussed?

A. Absolutely not.

Q. Didn't you write a letter to someone here in this local lodge advising them what their respective rights were about the property?

A. Absolutely not, because we have the by-laws that govern this matter.

Q. I understand that, but didn't you as Grand Secretary of the Grand Lodge write a letter to the local lodge advising them what their property rights were?

A. I don't remember absolutely writing such a letter.

Q. Now, do you know what the financial condition or the financial relation was between the Loggia Dante Alighieri, #494, with reference to what they owed to the Grand Lodge Mortuary Fund in January, 1927?

A. The Loggia Dante Alighieri # 494 was paying its dues regularly to the Mortuary Fund.

Q. Were they paid up or were they in arrears in January 1927?

A. In January, 1927, they were in arrears one assessment, I think.

Q. How much was that?

A. According to the membership.

Q. Was it around $1,000?

A. No. I think $300 or $500, I don't remember.

Q. Was this payment made to you or was it made to some other person?

A. They are made to the Mortuary Fund Committee.

Q. They were sent to the Mortuary Fund Committee?

A. Yes, and I was secretary of this Mortuary Fund Committee I do all the cashing and putting it in the book.

Q. Have you the book of the Mortuary Fund Committee?

A. Yes, in my office.

Q. You don't have it here?

A. No.

Q. Does that book show the relative financial positions of the several lodges with reference to the Grand Lodge, as to how much they pay and how much is due?

A. Yes. The lodge was up to date, only one assessment, I think, was in arrears. We allow a lodge to take its time to pay.

Q. About in April, 1927, how much was the lodge in arrears?

A. I don't remember that. I can show by the book.

Q. How often would you come down to the Camden lodge?

A. Several times. I travel all over the State and occasionally I come here, because here we have four lodges and I pay visits to one and another.

Q. Now, after January, or the late part of 1926, or early in 1927, when you came down here, did you ever come down here any more between that time and the time of the secession?

A. Before the secession maybe I come down, but I don't remember.

Q. Have you been down here any since this secession?

A. Yes, sir.

Q. How many times?

A. Three or four times, I don't know, to visit other lodges.

Q. You answered a moment ago that the Loggia Dante Alighieri #494 is in existence to-day, is that right?

A. Yes, sir.

Q. When did you reinstate it?

A. We have a petition from the members who remained loyal to the order and they claim to keep up the lodge, and they organized, and we came down and keep interested in the lodge, made speeches, and arranged for the installation of the officers.

Q. Where is that petition, what day did you receive this petition?

A. It is written there, I don't remember.

Q. I don't see any date on it.

A. Right here, January 27, 1927—no, June 27, 1927.

Q. June 27, 1927?

A. Yes.

Q. Did the Grand Council or Grand Lodge meet for the purpose of considering this petition?

A. Certainly.

Q. When did they meet?

A. I don't remember just when they meet, but the end of every month we have a meeting of the Grand Council.

Q. Have you the minute book as Grand Secretary of the Grand Lodge?

A. Yes, but I haven't it here.

Q. Have you that book here?

A. I have it for other things, but not the minute book for this.

Q. Have you the minute book in which you, as Secretary for the Grand Council ——

A. I havent that special thing.

Q. Wait a moment. I will withdraw that. After application such as this is received by you as Grand Secretary of the Grand Council, do you bring this matter to the attention of the Grand Council before action is taken?

A. Certainly.

Q. All right. And is that done at a regular meeting or special meeting?

A. I don't remember this, but I will explain to you. During the time that the Grand Council is not meeting the Grand Venerable is authorized to act for the Grand Council.

Q. And that action is later ratified by the Grand Council, is that right?

A. Yes, I think so.

Q. Did the Grand Council ever meet for the purpose of ratifying the action of the Grand Venerable, or for the purpose of passing on this petition?

A. This was taken up at a regular meeting of the month of June.

Q. When does the regular meeting of the month of June take place?

A. The last Friday of the month, the last Friday of every June.

Q. Do you know whether this particular application was considered on the last Friday of the month of June?

A. I think so.

Q. And when the Grand Council meets you act as Secretary?

A. Yes, sir.

Q. And you put in the book everything that takes place?

A. Yes.

Q. Where is that book that you have as Secretary of the Grand Council?

A. I have it in my office.

Q. You have it in your office?

A. Yes, sir.

Q. Haven't you that book with you today?

A. No, I thought there was no necessity for it.

Q. You thought it wasn't necessary?

A. Yes.

Q. Can you have that book here later?

A. Yes.

The Court: Unless it is here today it probably won't be useful. I have a case on tomorrow that I must hear.

Q. Do you know whether or not any action was taken on this application?

A. Yes, we came down here, the Grand Venerable and myself.

Q. When did you come down?

A. Right after the application was made we came down and reinstated the officers.

Q. Do you know how many days after you came down?

A. I think in the month of July, 1927.

Q. These names which appear on this application, do you know whether or not they were paid up members of the Loggia Dante Alighieri at the time that application was made?

A. Yes, with the Grand Lodge they were paid up and in good standing.

Q. What about the Loggia Dante Alighieri?

A. The Loggia Dante Alighieri was in good condition with the Grand Lodge, only they have an assessment to pay to the Mortuary Fund.

Q. My question is whether or not these members whose names appear on this application, to your knowledge, were paid up members of the Loggia Dante Alighieri?

A. They were paid up, they were in good financial standing with the Grand Lodge and with the Loggia Dante Alighieri, too.

Q. You don't know whether they were or not?

A. This is a lodge matter.

Q. You don't know when you came down here and installed the new officers?

A. It was about the month of July.

Q. Was there an election of officers held?
A. Yes.
Q. How many members were present?
A. About 25 or 30.
Q. Was that after you started this suit or before?
A. I don't remember.

The Court: This bill was filed August 2, 1927.

Q. Was it before August 2, 1927, you came down and instituted this lodge?
A. Yes.

By Mr. Woodruff:

Q. I have here a paper which I think you left with me, is that a statement of the financial condition of Dante Alighieri Lodge which was sent to you at or about the date of its issuance?
A. No, sir, that refers to the members of the lodge, not to me.

Mr. Woodruff: I offer this application for reorganization of Dante Alighieri Lodge in evidence and I will have a translation for your Honor of that.

(Said paper marked Exhibit C17.)

THEMISTOCLES MANCUSI UNGARO, recalled.

By Mr. Woodruff:

Q. Continuing the same thought, Mr. Mancusi, did the Dante Alighieri Lodge go out of existence at all by this attempted secession of a group of members?

A. It did not.

Q. Under the by-laws which are here in evidence of the National Body, how many loyal members, or how few loyal members, will continue the lodge in existence?

A. Seven.

Q. And there were more than that number that still remained loyal?

A. There were between twenty-five and thirty.

Q. That provision about the seven members is section 90 of the laws which are already in evidence?

A. Yes, general laws.

Q. How long have you been Venerable?

A. Five years.

The Court: How long did you say?

The Witness: About five years.

Q. Was any application made by Dante Alighieri Lodge for permission to sell its real estate?

A. No application was made by Dante Alighieri Lodge.

Q. Was permission given the Dante Alighieri Lodge, or anyone else, to transfer that real estate to this Sons of Italy Association?

A. No permission was ever given.

Q. Were you present at the installation of officers of Dante Alighieri Lodge after some members seceded?

A. That I can't answer, I don't remember.

Q. Do you install officers?

A. I do.

Q. But you don't remember this particular case?

A. I don't remember this particular case.

Cross-examination.

By Mr. Orlando:

Q. You are familiar with the laws of the Order?
A. I guess so.
Q. All of them?
A. I guess so.
Q. Will you find for me what law in your laws of the Order provide that consent must be obtained from the Grand Lodge to sell any property of the subordinate lodge?
A. I believe that is in the certificate of incorporation of the Grand Lodge of New Jersey, but not specifically stated.
Q. Show it to me.
A. To regulate by law—Section U of the certificate of incorporation. To regulate by law the custody of all property and money of the subordinate lodges becoming suspended, expelled, defunct, or seceding from the Order of Sons of Italy of America.
Q. To regulate by law. Have you ever passed any law or any regulation to require that?
A. That I can't tell. I didn't, myself, pass it.
Q. Do you know of any rule or regulation either in the Grand or Supreme Lodge which has regulated that with reference to secession?
A. I know there is custom, always has been the custom of the Order before any lodge could sell, or even buy any property, to submit a petition to the Grand Council.

Mr. Orlando: I move that be stricken out as not responsive.

The Court: Let it stand for what it is worth.

Q. Do you know of any provision, or any regulation, or by-law of the Grand Lodge or Supreme Lodge which says consent must be obtained from the Grand Lodge or Supreme Lodge to sell property?

A. I answered that.

Q. I say, do you know of any regulation? You said by custom, now I am asking whether you know of any regulation in existence? Your answer was?

A. I can't answer it other than the way I have answered it before.

Q. You are familiar with the laws of the Grand Lodge?

A. Yes.

Q. Are you familiar with any such provision which requires consent to be given by the Grand Lodge?

A. I don't know of any provision specifically setting that fact forth, but it has always been the custom in the Grand and Supreme Lodge.

Q. That provision you have called our attention to covers situations where lodges become suspended, expelled, defunct or secede?

A. Yes, sir.

Q. Do you know whether general laws of the Supreme Lodge have been passed regulating the property in cases of a lodge becoming suspended?

A. I can't answer that, no.

Q. Take the laws of the Supreme Lodge, Section 85, Section 86—no, Section 87.

A. "When a subordinate lodge is suspended for any reason whatsoever, if so requested, it must give over to the representative of the Grand or Supreme Council all the funds, books, seals, papers, paraphernalia, charter, and so forth, in the possession of said lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the lodge."

Q. Now, is there anything in that provision which mentions secession?

A. Secession? Not that I find.

Q. Is there anything in there which mentions real estate?

A. Yes, Section 89.

Q. All right, what does it say?

A. "All funds and property of a lodge suspended or dissolved shall be delivered to the Grand or Supreme Council and shall be administered for the account of the said lodge and returned in the event of the lodge being restored or reorganized."

Q. That speaks of being suspended or dissolved?

A. Yes, sir.

Q. Is there anything in there which mentions anything about secession?

A. The law speaks for itself, Mr. Orlando.

Q. You don't find anything in there?

A. The article speaks for itself, I can't change it.

Q. That speaks of suspension and dissolution, is that right?

A. That is what it says.

Q. Did you make a translation of this Section 89?

A. I didn't have to make it, it was made already and I have checked it up and it is a proper translation.

Q. Let us see if it is a proper translation. You take the red book and see.

A. Yes, sir, it is absolutely so.

Q. What is so?

A. Article 89.

Q. What does it say?

A. All the funds and property of the lodge suspended.

Q. Doesn't it say all the funds and objects which are the property of a lodge?

A. Objects of property if you want to translate literally, but if you want to have an understanding of the article you have to translate freely in there.

Q. Doesn't it say this, "all funds and objects of property?"

A. Yes.

Q. "Of a lodge suspended or dissolved"?

A. If you want to translate literally.

Q. What did you translate it before?

A. "All funds and property of the lodge." 10

Q. Does it say that?

A. "Objects of property" means "property of the lodge," according to my meaning.

Q. The translation which you gave us there and the translation which you have taken here are slightly different?

A. No, not different at all.

Q. Translating it literally?

A. No. "Objects of property" means the same as "property of the lodge." 20

Q. That is your thought; is that right?

A. That is my thought, that is my understanding of both the Italian and English language.

Q. Now, did you ever receive any communication or ever have an application from the local lodge calling for financial assistance from your Grand Lodge during the early part of January, 1927?

A. I don't remember having received any.

Q. Were you present at a convention which was held here in Camden? 30

A. I certainly was, I presided.

Q. At that time, didn't members of the local lodge approach you and other officers and ask some financial assistance to be given to the local lodge to carry on its property?

A. The officers of the lodge came to see me after the convention, together with the Grand Secretary,

who is the secretary of the Mortuary Fund and asked us if it would be possible for the Mortuary Fund to grant them a loan of $6,000 on the property. We informed them that they could make application to the Mortuary Fund and that would be taken up by the Mortuary Fund Committee in whose power it rested to grant or not the application.

Q. At that time, did they mention the financial condition in which they were?

A. At that time they were talking of increasing the dues.

Q. Was that because of the amount of indebtedness that it was carrying?

A. That was because in the dues they were paying to the lodge they were taking out of $1.25 per month they were taking ten cents from each member to support the house and building.

Q. And they couldn't get along, is that right?

A. I don't know whether they could get along or not; I don't know what kind of expenses they run in their own lodge.

Q. They told you they needed this money because of the debts they were carrying?

A. They wanted to straighten everything up, and that would also increase the dues.

Q. When was that, Mr. Mancusi?

A. It was in the month of September.

Q. What year?

A. I believe it was 1926.

Q. And do you know at that time, or about that time, what their relation was with the Grand Lodge Mortuary Fund, whether they were paid up or in arrears?

A. That doesn't interest me, I have no interest in the Mortuary Fund, that is up to the Mortuary Fund Committee. I know they were in good standing with the Grand Lodge.

Q. Do you recall a meeting of the Grand Council —I will withdraw that—what position do you occupy in the Grand Council.

A. The same as I occupy in the Grand Lodge, I am the Grand Master.

Q. And the Grand Council acts for the Grand Lodge, is that right?

A. Correct.

Q. Do you recall a meeting of the Grand Council being held sometime in June or July at which time the reinstatement of the Loggia Dante Alighieri was taken up?

A. There wasn't any reinstatement at all, the lodge was never dissolved. This application came up before the Grand Council and this application requests the Grand Council to protect the rights of these members from the attempts made by the other seceders to sell the house and take possession of the property.

Q. It was following that application or petition that the new officers were installed?

A. We ordered immediately the election of new officers, and after they were elected they were installed.

Q. When you say "we", do you speak of the Grand Council?

A. Yes, sir.

Q. Then the Grand Council did meet and consider this application?

A. They certainly did.

Q. And they ordered an election or rehabilitation of this group?

A. Not a rehabilitation, the lodge, so far as the Grand Council is concerned, has never seceded; the ex-officers of the lodge, with some members, seceded, and the remaining members wrote this to the Grand Council to see that their rights be protected.

Q. What were the relative proportion of the members that seceded and the ones that remained loyal?

A. So far as I can tell you by hearsay, I wasn't there, the lodge was possessed of 400 members, and only 70 members were present when this secession was authorized.

Q. That isn't the point, not how many members were present at the meeting, I want to know how many members remained loyal in comparison with the total number?

A. I can't answer that for this reason, some members remained loyal, some members seceded, and some members don't belong now to either faction, we don't know the number.

Q. Do you know what number it was that applied to you for the purpose of reinstating the officers?

A. I told you twenty-five to thirty.

Q. Doesn't that application show the exact number?

A. No, there are two of them, and I believe a few names more were sent on another piece of paper, and when the officers were installed I think there were between twenty-five and thirty present.

Q. Some of them may or may not have been members before that?

A. They were all members, otherwise they couldn't have belonged to the Dante Alighieri Lodge.

Q. But the exact number that seceded you don't know?

A. We don't know the exact number.

Q. Did you get notice of the secession?

A. No, sir.

Q. How did you come to find out about it?

A. When this application came in, that is the first time.

Q. Did you get word from the local lodge of the fact they had seceded?

A. Not that I know of.

Q. Then up to the time you got this application you knew nothing of the secession?

A. No, sir.

Q. When did you know that the property had been sold?

A. After we investigated, after we got notice the group had seceded and taken the funds and the property of the lodge we made the investigation.

Q. Did they take the funds?

A. I believe they did.

Q. What funds did they take?

A. I couldn't tell you because I didn't make that investigation.

Q. You don't know whether they took any funds or not?

A. No, I can only tell you by hearsay.

Q. Did you personally make the investigation?

A. No, sir.

Q. Who made that investigation?

A. We authorized Mr. Woodruff, Senator Woodruff, to take charge of the case, the Grand Council.

Q. When was that?

A. I believe either in June, when we received this, or in July.

Q. Was that as the result of the meeting of the Grand Council?

A. Yes, sir.

Q. And the Grand Council took action on it?

A. The Grand Council took action on it.

Q. When was that meeting held?

A. I don't know whether it was the meeting of June or the meeting of July.

Q. And that is found in the minute book, is that right?

A. It ought to be there.

Q. That was after the new officers had been elected to the other lodge?

A. I believe the action, if I remember correctly—I believe the authorization to Mr. Woodruff to go ahead was given immediately upon the receipt of this petition from these members.

Q. Do you recall when the suit was started?

A. No, I didn't start the suit.

Q. In relation to the suit, do you know how long before that the Senator had been authorized?

A. I think either in June or July.

ANTONIO DIPAOLO, sworn.

By Mr. Woodruff:

Q. Mr. DiPaolo, you are the Venerable or presiding officer of the Dante Alighieri Lodge at the present time, aren't you?

A. Yes, sir.

Q. How long have you been a member of the Dante Alighieri Lodge?

A. I was a member since 1917, and then I quit some time in 1924 or 1923.

Q. Were you a member of the Dante Alighieri Lodge at the time they bought their lodge property at Fourth and Spruce Streets?

A. Yes, sir.

Q. What position did you hold at the time the improvements were made and the building was opened for lodge purposes?

A. Chairman.

Q. Of the Building Committee?

A. Yes, sir.

Q. At that time, was there a celebration held?
A. Yes, sir.
Q. Who were invited to attend that celebration?

The Court: When was that?

The Witness: January 18, 1920.

Q. Did you hold a celebration?
A. Yes, sir.
Q. Did you invite some of the State Lodge officers to be there?
A. State and Supreme.
Q. Both the State and the Supreme?
A. Yes, sir.
Q. What form of ceremony did you have there with your members indicating who owned the property or had control of the property?
A. On that day we have a big meeting, I think present 90 per cent of the members, have all the State and National Body there represented, and even from Pennsylvania. When we open the meeting the Venerable, the Grand Venerable of New Jersey hold a meeting, and I was called to talk, and the committee of the Loggia Dante Alighieri bought a big key they gave me to present to the Supreme Venerable Sons of Italy of America, and I told them, "This is the key for the building, Loggia Dante Alighieri, and you people take care of and preserve the good name of Sons of Italy in America."
Q. Who received that key, what officer?
A. Supreme Venerable, Mr. Miele.
Q. Was he the Supreme Officer for the whole United States?
A. Yes, sir.
Q. Mr. DiPaolo, you went out of the lodge for a time, when did you come back?

A. Some time in 1927, in April, I think.

Q. Were you a member of Dante Alighieri Lodge at the time and before this attempted secession by some of the members?

A. Yes, the part when the disturbance started.

Q. At the time the disturbance started?

A. Yes.

Q. That is when you came back?

A. Yes, I found out.

Q. Were you a member of Dante Alighieri Lodge on June 30, 1926?

A. No, not that time, 1927.

Q. 1927 you came back?

A. Yes, sir.

Q. I show you, Mr. DiPaolo, a postal card dated February 15, 1927, bearing the words, "Loggia Dante Alighieri, Sons of Italy" at the top, and ask whether you were a member of the lodge at that date?

A. No.

Q. You were not a member at that date?

A. No.

Cross-examination.

By Mr. Orlando:

Q. Mr. DiPaolo, that celebration you speak of, how long after the building had been purchased was that?

A. A year before.

Q. A year before? A year before the building was bought you had that celebration?

A. Yes, sir.

Q. At which time you turned the key over?

A. We spend a lot of money for alterations, it was an old shack and it took pretty near a year.

Q. The celebration took place when, was it a year after you bought the property?

A. About ten months.

Q. About ten months after you bought it?

A. Yes, sir.

Q. You made some repairs to it?

A. Yes, sir.

Q. On the occasion of the opening of the new lodge quarters you invited the various officers?

A. Yes, sir.

Q. How many many officers came down, do you recall?

A. I remember two from New York, General Gunglielhotti, Mr. Miele, Supreme Venerable, Mr. Parisi, the Supreme Secretary, and our Supreme Venerable Cavalier Paliero of the State of New Jersey, and the Grand Secretary of the Lodge.

Q. You mean the Grand Lodge?

A. Yes, the State.

Q. On this occasion when you had this big key made and the committee turned it over to you, you used that as a means of welcoming these officers into your quarters, is that right?

A. Yes, sir.

Q. You invited them to make them feel at home in your new lodge headquarters?

A. Yes, sir.

Q. And you offered them this key as a means of welcome?

A. Maybe it is the same thing you say, I don't know.

Q. At that time were you holding office in the Loggia Dante Alighieri?

A. I was chairman of the building committee.

Q. But you didn't have any office, you were not an officer of the lodge itself?

A. No.

Q. Now, when did you come back into the lodge after that?

A. I stayed there for another two or three years.

Q. Stayed for two or three years?

A. Yes, sir.

Q. And then you went out, is that right?

A. Yes, sir.

Q. And then you came back into the lodge when?

A. 1927, I think sometime in April.

Q. At that time had they sold the building or not?

A. They were talking to the lodge.

Q. Talking about it?

A. Yes.

Q. But it had not been sold?

A. Maybe. I don't recognize it sold, they were talking about it.

Q. Did you attend the meetings?

A. Yes, sir.

Q. Were you present at a meeting at which the resolution was passed authorizing the proper officers of the lodge to sell the lodge property?

A. No, sir.

Q. Were you present at a meeting at which time the question of secession was discussed?

A. Yes, sir.

Q. Were you there only once when secession was discussed, or more than once?

A. I was there one time, I just come back, and some of the officers of the lodge told me everything was settled, everything was right, and when I come back again I find secession, people against the Grand Lodge, and I got up and I told them, "This is the second time I come to this Lodge and second time I have to swear loyal to the Grand Lodge and Supreme Lodge, and I don't like all this question" I say, "You fellows don't do right."

Q. Were you present when a vote was taken on the question of secession?

A. No, sir.

Q. You weren't there?

A. No, sir.

Q. Were you present at the meeting held on June 16th?

A. No, sir.

Q. Were you present at the meeting held on June 23rd?

A. No, sir, I never been but one meeting.

Q. You were only at one meeting. That was when, April?

A. When I joined.

Q. After that you didn't go to any meetings?

A. No.

Q. On this occasion the feeling was of the members of leaving the Grand Lodge?

A. That is the reason I leave myself before that time.

Q. After that you didn't go back?

A. No.

Q. Did you receive a notice sometime in June, a written notice in the form of a letter, advising you that the question of secession was going to be discussed at a special meeting?

A. No, sir.

Q. Never received that notice?

A. Never received it.

Q. When you joined in April how long did you pay up for?

A. I give the money to the secretary, the financial secretary, and I never get the book.

Q. Did you make more than one payment?

A. One payment.

Q. And for what length of time did you pay in advance?

A. Generally I pay three months' dues.

Q. And after that you didn't pay more and didn't go back any more?

A. No, sir.

By Mr. Woodruff:

Q. Mr. DiPaolo, you say you had no notice. I show you a notice also bearing the insignia of Dante Alighieri Lodge dated the 21st of June 1927 and signed by the Venerable Michael Lalli and ask if you receved such a notice as that?

A. No.

Q. What is your business?

A. Banker.

Q. President of what bank?

A. Victory Trust Company.

Q. How long have you lived in the Italian Colony in Camden?

A. Twenty-eight years.

Q. Has your home address been the same most of that time?

A. For 24 years the same address and 4 years at Haddon Heights, New Jersey.

Q. I show you another letter on yellow paper, which has no date, but speaks of the meeting of June 8, 1927, did you receive a copy of that notice?

A. No, I don't remember ever seeing that, I don't remember.

Q. You don't remember whether you received that or not?

A. No.

Q. But the white one you know you never received?

A. Yes.

Q. Dante Alighieri Lodge is still alive and still functioning?

A. Yes, sir.

LOUIS FARAGALLI, sworn.

By Mr. Woodruff:

Q. You had what position in Dante Alighieri Lodge?

A. Recording Secretary.

Q. When did you first become Recording Secretary of Dante Alighieri Lodge?

A. In 1926.

Q. In 1926?

A. Yes.

Q. Were you Recording Secretary then continuously up until the time of this attempted secession?

A. Yes, sir.

Q. Do you remember the first meeting at which the question was raised as to whether or not it was possible to dispose of the property?

A. Yes, sir.

Q. When was that, as nearly as you can fix it?

A. I don't remember all the dates, I think it was in 1926, a group of men called Mr. Orlando to find out if we could do anything about the house, and Mr. Orlando told us the law of the Grand Order, he said we can do nothing because the Grand Lodge got you like this.

Q. Indicating by the throat?

A. Yes.

Q. Was Mr. Orlando a member of the Dante Alighieri Lodge at that time?

A. I think he was, but not our Loggia Dante Alighieri, but another lodge.

Q. Another lodge?

A. I think so.

Q. How was he called in to advise the lodge, by a committee, or by the lodge itself?

A. By some group.

Q. Who were the leaders of that group?

A. I don't know.

Q. Who started this talk about the property and the trouble with the Grand Lodge?

A. I don't remember who did start it.

Q. Don't you remember the man who took the leading part in it?

A. There was a big bunch in there and everybody started to talk and say something about what are we going to do about that, and they had these books

——

Q. These books that have already been introduced in evidence?

A. Yes, sir.

Q. Nothing was done about disposing of the property and seceding at that time?

A. No, nothing.

Q. When did the discussion come up again?

A. It come up again after we had the Grand Convention, and a bunch ——

Q. When was the time, as nearly as you can fix it?

A. I think it was early in 1927, something like that.

Q. What man started the discussion then?

A. Why, Mr. Lalli, he started to say—he was the Venerable, and I was the Recording Secretary, and he started to say—to talk about the house, and he said they didn't have enough money to pay debts, something like that.

Q. Did that discussion take place in open lodge meetings, or in committee meetings, or privately?

A. In open meetings.

Q. That was early in 1927?

A. Yes.

Q. Was a definite plan proposed at that time, any definite plan?

A. No.

Q. When was the first that someone suggested a definite plan and way of doing it?

A. I don't remember the date but I got the Recording Secretary book, if you will show me that I can tell all the dates when happened those things.

Q. That was taken away from you at the time of the secession, wasn't it?

A. Yes, sir.

Q. Who proposed the plan, what man?

A. Mr. Lalli.

Q. What was that plan?

A. We are going to pay all shares, so every man get one share, it means every member of the lodge must give something for the house.

Q. When the property was bought some bonds were issued, weren't they?

A. I didn't belong to the lodge then.

Q. Did you know as secretary that some lodge members held bonds?

A. Yes, I know.

Q. You knew some other lodge members didn't have bonds?

A. Didn't have none.

Q. What was the plan, that all should share in the upkeep of the building?

A. This was the plan, because there was some members had money in this building and some not, and he says to make everybody get money in it and make some kind of bonds and some kind of a share.

Q. Were you present at a meeting on June 16th —I will withdraw that—first I show you a statement under date of June 30, 1926, General Financial Situation of Dante Alighieri Lodge, what is that paper?

A. This paper was sent to every member to let them know how we stand.

Q. Financially?

A. Yes, sir.

Q. Who was that prepared by?

A. By the Financial Secretary, Manaressi.

Q. And this was sent to all the members?

A. Yes, sir.

Q. And was that a true statement of your financial condition as of June 30, 1926?

A. Yes, sir.

Mr. Woodruff: You have no objection to that, I don't suppose? I offer this, if the Court please. This statement, if I may say to the Court at this time, shows total assets of $55,810.97, plus building and loan shares which are not itemized, they are just mentioned, with debts against that $55,800 of $18,-565.97.

The Court: Making a balance to the good of how much?

Mr. Woodruff: A balance of ——

Mr. Orlando: May we have that translated and offered in evidence?

Mr. Woodruff: Yes, $37,245.

(Said paper marked Exhibit C17.)

The Court: Exclusive of building and loan association dues?

Mr. Woodruff: Plus dues in the First Italian Building & Loan Association of 10 shares, and 5

shares in the Italian-American Building and Loan Association, the value of which is not given here.

Q. After that plan was suggested by Mr. Lalli that those who didn't have an interest in the building should buy bonds and be brought into it, was a postal card sent out or attempted to be sent out?

A. I don't know nothing about a postal card.

Q. Did you yourself sign such a postal card or give it to the printer?

A. No, sir.

Q. You were still the secretary?

A. Yes, sir.

Q. Your full name is what?

A. Louis Faragalli.

Q. As it appears on the bottom of this postal?

A. Yes, sir.

Q. You didn't sign the original of this postal and didn't know it was going out?

A. No.

Q. Did you at or about February 15, 1927, receive such a postal card in the mail to yourself?

A. Yes, sir.

Q. You did get such a postal card?

A. Yes, sir.

Q. Was such a postal card or notice of that character directed to be sent out by any official act in any open meeting of the lodge?

A. This postal card it was sent and I received one myself and I was surprised when I went home and seen the postal card with my name on it.

Q. You say you were surprised. What I asked was this, at the meeting before this postal card went out, or any other meeting, had it been said they were going to send out postals like this?

A. No, sir.

Q. No authority was given to send out these?
A. No.
Q. And you weren't asked to sign your name?
A. No.

The Court: What is the card?

Mr. Woodruff: I have a translation of it also. The translation, if the Court please, is this. "Camden, N. J., February 15, 1927, Loggia Dante Alighieri, #494. Dear Friend and Brother. You are requested to come at the meeting which will be at the lodge room, Thursday Evening, 17th inst., at 8 P. M. sharp, for discussing very important business, and especially for discussion and taking vote definitely upon the motion to make our home building an autonomous entity, with authorization to issue bonds (buoni) exclusively for the brothers. This proposition concerns vital interest for our Lodge and therefore we wish that no member will be absent. With brotherly greeting. Venerable, Michael Lalli. Recording Secretary, Luigi Faragalli."

(Said papers marked Exhibits C18 & 19.)

Q. Was such a meeting held on June 16, 1927, as that postal card indicated, was there a lodge meeting on the night the postal card said there was going to be a meeting?
A. Yes.
Q. What happened at that meeting?
A. Well, I don't remember.
Q. Don't you remember the discussion?
A. I don't remember the discussion.
Q. You were the secretary?
A. Yes, sir.

Q. And do you have your book?
A. Yes, sir.
Q. Will your book tell you if you produce the book?
A. Yes, sir.

Mr. Woodruff: We have served notice and I ask for the production of the book.

Q. Is this the book in your handwriting? 10
A. Yes, sir.
Q. Can you tell us how many members of the lodge there were at that time?
A. About ——

Mr. Orlando: If you know. If you don't know don't guess.

The Witness: I don't remember, because we never did count how many members. 20

Q. Have you any record of the number?
A. No, we don't keep that.
Q. Give it to me as near as you can?
A. About 45 or 50, something like that.
Q. That many present?
A. Yes, sir.
Q. How many altogether in the lodge?
A. Say about 355 or 365.
Q. What happened at that meeting with regard to 30 the property, take it from your minutes if you have it. Are your minutes written in English or Italian?
A. In Italian, but if I read I can tell you. On the meeting of June 16, 1927 ——
Q. I was wrong on the date, February 17th, that is the date we want.

A. After we read the last ——

Q. The minutes of the last meeting?

A. Yes, sir, Mr. Lalli, he was the Venerable, he get up and says all those people that weren't present on the 6th of February hear what it is Mr. Guiaglianoe say.

Q. He made a statement at the other meeting?

A. Yes, so he says to make those bonds so all the members—it means they chip in for the benefit of the house.

Q. That all the members should chip in for the benefit of the building?

A. Yes.

Q. Was there anything about seceding from the State Lodge at that time?

A. No.

Q. Nothing at that meeting?

A. Nothing.

Q. I show you a yellow paper having at the top of it Dante Alighieri Lodge, and ask you if you were present at this meeting of June 16, 1927?

A. Yes, sir.

Q. Was this notice sent out for that meeting?

A. Yes, sir.

Q. Did you send it out yourself?

A. Yes, sir.

Q. And this signature of Louis Faragalli is yours?

A. Yes, sir.

Q. And this notice was sent out, was it?

A. Yes, sir.

Q. To all the members?

A. To all the members.

Q. In that call for the meeting is there any mention of any business to be transacted with respect to the real estate, the lodge building?

A. I will have to tell you the whole story from the beginning.

Q. No, in this notice what is the meeting called for?
A. To call all the people to vote for a new administration.
Q. Translate literally these words.
A. "Thursday, 16th of June, 1927, 8 P. M. we meet in a regular meeting to be for the election of administration of 1927-1928. We expect everybody to be present."
Q. Nothing in there, is it, about your meeting was going to do anything with the property?
A. No, sir.

Mr. Woodruff: I offer that.

(Said paper marked Exhibit C20.)

Q. When the meeting was held was something attempted to be done—the notice didn't say anything about the property?
A. No, sir.
Q. Were you at the meeting when the officers, Mr. Lalli, or anybody else, tried to have something done by the property, will you look at your minutes and tell us that, on the meeting of June 16th.
A. I haven't got that.
Q. Why haven't you got that?
A. Because that night after we call the meeting for this purpose Mr. Lalli—can I tell the whole story?
Q. Go on and tell it.
A. Mr. Lalli went up, he was the Venerable of the Lodge, and he said, "We don't have enough money to pay some people that were sick," and he advised to get the money from the building and loan association to pay this sickness, and I got up myself and I told him there is no use of getting money from the

building and loan association we only got a few sickness and we got plenty money in the bank to pay.

Q. How much did you have in bank at that time?

A. I don't remember.

Q. Go on.

A. So he says we must get the money from the building and loan association because we need it to pay that, but a lot of members, brothers who were called, they were protest about this, but Lalli he put it to a vote and the vote was supposed to get this money from the building and loan association and put it in the lodge fund.

The Court: That is, to draw out from the building and loan association the withdrawal value of your shares?

The Witness: Yes, so at the same time Mr. D'Aloise, he was sitting on the other side of me, and he come to me with two papers, which were typewrote, which he come near me and say "I sign this paper to get this money out of the building and loan association," and I told him, I says, "How is that you got the typewriter machine under you?" and he didn't answer it yet.

Q. Is this the typewritten paper you are talking about, is that the paper?

A. Yes, sir.

Q. That is the paper?

A. Yes, sir.

Q. You asked him if he had a typewriting machine under him?

A. Yes, sir.

Q. Was that paper already prepared?

A. He must have it prepared because he came in

one minute after we vote; we vote to get this money and he come with those two papers to sign, and I did sign because the lodge vote for this.

Q. And this was the paper that was signed?

A. Yes.

Mr. Woodruff: I offer that in evidence.

(Said paper marked Exhibit C21.)

The Witness: After that Mr. Lalli went up again and he said, "I don't think we can stay any more with the Order of Sons of Italy in America because we don't get along with the Grand Council," so he advised to get out from the Sons of Italy Lodge, and there was a man pretty near cry, and he said, "We belong so many years to the Sons of Italy in America and now we have to get out," and he said, "This don't look so nice," so they put it to a vote and they win, there was only one was against, but like me I don't vote at all.

Q. How many were there that night?

A. I don't remember, I think about 45.

Q. Look at the minute book, it is in there.

A. After that I don't write any more, after that they vote.

Q. Can't you tell me about how many people? You say 48 affirmative?

A. Yes.

Q. And one negative?

A. Yes, sir.

Q. How many not voting, as near as you can tell?

A. About 10 or 12 don't vote.

Q. What happened after that?

A. After that Mr. Lalli started to take the things

New Jersey State Library

out and put them on the table, so the time I heard the noise I get the books and put in my suitcase to go home and I was ready to go out and they said, "Come in here, those books belong to us," and I said, "No, you people don't belong to the Order of Sons of Italy no more, and I am still the secretary like some more, too, who still remain members," and Mr. Lalli protested to get the books, and there was a big bunch in there, and I hand it to them because I was afraid, I was all alone and I hand them over, but I said, "I want somebody to guarantee," and Lalli said, "We can't guarantee this," and I said, "You are not the Venerable any more why do you want the books?" but they took them anyway.

Q. That is the reason you have no minutes written up for that night?

A. Yes.

Q. Mr. Faragalli, did you ever sign your name to an authority to the building and loan association to withdraw moneys?

A. Just those papers.

Q. Did you ever sign your name to any more papers than this paper to get the building and loan moneys out of the building and loan?

A. No.

Q. That is the only time you ever signed it?

A. Yes.

The Court: Mr. Woodruff, when was this conveyance made, it must have been made still later than this?

Mr. Woodruff: No, it was made a little before that. This was the last piece of property, the building and loan association, and then they seceded.

The Court: Where is the authorization of the conveyance.

Q. Have you in your minutes some meeting where it was decided or agreed to transfer the real estate?
A. What do you mean, transfer the home?
Q. Yes, the home?
A. Yes, sir, it must be.
Q. See if you can find it there, will you?

Mr. Orlando: If it will help you I think it is around Page 53 or 54.

The Witness: It was in the meeting of February 17, 1927.

The Court: What date?

The Witness: February 17, 1927, in which Mr. Lalli put it to a vote.

Q. Put what to a vote?
A. This is Guiaglianoe's project.

The Court: I think it would be well if these minutes were translated.

Q. You have the place?
A. Yes.

Mr. Woodruff: Presently we will have that translated for your Honor. This book, notwithstanding our demand, has not been in our possession. We will offer it in evidence and give your Honor a translation, that is Page 53.

(Said book offered and marked Exhibit C22.)

The Court: Do you know whether there was a meeting called for the transfer of the property or was it a matter brought up out of a clear sky?

The Witness: I don't remember.

Q. The Vice-Chancellor asked this, was there ever a meeting held of the lodge members when a notice was sent out to the lodge members to tell them they were going to come back and talk about selling their property before the property was sold?

A. That postal card.

Q. Was that the only one?

A. Yes.

The Court: That names the election of officers.

Mr. Woodruff: To discuss the proposition of making the building an autonomous entity.

The Court: Where is the resolution authorizing the sale of this property and extending to the executive officers authority to execute the conveyance?

Mr. Woodruff: There is none.

Mr. Orlando: We can produce it, if the Court please, it is on the books.

Q. Mr. Secretary, do you have in these books a minute, a statement that there had been a meeting authorizing the officers of Dante Alighieri Lodge to sell the home property and sign this paper?

A. Yes.

Q. Can you find it for us?

A. If you tell me the date when it was.

Mr. Woodruff: I don't know; I understood there wasn't any.

Mr. Orlando: March 5th.

The Court: Hadn't you better let somebody translate it who can do it better than this witness?

Mr. Mancusi: "The Venerable opens the discussion on the work that the committee is prepared for what concerns our home, adding that the work has been suspended for a very serious question, that is, that a brother has sent to the Grand Council the postal card that was sent to the brothers stating what we intended to do, and the Grand Council immediately sent a letter to our lodge telling us that nothing can be done without its permission. Then the Venerable added he went immediately to the Grand Council to explain our situation, and after a long discussion everything has been fixed, and the committee will continue to do the work to make the sale. Brother Dovi says that the brothers believed that if he was present to the meeting he would be opposed to that, but this is not true, only doing so some day our house will be in the hands of a single person, but the Venerable explained to him that this would never happen. Brother Marino, seconded by Brother Pasquali proposed the assembly give full powers to the committee already existing for the choosing of a competent person to appraise the house and that they be authorized, those who are entitled to it, to sign the deed, which was approved unanimously, no dissension."

The Court: Is there anything to show what the notice of that meeting appraised the members of, or

whether it was a regular meeting without notice, or what?

Mr. Mancusi: That was a regular meeting, if the Court please.

Q. Mr. Secretary, who sent out the notices calling the people to the meeting?

A. I did.

Q. But the postal card, you say, was sent out without your knowledge or authority?

A. Yes.

Q. But ordinarily you would be the one to send the notices?

A. Yes, sir.

Q. And at this meeting at which this motion was passed to authorize the committee to go ahead, did you send out any notices telling each of the members the meeting was going to decide something about selling the property or to discuss it?

A. I don't remember what it says, this note, but I remember I send them all the notices for the meetings except this postal card, but I can't remember what was put on this postal card.

Q. Did you have a special card printed or have a regular form?

A. A postal card. Sometime a paper like that green paper there.

Q. You can't remember now at all?

A. No.

Q. Don't you have any copies of those notices?

A. No.

The Court: It is adjournment time now. We will adjourn until 2 o'clock.

At this point a recess was taken until 2 P. M.

Trial of the cause resumed at 2 P. M., pursuant to adjournment, in the presence of respective counsel.

LOUIS FARAGALLI, resumed.

By Mr. Woodruff:

Q. Mr. Faragalli, this postal card that is in evidence you did not send?
A. No.
Q. Did you send any card or any notice of any kind of any special meeting?
A. No, sir.
Q. For the consideration of the disposal of the property?
A. No.

The Court: No notice of a proposal to dispose of the property?

The Witness: No, sir:

Q. Was there any notice sent out like this postal card was sent out, so far as you know, notifying the members the property was to be considered and perhaps disposed of?
A. No, sir.

Cross-examination.

By Mr. Orlando:

Q. Before noon you testified you didn't remember, do you remember whether or not you ever did send any notice?

A. I didn't say I don't remember, I said this postal card I did not send.

Q. You speak of the postal card marked C18?

A. Yes.

Q. Were you present at the meeting on the evening of the 17th of February?

A. Yes, sir.

The Court: Which was that?

Q. In accordance with the postal card, the post-card called for a meeting on February 17th?

A. Yes, sir.

Q. At that time was a discussion taken up with reference to selling the property?

The Court: Was that the meeting at which the property was determined to be disposed of?

Q. Meeting of February 17th, pursuant to notice sent February 15th, were you present at the meeting on February 15th?

A. Yes, sir.

Q. Were you then Secretary?

A. Yes, sir.

Q. Did you write down all that happened at that time?

A. Yes, sir.

Q. Do you recall what action was taken by the members of the lodge with reference to the property at the meeting of February 17th?

A. I don't remember exactly, but what they say over there that is the truth.

The Court: You will have a translation of that minute for me, will you?

Q. Were you present at the meeting of March 5th?
A. Yes.
Q. Was that the meeting at which time the resolution was passed authorizing the proper officers to sell the property?
A. I don't remember.
Q. You remember Mr. Mancusi translating from this book a resolution authorizing the sale of the property. I show you that minute which is dated March 5th and ask you to read from the bottom of Page 54 up to the top of Page 55.

The Court: Hadn't someone better read it that is more distinct with their English. You may read it if you want.

Mr. Mancusi: "Brother Marino, seconded by Brother Pasquale, proposed that the assembly give full powers to the existing committee for the choice of a competent person to appraise the house, and that they authorize the proper officers to sign the deed, which was approved unanimously."

Q. Did you sign your name to that minute?
A. Yes, sir.
Q. Is that your name?
A. Yes, sir.
Q. So that you were present when that resolution was passed?
A. Yes, sir.
Q. Was that after this notice had been sent, of which you received a copy, which has been marked Exhibit C18?
A. I think it was after.
Q. Look at the date?
A. This is February 15th.

Q. So that this action taken by the assembly in which they authorized the selection of a person to appraise the value and authorized the proper officers to sell the property was after that notice was sent, is that right?

A. Yes.

Mr. Woodruff: It wasn't for the same meeting.

The Court: That was for February 17th.

Mr. Orlando: Yes, sir, and this was the meeting following February 17th.

Q. You testified the meeting of June 16th you left the meeting, is that right?

A. I didn't leave the meeting.

Q. After they talked about seceding you walked out?

A. Yes, sir.

Q. You didn't stay there any longer?

A. No, because there was no more Order of Sons of Italy.

Q. Up to that time you were there and taking down the minutes of what was going on, is that right?

A. Down where?

Q. In the lodge room, you were there acting as secretary before you left?

A. Yes, sir.

Q. Was it your custom that you would take the memorandum down in pencil and then put it in the book in ink?

A. Yes, sir.

Q. You testified at that meeting there were 40 or 50 people, is that right?

A. Not exactly, something like that; I can't count them one by one.

Q. Do you recall what the vote was?

A. No, sir.

Q. Wait a moment. What the vote was that led up to the passage of a motion to secede, do you remember what the vote was, how many were in favor and how many against?

A. Thirty-five or thirty-six, I don't remember, but if you will show it to me ——

Q. I show you a paper written in pencil and ask whether or not that is your handwriting, not the bottom, but this top one?

A. Yes.

Q. Was that the memorandum you made at the time of the meeting of June 16th before you walked out?

A. Yes, sir.

Q. What does it say there down at the bottom with reference to the proposition to secede from the lodge, what was the action taken?

A. Brother Benevento make the proposal to secede from the Order Sons of Italy of America.

Q. What was the vote?

A. The vote was 66 to 1.

Q. What were 66 for? Was that to withdraw or to remain loyal?

A. One was against and 66 was in favor.

Q. So you were there when the vote was taken, is that right?

A. Yes, sir.

Q. Did you vote?

A. No, sir.

Q. Did you receive a written notice of a meeting to be held on the evening of June 23rd sepcifically for ratifying this action and considering the action of whether or not they should secede?

A. No, sir.

Q. Do you know of any brothers who did receive and talk to you about that notice?

A. No, sir.

Q. None of them?

A. No, sir.

Q. Look at this notice and I ask whether or not you received a copy of this notice?

A. No, sir.

Q. Never received it?

A. No, sir, never.

Q. Did you attend any other meetings after the meeting of June 16th?

A. No, sir.

Q. Do you know what action was taken after you left with reference to secession?

A. No, sir.

Q. Did you ever go back to try to find out what was the actual condition of the lodge?

A. No, sir.

Q. What was the next meeting of the Loggia Dante Alighieri that you attended, if any?

A. This last meeting of the month was it.

Q. That was June 16th?

A. It was a month after somewhere, the same month.

Q. When in that same month?

A. I don't remember what date it was, I don't remember, but I think I got it in my recording book.

Q. Are you secretary at the present time?

A. Yes, sir.

Q. Have you that book with you?

A. Yes, sir.

Q. May I have it?

A. June 7th.

Q. June 7th?

A. Yes, sir.

Q. June 7th?
A. Yes, sir, 1927.
Q. June 7th, 1927?
A. Yes.
Q. Then that was before this meeting. This meeting we have been speaking about was June 16th. What does it say here?
A. June 7th.
Q. That was signed by whom?
A. Venerable Antonio DiPaolo, and Secretary Louis Faragalli.
Q. That was June 7th?
A. Yes.

The Court: The same year?

Mr. Orlando: 1927, yes.

Q. Do you know how many members were present at that meeting, the first meeting you have in that book?
A. No.

The Court: Did you say no?

The Witness: No.

Q. You testified on one occasion I came down to the lodge to give you an opinion, do you remember when that was?
A. I don't remember exactly but I think it was about a year before this.
Q. A year before what?
A. A year—about in 1926, I think.
Q. In 1926?
A. Yes, but I don't remember exactly.

Q. Had you ever seen me about giving you an opinion?

A. Yes, sir.

Q. You came to see me about that?

A. No, we had a meeting in the lodge, not a regular meeting, but we called a few members to let them know what you say.

Q. And those members that were called there were members who had bonds in the lodge, and loaned money to the lodge?

A. I didn't have no bond, but I was there.

Q. The majority of those members were members who had bonds?

A. I don't remember.

Q. You were not present when some men came to my office and asked me to submit on opinion?

A. No, sir.

Q. You were only there when I came to the lodge and expressed an opinion on the questions which had been asked me?

A. Yes, sir.

Q. Did I understand you to say I made an expression that the Grand Lodge had you by the throat?

A. You can do nothing with the Grand Lodge because the Grand Lodge has got you like that—that is the regular motion you did.

Q. What else did I say about the property?

A. That is all.

Q. You didn't hear me say anything else?

A. No, sir.

Q. What was the financial condition of the lodge in the early part of the year 1927?

A. When I was secretary?

Q. Yes.

A. It was pretty good.

Q. Do you know how much money you had in bank at the time you seceded?

A. I can't tell you how much we had, but we had enough to run.

Q. Do you know how much was there?

A. I don't know, I can't tell you.

Q. You testified this morning you made a statement in open lodge there was sufficient money in there to take care of the sick benefits and it wasn't necessary to draw the stock from the building and loan association?

A. Yes.

Q. Did you know at that time how much money was in the bank?

A. No, sir.

Q. Nevertheless you thought there was enough money?

A. Enough money.

Q. I show you a statement which was offered in evidence showing the financial condition of the lodge for the year 1926. What valuation was placed on the building at that time, the real estate, in that statement?

A. Forty-five.

Q. $45,000?

A. Yes, sir.

Q. How much was placed as valuation upon the furniture?

A. Ten.

Q. $10,000?

A. Yes, sir.

Q. So that of the total assets of $55,810, $55,000 was placed on the building and its furniture?

A. Yes, sir.

Q. And $810.00 were the other things which were in the lodge, is that right?

A. Yes.

Q. I show you this statement with reference to

what money was taken in and what money was spent during the year 1926, what were those figures, how much was taken in?

A. Was taken in $7,560.65.

Q. And what was the expenditure for the year?

A. $7,696.06.

Q. Was there a profit for the year or was there a deficit?

A. When they make ——

Q. From your statement was there a profit for the year 1926?

A. It looks like a deficit.

Q. Of how much?

A. $135.41.

Q. How much money was in bank on June 30, 1926?

A. $252.01.

Q. $252.01?

A. Yes.

Q. When you say there was a lot of money that was in 1927?

A. Yes, sir.

Q. That was ten months after that, is that right?

A. Yes.

Q. Do you know what was the condition of the Loggia Dante Alighieri with relation to the Grand Lodge and the Mortuary Fund, did the Loggia Dante Alighieri owe any money to the Mortuary Fund in January, 1927?

A. I don't know that.

Q. Was that question ever discussed in the lodge?

A. I don't remember.

Q. You don't remember?

A. No.

Q. Do you remember at one time a discussion taking place in the lodge for the purpose of trying to

get the Mortuary Fund or the Grand Lodge to lend them money?

A. Yes, sir.

Q. What sum were they attempting to borrow?

A. They give permission to vote at a regular meeting and ask the Grand Council to give us some money to take the mortgage because on the mortgage we pay six per cent and the Grand Lodge gives it to us for four, and we ask the Grand Council to decide when they are ready to give us this mortgage, and Mr. D'Aloise he went up and proposed to reject this loan.

Q. You are now speaking of the time when the mortgage was placed, the $12,000 mortgage?

A. I am speaking about when the lodge gave me the permission to write to the Grand Council to find out if they want to give us the mortgage money.

Q. After that, and early in 1927, wasn't there some discussion in the assembly, or meeting hall of the lodge to the effect that they should borrow some money so they could pay the debts which they had?

A. I don't know.

Q. You don't remember that?

A. I don't remember.

Q. Do you remember a report being submitted in the early part of 1927 at which time it showed the Loggia Dante Alighieri owed to the Mortuary Fund about $1,100?

A. I don't remember that.

Q. You don't remember that?

A. No.

Q. Would the minutes show that or would that be in the Financial Secretary's report?

A. I think he must have it. I ain't got nothing to do with the figures, because I am only the Recording Secretary.

Q. Mr. Faragalli, didn't you join and didn't you belong to the defendant, Order of Sons of Italy Association of Camden, New Jersey, when it was first formed?

A. No.

Q. Didn't you pay dues the first month when it was formed?

A. No, sir.

Q. That is not true?

A. No, sir.

Q. And it is not true you joined the defendant Sons of Italy Association?

A. No, sir.

Q. Do you know who took your place as secretary when you left in June, 1927?

A. No, sir.

Q. Were you ever present in the lodge when Mr. Giammaichella came from Newark and he was asked by the officers of the Loggia Dante Alighieri to see the members of the Grand Lodge and let them have some money?

A. To lend some, yes.

Q. When was that, do you remember?

A. I don't remember.

Q. Was that in the early part of 1927?

A. Well, at that time.

Q. You testified in your direct examination that early in 1927 Lalli spoke of debts, do you remember the time Lalli spoke of the debts the lodge had, at a meeting when he got up and spoke of the debts the lodge had?

A. The last meeting we had.

Q. What debts did he mention?

A. He says like we didn't have no money to pay a couple of sicknesses we had; we pay $10 a week and we had enough money to pay those two brothers that were sick, that is all.

Q. But you didn't know of the other debts the lodge had, what the lodge owed to the Mortuary Fund of the Grand Lodge?

A. No, sir.

By Mr. Woodruff:

Q. Mr. Faragalli, in the year when Mr. Orlando has just asked you about, the deficit as shown by the statement, 1925 and 1926, the association was carrying 15 shares in two building and loan associations?

A. Yes, sir.

Q. Was the money that was paid in each month to those building and loan associations was that carried as part of your expense, is that included as part of the money going out of the lodge every month?

A. Repeat that again if you don't mind.

Q. Mr. Orlando called your attention to this statement and asked you if it didn't show there was a $135.41 deficit?

A. Yes, sir.

Q. And you answered yes. I ask you if that year you were paying into this building and loan association, The First Italian, and into this one, The Italian American, $15 a month?

A. Yes, sir, each month.

Q. And that was charged as an expense?

A. Expense.

Q. You with Mr. Marsioni served the demand for the return of the property on Mr. Lalli?

A. Yes, sir.

Q. What did he do when you served that?

A. Me and Mr. Marsioni went to Lalli to give him the letter which Mr. Woodruff give us, and he read it and he said, "Boys, I have nothing to do, we have got our lawyer."

Q. Did you ever get any of your property, your regalia, or books, or any of your property?

A. No, sir.

CHARLES DOVI, sworn.

By Mr. Woodruff:

Q. Mr. Dovi, you were a member of Dante Alighieri Lodge?

A. Yes, sir.

Q. At the time of this attempted secession by some people?

A. Yes, sir.

Q. How long have you been a member?

A. Of the order.

Q. Of the Dante Alighieri?

A. Since 1916.

Q. Since 1916?

A. Yes, sir.

Q. Was that when it was first instituted?

A. Three months after.

Q. Did you ever have any notice as a member of this lodge that the sale or transfer of the real estate was contemplated or would be considered by the lodge in meeting?

A. No, sir.

Q. Did you ever receive a printed postal card like the one C18?

A. No, sir.

Q. You never had such a postal card?

A. No, sir.

Q. Were you present at the meeting following that date?

A. Yes, sir, I was present.

Q. Was it a regular meeting night of the lodge?

A. I think it was a regular meeting.

Q. How did you happen to go there?

A. I heard that something was going on on the disposing of this house.

Q. You heard it from other people?

A. Yes, sir.

Q. You had no notice?

A. No, sir.

Q. You went to the meeting and were you present when this discussion arose?

A. Yes, sir.

Q. What part did you take?

A. The part was I was against any dispossession of the property of the lodge.

Q. Did you so speak in the lodge meeting?

A. Positively, sure.

Q. To your best recollection how many people were present out of your total membership?

A. I think 55 or 60, something like that.

Q. Did you know this postal card had gone out until when you were there and protested?

A. Repeat the question.

Q. At the time you were in the meeting and you were protesting against any dispossession of the property had you heard then there had been any postal card sent out?

A. I heard from some they didn't receive any postal card at all and some did.

Q. You heard some did?

A. I heard that some got the postal card and some didn't, and at the same time I heard that Faragalli had never sent the postcard.

Q. And that being out of the ordinary is the reason you went?

A. Positively sure.

Q. What happened when you protested against any disposing of the property?

A. What I can remember is it happened exactly—many of the members were in favor of disposing of the building so our protest don't count.

Q. Did you vote?

A. No, sir.

Q. You didn't vote one way or the other?

A. No, I was neutral on the vote.

Cross-examination.

By Mr. Orlando:

Q. Mr. Dovi, have you been a member of the Loggia Dante Alighieri continuously since 1916?

A. No, I think I went out once, but I don't remember for how many months.

Q. When was that you were out?

A. I think it was between 1926 and 1925.

Q. And you attended meetings pretty regularly, did you?

A. Sometimes.

Q. And these various meetings you attended what would be the number of members present during the year 1926?

A. As I told you, between 55 and 60, sometimes even twenty-five.

Q. So there were times when you only had 25 members at a meeting?

A. What?

Q. I say, there were times when you only had 25 members at a meeting?

A. Yes, sir.

Q. So if you got a number of 60, or above, you felt you had a good number?

A. Not like a lodge like the Dante Alighieri.

Q. The meetings you attended the general average was 40 to 50?

A. Between 1926 and 1927, yes, sir.

Q. If you had 75 members you had a pretty good meeting?

A. No, not like a lodge like Dante Alighieri; we had a meeting with 200, sometimes 250 members.

Q. When was that?

A. 1920, 1921, 1922.

Q. In the recent years, 1925 and 1926, you used to have much smaller numbers?

A. Yes, sir.

Q. So that in the year 1926, or early 1927—forget 1920 and 1921—if you had sixty or seventy members you had a pretty good turnout?

A. Yes, sir.

Q. Were you attending meetings pretty regularly during the early part of 1927, that is, January and February of 1927?

A. I think so.

Q. And that was about the time they were discussing the question of selling the property?

A. Yes, sir.

Q. And you were present at those meetings?

A. Yes, sir, sometimes.

Q. Were you present at a meeting when the report was made that the property had been appraised and the value fixed at $24,000?

A. Yes, sir.

Q. When was that with relation to the time when the property was sold, was that very far apart from the sale of the property?

A. I don't remember.

Q. You do remember that the report was made the property was appraised and the value fixed at $24,000?

A. Yes, sir.

Q. Were you there when the resolution was passed authorizing the sale of the property for $24,000?

A. I was present but I remember it was protested, because I was one of some we don't believe the price was right.

Q. Did you make that declaration or did you express yourself that way when the report was made?

A. Positively, sure.

Q. Or when they talked about selling it?

A. Positively sure when the report was made.

Q. You felt then that was not an adequate price?

A. No, sir.

Q. Were you present when a resolution was passed to sell it?

A. Yes, sir.

Q. Did you take part in the discussion at that time?

A. Yes, sir.

Q. Were you there when the vote was taken?

A. Yes, sir.

Q. Now, did you hear that portion of the minutes translated by Mr. Mancusi?

A. Yes, sir.

Q. It appears there the resolution was passed authorizing the sale of the property?

A. Yes, sir.

Q. And that was a unanimous action?

A. Not unanimous.

Q. I say, you heard that, that is what it says?

A. Yes, sir.

Q. The minute book said it was unanimous?

A. Yes, sir.

Q. You say the minute book is not correct?

A. That is what I think.

Q. You also heard Mr. Faragalli say he signed it and it was approved by the assembly?

A. Yes, sir.

Q. What was the practice in the Loggia Dante Alighieri with reference to the minutes of the previous meeting, if there were no alterations or corrections they would be signed by the President and Secretary?

A. Yes, sir.

Q. So that if these minutes are signed by the President and Secretary they represent what happened at the meeting, is that right?

A. Yes, sir.

Q. Were you present at the meeting when the secession took place?

A. No, sir.

Q. When is the last meeting you attended, Mr. Dovi?

A. I think it was the first of June.

Q. And the secession happened after that?

A. I guess so. I wasn't present because I remember now I received a letter, which letter called a meeting for the election and for nothing else.

Q. Mr. Dovi, I show you a postcard which has been marked Exhibit C18, and ask you to stop and think for a moment whether or not you received a copy of that postal?

A. I didn't receive this postcard, I am sure.

Q. Where do you receive your mail, Mr. Dovi?

A. Home.

Q. That is, at your residence?

A. Yes, sir.

Q. What is that?

A. 1400 VanHook Street.

Q. Have you ever received any communications from the lodge during the time you were a member, from time to time would you get notices?

A. Sometimes yes and sometimes no.

Q. You did receive some?

A. Yes, sir.

Q. I show you a letter dated the 21st of June, written in Italian, 1927, and ask you whether you got a copy of such notice?

A. Yes, sir, I received this, this letter.

Q. You did receive a copy of that?

A. Yes, sir, but there was no use for me to go because this same night, the 16th, they decided to get out from the Order.

Q. You weren't there on the 16th?

A. I was informed the same night from Mr. Faragalli and somebody else, and I was home.

Q. Will you be able to read that letter, what it says, the best you can.

Mr. Woodruff: Hadn't we better have Mr. Mancusi read it?

Mr. Mancusi: "June 21, 1927. Dear Brother. You are requested to be at the ordinary meeting on the evening of Thursday, 23rd inst. at the hour of 8 P. M., to know what has been approved in the last regular meeting under the date of June 16, 1927. We remind you that your presence is of the greatest importance, having to definitely decide if it is or not convenient for us to remain further in the Order Sons of Italy. Sure of your coming, we greet you, Fraternally, The Venerable, Michael Lalli."

Q. You got a copy of that?

A. Yes, sir.

Q. You didn't go?

A. No, they decided to get out of the Order, and secondly that letter is not the name of the Recording Secretary.

Q. That bears the name of the Venerable?

A. Yes, but that wasn't enough as a by-law for our Order.

Q. It bears the name of the Venerable?

A. Yes, sir.

Q. You didn't go because you had heard they had already seceded?

A. Right.

Mr. Woodruff: I offer the original of what has been read into the record.

(Said paper marked Exhibit C23.)

Pietro Cngslose, sworn.

By Mr. Woodruff:

Q. You were a member of Dante Alighieri Lodge?

A. Yes, sir.

Q. When did you join, about?

A. About ten years ago.

Q. Did you continue to be a member up until ——

A. Member and still a member.

Q. You received notices occasionally from the lodge, didn't you?

A. I received sometimes and sometimes I didn't receive.

Q. Did you receive a postal card which has been marked in evidence C18?

A. I never received a postal of that kind.

Q. Did you receive any notice as a member of that lodge, or notice, calling for consideration of the sale or disposal of the real estate of the lodge, the home of the lodge?

A. No, sir, I never received anything like that, but I was present at the lodge when they talked the matter over one time and I went against it.

Q. You didn't have a notice?

A. No, but I knew when the regular meeting was and I was there.

Q. You went to the regular meeting?

A. Whenever I get ——

Q. I mean this particular regular meeting?

A. Yes, sir.

Q. Who opened the discussion?

A. The meeting when they spoke about taking the building and loan out, Mr. Lalli, the President.

Q. That is the night you were present?

A. Yes, sir.

Q. When Mr. Lalli spoke about withdrawing the building and loan money what did you say?

A. I got up and I tell them where they were wrong to withdraw this money because if we draw this money we lose money by it, whereas it shouldn't be right, because when we needed money we generally make donation out of ourselves for it, and I proffer myself, I was the first one to go down in my pocket for the rest of the members to donate money to pay the benefit of sickness we had in the lodge.

Q. Did you vote?

A. We were talking at the time and I say I was against it, and I told the Secretary to state it I was against it to withdraw the building and loan.

Q. Was that the evening that they put the motion to secede and took off their regalia, was that the same night?

A. Just a second, I will tell you. After I got through talking a fellow back of me—there were about 40 members, not 40, a little less—and one of them says after I got through talking, he says I was

right but I don't understand the consequences, the lodge didn't have no money in the treasury and the best thing was to draw the building and loan, and I said I was against it, so Brother Joe Demaito he gets up and without making any signs he says, "Brothers get the money out of it because this Supreme officers, the Supreme Order, they come in and take that, too," so I was disgusted, and after that I want permission from the President of the lodge that I was through from working, that I want to go home and get my supper, and he permitted me to leave.

Q. And you left?

A. Yes, and I didn't know nothing about anything else.

Cross-examination.

By Mr. Orlando:

Q. Your name is what?

A. Cngslose.

Q. What is your first name?

A. Pietro.

Q. Were you a member in 1925?

A. Yes, sir, about that. If I had my book I will prove it to you.

Q. You were a member for ten years straight?

A. Pretty near ten.

Q. Wasn't there a time when you left the lodge for some time?

A. No, sir.

Q. You were always ——

A. Always a member of the lodge.

Q. Didn't you attend the meetings regularly?

A. I attended the meetings, yes, sir.

Q. Did you attend all the meetings?

A. Not all of them, no, sir.

Q. Some of them you missed?

A. Some of them I missed.

Q. Mr. Cngslose, during the year 1926 and the early part of 1927 what was the customary or the average number of members present?

A. I will tell you—there was always, we had sometime it was a very small amount, and sometime 150 or 160, according to what kind of motion, in other words, what was coming up, sometimes they have a bigger number because they tell what is going to happen and they come up.

Q. During the early part of 1927 at the time they were talking about the property, did you attend the meetings then?

A. Yes, one time they talked about it, they showed to me they already had voted that the lodge was estimated $24,000, and I says, "Who gives those people permission?" and really I was against it, I said, "Those people are buying it with my money after I donate it," and I went against it.

Q. You just answer my questions. Were you present at the meeting held by the lodge at which time the committee reported that they had the property appraised and it had been appraised at a price of $24,000, were you at that meeting?

A. I wasn't there present.

Q. You weren't present at that meeting?

A. No.

Q. Were you present at the meeting at which time it was decided to have the property appraised?

A. I think I was not.

Q. Were you present at a meeting at which time it was decided to sell the property?

A. I don't recall. I hear rumors but I don't recall that I was present at that meeting.

Q. You don't recall whether you were present at that meeting or not?

A. No, sir.

Q. Were you present at a meeting in which it was decided to secede from the Grand Lodge, or did you leave before they acted on that?

A. What do you mean, secede? Leave the Grand Lodge?

Q. Yes.

A. They didn't tell me nothing.

Q. Were you present when they talked about leaving the lodge?

A. I leave before and I don't know nothing about it until the next day.

Q. How many members were present at that meeting before you left?

A. Around forty. I didn't count them.

Q. Would you say there were 63 or 64?

A. No, not present at the meeting. I didn't count them.

Q. I show you Exhibit C8 to look at; when Senator Woodruff asked you when you received the postcard you never looked at it, now look at it.

A. I never received the postal card, I remember the date.

Q. You remember that date specifically and remember you never received this postcard, is that right?

A. Yes, sir.

Q. I show you a notice or form of letter which has been marked Exhibit C23, and ask whether you got a copy of that?

A. I don't recall it.

Q. You don't recall it?

A. No.

Q. Do you say you didn't receive it or don't recall?

A. No, sir, I didn't receive it.

Q. Do you have children at home?

A. I got five of them.

Q. And sometimes your children when postcards or letters come they take them and play with them?

A. I teach my children to save the letters, my children don't get the letters.

Q. You didn't receive either one of these?

A. No.

Q. When is the last meeting you attended of the Loggia Dante Alighieri?

A. The last meeting I attended was June 16th.

Q. After that you didn't go to another meeting?

A. They went out ——

Q. Just answer my question. You have never been to a meeting since?

A. To our own meeting after we were reinstated again.

Q. Did you sign an application for reinstatement?

A. Sign it? I should say I did.

Q. How long after this meeting of June 16th was it that your application was signed?

A. A long while, I can't recall the date; I can't recall how long it was, but it wasn't very long.

Q. I show you this application and ask you whether or not your name appears on there?

A. My name is not here.

Q. There is another page underneath, maybe it is there.

A. I will tell you, I don't recall ever signing. I can't recall whether it was a copy like this, or when we protested. I don't see it there.

Q. Are you sure you were present at the meeting at which time the resolution was passed authorizing the sale of the property?

A. No.

INNOCENZIO VISCEGLIA, sworn.

By Mr. Woodruff:

Q. Mr. Visceglia, what was your official position with Dante Alighieri Lodge?

A. In 1926 I was treasurer.

Q. How long were you treasurer?

A. From 1926, June; I was elected 1926, the first meeting of June up to 1927, June.

Q. As treasurer you signed the Dante Alighieri's checks, didn't you?

A. Yes, sir.

Q. I show you check March 7, 1927, No. 131, in the sum of $18.84, pay to the order of Michael Lalli, endorsed Michael Lalli.

A. This check was after the meeting of March 5th which Mr. Lalli told me to draw $18.84 from the lodge fund to pay Mr. Lalli and Mr. Dursso's expenses to go to the Grand Lodge and discuss the matter about the property, which the Grand Lodge protested after some member sent the postal card.

Q. Was that check cashed by Mr. Lalli?

A. I guess he did, he endorsed it.

The Court: What is that date?

The Witness: That is dated March 7, 1927; we have the meeting on March 5th.

Mr. Woodruff: I offer that.

(Said check marked Exhibit C24.)

Q. Exhibit C12 I show you, No. 134, March 14,

1928, to the order of Marino Autillo for $50 and ask you what that $50 was for?

A. This $50 drawn from the lodge fund to pay the incorporation of Sons of Italy Corporation, which I signed the certificate of incorporation. Mr. Lalli was in the meeting in March sometime and Mr. Lalli told me that Mr. Marino's expense of the incorporation of Sons of Italy, what it was, and for me to draw check of $50 because everything should be paid out of the Dante Alighieri fund.

Q. This check was cashed?

A. Yes, sir.

Q. Were you present at the time that Mr. Lalli got some other man, some lodge member, to put before the lodge a plan to incorporate?

A. On the fourth Thursday of January, I think the January Council meeting, we have two meetings ——

Q. It was at your council meeting?

A. Yes, after we discuss a few things Mr. Lalli comes out and he says we have got to fix the property somehow or other to raise the money. Particularly I ask Mr. Lalli what was the form of the raising of the money and he called Mr. Guiaglianoe, he was in the middle room, and I heard a lot of noise, a lot of members were there——

Q. What did Mr. Guiaglianoe say?

A. He came in and have a few pieces of paper, I don't remember exactly what it was, and he explained to us which would be best, form the corporation and issue bonds to each member of the Dante Alighieri and each member will buy bond $25.00.

Q. That plan was suggested in your council meeting?

A. Yes.

Q. Was that same man called to explain the plan by Mr. Lalli to the general meeting of the lodge?

A. Yes, sir.

Q. Did he explain it, did he stand up and explain it?

A. Yes, he said down and explained this matter, which some of our members agree on that, and one particularly opposed to it, he is not presently in the lodge, Mr. Arito.

Q. The plan was proposed in the regular lodge meeting?

A. No, in the council meeting.

Q. But later?

A. Mr. Lalli invited us to pass in the meeting room.

Q. Was it a regular meeting of the lodge?

A. No, it was a group waiting for us to come out of the Council meeting.

Q. Members of the lodge?

A. Yes, but it was no meeting night, we joined in the meeting room and we find there was 35 or 40 members there and Mr. Lalli spoke what Mr. Guiaglianoe said about it, and we formed a committee, and that included me, and that is all that was said.

Q. When the plan was discussed before those 30 or 40 members was it the same plan you have already given us?

A. Yes, sir.

Q. About the bonds?

A. Yes.

Q. Then the Sons of Italy was incorporated and this check was drawn to pay for the incorporation?

A. Yes.

Q. Had any statement been made——

Q. That was the only plan that was brought before them?

A. The only plan.

Q. You signed the certificate of incorporation?

A. The 26th of February Mr. Tony Marino come to my shop and he told me to sign the certificate of incorporation, and I told him to leave it, and Mr. Marino said, "Everything is benefited to the lodge," and I grabbed hold of the pen and right on my cigar case I sign the certificate of incorporation.

Q. Do you know about the attempted withdrawal of the building and loan funds?

A. No, sir, I was sick at that time.

Q. Were you present the evening that the resolution was passed to authorize the committee already functioning to continue, and its officers, or someone, to sign the necessary papers?

A. Mr. Lalli spoke about the property and they gave him authority.

Q. Was there any special notice sent out to the members at that meeting?

A. No, sir, it was just brought up.

Q. As a member and officer of the lodge did you ever have notice that this property question was to be brought before the lodge?

A. Outside of the postal card.

Q. Did you get the postal card?

A. Yes, sir.

Q. Did you ever have any other notice other than that postal card?

A. No, sir.

Q. I show you an application for admission and ask you if that is the form of application which you members signed to join the lodge?

A. Yes, sir, that is the application I signed when I joined the Dante Alighieri Lodge.

Mr. Woodruff: I have a translation prepared and I have shown it to the other side.

(Said paper marked Exhibit C25.)

Mr. Woodruff: The important part of that is No. 8, "I bind myself to abide by the laws of the Order and the decree of the proper authorities, and the by-laws of this lodge as they now stand, or as in the future amended."

Q. You are still a member of the Dante Alighieri Lodge?

A. Yes, sir, still treasurer.

Cross-examination.

By Mr. Orlando:

Q. Were you present at a meeting which was held by the Sons of Italy Association at which time there was Mr. Lalli representing the Loggia Dante Alighieri to discuss the possibility of selling the property??

A. I was there present at two or three meetings but Mr. Lalli was present but one meeting that I recall.

Q. At that time do you recall the plan being suggested that because of the value of that building——

A. Yes, sir.

Q. What was that plan?

A. Mr. D'Aloise reported and bring a paper signed by Mr. Lupton that he said the property valuation was $24,000 or $24,500, I think $24,000 for the property and $1500 for the furniture, which I objected to such a price, and Mr. D'Aloise told me to draw a check up for $20.00 to pay Mr. Lupton, which I objected to draw the check out of the lodge fund.

Q. Isn't it a fact you were present at which time the price of $24,000 was suggested and you thought that price was too high?

A. No, sir.

Q. Wait until I finish. At which time you said the price was too high because the property was only assessed at $19,000?

A. The only thing I object to that I said to the members of the corporation it is not necessary to have appraisal over there at the City Hall I thought assessed the property $23,000, and I said furthermore if anything is to benefit to the organization why should we spend the $20 with the understanding that the Sons of Italy Corporation will incorporate with Dante Alighieri. I always have in my mind the Sons of Italy Corporation would incorporate with Dante Alighieri and not organize another lodge.

Q. Your feeling was not to spend the $20 because you felt since the city had assessed the property at $23,000 that was a fair valuation, is that right?

A. Yes, sir.

Q. So you didn't object to the price of $24,000, you objected to the spending of money for the appraisers, is that right?

A. I object on that because if we made a regular sale that property wasn't worth $24,000, we could fix the price ourselves, we can do it with the Dante Alighieri Lodge like I did with my home.

Q. Didn't you say when the report was made by the real estate men, when they assessed the value of that property or appraised it at $24,000, that you felt that was a little too high?

A. I reject altogether.

Q. You were treasurer from June, 1926, to June, 1927?

A. Yes, sir.

Q. How much money did the Loggia Dante Alighieri have in bank in February and March, 1927, do you recall?

A. I can't really recall exactly the month, but it was always enough to cover the expenses of Dante Alighieri Lodge.

Q. Do you remember how much was there?

A. I can't recall now. I got a statement out of the bank and can show that.

Q. Do you recall how much money it was the Loggia Dante Alighieri owed to the Grand Lodge Mortuary Fund in the spring of 1927?

A. Yes, sir.

Q. How much was that?

A. Was the first assessment around $580 and the second assessment was something like that, was around $1100 anyhow.

Q. So that the Loggia Dante Alighieri was indebted to the Grand Lodge around $1100, is that right?

A. Yes, sir.

Q. When was that with reference to the time——

A. It was always that way because the financial secretary have a bad habit of carrying the members which didn't pay that benefit fund, the lodge paid the money to the Grand Lodge but the financial secretary always keep a lot of members in arrears.

Q. Was that during the time you were treasurer, you were always in arrears to the Mortuary Fund around $1,000 or more?

A. We pay one——

Q. You can answer that yes or no.

A. Yes.

Q. Besides that do you know what amount of indebtedness the House Committee had in the Spring of 1927, how much they owed to various creditors?

A. I don't recall which creditor you mean.

Q. The House Committee had to buy supplies, do you know how much the House Committee owed to various people?

A. Every three months which the House Committee bought they make report at our Council meeting and as far as we can see we always have some money in the bank, anyhow.

Q. You can say in the spring, about the time when the transfer of the property was made, the House Committee didn't owe any money?

A. Probably owed some bills, yes.

Q. Are you familiar with what price was received by the Loggia Dante Aleghieri for the property at 4th & Spruce, how much did they get, do you know?

A. From where?

Q. From the Sons of Italy Association.

A. Whatever is stated in there, $25,000.

Q. In other words, they paid the amount it had been appraised at, is that right?

A. According to the statement of Mr. Lupton.

Q. Did you attend meeting regularly?

A. Up to the time I got sick.

Q. When did you get sick

A. May 15th the doctor ordered me to stay home.

Q. Prior to that did you attend the meetings regularly?

A. Yes, sir.

Q. Were you present at the meetings held in February at which time it was discussed the question of selling the house?

A. Not February it wasn't discussed to sell the house, just to raise the money by bonds.

Q. I show you a postcard which has been offered in evidence and marked Exhibit C18, and ask whether or not you received a card similar to that?

A. Yes, sir, I received this card.

Q. What does that postcard say with reference to the property?

A. This card, autonomous.

Q. Does that mean to sell the house independent of the lodge?

A. It is a grammatical word, and I think few members understand that. Why don't they make it plainer.

Q. What does it mean?

A. Sell the property independently.

Q. Of what?

A. Not to sell the property, not to sell the property—I can't make out this to sell the property.

Q. Did you understand the card when you got it?

A. I read it the same as anybody read the card.

Q. Do you understand what those words "entity autonomo" mean?

A. As far as I can say it says independently, but it don't mean sale.

Q. And they are put out in big print so they can be easily seen by the members?

A. That is the way the postcard means.

Q. You got a copy of that card?

A. I received the postcard, yes.

Q. Did you attend the meeting of February 17th?

A. Yes, sir.

Q. At that time wasn't the property discussed, the sale of the property?

A. Mr. Lalli make a motion that we going to transfer the property to the Sons of Italy Corporation, but there was no special notice sent out to the members.

Q. Wasn't that postcard?

A. It was two weeks previous to that.

Q. This postcard was dated February 15th for a meeting to be held on February 17th, is that right?

A. Yes.

Q. Did you attend the meeting of February 17th?

A. Yes, sir.

Q. Was the sale of the property discussed at that meeting?

A. There wasn't much discussed.

Q. Was the sale of the property discussed and how many members were present?

A. I don't recall that; from 50 to 60 members, I don't know.

Q. Was the final action on the sale of the property put off until the meeting of March 5th, do you remember that? Which was the next meeting?

A. I don't recall that.

Q. Were you present at a meeting held March 5th?

A. Yes, sir.

Q. At which time a resolution was passed authorizing the proper officers to make a delivery of the deed?

A. Yes, sir.

Q. And that was after you had received the postcard, wasn't it?

A. Yes, sir, after I received the postal card.

Q. And you were present when they acted on that motion?

A. Yes, sir.

Q. Do you remember how many members were there?

A. Yes, what I said, 50 or 60.

Q. If the book shows that the vote was 62 to 1, or the vote says unanimous, does that mean all the members there approved it?

A. I guess it does.

Q. You were there at that time?

A. The only remark I make when this motion was passed giving Mr. Lalli authority to sign the deed, I told them they should be signed trustees, which we have five trustees in the lodge, that was my remark.

Q. You didn't protest the sale?

A. I was one of the corporation, why should I protest it.

Q. You didn't protest the sale?

A. No, I didn't make a protest, no.

Q. Did you get a notice of a meeting to be held on June 23rd similar to this?

A. Yes, sir.

Q. Witness is shown Exhibit C23.

A. Yes, sir, I received this letter.

Q. And this letter dealt with the question of whether or not they should approve the action of June 16th to secede from the Grand Lodge?

A. Yes, sir.

Q. Did you attend the meeting of June 23rd?

A. No, sir.

Q. But you had notice of the fact they were going to vote that night on that question?

A. I was on the sick list, Mr. Orlando.

Q. And that is the reason you did not go, is that right?

A. Yes, sir.

Q. Did you get sick benefits when you were sick?

A. Yes, sir.

Q. Who did you get them from?

A. From the secretary, he brought it to my house.

Q. Did you get it from the Sons of Italy Association?

A. No, sir, the Dante Alighieri Lodge.

Q. During what months did you get those sick benefits?

A. When they secede from the Dante Alighieri Lodge still they owe me two weeks sick benefits.

Q. Did you get sick benefits for those two weeks?

A. Yes, sir, I received sick benefits from the Dante Alighieri Lodge.

Q. This check for $50 drawn to the order of Autillo Marino, by whom was that check presented to you for signature, did you prepare that check or did somebody else prepare it?

A. That check was drawn at the Council Meeting when Mr. Lalli and Mr. Manaressi were in the Council Meeting, and also Autillo Marino present, and I give the check to Mr. Marino.

Q. By whom was the check drawn.

A. By me and Manaressi signed.

Q. Before this check for $50. was given the lodge had sold chances on a lot?

A. Yes.

Q. They held a picnic of some kind and somebody won the lot?

A. Yes, sir.

Q. Do you remember the name of that fellow that won the lot, Henry Enrigetti?

A. Yes, sir.

Q. Did the lodge authorize the sale of that property to Enrigetti by deed?

A. I don't remember that.

Q. Do you remember whether he won the lot?

A. Yes, sir, but I don't know whether he has the deed for the lot.

Q. Do you remember whether the deeds were prepared by my office for that particular transfer?

A. I don't know that.

Q. You don't know that?

A. No, sir.

Q. Did you know I took care of the settlement and the transfer of the lot?

A. I didn't know that.

Q. When you gave this check isn't it a fact you gave this check to Mr. Marino to give to me for services I had rendered?

A. No mention of your name when I gave that check; that was Mr. Marino's trouble to incorporate the Sons of Italy Corporation, that was represented to me. If that was for your services to the lodge that wasn't called to my attention.

Q. You knew I was the one who incorporated the Sons of Italy Association?

A. I never saw you around there.

Q. It was brought there with my backing and my stationery?

A. I never read the certificate of incorporation with your name back of it.

Q. You didn't see that?

A. No.

Q. You knew I had done work for the lodge before that, didn't you?

A. Maybe you did previous to that, but not that particular thing.

Q. Isn't it a fact this check for $50. was drawn for services which I rendered?

A. It wasn't put up to me like that.

Q. In other words, you didn't understand that to be the situation?

A. The only gentleman I seen was supposed to be the lawyer of the corporation was Autillo Marino; I never read Mr. Orlando's name as the representative of the corporation.

Q. When you sign a check as treasurer don't you have to get an order from the financial secretary?

A. Yes, sir.

Q. What do they call that?

A. A mandate.

Q. That is an order?

A. Yes, sir.

Q. Did you get an order to draw those two checks?

A. I can't recall that.

Q. Isn't it a fact that every time you drew a check on the treasury you insisted an order be given to you for your own protection?

A. To get money checks was drawn and after I went back to the secretary and he gave me the mandate.

Q. Where is the order?

A. I have it on the check book over to the place; if it is in there.

Q. Where is your check book, you say you have that in the check book?

A. If it is there, unless the secretary after I got sick didn't care to give the mandate.

Q. You think this check for $18 drawn to the order of Lalli was for Lalli's and Dursso's expenses to Newark?

A. Yes, sir.

Q. When did they go to Newark?

A. I don't know, they didn't tell me; it was previous to the meeting of March 5th.

Q. Did you know why they went to Newark?

A. For the simple reason that the Grand Lodge sent a letter they couldn't sell the property or take any action on the property. In fact, I stopped in the house of Mr. Lalli after the Grand Lodge sent this letter and I said, "Go to Newark and find out what was what," because I didn't want any future trouble.

Q. Were you present at the lodge at the time I was called upon to pass an opinion, were you there at that time?

A. No, sir, I got a little late, but I went as far as Aristoni's Cafe and I heard about it.

Q. Do you recall whether Mr. Lalli and Mr. Dursso made a report after they went up to the Grand Lodge?

A. Mr. Lalli told it in plain words, no written paper brought there with them, that they gave them authority to sell the building, but I don't know whether they had the authority or not.

Q. That is what they said?

A. Yes, sir.

Q. And that is what they reported?

A. Yes.

By Mr. Woodruff:

Q. Mr. Orlando asked you about this debt to the Mortuary Fund which you said was something over $1,000, when the Sons of Italy Association took the real and personal property of Dante Alighieri Lodge did they pay that debt?

A. No, sir.

JOSEPH CASCINO, sworn.

By Mr. Woodruff:

Q. You are a member of the Dante Alighieri Lodge?

A. Yes, sir, I was one of the first ones.

Q. You are still a member?

A. Yes, sir.

Q. At any time during 1927 did you receive as a member of the lodge any notice that a meeting was to be held to consider the disposal of your real estate or personal property?

A. Mr. Woodruff, in April I was sick and I didn't get better until September or October.

Q. So you were home?

A. Yes, sir.

Q. And did you receive any notice that your lodge was going to meet and consider the sale or disposal of your real or personal property?

A. Mr. Woodruff, I don't know if I received it or not, but I didn't see it; maybe they got it in the business downstairs and never brought it upstairs, but I never got it.

Q. Did you ever have this postal card, Exhibit C18?

A. No, I don't remember it.

No cross-examination.

Mr. Woodruff: That concludes our proof, if the Court please.

COMPLAINANT RESTS.

The Court: Make your defense.

THE CASE FOR THE DEFENDANT.

MICHAEL LALLI, sworn.

By Mr. Orlando:

Q. Mr. Lalli, where do you live?

A. 544 S. Third Street, Camden.

Q. Were you a member of the Loggia Dante Alighieri during the year 1927?

A. Yes, sir.

Q. How long had you been a member of that lodge?

A. Ever since the lodge has been instituted.

Q. Did you hold any office during the year 1927?

A. Yes, sir.

Q. What office did you hold?

A. Venerable.

Q. Venerable?

A. Yes, sir.

Q. That is the same as president, isn't it?

A. Yes, sir.

Q. When were you elected Venerable?

A. June, 1926.

Q. And your term expired when?

A. June, 1927.

Q. Were you re-elected in June, 1927?

A. No, sir, there was no election.

Q. There was no election?

A. No.

Q. Now, during the time you were President of the Loggia Dante Alighieri were you also a member of the council?

A. Yes, sir.

Q. Who beside yourself constituted the council of the lodge Dante Alighieri?

A. Do you want the names?

Q. What officers?

A. The Assistant Venerable, the Orator, and five trustees, financial secretary, recording secretary and treasurer.

Q. Were you familiar with the financial condition of the Loggia Dante Alighieri from the time you became president until the time you got out of office?

A. Yes, sir.

Q. What was the condition of the Loggia Dante Alighieri when you took office, that is, the financial condition?

A. The conditions were very bad, so bad I was obligated to go before the lodge and ask that the dues be increased.

Q. What were they paying at that time.

A. $1.25 a month.

Q. What were they increased to?

A. Twenty-five cents, $1.50 a month.

Q. Besides that did you have to do anything else to raise money?

A. We were so much in arrears with the Mortuary Fund we had to impose an extra taxation on each member of $1.68 to meet at least one of the assessments.

Q. This Mortuary Fund you pay that to the Grand Lodge, is that right?

A. Yes, sir.

Q. What is that, so much for every member?

A. So much for every member.

Q. And it is paid how often?

A. Every three months.

Q. When was it you had to increase the dues from $1.25 to $1.50 with relation to the time you went in?

A. It was in November.

Q. November, 1926?

A. Yes.

Q. When was it you had to levy a special assessment?

A. At the same time. We knew that wouldn't be enough to relieve the financial condition of the lodge, and besides increasing the dues we had to divide among the members so much each in order to meet one of the assessments of the Mortuary Fund, and that came to $1.68 for each member.

Q. Now, you are one of the defendants in this case, aren't you, Mr. Lalli?

A. Yes, sir.

Q. Do you occupy any office in the Sons of Italy Association of Camden, New Jersey?

A. Now I do, yes.

Q. Did you occupy any office when it was first started?

A. No, sir.

Q. When did you become an officer of the Sons of Italy Association?

A. January, 1928.

Q. January, 1928?

A. Yes, sir.

Q. What office did you hold?

A. Vice-President.

Q. Now, as Venerable or President did you preside over the meetings?

A. Yes, sir.

Q. Did you preside over all the meetings?

A. All the meetings.

Q. You didn't miss any?

A. No, sir.

Q. What was the average number of members that would attend meetings?

A. Well, about 40 or 50, sometimes much less than that.

Q. When was the first time, to the best of your recollection, that there was a discussion among the members of council, or among the members of the Loggia Dante Alighieri, about transferring the property?

A. It was the time when I took before the members the financial condition of the lodge for this increasing of dues, and we started talking about what we would do in order to save the lodge and the house.

Q. Don't speak so fast. When was it you presented that financial report?

A. I don't recollect the date, but I know I went to

the Council one night and brought to them the condition of the lodge, as I could see the lodge couldn't exist much longer by ordering the expense of the house, and I told them I had a group of brother members that was interested in the condition of the lodge, and I asked them at council whether they would approve any changes in the condition of the house and that I would go and take the matter to the other group of members.

Q. At that time was that other group functioning under any name?

A. No.

Q. Was that the group that constituted the Sons of Italy Association?

A. No, it was only the group of the Dante Alighieri Lodge that was interested in the financial condition of the Lodge, and the council approved my idea.

Q. Was Mr. Visceglia present?

A. Yes, sir, so we went in the next room and talked the thing over, and the rest of the members, that was there it seems were excited about it, something to save both the lodge and the house.

Q. At that time what were the debts of the Loggia Dante Alighieri, what money did the lodge owe?

A. The lodge or the house?

Q. The lodge?

A. The lodge itself owe—after we paid one assessment to the Mortuary Fund we owe two more assessments which amounted to more than $1100.

Q. Two assessments to the Grand Lodge?

A. Yes, sir.

Q. Did you have any notes, or any other obligations?

A. Yes.

Q. What amount?

A. Well, I can't tell exactly what it was, but I know we had a big note at the Victory Trust Company and we had a mortgage, and we had more debts that the House Committee had to meet.

Q. You had debts of the House Committee?

A. Yes, sir.

Q. And you brought all these facts to the attention of the Council?

A. Yes, sir.

Q. Following this meeting of the Council was there ever a meeting of the lodge itself at which time the report of the matter was brought before the lodge?

A. Yes, sir.

Q. When was that?

A. I think you should look in the book. I think we brought the question before the lodge, before a general meeting of the lodge.

Q. I show you a minute book of Loggia Alighieri of a meeting held 6th of February, and ask whether or not there was any mention made at that meeting of the condition and what should be done?

A. Right here in this minute.

Q. What does the minute say?

A. It says the Venerable say to the members that he had called some members and the Council to talk it over about some changes on the house, and they accepted.

Q. You mean the Council?

A. The lodge accepted, and then one of the members made a motion to approve the project and that motion was seconded and was unanimously approved.

Q. What was the project?

A. The project was to nominate a committee to see what was the best way to save, as I said before, to save both the lodge and the house.

Q. Was that done at that meeting?

A. Yes, sir, and I have the names of the committee.

Q. What are the names of the members of that committee?

A. M. Lalli, Eugenso Guiaglianoe, Innocenzio Visceglia, Autilla Marino, Lugi Durso, Antonio Italiano, Mario Manaressi, Ignatzio Marino, Amelio Noce, Giovanni Marion, and four more.

Q. This was a committee that was authorized to make a report or recommendations as to what should be done about the property, is that right?

A. Yes, and another member made a motion to give full power to this committee—I wish somebody else will translate it so the Court will know more what was the motion.

Mr. Mancusi: Brother DiJulio was recognized by the Venerable and said, "Brother Venerable, I make a regular motion that the committee which has been nominated have full power to safeguard our rights, authorizing them to do whatever necessary for putting into effect the project of Mr. Guiaglianoe." Another brother seconded the motion.

The Court: Does it say on the previous page what that project was?

Mr. Mancusi: Yes, sir.

The Court: Read that. I really ought to have this translated.

Mr. Mancusi: I propose to convert in stocks or bonds the debts that are on the house of Loggia Dante Alighieri, #494, and also to divide the stocks

or bonds to the effect that our lodge may be relieved of an annual expense of $720., the interest which it pays on the mortgage of $12,000 to the Camden Safe & Trust Company, all the interest amounting to $180., which it pays on the promissory note of $3,000 in the Victory Trust Company, and also on the amount of $1200. due to the Grand Lodge for two assessments of the Mortuary Fund, and in order to safeguard the interest, present and future, of the house and of the brothers, I propose that the sum of $12,000 mortgage, the sum of $3,000 for the note, and the sum of $1200. due to the Grand Lodge for the Mortuary Fund, be divided into so many shares or bonds of $25.00 each and sold either in cash payments or in monthly payments exclusively to the members of Loggia Dante Alighieri, #494, with the understanding that a brother cannot receive more than $10. To the brothers who have donated loans or given their money to Loggia Dante Alighieri shall be given so many bonds to the amount of $25.00 each for to cover up the amount that they have donated loans. If the amount donated or loaned by the brother does not make the amount fixed for the bonds the brother, in order to have a right to a bond or bonds, will have to pay the difference in cash. The amount of the value of the furniture, and other property of the lodge, which now exists in the Sons of Italy Hall, without including, however, flags, the standards, and the regalia of the lodge, shall be divided into equal shares, with all the brothers of the Loggia Dante Alighieri, and the amount coming to each of them shall be detracted from the sum for the accepting of bond or bonds. So much shall also be done for the 15 cents per month which actually are paid for house funds; namely, if a brother from the day which he became

a member of the lodge has paid $5.00 for the house fund, this $5.00 shall be deducted from the sum for the accepting of a bond. The bonds shall be personal and they can be acquired only by members of Loggia Dante Alighieri, #494, and they shall be obliged not to resell or give them to third parties, but only to Loggia Dante Alighieri, to whom shall be reserved the right to redeem them every time it deems convenient, giving back to the owner of the bonds not more than the value of the bond. The bonds shall be secured on the building, Sons of Italy Hall, at the corner of Fourth Street and Spruce Street, Camden, New Jersey.''

The Court: Doesn't it give the rate of interest the bonds shall bear?

Mr. Mancusi: No, sir.

Q. Following this meeting did the committee make a report?

A. Yes, sir.

Q. Were notices sent out to the members?

A. Yes, sir.

Q. I show you a postal card which has been marked Exhibit C18 and ask you whether or not that is a postcard which was sent out to inform the members of a meeting to be held on the 17th?

A. Yes, sir.

Q. Does your name appear on that postcard?

A. Yes, sir.

Q. As Venerable?

A. Yes, sir.

Q. Now, what does that postcard say?

A. Do you want me to read that here, the translation?

Mr. Orlando: What translation, Judge, have you placed on this entity autonomous?

Mr. Mancusi: Entity autonomous. "Dear Friend & Brother. You are requested to come at the meeting which we will have at the lodge room, Thursday evening, 17th inst., at 8 P. M. sharp, for discussing very important business, and especially for discussion and taking vote definitely upon the motion to make our home and building an autonomous entity, with authorization to issue bonds exclusively for the brothers. This proposition concerns vital interests for our lodge and therefore we wish that no member will be absent."

Q. Mr. Lalli, are you familiar with the laws of the Grand Lodge?

A. Yes.

Q. Do the laws of the Grand Lodge or the laws of the Order provide what notice shall be given, what length of time a notice shall be given for a special meeting?

A. Twenty-four hours before.

Mr. Orlando: Is that a fact, a special meeting may be called on 24 hours' notice.

Mr. Mancusi: I don't recall.

Q. Did you authorize the sending out of that postcard?

A. Yes, sir.

Q. Was that the action of the Council or the action of the lodge?

A. Action of the lodge.

Q. To send these postcards?

A. Yes, sir.

Mr. Mancusi: That is three days, a special meeting, at least three days before.

The Witness: That is the Grand Lodge.

Q. Were you present at the meeting held on the evening of the 17th?
A. Yes, sir.
Q. How many members were present?
A. Well, I believe over 60.
Q. Over 60?
A. Yes, sir.
Q. Was the question of the house discussed?
A. Yes, sir.
Q. Was the report of the committee made?
A. Yes, sir.

Mr. Orlando: It is stipulated and agreed that the laws of the Grand Lodge provide that special meetings may be called on 24 hours' notice.

Q. When was it after that that the resolution or authorization was passed for the transfer of the property?
A. The meeting following that, I believe.
Q. And when was that meeting, do you recall?
A. I can't recall the date; it must be in the book.
Q. You said it wasn't on the evening of February 17th, that it wasn't decided on that evening.

The Court: Where did the idea of transferring the property get in, the resolution that was read at length simply contemplates the issuing of bonds.

The Witness: The committee came to the conclusion that it would be very hard to get money out of——

The Court: What committee.

The Witness: The committee that was nominated in the meeting of the lodge.

The Court: Read again the appointment of that committee.

Mr. Orlando: The committee was appointed at the meeting of February 6th.

The Court: That was before the resolution?

Mr. Orlando: Yes.

The Court: I thought this resolution was the initiation of a new enterprise. I haven't it clear.

Mr. Orlando: A regular meeting was held on the 6th of February, 1927, at which time a committee was appointed and a resolution was introduced as to what this committee should do and full power was given to the committee to do whatever they saw fit for the carrying out of that purpose.

The Court: That was all prior to this considering the question of a bond issue?

Mr. Orlando: That was February 6th, and following that a special meeting was held on February 17th at which time the committee reported, and he is about to say what the committee reported at that time and what resulted as to the committee's report.

Q. What was the committee's report?
A. The report was it was impossible——

The Court: I haven't got it straight, and unless I do I will be afloat. Where did the movement originate, and when. I thought this long resolution you read was the beginning of the whole enterprise.

Mr. Orlando: That was February 6th.

The Court: What became of that long resolution that was offered by somebody.

Mr. Orlando: As a result of that a committee was appointed of a number of men whom he started to name.

The Court: Read the minute. I haven't found where anything was done as the result of that long resolution that was offered. February 6th?

Mr. Orlando: Yes.

The Court: And a meeting was called for February 17th, that is the next step?

Mr. Orlando: A special meeting, yes.

The Court: Well now, what was done then, was that when the committee was appointed?

Mr. Mancusi: If the Court please, the committee was appointed on February 6th after the resolution was presented.

The Court: I haven't heard that read. I want to hear that committee.

Mr. Mancusi: Following what I read before——

The Court: Well, I will have to adjourn now and we will meet to-morrow morning at 9 o'clock, and I think you had better have some of these translations so we can have them ourselves. If you will have these minutes translated I won't have to ask so many questions and I won't get things mixed up. We will adjourn until 9 o'clock tomorrow morning.

(At this point an adjournment was taken until Wednesday, December 5, 1928, at 9 A. M.)

Camden, N. J., December 5, 1928.

Trial of the cause resumed at 9 A. M., on the above date, pursuant to adjournment, in the presence of respective counsel.

Mr. Orlando: The witness on the stand yesterday, Mr. Lalli, has not arrived, but there is another witness I can put on, with your Honor's permission.

IGNATZIO MARINO, sworn.

By Mr. Orlando:

Q. Mr. Marino, where do you live?
A. I am living in Camden, 587 Clinton Street.
Q. How long have you lived there?
A. Six years.
Q. Six years?
A. Yes.
Q. Were you a member of Loggia Dante Alighieri, #494?
A. Yes, sir.
Q. When did you become a member of that lodge?
A. Five years ago.
Q. How long were you a member?
A. Five years.
Q. The whole five years?
A. The whole five years.

Q. Did you go to the meetings from time to time?

A. Every time I got to meetings—sometimes I don't go.

Q. Did you have any office, were you an office holder during 1927?

A. 1927, in April, I have the office of Orator.

Q. As Orator were you a member of the Council of the Lodge?

A. The Orator is a member of the Council.

Q. Did you receive a postcard of a special meeting that was going to be held?

A. I received a postcard one time a month, the first of the month he send postcard, all the time every month.

Q. I show you Exhibit C18, a postcard, and ask you whether or not you received such a postcard?

A. Yes, I received it.

Q. You received it?

A. Yes, sir.

Q. Did you go to that meeting?

A. Yes, sir.

Q. Were you present at the meeting of March 5th?

A. Yes, sir.

Q. At that time did you make a motion?

A. Yes, sir.

Q. Of any kind?

A. I make a motion—for what you call it in English—give authority to the committee elected by the assembly in previous meeting to sign any paper concerning——

The Court: That is mere repetition of his motion which is on record.

Mr. Orlando: I want to get that.

The Witness: Sign any paper——

Mr. Orlando: That is all. You have answered—he made the motion.

Q. You made the motion to sell the property, is that right?
A. Yes, sir.

The Court: Let me have the translation of that motion.

Q. How many members were present at that meeting, do you know?
A. The number I don't know, 55, 60, I don't remember.

The Court: That is the motion that was read into the record at great length?

Mr. Orlando: That was the motion authorizing the proper officers to execute a deed for the property.

The Court: What was the meeting on the bonds?

Mr. Orlando: That was February 6th; this is the next meeting, March 5th.

Q. Do you recall the action of the lodge, what the vote was, how many people voted for it?
A. Suppose to be everybody.

The Court: This was the meeting on the 17th, now?

Mr. Orlando: It was the meeting following the 17th.

The Court: This call is for the 17th.

Mr. Orlando: That is right.

The Court: What was done then?

Mr. Orlando: The action was deferred until March 5th.

The Court: Have you that minute?

Mr. Orlando: That minute we will have here, they are bringing the book with the translation.

Q. Now, do I understand you to say the vote was unanimous?
A. Everybody vote, nobody said no.
Q. Were you present at the meeting at which time there was a secession?
A. Yes, sir.
Q. What was the vote on that occasion.
A. On that occasion the vote was 85 or 90 people, one say no and the other bunch say yes.
Q. That was on the meeting of June 16th, is that right?
A. Yes, sir.
Q. Then did you receive a notice similar to this notice which has been marked Exhibit C23?
A. Yes, sir.
Q. Did you attend that meeting?
A. Yes, sir.
Q. What happened at that meeting, did the lodge decide to secede?
A. The lodge secede from the Grand Lodge.
Q. Do you remember what the vote was at that time?
A. I don't remember the number; I remember everybody cry to go out.

Q. Everybody decided to go out?

A. Yes.

Q. Do you belong to the Sons of Italy Association of Camden, New Jersey?

A. Yes, sir.

Q. When did you join or become a member of that association?

A. The next week after the Dante Alighieri Lodge go down.

Q. A week or two after the Dante Alighieri secede?

A. Yes, sir.

Q. Do you hold any office in the new association?

A. The next six or seven months, I don't remember the date, is an election and they made me chairman of the House Committee.

Q. As chairman of the House Committee do you have to pay bills of the Sons of Italy Association?

A. Every 15th of month I pay the bills on account of Sons of Italy Association house fund.

Q. Have you paid interest on the mortgage?

A. I pay $360. each six months interest on the mortgage, and I pay every three months the note in the Victory Trust, and put $100. or $150. in extra, and the other bills.

Cross-examination.

By Mr. Woodruff:

Q. Where do you get the money to pay the bills?

A. The rent of the store, we have a store on the first floor.

Q. That is rented to private people in the Lodge Building?

A. Yes.

Q. The rents you get from the building, the private people, what do you do with that money?

A. Pay the expense on the building.

Q. Do you put it in bank?

A. Yes, Victory Trust Company.

Q. You didn't open an account in the Camden Safe Deposit & Trust Company after the order was made in Trenton by the Vice-Chancellor?

A. Not by myself.

Q. And you haven't been putting any of the moneys in any account in the Camden Safe Deposit & Trust Company?

A. Not by myself.

Q. Didn't you know of the order which was made by the Vice-Chancellor in Trenton, the day you men of the Sons of Italy Association had a parade with a band, the order which said you must desist, stop from collecting, having or receiving any of the rents or profits of said properties?

A. I think not.

Q. You didn't get the paper yourself?

A. (Witness answers in Italian.)

Mr. Manacusi: His answer is he did not receive any communication or letters himself.

Q. Your name is Ignatzio Marino?

A. Ignatzio Marino.

Q. Is Violet Marino your wife?

A. Yes, sir.

Q. Is your usual place of dwelling, your home, 587 Clinton Street, Camden?

A. Yes, sir.

Q. Didn't the Sheriff on August 2, 1927, leave with your wife a copy of this paper?

A. A big bunch of papers.

Q. Didn't the Sheriff leave papers at your house with your wife, Violet, a paper like this, that had your name in it?

A. (Witness answers in Italian.)

Mr. Mancusi: I can't read English; he give me a bunch of papers but I can't read it.

Q. The paper was left there by the Sheriff with your wife, wasn't it?

A. Yes, sir.

Q. Who has kept the book?

A. What?

Q. Who has the book that shows the money that you have been taking in after that paper was served on you?

A. The secretary and treasurer.

Q. What is his name?

A. Mr. Lovuolo.

Michael Lalli, recalled.

By Mr. Orlando:

Q. (After the stenographer repeated last question and answer of the witness.) Was that the meeting of March 5th at which time that resolution was passed?

A. Yes, sir.

Q. Before the sale or before the resolution was passed for the sale of the property did you and Mr. Dursso go to Newark?

A. Yes, sir.

Q. How did you happen to go there?

A. As soon as we sent the postal card to each member, one of the members send one of the postal cards to the Grand Council and they send us a letter said we should stay any action or we would be expelled, and I thought there was some misunderstanding between us and the Grand Council and I and Mr. Dursso talk the thing over with Mr. Mancusi, the Grand Venerable, and the Grand Secretary.

Q. What was the nature of the discussion you had with Mr. Mancusi and Mr. Ciammaichella?

A. I was trying to explain to them we are not trying to do anything against the Order that was unjust. It was unjust for them to menace us and expel us from the Order for doing such action, and after a long discussion they thought I was right.

Q. What was the nature of the discussion, what did you tell them?

A. I explained the condition of the lodge and I told them in order that the lodge should exist we should get rid of the house, and they agreed with me.

Q. What did Mr. Mancusi and Mr. Ciammaichella say about that?

A. They asked us what it was the members were getting for the house and we told them it would be around $25,000, and they thought it would be a lot more, and we explained the house wasn't paid for, and they agreed if we got the sum of $25,000 we would be all right, and he asked me as soon as we do that we should send him a statement, and we did.

Q. After you sold the house did you send them a statement?

A. Yes, sir.

Q. Who did you send that to?

A. To the Grand Secretary.

Q. Mr. Ciammaichella?

A. Yes, sir.
Q. You showed the figures in the statement?
A. Yes, sir.
Q. That was in accordance with the conversation?
A. We had a statement for each of our members.

The Court: What officers in Newark took part in this conversation?

The Witness: Mr. Mancusi, Grand Venerable, and the Recording Secretary.

The Court: Two of them?

The Witness: Yes, sir.

Q. Who was with you on that occasion?
A. Mr. Dursso.
Q. After you came back did you report to your local lodge?
A. Yes, sir.
Q. How long after that was the property sold?
A. It was in about 15 days or 20 days after, I don't remember.
Q. Did you sign the deed that resulted in the conveying of the property?
A. Yes, sir.
Q. Was that also attested by the secretary?
A. Yes, sir.
Q. And was that done by reason of the authority which had been given in the motion or resolution?
A. Yes, sir.
Q. Do you know what the actual consideration was or the amount received by the Dante Alighieri Lodge was for this property?
A. Was $24,000, I think, for the building, and $1500 for the furniture.

Q. How was that consideration paid?

A. We had a mortgage of $12,000, we had about $10,000 we owed to members, we had a note at the Victory Trust, and the debts of the House Committee that had to be paid, and the Sons of Italy paid the balance, I don't recall exactly what it was.

The Court: How much was the balance after paying the debts?

The Witness: Between $150 or $200.

The Court: How much?

The Witness: Between $150 or $200, I don't recall exactly the number.

Mr. Orlando: Does your Honor wish to have the correct figures?

The Court: What became of that fund?

The Witness: That was placed in the fund of Dante Alighieri.

The Court: Where did it finally get to?

The Witness: The money?

The Court: The money?

The Witness: The Dante Alighieri Lodge had it, and their financial secretary will have everything on record.

The Court: What finally became of the surplus of

$200 when the lodge seceded, did the seceding members take it with them?

The Witness: When the lodge seceded we had a fund in the bank and it is still there.

Q. Mr. Lalli, I show you a report of two real estate men of the appraisement of that property, and ask whether that was the report that was submited to the lodge by Mr. Lupton and Mr. Leopold?

A. Yes, sir.

Mr. Orlando: The Senator has no objection to this being offered.

(Said paper marked Exhibit D1.)

Q. What was the financial condition of the Loggia Dante Alighieri at the time you sold the property?

A. At that time very bad.

Q. Did they have any money in bank?

A. Very little.

Q. What amount, if any, do you know?

A. At the time we went out I don't think we had more than $30 in bank.

Q. Did you have any debts or obligations?

A. Yes, sir.

Q. How much did you owe to the Grand Lodge?

A. About $1100.

Q. Did the House Committee have some debts or obligations?

A. Yes, sir.

The Court: Was that money paid to the Grand Lodge out of the proceeds of the sale?

The Witness: No. As soon as we had enough money we would pay the assessments they would send us.

The Court: I understand the proceeds of the sale, practically the entire $25,000, was used to pay off the mortgage, used to pay off members of the lodge you owed money to, and to pay off the note, and not to pay off the Grand Lodge?

The Witness: We wouldn't have enough.

Q. Mr. Lalli, I show you Exhibit C23 and ask whether or not that was sent by you or under your instructions?

A. Yes.

Q. You said the Secretary's name does not appear on that notice?

A. Because the secretary left us at a previous meeting.

Q. Was that the meeting of June 16th?

A. Yes, sir.

Q. Did that leave a vacancy in the secretaryship?

A. Yes, sir.

Q. Did you send that card or that letter?

A. I wrote this letter and I told the financial secretary to have this printed and send it to all the members.

Q. That was done by your orders?

A. Yes, sir.

Q. In sending cards, Mr. Lalli, cards of meetings, notices of meetings, what is your custom with reference to names placed on there, what names are put on?

A. Venerable and Recording Secretary.

Q. Does the Venerable and Recording Secretary

actually sign those things or are they just printed on there?

A. All printed. The printer knows what names are on there, he is doing it all year.

Q. This postcard, C18, did you order them to be sent?

A. Yes, sir.

Q. To all the members?

A. All the members.

Q. How are the postcards addressed at your lodge?

A. At our lodge, yes, sir.

Q. What did you use for the purpose of addressing them?

A. We have an addressograph with all the names in there.

Q. Does this addressograph have the names of all the members?

A. Yes, sir.

Q. And you run them through the addressograph?

A. Yes, sir.

Q. So when you send notices of a meeting you run them through this machine and that takes care of all of them?

A. Yes, sir.

Q. If there are any new members——

A. The members that have no stamps yet are written by hand.

Q. And the ones you have on the list they are included on the addressograph?

A. Yes, sir.

Cross-examination.

By Mr. Woodruff:

Q. You just said to Mr. Orlando that that notice that is on the sheet of paper was sent under your name or over your name because the secretary had quit?

A. Yes, sir.

Q. The postal card was sent in your name?

A. Yes, sir.

Q. You still had a secretary then, didn't you?

A. Yes, sir.

Q. Where did you get your list of names to send out the postal card?

A. I don't have no list.

Q. How did you then write the postal card, who did you know who to send them to?

A. I wrote what is in there and ordered the financial secretary to have it printed and sent out.

Q. Why didn't you have the same secretary send them that sent the other notices?

A. The recording secretary always sent them and at that time he was sick.

Q. He was sick at that time?

A. Yes, sir.

Q. You didn't tell him about sending out the postal card, did you?

A. I didn't see him.

Q. That time you sent out a card in your name without putting his name on it just because he was sick?

A. Yes, sir.

Q. And you didn't go to see him?

A. I didn't see him because he was sick. I didn't put his name, the printer usually did put it, he knew

the postal cards bear the name of the Venerable and Recording Secretary.

Q. Did you then send them out yourself?

A. No, sir.

Q. Which one of your friends did you get to send them out?

A. The Financial Recorder.

Q. What?

A. Manaressi.

Q. Is he the man who went to Newark with you?

A. No, sir.

Q. Did you see him send them out?

A. No, sir.

Q. Who had charge of the list of names?

A. I have the list in the lodge headquarters.

Q. Whose duty was it to have charge of that list?

A. The recording secretary.

Q. Who was the man whose name you put on?

A. I did not put the name on, the printer did.

Q. You wrote the proof?

A. Yes.

Q. And wrote his name on the proof?

A. Yes.

Q. And wrote his name on the proof?

A. No, sir.

Q. The printer put it on himself?

A. Yes, sir.

Q. Did the printer put his office on the bottom?

A. Office?

Q. The position, the office?

A. The printer had no position in the lodge.

Q. Who did put "il Secretary" on?

A. Yes, he used to do that all the time.

Q. Did the same printer print this?

A. Yes.

Q. He didn't put secretary on this, did he?

A. This circular was sent out and I insisted having only my name because the secretary was with us no more.

Q. Now, that first postal card that you wrote out while the secretary was sick and you had the financial secretary send it out, that postal card did not say to the members that you were going to talk about selling the property, did it?

A. It didn't say just to sell, that word there, I did that for the purpose of making the members understand it was something important for them to discuss.

Q. You used the words "autonomous entity," and you put that in big letters.

A. To make them see the importance of the thing we were going to discuss.

Q. Did you think the Italian laboring man in your lodge understood those words "autonomos entity?"

A. I think they would.

Q. And that is the reason you used those words?

A. I thought that was the plainest way I could use the words for them to understand.

Q. And your lodge is composed of three or four hundred members, mostly laboring men?

A. Yes.

Q. The ordinary Italian laboring man?

A. Yes.

Q. And they don't have much of an education.

A. No, I don't believe they have much education.

Q. But you did put on the bottom that you were going to talk about bonds, didn't you?

A. Yes, sir.

Q. Why didn't you put the bonds in capitals?

A. Because I believed this here was the biggest change, not to sell bonds.

Q. Now, at the time you sent that postal card out

did you yourself have any idea of selling the property?

A. At that time I had no idea of selling, but we were thinking of what to do in order to relieve the lodge of the expense that house is putting us to.

Q. So not having in your mind any thought about selling it you had ——

A. I had in my mind to separate completely the lodge from the house, that is why I put that word there.

Q. To put the house on a basis of itself, to make it autonomous?

A. Yes, sir.

Q. You had in mind up to that time putting it in a separate corporation?

A. Yes, sir.

Q. And issue bonds?

A. Yes, sir.

Q. Or were you going to let the lodge issue them?

A. We first accept the project of Guiaglianoe, and the lodge ——

Q. Wait a minute. At the time you accepted his project was the time you sent out the postal?

A. After.

Q. Before you sent out the postal you had talked with Mr. Guiaglianoe about his project?

A. Yes.

Q. You knew his project was to sell bonds?

A. Yes, sir.

Q. That is the reason you said in your postal card that your idea was to make the house autonomous, make it stand on its own feet?

A. Yes, sir.

Q. By issuing bonds?

A. Yes, sir.

Q. And this is the plan which Mr. Guiaglianoe pre-

sented to the members, and it was written down in the minutes?

A. Yes, sir.

Q. Who appointed the committee?

A. The lodge.

Q. Who?

A. I believe I appointed myself with the approval of the lodge.

Q. Because you were the Venerable?

A. Yes.

Q. You appointed yourself a committee?

A. Yes.

Q. Where are the minutes of the committee?

A. You will have to ask the secretary whether he has kept them or not.

Q. Who was secretary?

A. Manaressi.

Q. He was the man who went with you up to see these people?

A. No, sir, Dursso.

Q. Have you ever seen any minutes?

A. Yes, I was in the committee myself.

Q. You saw the minutes?

A. Yes, sir.

Q. And they were read each time?

A. Yes, sir.

Q. And as Venerable you were a member of that committee?

A. Yes.

Q. How many meetings did you have, the whole committee?

A. About three, I believe.

Q. Was the whole committee present each time?

A. Almost all. One or two might be absent, I don't know, but if the secretary has the minutes it will show who was present.

Q. Who sent notice of these meetings to members of the committee?

A. The first time, as usual, we do that, the first time the Venerable appoints the committee he decides the date when they should have a meeting, and then after the committee itself nominates a secretary it is up to him to give the notices to each member of the committee.

Q. Did you get notices from him?

A. Yes.

Q. You never then after that sent out any notices to the members of the lodge that the committee had changed the Guiaglianoe plan or project, did you?

A. No, sir, that wasn't necessary, because the lodge didn't decide to do that.

Q. Under the resolutions giving the committee powers, which recited about the bonds, you took it the committee could then go on and change the project and sell the property?

A. It was taken up before the lodge and they approved it.

Q. For what?

A. The change of this committee on the Guiaglianoe project has been explained to the whole lodge.

Q. Where is that in your minutes?

A. It must be there.

Q. Isn't that the resolution that was read yesterday by Judge Mancusi?

A. That was the first project that Guiaglianoe gave to us, and the committee got together and thought the project of that man was to get money to sell more bonds to the members in order to relieve the lodge from debt, and the committee thought wisely it was impossible to sell any more bonds because the people would not buy, and that is why we had to change it, it was impossible for us to sell any

more bonds. In fact, if this would be interesting, three years before, the same man—and I was Venerable again at that time—brought before the lodge the same project, and I had to refuse that because I thought the lodge could go along ——

Q. Three years before this the same plan was started and a number of your members withdrew because they did not want to have trouble with the Grand Lodge?

A. No, sir.

Q. Didn't Mr. DiPaolo, and a lot of other members withdraw?

A. No, not for that; they withdrew but not for that reason.

Q. You did have trouble with the Grand Lodge, didn't you?

A. No, we never had any trouble that I can recall.

Q. Don't you remember talking to the lodge during some of these meetings about the trouble with the Grand Lodge?

A. That was later, not the time the members withdrew from the lodge, it was later.

Q. When you changed your plan, about that time?

A. Before then.

Q. Were you suspended?

A. Yes, sir.

Q. When were you suspended?

A. I can't recall the date, it is on the minutes, it was around March.

Q. After the postal card was sent out?

A. Yes, sir.

The Court: I don't understand yet, Senator. After the committee adopted the plan to sell they reported that to the lodge, now, where is that report?

Q. You were suspended between the time the postal card went out and the change of the plan?

A. I was suspended, I believe, after the sale was over, it was signed already.

Q. Don't you know when you were suspended?

A. I can't recall the date, but we can easily find out.

Q. You were suspended by the Grand Lodge of New Jersey?

A. Yes, sir.

Q. Now, coming back to the other matter. Where is the notice that you sent out to your members to tell them that in the committee you had changed the plan and you were going to sell the property?

A. At the time we discussed this thing we told them the plan of the committee and the lodge decided to approve our plan.

Q. Where is the notice that you sent to the members, like you say you sent that postal card, to tell the members who had not been at the meeting to tell those members you were going to sell their property instead of putting it into a corporation?

A. This is the post card.

Q. That is the only notice?

A. That is the only notice.

Q. And the next notice was this notice, after the postal card, C18, the next notice was this paper C33?

A. Yes, sir. There was more correspondence between the lodge and its members but not regarding the property, not regarding the association.

Q. I am only talking about the property, the next notice that went to the lodge members about this property matter was this notice C33?

A. Yes.

Q. And this notice did not say anything about the property?

A. No, because the property was sold, has been sold; this here didn't have nothing to do with the sale of the house, this had something to do with the association.

Q. After the postal card went out you say there was no other notice about the property?

A. About the property, yes.

Q. But your committee had reported back to whatever members were present that night at a regular meeting?

A. Yes.

Q. And the deed had been signed?

A. Yes.

Q. And the property was in the new association?

A. Yes.

Q. But still you had not sent out any notices?

A. I sent each member a statement of how we put out the sale, what the lodge got from the sale.

Q. Let us have that statement.

A. I think I have one with me. Mr. Orlando, haven't you got one of those statements?

Q. Mr. Lalli, you have looked at this second notice and there is nothing in there about the property, and you say you think in between those two you sent out another notice or statement—did you find it?

A. No.

Q. You looked in your pocket?

A. No, I haven't got it.

Q. Your counsel, or nobody else, can produce it?

A. The Grand Council I think had it, we sent them the same thing we sent to the members.

Mr. Orlando: Here is what was given to the printer from which he printed these letters; now, we are trying to find one of those form letters.

Q. What is that?

A. This is the statement, this is what has been paid to the lodge.

Q. This is the statement?

A. Yes.

Q. And this is what Mr. Orlando says you gave to the printer, is that right?

A. Yes, sir.

Q. And the printer printed a statement like that?

A. Yes, sir.

Q. And you mailed it to every lodge member?

A. Not me, the secretary.

Q. And that is all it said, just this?

The Court: Is there any date on that?

Mr. Woodruff: No date on it, no.

The Witness: It must have been dated on the letters, or circulars.

Q. Who would do that, the printer?

A. No, the secretary, these are the things prepared by the financial secretary.

Q. I understood Mr. Orlando to say, and you to say, that this is the paper you yourself prepared and handed to the printer?

A. I don't think he meant that.

Q. Did you mean that?

A. I didn't do it with my own hand; I know I ordered it.

Q. Did you ever see this paper before?

A. Yes, sir.

Q. Where did you see it?

A. I don't remember where I saw it, but I ordered them to do it myself.

Q. You said this was the paper and I want to know whether you—whether it is true.

A. I might not have seen that, but I seen the circulars mailed to each member.

Q. When I handed you this paper why did you say this was the paper?

A. I said this was the paper.

Q. Where on this piece of paper does it tell the member that recieved it that you have changed your plan and sold the property?

A. This don't say we sold the house, but this says how we sold it.

Q. It doesn't say to the man who gets it that you had sold the lodge property?

A. Not this here.

Q. And all that is is a balancing of the books?

A. Yes, sir.

Q. You balance the books, and you take a figure as the value of the property of $25,500.00?

A. Yes, sir.

Q. And then you make it balance?

A. Yes, sir.

Q. Leaving $154.10?

A. Yes.

Q. Now, is there any other paper you sent to the lodge members?

The Court: Can't some motion be had as to the date of that? I apprehend that was after the whole thing was done and the deed made.

The Witness: We will try to get the printed notices.

The Court: Was that paper prepared after the deed was made?

The Witness: Yes, sir, because we were authorized to make it, we wanted each member to know what we had done.

Q. But this was done after the deed was made?
A. Yes.
Q. Now, was there any other notice that went to the members about the property?
A. No.
Q. And the next notice was the notice C33, which said you wanted them to come and see whether or not they would secede from the lodge?
A. Yes, sir.
Q. And you had already, a week before that notice went out seceded?
A. A proposal was made in open lodge and in order to be legal a notice has got to be sent to each member to vote on that same proposal again, that is how we usually do it.
Q. The meeting night before that notice you had put a motion as Venerable and it had been passed?
A. The Venerable don't put no motion.
Q. A motion was put to you and you put it before the people?
A. Yes, sir.
Q. And it was passed?
A. Yes, sir.
Q. And you took off your regalia?
A. I felt we were still in the order of the Sons of Italy or I wouldn't send this letter with this stamp on.
Q. When did you stop being Venerable?
A. At the time we seceded, that night.
Q. Had you been suspended as a member of the Sons of Italy before?
A. I had been suspended but not because I had done any wrong.

Q. You had been suspended?
A. Yes, but I have been reinstated.
Q. By whom?
A. The same officers.
Q. When?
A. About 15 days later.
Q. Were you finally suspended again?
A. No.
Q. Are you a member now?
A. No, then I seceded.
Q. When you seceded then you were not Venerable any longer, were you?
A. No, not when I seceded.
Q. Why did you sign your name as Venerable after that?
A. I didn't sign no name after that.
A. What date has it been signed?
Q. Isn't that your name?
Q. I don't know what date you signed it, the date on there is June 16th.
A. We seceded June 21st.
Q. You sent out your letter June 21st, didn't you?
A. Yes, sir.
Q. This signature here on C21 was your signature, to get the Building & Loan Association money, wasn't it?
A. Yes.
Q. Then after the 23rd you tried to get the Building and Loan money, didn't you?
A. Yes, sir.
Q. You certainly were not Venerable of Loggia Dante Alighieri on June 17th, were you?
A. June 17th I was Venerable.
Q. You were still Venerable on June 17th?
A. Yes, sir.
Q. Were you on June 20th?

A. Yes, sir.

Q. Still Venerable, you considered yourself still Venerable?

A. Yes, sir.

Q. Let us go back to this statement. In this statement you try to balance the books and show a balance of $154.10, don't you?

A. Yes, sir.

Q. When you took over this property by paying into the Loggia Dante Alighieri treasury $154.10 did you take the Building & Loan Association, did you buy the Building & Loan Association money?

A. This hasn't anything to do with the Building and Loan Association.

Q. You did not buy the Building & Loan Association money, did you?

A. No.

Q. Why did you try to get it?

A. Because the proposal was passed in lodge that we should cash that money.

Q. That notice you sent out didn't say anything about taking the Building & Loan, did it?

A. No.

Q. So when your members came there you had 60 or 70 people?

A. Yes, sir.

Q. And you had this typewritten paper all prepared in advance?

A. Yes, sir.

Q. And somebody put the motion and you took the typewritten paper over to Mr. Faragalli and told him to sign it and he did sign it and then he walked out?

A. Then we talked about the secession.

Q. It was right after this, wasn't it?

A. Yes, sir.

Q. You didn't talk about secession until you got Faragalli's name on that paper to get the Building and Loan money?

A. Yes, before then.

Q. I say, you didn't talk of secession until you got your paper signed, did you?

A. No.

Q. And as soon as you got this paper signed then you tried to get the Building and Loan Association money?

A. Yes, sir.

Q. Where was your authority to take the Building and Loan money?

A. The lodge.

Q. That night?

A. Yes, sir.

Q. Where was the notice to the other members who were not present that you were going to take the Building and Loan money?

A. There was no notice, the lodge decided we should take the money.

Q. Those present that night?

A. Yes, sir.

Q. How many of those present that night became officers in the new association?

A. That night? We didn't make no election that night.

Q. How many of the men that were there that night became trustees or officers of your new lodge, your new association?

A. I couldn't say how many.

Q. They were all present, weren't they?

A. I couldn't say.

Q. Now, after you got this typewritten paper signed you took it to the Building & Loan Association to get the money, didn't you?

A. Yes.

Q. This was to have been signed by the Vice-President?

A. No, sir.

Q. Look at the paper again, you can see something has been erased before President, don't you see there has been an erasure there?

A. It wasn't to be signed by the Vice-President when it was President there.

Q. See if you can't see "Vice" rubbed out?

A. I don't know anything about that.

Q. You don't know anything about the rubbing out of "Vice"?

A. No.

Q. Who rubbed out this part "Be it Resolved that the President is hereby authorized," who rubbed that out?

A. I had that paper prepared.

Q. You had not erased it before you had signed, had you?

A. I signed the way it was now.

Q. Can't you see that has also been erased, that line where it says the person who is to be authorized?

A. I don't see that yet.

Q. You don't see it yet, this line which has been erased all the way across, where it says the President is to be authorized, and you can't see that "Vice" has been erased?

A. I can't see that.

Q. Who prepared that?

A. I had that prepared from Felix D'Aloise's office, he had a girl there.

Q. He prepared it for you before the meeting?

A. Yes, sir.

Q. Did Felix D'Aloise bring it to the meeting?

A. Yes, sir.

Q. Who had made the erasure?

A. If there is any erasure he made a mistake and changed it.

Q. What did you do with that paper?

A. I gave it to Felix D'Aloise to see the lawyer and see if he could get the money.

Q. Did you go with him?

A. No, I didn't go with him the first time, but I think I have been there once.

Q. Now, this called for withdrawing 5 shares of the Italian-American Building & Loan Association and 10 shares of the Camden First Italian, didn't it?

A. Yes.

Q. When you took the paper, or Mr. D'Aloise took this paper to the Camden First Italian, they kept the paper, didn't they?

A. I didn't take the paper, I don't know whether they kept it or not.

Q. After that you prepared the other paper that was taken to Mr. Palese, the secretary of the Italian-American Building & Loan Association?

A. I think all the papers were prepared that night.

Q. Who prepared the paper?

A. The same man.

Q. Who signed the paper that went to Mr. Palese?

A. I signed it, and the secretary.

Q. Did you see the secretary sign it?

A. I seen it was on his desk.

Q. When that paper was taken to Mr. Palese's office he questioned the secretary's signature, didn't he?

Mr. Orlando: If the Court please, this witness has already said he wasn't at Mr. Palese's office.

Q. You were not there?

A. I was there once afterwards.

Q. Were you there at Mr. Palese's office when the money was brought back?

A. Yes, sir.

Q. Where did you get the money to bring it back after Mr. Palese said it was a forged signature?

A. It was the same money Mr. Palese had given us.

Q. Where did you get the money?

A. The same money, we had it.

Q. Who had the money?

A. The Sons of Italy Association.

Q. Did you have it in your account?

A. Yes, sir.

Q. You had it put in your account?

A. Yes, sir.

Q. And when Mr. Palese said the signature was forged, and when the secretary said so, you took it back?

A. As I understand it, Mr. Palese encountered difficulties, he made Felix D'Aloise a personal check.

Q. He bought the stock?

A. Yes, sir, and I understand he was having difficulty in getting money from the Building & Loan because this was not an individual, it was an association.

Q. Didn't you understand the Building and Loan Association was not giving Mr. Palese the money because the signature of the secretary was forged?

A. No.

Q. Didn't you ever hear of that?

A. I believe he said somebody had been there and said the secretary never signed it.

Q. So you took back the money?

A. And we gave him the money back.

Q. How much?
A. All the money he gave us.
Q. How much?
A. I don't remember how much it was.
Q. About how much?
A. I don't remember.
Q. Fifteen or eighteen hundred dollars?
A. We gave him the money he gave us.
Q. I show you a check dated June 20th, 1927, on the First National Bank, signed by Tony Mecca, President, and Rocco Palese, Secretary, of the Camden First Italian Building & Loan Association for $705.00, what is that check?
A. I guess this is one of the Building and Loan checks.
Q. That is one of the Building and Loan checks?
A. It looks to me like that.
Q. You had given no notice to your members that you were going to take the Building and Loan money, you had seceded, and the Loggia Dante Alighieri was done, as far as you were concerned, now, why did you write on the back "Loggia Dante Alighieri, #494" and the other endorsements, and deposit it?
A. At that time we had not seceded yet, this was June 20th.
Q. You still thought you had a right to sign it? Can you show me anywhere any authority for taking that Building & Loan money.
A. It is in the minutes.
Q. And to get that you signed your name on those two papers, didn't you?
A. Yes, I think I did.
Q. You said in answer to your counsel's question that the reason for getting rid of the property was that the lodge was in such financial condition and you owed so much money?

A. Yes, sir.

Q. And one of the things you said was it owed $1100.00 for the mortuary fund?

A. Yes.

Q. Did you pay it?

A. When we sold the property ——

Q. You can answer that.

A. No.

Q. Haven't paid it?

A. No, sir.

Q. You said in answer to the Court that there was money in the Victory Trust Company at the time you incorporated the new association and you had not taken that money, that it was still in the Victory Trust Company, is that right?

A. Yes, sir.

Q. And the reason it is still in the Victory Trust Company is because we got a rule to show cause from Vice-Chancellor Berry, and served that rule on you telling you not to transfer it, is that right?

A. Yes, sir.

Q. You had one of those rules served on you by the Sheriff?

A. Yes, sir.

Q. You were one of the trustees, or some officer of the new association?

A. Yes, sir.

Q. Were you still considering yourself Venerable of the Loggia Dante Alighieri at the time the Sheriff served you with a notice?

A. I don't think so.

Q. You were an officer of the new association?

A. Yes.

Q. You were present at Vice-Chancellor Berry's chambers at Trenton?

A. No.

Q. You didn't go there to the meeting?
A. No.
Q. When you got that notice you could read enough English to suppose you were not to collect any rent?
A. Yes.

Mr. Orlando: May we have the date of that?

Q. And your lodge has collected from all these tenants in that building ever since?
A. Yes, sir.
Q. You have taken the money and paid bills with it just as though it was your money?
A. Yes—not my money.
Q. I mean the association's money?
A. Yes, sir.
Q. Didn't you know that your counsel, Mr. Orlando, stipulated before Vice-Chancellor Berry that if we would not have a receiver appointed that an account would be opened at the Camden Safe Deposit and Trust Company and the money put in that account?
A. No, sir.
Q. You were not informed of that?
A. No, sir.
Q. And you did not open such an account?
A. No.
Q. What account has the money been going in?
A. Victory Trust Company.
Q. The Sons of Italy account?
A. Yes, sir.
Q. The same account that this check was put in?
A. Yes, sir.
Q. Or attempted to be put in. You spoke about satisfying the note at the Victory Trust Company a few minutes ago?

A. Yes.

Q. You didn't mean to have the Court understand that you paid off that $3,000.00 note, did you?

A. No.

Q. You did not pay it off?

A. We are reducing the note.

Q. $100?

A. Whatever it is, I don't know, but we are reducing the note.

Q. $100 at a time?

A. I don't know, I can't tell you what it is.

Q. Have you yourself sent money to the Victory Trust Company?

A. The Sons of Italy have a house committee that takes care of the house, all the income, and what has got to be paid.

Q. Has your Sons of Italy signed a new note at the Victory Trust for that money?

A. Yes, sir.

Q. Did you sign for it?

A. I didn't sign it before, or didn't sign it after, I don't have nothing to do with the house committee.

Q. The house committee signed the note?

A. Yes, sir.

Q. How much has been paid on that?

A. I can't tell you.

Mr. Orlando: We will have the man on that.

Q. What else have you paid for the Loggia Dante Alighieri out of the moneys you got from the property?

A. We paid a debt the house committee had.

Q. The current debts of the building?

A. Yes, sir, and if you want to know more you have got to ask the man that is financial secretary, he has got it on the record.

Q. But you took possession of the lodge building?

A. Yes, sir.

Q. And you have continued to be in possession of it?

A. Yes, sir.

Q. And you had your lodge meetings there?

A. Yes, sir.

Q. And the members who were members of Loggia Dante Alighieri, these laboring men, they come in and out of the house just the same as they did when Loggia Dante Alighieri owned it?

A. Yes.

Q. When you went to Newark with Mr. Dursso and saw the Grand Venerable, and the secretary, you say they told you that if you could sell the property for $25,500, or thereabouts, to sell it?

A. Yes, sir.

Q. Did you tell them you were going to form a new association?

A. Yes, sir.

Q. To be known as the Sons of Italy Association?

A. I don't remember whether I told them the name, but I told them the way we were going to do with it.

Q. Did you tell them you were going to take over the property of Loggia Dante Alighieri and secede?

A. The property, not the funds, we were not talking about seceding then.

Q. Did you tell them you were going to keep the regalia, the books, and everything?

A. At that time the lodge was supposed to be in existence yet, we were not talking about seceding.

Q. On that lodge building at 4th & Spruce is a big insignia with the inscription "Sons of Italy of North America"?

A. Yes, sir.

Q. And that is covered with gold leaf?

A. Yes, sir.

Q. And very expensive?

A. I don't know how much it did cost.

Q. You have kept that on the building?

A. Yes, sir.

Q. But the building is occupied by the Sons of Italy Association?

A. Yes, sir.

Q. Have you explained to these Italian laboring men that they are not now members of the Sons of Italy of America?

A. Yes, sir.

Q. By any written notice or paper?

A. Yes, we have a declaration signed by a big majority of the members that were present at the time we seceded.

Q. They were small papers when they came to pay their dues the secretary got them to put a cross on, didn't you have a paper when the men came up, the men who had been members of Loggia Dante Alighieri, to pay his dues, didn't the secretary get him to sign, or write with a cross, saying he wasn't a member of the Loggia Dante Alighieri?

A. No, at the time we decided to secede we got a declaration seceding from the order and it was signed by all the members present, each one signed that he had nothing to do with the Order of Sons of Italy in America.

Q. Who got them to sign it?

A. After this resolution was passed I thought those people should show ——

Q. The men present at the meeting?

A. Yes, sir.

Q. Who got the other men who were not present?

A. At the meeting when they came in to pay their

dues, the next week, or the next night, he got them to sign that paper.

Q. When they came in to pay the dues, the next week, or the next night, you got them to sign a paper that they did not belong to Loggia Dante Alighieri but the Sons of Italy Association?

A. The man who did not want to belong to the Order of Sons of Italy ——

Q. Who got them to sign?

A. The members interested in this thing.

Q. Who?

A. Several members were interested in telling the people to sign this paper.

Q. Who?

A. They had this paper in the Sons of Italy Hall, in the place there.

Q. Who?

A. We had a man, the janitor, he had a paper there, and the men would come there, and the men would sign it.

Q. Now, in order to make up that statement to send out to the members you had your appraisement of $25,500?

A. Yes, sir.

Q. And Mr. Orlando has presented a paper signed by Mr. Lupton and Mr. Leopold—who hired Lupton and Leopold?

A. Mr. D'Aloise was authorized by the lodge.

Q. What position did he have in the new association—when the new association was formed what position did he hold?

A. President.

Q. Who paid for these real estate men, these two real estate men?

A. We did.

Q. Dante Alighieri Lodge?

A. Yes, sir.

Q. Did you see this $50.00 check, that is Exhibit C12?

A. Yes.

Q. And you signed it, you endorsed it across the end?

A. Yes, sir.

Q. And that is payable to Autillo Marino?

A. Yes, sir.

Q. And at that time Mr. Marino was a student in the office of Mr. Orlando and Mr. Knight?

A. Yes, sir.

Q. And Mr. Autillo Marino is the man, who as notary, had your certificate of incorporation of the Sons of Italy Association executed?

A. Yes, sir.

Q. And he had it recorded for you?

A. Yes, sir.

Q. And that paid him, didn't it?

A. No, sir, not this.

Q. Where is the check that paid for the incorporation of the Sons of Italy Association?

A. The financial secretary will show on the record what is paid for, because I can't recall that check, what it is paid for.

Q. You do remember your council meeting when Mr. Marino came down there and had this certificate of incorporation finished up, don't you?

A. I don't remember, just when he gave it to us I don't remember.

Q. Don't you remember his coming back to your council meeting and saying "It is all done, I have finished my job"?

A. I don't remember when it was.

Q. You remember it happening?

A. Yes, sir.

Q. Don't you remember paying him for his expenses?

A. No, sir.

Q. Will you say that $50.00 check with your signature on it, that that check did not pay him for the incorporation of the Sons of Italy Association?

A. I say it is not.

Q. Do you say that check did not pay him?

A. I don't think it did.

Q. I am asking whether you will say it did not?

A. No.

Q. You won't say it did not?

A. This was not paid for that.

Q. What was it paid for?

A. Mr. Marino did a lot of work for the lodge, but I can't tell what, but he had done work previous to that and this might pay him for that.

Q. Who had done the work?

A. Marino.

Q. Not Mr. Orlando?

A. Mr. Marino was acting in the name of Orlando, I don't know who got paid for it.

Q. You were the Venerable?

A. Yes, sir.

Q. It was your signature that had to go on there last?

A. Yes, sir.

Q. Can't you honestly tell us, and won't you tell us, what that check was for?

A. I can't recall.

Q. Mr. Lalli, I have before me a translation of part of the minutes of May 1, 1927; do you remember in that meeting Mr. Faragalli stating that it was a very delicate matter and he requested a lawyer be engaged to see how matters stood, your property matters, for the welfare of the Loggia Dante Alighieri?

A. I don't remember.

Q. Do you remember that Mr. Faragalli, the secretary, also referred to the fact that Brother Visceglia, had requested a lawyer?

A. I don't know.

Q. Do you remember him saying in that meeting Mr. Faragalli, "Why has not the Venerable informed us of the appraisal so small of our property as not even members of the Council of the lodge have been informed about it."?

A. Who said that?

Q. Mr. Faragalli.

A. I don't remember that, but he knew it.

Q. And do you remember as Venerable answering, "That all that has been done has been done in legal manner and now it is too late because the vote has been favorable and full powers given to the committee that has studied the project."?

A. Maybe I did, but I don't remember.

Q. Do you remember Brother Marchegiano asking you in the last meeting if those who did not belong to the lodge could purchase bonds of the building?

A. I don't remember.

Q. Don't you remember talking?

A. I talked a whole lot.

Q. Do you remember answering him in front of the lodge, answering the Brother, "That no one can acquire bonds if they do not belong to the lodge, only those who have loaned or donated."?

A. No.

Q. That was the truth, at that time you did tell the lodge members, didn't you, that nobody could buy bonds or take an interest in the building except members of Loggia Dante Alighieri?

A. I don't remember that.

Q. Wasn't that the plan, wasn't that the project?

A. No.

Q. Were you going to let outside people buy bonds?

A. Yes, sir.

Q. And let outside people have an interest in the building?

A. Yes.

By Mr. Orlando:

Q. This money that you were going to get from the Building and Loan, what were you going to use that for?

Mr. Woodruff: That is immaterial if the Court please.

Mr. Orlando: It has been brought out ——

The Court: I think it may be shown.

Q. What were you going to use the money you were going to get from the Building and Loan Association?

A. Our first thought was to pay up the debt we had with the Grand Lodge, the Mortuary Fund.

Q. And the debt at that time was how much?

A. About $1100, I believe.

Q. Was that the reason you wanted to withdraw the money from the Building and Loan, to pay that?

A. Yes.

MARIO MANARESSI, sworn.

By Mr. Orlando:

Q. Your name is Mr. Manaressi?
A. Yes, sir.
Q. You live in Camden?
A. Yes, sir.
Q. How long have you lived here?
A. About 9 years.
Q. Did you take any part in the Loggia Dante Alighieri?
A. Yes, plenty.
Q. For a number of years?
A. About 4 years I was financial secretary of Loggia Dante Alighieri.
Q. You were 4 years financial secretary?
A. Yes, sir.
Q. Were you financial secretary during the year 1926 and 1927?
A. Yes, sir.
Q. And as financial secretary of the lodge did you keep the books?
A. Yes, sir.
Q. Showing the financial conditions of the lodge?
A. Yes, sir.
Q. Did you hold any other office besides that?
A. Before I was the financial secretary I was secretary of the house committee the first year.
Q. And as the financial secretary did you have a place also in the Council of the lodge?
A. Certainly.
Q. Will you refer to your books for the year 1926 and tell me what was the financial condition of the

Loggia Dante Alighieri, as far as your money coming in and money expended?

A. I would have to go by my book.

Mr. Woodruff: If the Court please, perhaps that can be simplified; we have the printed statement and a translation of it.

The Court: If that is not questioned suppose we let that stand.

Q. I will withdraw that and show him the statement. I show you a financial statement, C17, and ask whether that financial statement was prepared by you?

A. Yes, sir, this statement was prepared by me and shows to the Brothers the financial condition was bad, in fact ——

The Court: You just listen and answer the questions asked.

Q. This was prepared by you?

A. Yes, sir.

Q. What does that show as to the amount of money you took in up until June 26th?

The Court: Doesn't it show on its face, hasn't that all been gone over?

Mr. Orlando: I just wanted to get that straight.

The Court: It was testified to before.

Q. Is that amount correct, the amount taken in?

A. Yes.

Q. And the expenses?
A. Yes, sir.
Q. And there is a deficit for the year 1926?
A. Yes, sir.

The Court: That has all been gone over.

Q. Refer to your books from June 30, 1926, up until the time of the secession.
A. In September, 1926, do you want me to start there?
Q. Yes, in September, 1926, what was the financial condition?
A. We had 398 members that time and $187.78 cash money in bank.
Q. $187 cash money?
A. Yes, sir.
Q. Did you owe any money to the Grand Lodge at that time?
A. Yes, we owed all the time 4 years two assessments to the Mortuary Fund, that is, all the time; I found 2 assessments when I took my office 4 years before and I left it when we make the secession.
Q. Will you refer to your book of February or March, 1927, and tell me what the financial condition was at that time?
A. Why, January, February, March, I send to the Grand Lodge $1,194.80 for two assessments on the Mortuary Fund, and we got cash money in the bank $22.61.
Q. How much was due to the Grand Lodge then?
A. About eleven hundred and some dollars.
Q. That was for dues to the Mortuary Fund, is that right?
A. That is right.
Q. Were you present at a meeting held when the resolution was passed for the sale of the property?

A. Yes, sir.

Q. Did you receive a post card?

A. Surely.

Q. Did you later receive a notice of a meeting for secession?

A. Yes, sir.

Q. For the purpose of considering the question of secession?

A. Yes.

Q. Now, when the secretary left the meeting of June 16th were you appointed acting secretary of that meeting?

A. Yes, sir.

Q. And did you keep the minutes?

A. Yes, sir.

Q. And did you keep the minutes of June 23rd?

A. Yes, sir.

Q. In the capacity of acting secretary?

A. Yes, sir.

Q. Will you refer to the minutes of the meeting of June 23rd and tell us what was the action taken on the question of secession, what was the vote, and how many were in favor of secession and how many were against secession?

A. 92 voted in favor of secession, and nothing against.

Q. I show you Exhibit C18, a post card, and ask you whether or not you assisted in sending out these post cards?

A. Yes.

Q. Where were those post cards sent from?

A. From the Sons of Italy.

Q. At the hall?

A. At the hall.

Q. How are these post cards addressed, by hand or by machine?

A. By machine.

Q. Is that machine in the possession of the lodge at the headquarters in the lodge hall?

A. Yes, sir.

Q. Does it have a plate?

A. Yes, sir.

Q. What is on that plate?

A. The name of each member.

Q. You were a member when these cards were sent?

A. Certainly.

Q. Were you ever there when other communications were sent?

A. Yes.

Q. Did you help frequently?

A. Yes.

Q. Who was the person who operated the machine?

A. The janitor.

Q. What is his name?

A. Bianofino.

Q. Were you a member of the committee that was considering the question of the house?

A. Yes, I was secretary at that time.

Q. Secretary of that committee?

A. Yes, sir.

Q. As secretary of that committee did you keep a record of the meetings of the committee?

A. I have the rough minutes.

Q. Have you that with you? Are these minutes translated or in Italian?

A. Italian.

Mr. Orlando: May we withdraw this witness and have them translated and put another one on?

The Court: Yes.

(Witness withdrawn.)

EUGENSO GUIAGLIANOE, sworn.

By Mr. Orlando:

Q. Mr. Guiaglianoe, where do you live?
A. 404 Pine Street, Camden, New Jersey.
Q. Were you a member of the Loggia Dante Alighieri?
A. Yes, sir.
Q. For how many years?
A. Since I have been discharged from the United States Army.
Q. What was that, 1918?
A. That was 1919, in September.
Q. Did you hold an office, were you an officer?
A. Yes, sir.
Q. What was your office?
A. In 1920 and 1921 I was appointed auditor.
Q. Orator?
A. Yes, sir.
Q. Do you mean orator or auditor?
A. Auditor of the house committee.
Q. Were you a member during the years 1926 and 1927?
A. Yes, sir.
Q. Were you auditor at that time?
A. After I be auditor I was secretary of the house committee, and after that I was appointed one of the trustees of the lodge, it was 1923 and 1924.
Q. In 1926 what were you?

A. Nothing.

Q. Just an ordinary member?

A. A simple member.

Q. And the same thing in the early part of 1927?

A. Yes, sir.

Q. Were you attending the meetings which were being held at the lodge in 1926 and early 1927, did you go to the meetings?

A. The first part of 1926 I didn't attend the regular meetings because I was disgusted.

Q. The last part of 1926 did you go?

A. The last part of 1926 and the first part of 1927, I was one of the few there at the meetings every time we had a meeting.

Q. Were you the Guiaglianoe that made this project?

A. Yes.

Q. When?

A. I noticed that the income from the house was not sufficient to pay the expenses, so I started to study something out to report to them, I thought the lodge could help out, because when I was one of the trustees I found the lodge could not do nothing at all, could not help to support the house.

Q. Did you suggest some plan in 1926 or 1927?

A. I present my project to the treasurer of the house committee between August and October of the year 1924, and when I give my project to Mr. Visceglia he read it and said it is all right.

Q. Let us get down closer to the time of this occurrence, let us get down to 1927, did you offer a project in 1927, and if so, when?

A. When a group of members called ——

Q. When was it, January or February?

A. I think the first part of January.

Q. The first part of January?

A. Yes, sir.
Q. You offered your project?
A. Yes, sir.
Q. What was that project you offered in the early part of 1927?
A. My project?

Mr. Woodruff: If the Court please, that has been cited and translated.

Mr. Orlando: If you agree that is his project, all right.

Q. After the project was offered were you appointed on a committee to deliberate on it?
A. Yes, sir.
Q. Did this committee hold meetings?
A. Yes, sir.
Q. Was office did you have in that committee, if any?
A. Not any, I didn't want to accept an office.
Q. You were just a member of the committee?
A. Yes, sir.
Q. Did the committee hold meetings?
A. Yes, sir.
Q. How many meetings did they have?
A. We had 3 or 4, I don't recall.
Q. Who was the secretary of that meeting, Mr. Manaressi?
A. Yes, the financial secretary of the lodge.
Q. Did he take the minutes?
A. Yes, and he read them at the meeting.
Q. When did you make the report, when was the report of the committee made?
A. After we had a meeting we reported immediately to the next meeting of the lodge.

Q. What was your report? Does that appear in the books they have, is the report in that book?

A. The minute of the committee?

Q. That Mr. Manaressi has?

A. I don't know.

Q. What was the deliberation of the committee?

A. I started to work myself to put in effect my plan, but I found the members were not disposed buying any more bonds, so I was surprised myself why they all approved my project and then they don't want to buy the bond, so in the meeting somebody said, "We must do something," and somebody proposed to sell the house ——

Q. That was in the committee meeting?

A. I said, "If we sell the house to somebody else they will kick us out and we want to still stay in," and somebody, after discussing it more, I don't remember who it was, suggested to sell the house with the condition of my plan to the Sons of Italy Association, which at that time I don't know if it was incorporated or about to be incorporated under the name of Sons of Italy Association, and which most of the members of that association were members of the lodge, so we could still stay in the house.

Q. Did you make that report to the lodge?

A. Yes, all the time the lodge put it on the minutes, Guiaglianoe plan, but they never said my plan was changed.

Q. After your report was made was a motion, or anything done, to authorize the sale of the property?

A. In the lodge?

Q. Yes.

A. Yes, sir.

Q. Were you present at that time?

A. Yes.

Q. Do you hold an office in the Sons of Italy Association?

A. Yes, sir, recording secretary.

Q. When did you become recording secretary of the Sons of Italy Association, before or after the secession?

A. Before.

Q. Before the secession?

A. Yes, sir.

Q. Do you remember when?

A. I was one of the founders.

Q. One of the incorporators?

A. Yes, sir.

Q. Did you remain in the Loggia Dante Alighieri until the secession, did you stay in the Loggia Dante Alighieri until the lodge finally seceded?

A. Yes, sir.

Q. And you were attending the meetings?

A. Yes, sir.

Q. I show you a postcard which has been marked C18, and ask whether or not you received a similar card?

A. Yes, in my house there comes about three of them because there were three members.

Q. I show you a notice which has been offered in evidence and marked Exhibit C23 and ask whether you received a copy of that, one of these form letters?

A. Yes, I received that.

Q. Did you say there are three members in your house?

A. Yes.

Q. Do you recall whether there were three that came to your house or not?

A. What—beg pardon?

Q. Do you recall whether there were three that came to your house?

A. Yes, we received three postal cards, we received them.

Q. What was the result of the meeting on the evening of June 23, did anybody oppose the secession?

A. Nobody opposed, there was no opposition at all.

Q. Did anybody get up and argue against it?

A. Everybody got up and applauded.

Cross-examination.

By Mr. Woodruff:

Q. How many members of the lodge were there to applaud?

A. What?

Q. How many members were there to applaud?

A. I didn't count them.

Q. About 92?

A. 92.

Q. About that?

A. I think a little more or a little less, I didn't count.

Q. And your membership was about 400, wasn't it?

A. No, sir.

Q. About 350?

A. I think a little less at each meeting because if you will look up the minutes you will find everybody dropped out.

Q. There were about 350 members, weren't there?

A. I don't know, the financial secretary must know the exact number.

Q. You say the committee changed your plan?

A. Yes.

Q. Your plan you put before the lodge, which went

into the minute book, did not call for the property to be sold to a different association?

A. It called to sell the shares or bonds.

Q. But to keep the property in the control of the Loggia Dante Alighieri?

A. No, sir, don't say control of the lodge, the members who got the bonds should be the custodian of the house.

Q. Members of the Loggia Dante Alighieri, according to your plan, were to control the property?

A. The men who should buy the bonds should nominate a committee by themselves, appoint a committee by themselves to administer the building.

Q. The men who would control the building would all be, according to your project, members of the Loggia Dante Alighieri?

A. Yes, but different.

Q. In other words ——

A. The Lodge of the Order of Sons of Italy in America should not have anything to do with the property, otherwise it would be the same thing, she would carry the debt, and everything else, and my plan wouldn't work out.

The Court: Isn't the plan of this witness the one recorded at length in the minute book providing that the bonds shall be sold only to members?

Mr. Woodruff: Yes.

Q. After the plan was changed by the committee then they came back to the meeting where the committee was given authority to execute papers?

A. Beg pardon?

Q. The next step after the committee changed your plan was that the committee came back to the

lodge and a motion was made giving the committee authority to finish by signing papers?

A. Full authority.

Q. And nothing was said there about a change of plan, was there?

A. As I said before, the recording secretary got the habit of putting Guiaglianoe's plan, but he never said Guiaglianoe's plan was changed.

The Court: Is there any record anywhere of a report of this committee that was originally appointed on the bond proposition to the lodge which in any way contemplates a different plan; is there any report to the lodge by this committee contemplating a change, a fundamental change in the plan?

Mr. Orlando: That is the report they are preparing now.

The Court: As I recall it the next resolution that appears is after this committee was appointed—that relates to the committee at all or has anything to do with the work of the committee—was after the whole thing had been concluded in the nature of a confirmation.

Mr. Orlando: That is what we will have to get from this report.

Mr. Woodruff: I know of no such report.

Q. Were you on the house committee in 1926

A. No, sir.

Q. Not in 1926?

A. No, sir.

LUGI DURSSO, sworn.

By Mr. Orlando:

Q. Mr. Dursso, can you speak English?
A. Not fluently, but I can explain myself.
Q. You live where?
A. 916 S. 4th Street, Camden, New Jersey.
Q. What is your business?
A. Jewelry.
Q. Were you a member of the Loggia Dante Alighieri?
A. Yes, sir.
Q. When did you become a member of the Loggia Dante Alighieri?
A. 1916.
Q. Did you attend the meetings?
A. Not every one, but most of them.
Q. Are you a member of the Sons of Italy Association of Camden, New Jersey?
A. Yes, sir.
Q. When did you become a member of that organization?
A. When it was founded.
Q. Were you one of the incorporators?
A. No, sir.
Q. Do you hold office in the association, the Sons of Italy Association?
A. Yes, sir, treasurer.
Q. As treasurer have you got checks, the money that has been paid out by the Sons of Italy Association, or was that paid out by the house committee?
A. The house committee makes the payments.
Q. Do you know how much money has been paid by the Sons of Italy Association to the Victory Trust Company to reduce the note?

A. The house committee has that.

Q. You don't have that information?

A. No.

Q. Now, before the Loggia Dante Alighieri seceded or went away from the Grand Lodge were you attending meetings at that time?

A. Sure, I attend them.

Q. Did you receive a postcard similar to C18?

A. Yes, sir.

Q. Now, after you received this post card did you go to Newark?

A. Yes, I was on the committee to go to Newark and speak to the Grand Venerable and the Grand Secretary.

Q. Who did you speak to?

A. First with the Grand Secretary, Mr. Ciammaichella, and Mr. Ciammaichella called by 'phone the Grand Venerable, Mr. Mancusi, and together we came to the conclusion to sell the property for about $25,000.

Q. At that time who mentioned the property, did the members of the Grand Council, the Grand Secretary, or the Grand Master mention it, or did you people mention it to them?

A. We go there to explain to the Grand Secretary the letter that was received, why they sent the letter, we did nothing wrong.

Q. You went there in answer to a letter you had received from them?

A. Yes, sure.

Q. Did you talk about the property?

A. Yes, sir.

Q. What was said with reference to the property by either yourself or by the Grand Master, or the Recording Secretary?

A. They evidently informed the Grand Council

that we would throw the property away for nothing, and we were going to demonstrate we got a good price for it.

Q. What did you tell them about it?

A. Two real estate men estimated the property and we were going to sell for that price.

Q. For what price did you mention?

A. We don't get the price yet, we just tell them what the real estate men will do, and then the Grand Venerable himself he come to the conclusion, he say, "If you sell the property for $25,000. we are satisfied."

Q. That is what he told you?

A. Yes, sir.

Q. That was Mr. Mancusi?

A. Yes sir, Mr. Mancusi.

Q. Do you know what the financial condition of the Loggia Dante Alighieri was before the sale took place?

A. Very bad, which is one of the reasons we sell the property.

Q. Was there any other reason you sold the property?

A. The heavy taxation from the Grand Lodge.

Q. The heavy taxation?

A. Yes, sir.

Q. You could not carry it?

A. No, we lost brothers every day, every month.

Q. Do you know whether there was any money the Loggia Dante Alighieri owed to the Grand Council?

A. To the Mortuary Fund about $1100.

Q. Were you present at a meeting when an attempt was made to withdraw the money from the building and loan?

A. Yes, sir.

Q. Was anything said to the people in presenting that subject to the lodge meeting as to why that money was going to be withdrawn?

A. Yes, sir, to pay the money we owed for the Mortuary Fund.

Q. Where was this conversation you had with the Grand Master and the Grand Recording Secretary?

A. In the office of the Grand Secretary in Newark, Market Street, 506 Market Street, something like that.

Q. Did Mr. Mancusi come there?

A. Mr. Ciammaichella call him by 'phone, and he came after 10 minutes, something like that.

Q. Then did you receive a copy similar to this, Exhibit C23?

A. Yes, sir.

Q. You did receive it?

A. Yes, sir.

Q. Did you attend a meeting pursuant to this notice?

A. Yes, sir, I was the one who read the resolution, because I got a big voice when I want to use it.

Q. And that resolution was what, to secede?

A. To secede, and we stated the reason why.

Q. And was that passed?

A. Unanimously.

Q. Since that time you have been a member of the Sons of Italy Association?

A. Yes, sir.

Q. How many members are there in the Sons of Italy Association?

A. Three hundred and something, three hunderd now, but they grow.

Q. Are all those members members who used to belong to the Loggia Dante Alighieri, or are there any new members?

A. The majority.
Q. And there are also some new members?
A. Yes, sir, every day, every month.

Cross-examination.

By Mr. Woodruff:

Q. When you went to see the State Officers you had no appraisement, had you?
A. Not yet.
Q. But you did have a statement which had been made up by the financial secretary and sent out to the members showing the value of the property of approximately $45,000., didn't you?
A. Yes.
Q. That was your official statement?
A. Yes, sir.
Q. And that your furniture and furnishings were worth about $10,000. more, didn't you?
A. Yes, if it is there I can't deny that.
Q. Without any definite figure, without any definite plan of selling the property at that time you say that these two State officers told you that if you could sell the property for $25,000. to go ahead and sell it?
A. Yes, sir.
Q. You were not expecting to sell it at that time, were you?
A. Yes, somebody sent the postal card and they said, "What do you want to do"?
Q. The postal card didn't say you were going to sell the property?
A. No.
Q. It said you were going to issue bonds?
A. The postal card said to make it autonomous.

Q. But it said you were going to make autonomous by issuing bonds.

A. It was changed at the meeting.

Q. But the card said about the bonds?

A. Yes, sir.

Q. And then they changed it at the meeting afterwards?

A. Yes, sir.

Q. And when the postal card was sent to the Grand Officers at Newark they immediately sent you word that you must not go ahead?

A. They wanted to know why.

Q. Wanted to know what you were doing?

A. Yes, sir.

Q. And when you went to Newark after that postal card was sent out you didn't have any plan then of forming the Sons of Italy Association, did you?

A. We have the association already.

Q. You had it already?

A. Sure.

Q. Had you seceded at that time?

A. We have no idea to secede.

Q. You had no idea at that time of taking the property, had you, the new association?

A. It was in discussion.

Q. Buying bonds?

A. Buying bonds.

Q. And isn't that what you told the State Officers, you might issue bonds against it?

A. We promised to the Grand Secretary to take $25,000., we don't discuss anything else, we just discuss about the figure, they were afraid the Grand Council would give them Hell, and the Grand Venerable—wait a minute—let me find the right word —"Keep me away from the criticism and do what you please," that is what he said.

Q. To keep them away from criticism and do as you please?

A. Yes, sir.

Q. Do as you please about what?

A. In selling the property, in the price.

Q. You told me at that time you had not thought of selling, that you were going to issue bonds.

A. If you try to make me mixed up, that is different.

Q. No, I am not trying to do that. Did you and Mr. Lalli say to Mr. Mancusi and the secretary, that you had formed the Sons of Italy Association with the power to make laws for its own government and that you were going to sell the property to that new association which was going to govern itself?

A. We explained to the two officers what we done, and I won't answer any more on that.

Q. What did you explain to them?

A. That we try to get the highest price we can, and the Grand Venerable said, "I am satisfied with $25,000."

Q. You have not explained to us what you told the Grand Venerable, you said to get the best price?

A. Yes.

Q. For what, to sell the property or issue bonds?

A. For the property, the house, to sell it.

Q. To whom?

A. I didn't know at that time.

Q. You said you had your association already formed?

A. Yes, but I didn't tell them that, that wasn't their business anyhow, that was our business.

By Mr. Orlando:

Q. The Grand Master told you if you got $25,000. ——

A. That it would be all right.

By the Court:

Q. The reason you did not tell them you had the society formed was because you thought that was your business?

A. Yes, sir.

Q. You did not think it was any of theirs? Did you think that was fair?

A. Yes, we can belong to any society.

Q. Don't you think you ought to have told them?

A. The house belonged to us, your Honor.

Q. Don't you think in fairness you ought to have told the Grand Master all of your plan, that you had already formed this society you were going to sell the property to, don't you think that would have been fair?

A. No.

Q. It would not?

A. No.

FELIX D'ALOISE, sworn.

By Mr. Orlando:

Q. Mr. D'Aloise, you live in Camden?

A. I live in Merchantville.

Q. You were the former court interpreter in the County of Camden?

A. I was.

Q. At my request you have made certain translations in this case?

A. I did.

Mr. Orlando: Maybe I can save time. Senator, do you admit Mr. D'Aloise's qualifications as an interpreter?

Mr. Woodruff: As far as they go. Judge Mancusi says they are correct, but they do not translate all that pertains to these particular matters.

Q. You translated what you thought was involved in this issue, is that right?

A. I did.

Q. I show you these translations and ask whether you have examined them and whether they are the correct translation of the things in question?

A. I did.

Q. Will you examine these, too, and see whether they are?

A. Yes, I put a pencil mark on top, I went over each one.

Q. Now, Mr. D'Aloise, have you held any office in the Sons of Italy Association?

A. Yes, sir, I am the president.

Q. When did you become president of it?

A. Since it was created.

Q. You mean after it was incorporated?

A. Yes, sir.

Q. And prior to incorporating the Sons of Italy Association had you for some time been discussing the incorporation?

A. I was nominated on the committee.

Q. You were nominated on the committee?

A. Yes.

Q. Were you a member of the Loggia Dante Alighieri #494?

A. I was.

Q. How long had you been a member?

A. Since 1921.

Q. You had been attending meetings from time to time?

A. I did.

Q. Did you hold any office in the Loggia Dante Alighieri?

A. Once I was trustee, I think it was 1924.

Q. Did you hold any office in 1926 or 1927?

A. No, sir.

Q. Now, it has been testified here by someone that you had a resolution prepared to take care of the withdrawal of certain building and loan shares, or stock in the building and loan, did you prepare that resolution?

A. The man that made the motion came up to my office and asked the girl to prepare this resolution, which went through my office.

Q. It was typewritten in your office?

A. Typewritten in my office.

Q. Were you present at the meeting when the question of withdrawal of the building and loan stock was discussed?

A. Yes, sir.

Q. Was the reason given why it should be withdrawn?

A. Yes, sir, to pay all our debts.

Q. Pay all the debts. Were any particular debts mentioned?

A. Yes, sir, it was mentioned the Mortuary Fund, we wanted to pay all our debts, we expected to pay them all.

Q. Did you receive notices from time to time from the Loggia Dante Alighieri?

A. I did.

Q. And attended meetings?

A. I did.

Q. Did you receive notice of a meeting at which time the question of secession was going to be discussed?

A. I did.

Q. Were you present at that meeting?

A. I was.

Q. What the other members testified to with reference to the action taken, is that correct?

A. Yes, sir.

Q. Did you receive a post card sometime prior to that time?

A. I did.

Q. Of a meeting?

A. I did.

Q. Did you attend that meeting?

A. I did.

Q. What happened at that meeting, was a report of the committee made?

A. There was a report of the committee made, and we stated the conditions, and we find each meeting we cancel 25, 20, 15 members, and I believe the reason for that was that in August or September, 1926, the Grand Secretary, Mr. Ciammaichella, and some of the members, I think it was Mr. Marino, asked the Grand Lodge if they could give us some money from the Mortuary Fund and Mr. Ciammaichella got up and said "Two and two make four, and four and four make eight, if you can't pay for the house you have no right to buy it."

Q. They are the words he used?

A. Yes.

Q. Did Mr. Ciammaichella at any time later on come down to the Lodge?

A. He came in one morning when he got notice, he said he was going to Philadelphia to see somebody, I don't know who, and he came in one Sunday morning——

Q. As president of the new association, the Sons of Italy Association, did you sign checks to pay bills?

A. I do.

Q. Do you know what price was paid for the property at 4th & Spruce Streets?

A. It was $24,000 for the building and $1500 for the house furnishings.

The Court: $24,000?

The Witness: $24,000, and $1500, making $25,500.

Q. Were you a member of the committee that was entrusted with the selection of some real estate men to appraise the value of the property?

A. I was.

Q. Did you select a real estate man for that purpose?

A. I did.

Q. Do you know Mr. Lupton and Mr. Leopold?

A. I do.

Q. Is this the report that was made by those two real estate men?

A. They are both members of the real estate commission, and they have been in business for years and I thought I would get them out to make an estimate.

Q. They placed an estimate of $24,000, is that correct?

A. That is correct.

Q. Do you know how that money was paid, the consideration for that property?

A. Well, we got a statement, it was all taken in with the debts, and the statement shows that, I wouldn't know exactly to the penny.

The Court: That has all been gone over, it just left a small balance of a few hundred dollars.

Q. Was that report of the appraised value of the property submitted to the members at a meeting?
A. It was.
Q. And was that agreeable?
A. It was.
Q. And it was following that they were authorized to sell?
A. Yes, sir, and one of the members of the committee said it was too much money, he said we should make less than $24,000.

Cross-examination.

By Mr. Woodruff:

Q. You were in Vice-Chancellor Berry's chambers when the decision was given on the Rule to Show Cause, weren't you?
A. I was there.
Q. And a copy of the Rule to Show Cause was served on you by the Sheriff?
A. I believe it was.
Q. It was served on you personally?
A. Yes, sir.
Q. And you have been signing checks?
A. For what?
Q. For the Sons of Italy Association?
A. I did.
Q. And spending their money?
A. Yes.
Q. And the money had been taken in from rent of that property, hadn't they?
A. The house committee gets that, but I believe it was.

Q. But they turned them into the fund and you signed checks?

A. No, I signed the checks for the lodge fund and the house committee fund is a separate fund.

Q. You are the president of the whole association?

A. But the house committee signed that.

Q. Didn't you know the committee of your association was collecting money that this Order and the Court told you not to collect?

A. Who said the Court said not to collect? The Court said not to sell the property.

Mr. Orlando: I think it might be well for us to clear the atmosphere. Mr. Woodruff is working under the apprehension that the Court prohibited these men from collecting money, and as I have the Order a certain portion of that Order was stricken out, that portion which said they should desist from leasing and renting, and the Order does not interfere with their doing anything in the ordinary course of their business affairs, and doing whatever was necessary to maintain the house.

Q. Mr. D'Aloise, you heard the stipulation that was made to open an account at the Safe Deposit and Trust Company instead of having a receiver?

A. Vice-Chancellor Berry never said that.

Q. Didn't you hear Mr. Orlando, your lawyer, say that?

A. No, sir, he didn't say that.

Q. Didn't you hear that an account was to be opened and the money should be kept in that account?

A. Senator, the only thing I heard was this decision that we could not sell the property but we had

all the right to collect rent and take care of the building, which the house committee did, that is my understanding about the decision.

Q. Mr. D'Aloise, where is the assignment which has the signature of Mr. Faragalli, which it was claimed was forged?

A. Two papers were signed by Mr. Faragalli, one Mr. Palese got, and one we got.

Q. Have you got it?

A. The one that was shown in court this morning, the one Mr. Orlando showed the Court this morning, the one you showed, or somebody did, the resolution about the building and loan. Where is that resolution, Mr. Orlando?

Q. How did you get it back, the order?

A. Sir?

Q. How did you get back the order, this paper?

A. This was signed the evening of the meeting, June 16th, I believe it is.

Q. And it was then turned over to the building and loan, wasn't it, to Mr. Palese?

A. I bring it to Mr. Palese, yes.

Q. How did you get it back?

A. Why, Mr. Palese called me and told me he had an order from the Grand Lodge whereby he couldn't get the funds of the building and loan he asked me to be good enough to give the money, and legally we should not, but morally we should, because I didn't want to embarrass Mr. Palese, I knew him very well.

Q. You had the two papers that same night?

A. Yes, sir.

Q. You had them prepared in advance?

A. Yes, the committee had it prepared, and it was prepared in my office.

Q. You took them there together, didn't you?

A. I did.

Q. But no motion had been made at that time when you took them there?

A. No motion was made—I don't remember exactly whether anything was said the meeting before or not.

Q. Was it your own notion of preparing this or did Mr. Lalli talk with you about it?

A. No, another man that made the motion he came to my office and told me to prepared these papers.

Q. You drew these papers in advance of the meeting?

A. That is right.

Q. And you presented them at the meeting?

A. Yes, sir.

Q. Were they read in front of the members?

A. They were the minutes show the same thing.

Q. Were they read?

A. They were read to the president, or whatever he is, and the secretary.

Q. The president, did he sign both of them that same night?

A. He did, and Faragalli signed second..

Q. His signature is not on this one, is it?

A. That is my mistake.

Q. Mr. D'Aloise, who erased on this paper you say you drew?

A. The girl in my office erased that, instead of putting President she put Vice-President, and I took it off, I made the erasure and put President instead of the Vice-President.

Q. Were they both handed to Mr. Faragalli and signed at the same time?

A. Yes, sir.

Q. Do you know whether he signed them with a fountain pen or with pen and ink?

A. I don't remember.
Q. But he signed them both at the same time?
A. Yes, sir.

Mr. Woodruff: I would like the second one marked for identification.

(Said paper offered in evidence and marked Exhibit C25.)

Mr. Orlando: It is a question for the Court to determine which one of these translations it is going to be, if any. If the Court please, I would like to offer this translation now. Mr. Mancusi, the gentleman on the other side, says he can't agree with a certain portion of this translation. I might ask him what portion it is and we might have to submit ——

The Court: Put them both in, I will have to decide between them the best I can.

Mr. Orlando: I will offer them as one Exhibit.

(Said papers offered in evidence and marked Exhibit D2.)

JOSEPH BIANOFINO, sworn.

The Court: That translation referred to is the translation of the by-laws?

Mr. Orlando: That is right.

By Mr. Orlando:

Q. Where do you live?
A. 427 Pine Street, Camden.
Q. Where do you work?
A. Janitor Sons of Italy Hall.
Q. Now, how long have you been janitor?
A. Ever since the building opened.
Q. As janitor what do you do outside of cleaning the house?
A. I clean the house, I wash the floors and windows broken I put back again, and sometimes when the recording secretary makes out postal cards or sends letters for each member I help him out.
Q. You help him mail the post cards?
A. Post cards and the letters.
Q. How is that done, Mr. Bianofino, is that done by hand or machine?
A. We got a machine, and we got a plate, and each plate got the name and address of each member.
Q. And these different cards are run through the machine?
A. Put up 15 or 25 one on top of each other, and ew bang down the address.
Q. I show you a post card which is marked Exhibit C18 and ask you whether you addressed post cards bearing that notice?

A. Yes, me and the financial secretary?
Q. What is his name?
A. Mario Manaressi.
Q. Where was that done?
A. Sons of Italy Hall.
Q. Were they mailed?
A. We mailed personally.
Q. Where is the mail box?
A. We got one mail box below the hall but it is too small and we took them down to the post office, down to Tony Mecca's place.
Q. They were put in the mail box and mailed?
A. Put in the mail box and mailed, yes, sir.

(No cross-examination.)

JOSEPH A. ITALIANO, sworn.

By Mr. Orlando:

Q. Your name is Mr. Italiano?
A. Yes, sir.
Q. Are you a member of the Sons of Italy Association?
A. Yes, sir.
Q. Are you a member of any committee or officer of that association?
A. Now?
Q. Yes, now?
A. Not now.
Q. Were you at some time past?
A. Yes.
Q. Were you a member of the Loggia Dante Alighieri?

A. Yes, sir.

Q. In the year 1927 were you on the house committee?

A. Yes, sir, I was chairman.

Q. Chairman of the house committee?

A. Yes, sir.

Q. How long have you been a member of the house committee?

A. Well, I have been a member of the house committee ever since January.

Q. Since January?

A. I mean since June, until the house was sold.

Q. As chairman of the house committee and member of the house committee would there be certain bills you would encounter from time to time?

A. Yes, sir.

Q. Now, the early part of 1927 was the house committee indebted in any sum?

A. No.

Q. Did they owe anybody any money?

A. Yes.

Q. And how much did they owe, do you know, sometime in February or March?

A. I can't very well recall how much they owed, but we had a note at the Victory Trust close to $3,000.

Q. When the sale took place was that note taken over by the new association?

A. Yes, sir.

Q. And since that time have you, as a member of the old lodge, been called upon to execute a new note in the place of the old one?

A. The new association took care of it.

Cross-examination.

By Mr. Woodruff:

Q. In 1926 you were a member of the house committee?

A. Yes, sir.

Q. And your house or building supported itself that year, didn't it?

A. What do you mean, I can't understand it.

Q. The building supported itself, the income from the building was a little more than your expenses for the building?

A. Sometimes, and sometimes less.

Q. I mean for the year 1926?

A. I can't very well recall whether we were in debt or whether we had no money left the whole year.

Q. Your income from your rent and things like that carried your building if you didn't have the Mortuary Fund, and things like that, your building carried itself?

A. That is what I am telling you, sometimes we got enough money to carry the expenses and sometimes we do not, I can't recall that year whether we had enough rent or not, whether we took in enough to pay the expenses or not.

Q. You had one of these, didn't you, one of these statements of the financial situation?

A. What?

Q. Here is a complete account of the house committee, the income and outgo, is that right?

A. Yes, sir.

Q. Your income for 1926 from the house was $5,473.09, wasn't it?

A. Yes.

Q. And your outgo for that same year was $5,-298.35, wasn't it?

A. Yes.

Q. Leaving you a balance of almost $200. to the good?

A. I can't remember if it is all here or not.

Q. This was your official statement, wasn't it?

A. Yes, sir.

Mr. Orlando: This is a statement of the report up to June, 1926.

The Court: It shows for itself what period it covers.

GIOVANNI CIAMMAICHELLI, recalled.

By Mr. Orlando:

Q. You are the Grand Recording Secretary?

A. Yes, sir.

Q. Of the Grand Lodge of the State of New Jersey?

A. Yes, sir.

Q. When was it that Mr. Dursso and Mr. Lalli came up to talk to you about the proposition?

A. I think they came after the letter I sent to the lodge regarding that special post card sent out calling for an autonomous entity of the house, I think in February.

Q. In February?

A. February or March, I don't remember perfectly.

Q. Then somebody sent you a post card they had sent out?

A. Yes.

Q. Do you remember who it was that sent you that post card?

A. I don't remember.

Q. You received a letter with it, didn't you?

A. They sent it in an envelope.

Q. After you received that post card you sent a letter to the local lodge, is that right?

A. Yes, sir.

Q. Who was that letter sent to? 10

A. I remember to the Venerable.

Q. That was Mr. Lalli?

A. I think so, or to the Recording Secretary, but they admit they received the letter.

Q. How long after you sent the letter was it that somebody came up to see you about it?

A. I don't remember, but they came to Newark in my office the last part of February or the first part of March, 1927.

Q. That was before the sale? 20

A. I don't know nothing of the sale.

Q. That was sometime in February or early in March?

A. Yes, sir.

Q. Who came up to see you?

A. Mr. Dursso and Mr. Lalli.

Q. And they came to see you at your office?

A. Yes, sir.

Q. What did you say to Mr. Dursso or Mr. Lalli, or what did they say to you? 30

A. I said, "I can't entertain any talk about that matter what they will explain to the Grand Council, because I have to call the Grand Master."

Q. What was said that made you say that?

A. I said, "I can no do anything to give any advice before consulting the Grand Master."

Q. What did they say you wanted to consult the Grand Master about, they must have said something?

A. What I recollect is this, they complained the letter says that any member that tries to sell ——

Q. I want you to tell me what they said that led you to make the statement that you could not do or say anything until you saw the Grand Master.

A. They said they were not trying to defraud the members of the lodge, and I say, "I will not talk with you, I will only call the Grand Master here, and then we will have a general explanation of everything," and I did call the Grand Master.

Q. What was the conversation when the Grand Master came over, what did you say, or the Grand Master say?

A. I was listening to them explain everything to the Grand Master.

Q. You heard what they said, didn't you?

A. Yes.

Q. What was it they said?

A. What they say?

Q. Yes.

A. They explained they were not trying to sell the house, they were not trying to defraud the members of the Loggia Dante Alighieri Sons of Italy in America, and they spoke about some price.

Q. What was that price they mentioned?

A. They say about twenty-five or twenty-six thousand dollars, and the Grand Venerable replied that was a ridiculous price, because we have the statement before appraising the property for about $45,000., and he said, "I don't know for what reason this property is so down now," and he even say, I remember perfectly this, "If you will sell the property I will buy for $35,000."

Q. Who said, "If you will sell the property I will buy it for $35,000."?

A. The Grand Master.

Q. What else was said?

A. The main idea of our conversation with these people was this, to have the property appraised and refer the plan to the Grand Council, because we insist in the name of the Grand Council that every member be protected in his right in the property.

Q. Then there was some talk about selling the property when they came up to see you—who was it talked about it?

A. The point was the person ——

Q. What was it that led up to the price of $25,000., wasn't there some conversation about selling the property?

A. Yes.

Q. Who was it that brought that conversation up about selling the property, was that Mr. Lalli or Mr. Dursso?

A. I don't remember.

Q. But they did say the members of the lodge were thinking about selling the property?

A. Yes, sir.

Q. Isn't it a fact you told them if they could get a reasonable price for them to go ahead, the thing you wanted to impress upon them was that they should get an adequate price?

A. Certainly.

The Court: Did you answer his question in its entirety, he asked you if the Grand Master told them if they could get a good price to go ahead and sell?

The Witness: No, your Honor.

The Court: That is what he asked you and you said yes?

A. With the condition to let know the Grand Council every particular about this plan.

Q. To let you know the full details about the plan, is that right?

A. Yes.

Q. I show you a letter addressed to you, Giovanni Ciammaichella, 156 Market Street, Newark, New Jersey, and ask you if you have the original of that letter with you?

A. I have not the original.

Q. Do you remember receiving that letter—that letter is addressed to you, isn't it?

A. Yes.

Q. That is your name on the top?

A. Yes, but I didn't see the original letter.

Q. I am asking you where is the original letter?

A. I don't recollect that I received it or not; I saw this kind of statement in the hand of Mr. Lalli about April 13th or 14th, 1927, when he was a witness in the case against Marino and Dematio.

Q. At that time, sometime in April of 1927, when he came up to Newark and showed you a statement of the sale of the house, is that right?

A. No sale of the house.

Q. That is what that refered to.

A. A statement about the condition of the lodge, financial condition of the lodge.

Q. Look at that statement and that letter and see whether or not it was similar to it.

A. No, it was not.

Q. Will you say you never received this letter?

A. My recollection is I did not receive it, but I will have to consult the file.

Q. You have to consult the file?
A. Yes, sir.
Q. Have you got your file with you?
A. No, sir.
Q. Did you bring your book down this morning that I asked you about yesterday?
A. Which book?
Q. The book of the Grand Council?
A. Yes, I have the Grand Council book.
Q. Where is it?
A. I left it at the hotel, I thought it was not necessary.

Mr. Orlando: If the Court please, may I suspend the examination of this witness until he brings that book?

The Court: Weren't you told yesterday to bring it?

Mr. Orlando: I asked him yesterday.

The Court: Weren't you told yesterday to bring it?

The Witness: Yes, but I have to go there, because it is in the safe.

The Court: Where?

The Witness: In Newark, I have a book here of the Grand Council.

The Court: Haven't you been there since?

The Witness: No.

The Court: You have the book here of the Grand Council?

The Witness: Yes, but we have another book, this goes to a certain date, and the later one we have not got.

Q. The book you have in Camden at the Hotel does that deal with recent deliberations of the Grand Council?

A. About what?

Q. The action of the Grand Council for the last year or so?

A. This one is only 1924, and then the consideration of this case lately is in the other book?

Q. That is the one in Newark?

A. Yes, sir.

Q. Why is it you brought the one in 1924 to Camden and you did not bring the one of 1927, the one we are interested in?

A. Because I didn't know it was necessary.

Q. Why did you bring the one in 1924?

A. I remember about granting the charter to the lodge.

Q. The charter was granted?

A. In 1916, and still 1924 is the book. If you will allow me I will telephone and let the girl bring it down.

Q. When Mr. Lalli showed you this statement you speak of did he give you a copy of that statement?

A. No, sir.

Q. He showed you a statement?

A. Yes, sir.

Q. At that time did you have a talk with him?

A. General talk, we were there for another business.

Q. You were there for another business?
A. Yes, sir.
Q. Didn't he mention about the lodge selling the property and he was going to send you a statement?
A. No, sir.
Q. He didn't say that?
A. No, sir.
Q. Did they come to Newark and discuss the question of selling the property once, or more than once?
A. Only once, and they did not speak about selling the property directly, they said maybe we will sell the property.
Q. And the Grand Master said, "If you can get an adequate price and report the sale it will be all right"?
A. The Grand Master considered about the proposition of the price, they say about $25,000., and the Grand Master say, "No, for $35,000. I buy myself; get a good price and produce the plan to the Grand Council."

Mr. Orlando: If the Court please, possibly we can save time if the Senator and I can agree on the amount that has been paid on the reduction of the note on the Victory Trust Company, that was the note that was assumed by the Sons of Italy Association as part of the consideration.

Mr. Woodruff: I think the mere statement of that may go on the record, but if the Court should determine that this property should be returned there will have to be an accounting, it doesn't seem to me ——

The Court: In case of a determination that the property should be returned this case will have to be gone over by a Master.

Mr. Orlando: I want to show that the new association incurred this debt and they have actually paid on account of it. This is a note which has been reduced and which was given as partial payment on the property at 4th & Spruce, and particularly in payment for the obligation due to the Victory Trust Company, Camden, New Jersey.

(Said note offered in evidence and marked Exhibit D3.)

The Court: In other words, the new association has been paying off the debt gradually. What is there, Mr. Orlando, that protects the Dante organization from these obligations? When this conveyance was made, as I understand you, the new organization undertook to assume to pay all the outstanding debts?

Mr. Orlando: That is right.

The Court: What was there that was executed, if anything, that insured the old society against the obligation?

Mr. Orlando: That was done in this way, if the Court please ——

The Court: They had an outstanding note to the bank.

Mr. Orlando: The outstanding note which the old lodge had in the bank was, of course, withdrawn, and a new note given, the obligation of the Sons of Italy Association, and so far as the obligation from the Loggia Dante Alighieri was concerned, that no longer existed, that has been replaced by the obliga-

tion assumed by the new association, that takes care of that. With reference to the mortgage, they have assumed the obligation of the mortgage, and the mortgagee has recognized it, and have accepted payments of interest.

Mr. Woodruff: What about the bond?

Mr. Orlando: The bond, that has gone with the mortgage.

The Court: It does not discharge the mortgagor.

Mr. Orlando: With reference to the obligations to the various members, which aggregate $9,000., the new association has given its papers for these various obligations to the members, they have replaced the old bonds by their obligation, they were the three main items, $12,000., the note, and the obligation.

The Court: The obligations from the old society to the members has been canceled?

Mr. Orlando: Yes, the old bonds surrendered and and the new bonds by the Sons of Italy Association have been subscribed for.

Mr. Woodruff: They are bonds secured on the property.

Mr. Orlando: Here is the form of application the lodge has, that was the one relinquished and we gave a new bond for it.

The Court: They have all been taken up?

Mr. Orlando: Yes.

MARIO MANARESSI, recalled.

By Mr. Orlando:

Q. Mr. Manaressi, you were the secretary?
A. Yes.
Q. I show you a letter dated the 25th of May, 1927, addressed to Mr. Giovanni Ciammaichella, 156 Market ——

Mr. Woodruff: I am informed these bonds have not all been taken up. This is a new matter, and I will have to make inquiries on that.

Q. I show you a letter dated the 25th of May, 1927, addressed to Mr. Giovanni Ciammaichella, 156 Market Street, Newark, New Jersey, and ask whether that letter was sent to the Grand Recording Secretary?
A. That is the letter I sent.
Q. Did you mail that letter?
A. Yes, sir.
Q. And put it in the mail box?
A. Yes, sir.
Q. Did it bear his name on it?
A. Yes, sir.
Q. Did it have the return address on the envelope?
A. Yes, sir, we have a letterhead and the name here on the envelope.

Mr. Orlando: If the Court please, I would like to offer that in evidence and ask that it be translated.

The Court: Let it be marked. I want all these things translated, they are utterly useless to me un-

less they are translated. I don't think in the trial of a case where all the documents are in Italian you ought to offer any paper in evidence without the accompanying translation, it isn't fair to counsel on the other side, much less the Court.

(Said paper offered in evidence and marked Exhibit D4.)

Q. Now, you were secretary of the committee and you prepared this report?

A. Yes.

Q. Now, I have a portion of that report translated. Now, after the report was prepared was it submitted to the lodge?

A. Yes, sir.

Q. And was it read to the members?

A. Yes, sir.

Q. Did the members act on it after that?

A. Sure.

Q. Now, the old lodge, the Loggia Dante Alighieri, had some bonds outstanding?

A. Yes, sir.

Q. Such as this bond, similar to it. What happened to those bonds after the New Sons of Italy Association was formed?

A. It was not in my work, but I know, anyhow. This bond we give back and give new bonds in the new society.

Q. You gave them new bonds?

A. Yes, we have got back the old bonds from the brothers.

Q. Were letters sent to the people who had these bonds advising them that new bonds would be issued to them?

A. Yes, sir.

Q. Do you know how many of these bonds have been taken back?

A. About all.

The Court: All, or nearly all, do you mean?

The Witness: Nearly all, about 40 or 50 bonds have not come back.

The Court: That have not come back?

The Witness: That have not come back.

Q. Do your books show the holders of the bonds which have not come back?

A. The house committee secretary has that.

Q. And they have been informed they can get these new bonds for them?

A. Yes, sir.

(No cross-examination.)

Mr. Woodruff: What about the translation of the minutes?

Mr. Orlando: Here are two of them. Now, if the Court please, I feel, that in light of the statement of one of the witnesses I should take the stand, although I do it very reluctantly.

The Court: No, I don't think you ought to, if you knew you were going to be called as a witness I think you ought to have had somebody else try the case.

Mr. Orlando: The statement was with reference to an opinion, that is all.

The Court: I don't think you ought to testify.

Mr. Orlando: Well, that is perfectly all right. We rest.

The Court: If you want to take the witness stand now and substitute somebody else to finish the case, all right, but I don't want you to participate in the case after you become a witness.

Mr. Orlando: I will just leave the matter stand.

The Court: Is there any rebuttal?

Mr. Woodruff: I think this check, which has already been read into the testimony, check #2346, dated June 20th, payable to the order of Loggia Dante Alighieri, in the sum of $705., drawn by the Camden First Italian Building & Loan Association, I offer that.

(Said check offered in evidence and marked Exhibit C26.)

Mr. Woodruff: And I also offer the two orders for the withdrawal of shares signed by Michael Lalli, President, Loggia Dante Alighieri.

(Said papers offered in evidence and marked Exhibit C27.)

Mr. Woodruff: We have a continuation of a minute which was translated and read, but not com-

pletely; in other words, the translation of the complete minute itself, the translation which I used in inquiring of the witness whether these things did not occur, I was examining Mr. Lalli, and it has been submitted to the other side.

The Court: Is this the entire minute? I want these translations so I can read them, I have got to read these entire minutes, and I want them all translated.

Mr. Woodruff: We could combine the two, if the Court please. They have translated a part and brought it here, and when we found it was not complete we completed it and this added to theirs makes a complete record.

The Court: Don't you see, before I can finally dispose of this case I have got to read all of these minutes in connection with the testimony? You have got to have this testimony transcribed, and we have got to have every Exhibit translated, because if the case is worth anything, it is worth doing that. Let it be marked, if it is agreed on, and afterwards we want a complete translation of all the minutes that have been offered.

(Said paper offered in evidence and marked Exhibit C28.)

DEFENDANT RESTS.

COMPLAINANT'S REBUTTAL.

THEMISTOCLES MANCUSI UNGARO, recalled.

By Mr. Woodruff:

Q. Mr. Mancusi, it has been testified here that you were visited by Mr. Lalli and Mr. Dursso at the office of the secretary, and that they made some suggestion to you about the property, will you detail that conversation?

A. I was called on the 'phone by the Grand Secretary to come to the office of the Grand Lodge as there were Mr. Lalli and Mr. Dursso from Camden who wanted to talk matters over with me, with me and the Grand Secretary; I went to the office and found the two gentlemen in there, and I asked them what the purpose of their visit was, and they started to explain the financial condition of the lodge and stated that they attempted to raise the dues and had succeeded to raising them to $1.50, and even at that the financial condition of the lodge was not very good and that they had in mind a plan of issuing bonds to the members of the house, that they had already returned to the members who had loaned money to the lodge between three or four thousand dollars of the old bonds, but they couldn't return any more money. This explanation of the financial condition took quite some time, and finally Mr. Dursso, at a suggestion, said, "In case we can't arrive at a payment of all the debts we might have to sell the house," and I said, "I don't think it is necessary to sell the house under the conditions and under the plan you have just given out, but what

would be your intention in case you want to sell the house?'' and he said, ''Well, what would you suggest?'' and I said, ''As I told you before, it is not necessary to sell the house, and before any house can be sold, or any property of any lodge in this State you must submit to the Grand Council an estimate by two competent real estate men, with a plan of the sale, and all the other matters connected with it, and the Grand Council will consider the petition, and all the figures, etc., and if they think it is satisfactory you will receive a written notice from the Grand Council, their approval or disapproval,'' then Mr. Dursso said, ''Well, if we sell the house I think we can get $25,000., and I said, ''That is so ridiculous that I would pay $35,000. for that particular house,'' and I said, ''The report which I have here in my hand you have put a value on the house of $45,000. and $10,000. for the furniture, now you come here and tell me the house it worth only $25,000,'' and he said, ''Well, you know it isn't a sale, I don't mean a sale, what we mean is a transfer from the Loggia Dante Alighieri to a holding company,'' and I said, ''Even for a transfer you want to have this appraisal so that the Grand Council may be notified to give its approval as required by our laws,'' and he said, ''All right, we shall do so, we shall have the appraisal and we will let you know,'' and afterwards I found out the sale had already been made.

Q. You had no plan submitted?

A. No plan, or nothing for the approval of the plan, or nothing else.

Cross-examination.

By Mr. Orlando:

Q. Will you look at the laws of the Order, or the laws of the Grand Lodge, and point out what laws provide for that practice?

A. I answered that yesterday.

Q. Is there any such laws, that is, written laws in the Order?

A. No written laws, but it is an unwritten law that no property of any lodge can pass without the approval.

Q. You have no law in the Supreme or Grand Lodge that provides for that practice?

A. Not that I konw of.

Q. Was this communication sent to Mr. Ciammaichella ever brought to your attention?

A. I never saw any communication.

Q. So when you mentioned or outlined what you said you had no particular provision in mind?

A. No, it was left entirely to them to submit it to us.

Q. Were you Grand Master when the Loggia Regina Italian sold its property?

A. If you will give me the date I will tell you.

Q. 1921 and 1922.

A. I was not.

Q. Isn't it a fact they told you they were going to sell the property and were going to send you a statement after the property was sold?

A. No, sir.

Q. Isn't it a fact that the thing you were mostly concerned with was to see that they got a fair price for it?

A. No, to see that the rights of every member of that particular lodge should be protected.

Q. If every member felt the property should be sold was there any objection to that?

A. The plan should be submitted to the Grand Lodge for approval, we didn't want anybody to defraud any of the members.

Q. And no such plans were submitted for approval?

A. They were not submitted for approval.

By the Court:

no property of a subordinate lodge shall be sold without the approval of the Grand Lodge ——

A. It is an understanding, if the Court please, in all the lodges that all property before they can sell it, in order to protect the rights of even the minority of the members, they should submit plans to the Grand Council for approval before a sale can take effect.

Q. Do you know whether there has ever been any sales where the plans have ben submitted and the sales authorized by the Grand Council?

A. During my time there have been purchases but not sales.

Q. Do you know any prior to your time when there has actually been submitted to the Grand Lodge Council an application for leave to sell?

A. I don't know of any instance where there has been any sale.

Q. What I want to find out is on what you base your statement that that is an unwritten law?

A. That is what I understood from the first time I became a member of the Order, and I wasn't then a Grand Officer.

Q. What about the purchase of a property, is there any application made to authorize the purchase?

A. No, sir.

The Court: Do both sides rest?

Mr. Orlando: Yes.

BOTH SIDES REST.

Mr. Woodruff: If the Court please, I realize the Court's difficulty in this matter, and I know the Court must take this case under advisement, and I have a suggestion, merely a suggestion, that might or might not be helpful to the Court, and that is that Mr. Orlando and I take these Exhibits, with the translations, and have these translations typewritten, and where we have translated a part of a minute and he has translated a part, that we have the complete minute typewritten and hand those Exhibits as a whole to your Honor, and that we brief the matter as to the law and as to our construction of our various documents, a written brief.

The Court: I think very likely that would be a good thing. I am in no condition to take it up now because I am not familiar with the details of the minutes and the lodge proceedings. My recollection is there are one or two very good text books that have been written on these fraternal organizations and that the decisions controlling the question of the relationship between the Grand body and the subordinate lodges with reference to property controls are collected and classified, but I can't at this moment recall what those works are, but I am very sure I have had reference to such works, and I recommend counsel's consideration in briefing this case, to that question which I think I have seen

solved, the inherent relationship between the Grand body and the subordinate body with relation to the control of property irrespective of specific by-laws or rules of the supreme or subordinate body. I think the matter will be found discussed and determined in the adjudications, and I hope counsel will make the necessary research along those lines preparatory to my undertaking to do so.

Mr. Orlando: It is your Honor's suggestion that the Senator and I get together and confirm all these translations, and then after that we would prepare briefs and then exchange them and then submit them?

The Court: Yes. There seems to be some question in the mind of Mr. Orlando whether or not that translation of the by-laws which accompanies them is adequate. Now, see if you can agree on that.

Mr. Woodruff: What we gave your Honor was the complete translation in the New York case, and they have taken the pertinent part.

Mr. Orlando: We agree to that translation, the report of that committee. This is only a partial report.

Mr. Woodruff: We have not seen the minute book of the committee, the translations are here, and if we were to admit those translations we will have to compare them with the original.

Mr. Orlando: We merely ask to have the book and have it translated in its entirey.

Mr. Woodruff: I wouldn't know until I looked at it.

The Court: Look at it now. Did you send for it?

Mr. Orlando: Yes.

Mr. Woodruff: Will the Court bear with me a moment while I put a witness back on the stand.

MARIO MANARESSI, recalled.

By Mr. Woodruff:

Q. Mr. Manaressi, this is in your writing, isn't it?
A. Yes, sir.
Q. When did you write it?
A. At the time the committee was together.
Q. Did you write up each minute after each meeting?
A. Yes, sir.
Q. Or did you write it all one time with one pencil?
A. No, sir, each meeting.
Q. You didn't write it all at one time?
A. No, sir.
Q. When did you take this book and take the pages and push them together this way as if to make it old, when did that happen, when did the paper get pushed up this way?
A. The paper don't get pushed this way, I handle it all the time.
Q. When did somebody take the fingers of their

hands and go this way across the different pages, when did they do that?

A. I guess somebody had dirty hands, maybe it is mine, because I am working.

Q. Every time you did that?

A. No, I didn't do that, maybe I have dirty hands, and the book come to look like that.

Q. That book was never produced in the lodge room and read out to the lodge members, was it?

A. No.

Q. When you were testifying here the first time, before you left the stand, you said you had a rough memorandum of minutes?

A. Yes.

Q. Is that what you call your rough memorandum of minutes?

A. Yes.

The Court: Anything more?

Mr. Woodruff: No, that is all.

The Court: There was a formal report made, was there?

Mr. Woodruff: No, not as far as I know.

Mr. Orlando: He said they are the only things they had in the form of a report.

The Court: He said there was an oral report, but not a written one, and these minutes were not read?

Mr. Woodruff: We have a form of that report which has already been put into the record and translated. I suppose Mr. Orlando offers the translation of those minutes.

Mr. Orlando: I don't insist on it, if you object to it I will withdraw it; if the man has made the reports I am perfectly willing to stand on what he has reported.

The Court: Are they in or out?

Mr. Orlando: They are out.

The Court: Then we will adjourn.

Camden, October 2, 1929.

BEFORE WILLIAM T. BOYLE, Special Master.

APPEARANCES:
For the complainant, ROCCO PALESE, Esq.
For the defendant, SAMUEL P. ORLANDO, Esq.

MICHAEL LALLI, sworn.

By Mr. Palese:

Q. What position do you hold in the Sons of Italy Association?
A. Vice-President.
Q. Who has the books of account of that association?
A. We have a House Committee.
Q. Who is on the House Committee?
A. We have Ignazio Marino.
Q. Who else?
A. A Secretary, John Lalli.
Q. Who is treasurer?
A. Joseph Dascione.
Q. By whom has the money been collected for the rental of that building since 1927?
A. By the House Committee.
Q. By these three men?
A. Yes.

Q. Do they make a report to any officers of the Sons of Italy Association?

A. Yes.

Q. To whom do they make a report?

A. They make a report to the administration of the Sons of Italy Association every three months.

Q. The report that they make, is that on your minute book?

A. Yes, that is in the minute book.

Q. Is that itemized item by item?

A. Yes.

Q. Who is the Secretary of the Sons of Italy Association?

A. Vincent Guligione.

Q. What does the House Committee do with the money they collect for rentals?

A. They deposit in the bank, and pay bills.

Q. What bank is the money deposited in?

A. Victory Trust Company.

Q. Who has the authority to draw on that account?

A. The same committee. The checks are signed by the President, Secretary and Treasurer.

Q. Of the House Committee?

A. Yes.

Q. Do the officers of the Association have to approve these bills?

A. Yes, sir.

Q. Would the bills which have been paid by this House Committee appear in your minute book?

A. Not the bills.

Q. Would the amount?

A. Yes.

Q. Would the minute book also show to whom the bill was paid?

A. Not the minute book. You have that in the account book.

Q. Will the minute book show to whom the bills that have been paid by the House Committee were paid?

A. No, sir.

Q. What does appear in your minute book ?

A. Just the amount of money they collect in the three months and what they spent and what is in the treasury.

Q. Are the items which were expended by them itemized?

A. Yes.

Q. In your minute book?

A. In the minute book of the House Committee.

Q. Does the Treasurer keep an account of the moneys which have been taken in by the House Committee?

A. Yes.

Q. Who is Treasurer of the Association?

A. The Treasurer of the Association is Louis Dursso.

Q. You say he is the Treasurer of the Sons of Italy Association?

A. Yes, sir.

Q. What accounts does he keep as far as funds are concerned?

A. The dues that the members pay to the Association.

Q. Does he have any record at all of the moneys which have been taken for rents of the building?

A. No, sir.

Q. Does he have any record of the money which has been paid by the House Committee?

A. No, sir.

Q. Who paid for the taxes on this building last year?

A. The House Committee.

Q. Who paid the interest on the mortgage?
A. The House Committee.
Q. Who collected the rentals on this building?
A. The House Committee.
Q. Who is the Janitor of that building?
A. Joseph Bincosino.
Q. Is he a member of the House Committee?
A. No, sir.
Q. Does he collect the rents for the building?
A. He collects rents.
Q. What does he do with the rents after he collects them?
A. Gives them to the House Committee.
Q. Who is John Lalli?
A. The Secretary of the House Committee.
Q. What part of the building does your Association occupy?
A. We have part of the first floor.
Q. What other part of the building do you occupy?
A. No other part except when you have a meeting.
Q. Who has the use of the building besides the tenants on the first floor?
A. We have other associations that have their meetings there. We rent the second floor for weddings and balls.
Q. When there are no weddings or meetings, do you people have the use of the second floor?
A. No, sir.
Q. Who prevents you from using the second floor?
A. They are rented.
Q. When it is not rented, who prevents you from using the second floor?
A. Nobody.
Q. Who prevents you from using the basement when it is not rented?

A. Nobody.

Q. Who prevents you from using the third floor when it is not rented?

A. Nobody.

Q. What does the third floor consist of?

A. It consists of the room where the administration have their meeting, and the big hall where the Association have their meetings.

Q. How big a hall is it?

A. I could not tell you how big it is.

Q. Is it the entire width or length of the building?

A. Yes.

Q. That is the same size as the hall on the second floor?

A. Yes, sir.

Q. What do you use the basement for in the way of amusements? Do you have any pool tables there?

A. We have not been using it for years.

Q. You do have pool tables?

A. Yes, sir.

Q. Is the building also used on Election Day for election purposes?

A. Yes, sir.

Q. Who collects the rent from the city on that account?

A. The House Committee.

Q. Who pays the Janitor?

A. The House Committee.

Q. Who pays for the coal used in heating the building?

A. The House Committee.

Q. Who pays for the electricity and gas?

A. The House Committee.

Q. You say that the only report the House Committee makes would be every three months?

A. Yes.

Q. And it would just say so much money paid out, and so much money taken in?

A. They would show the items they spent. The only thing it would not show in our minute book of the Association.

Q. Do you have the minute books here in Court of the House Committee?

A. Yes, sir.

Q. Is Ignazio Marino in Court?

A. Yes, sir.

Q. Is John Lalli in Court?

A. No, sir.

Q. Why didn't you bring the books in Court?

Mr. Orlando: I object to why he didn't have the books in Court, unless he was subpoenaed to do so.

Witness: They are.

The Master: I understand they do have them here.

Cross-examination.

By Mr. Orlando:

Q. As Vice-President of the Association you have nothing to do with the keeping of the books?

A. No, sir.

Q. As far as the actual showing of the amount of dues and things collected, that is shown in the books of the Treasurer?

A. Yes, sir.

Q. Insofar as the income of the house, and the expenses for maintaining and operating, and the tenants, and other things, that is all taken care of by the House Committee?

A. Yes, sir.

Q. You are not a member of the House Committee?

A. No, sir.

Q. You have no knowledge of any of these matters?

A. No, sir.

Q. Mr. Palese asked you about the basement of the Sons of Italy Building, you say you have some pool tables there, but they have not been used for some time?

A. Yes, sir.

Q. Have they been used any time during the time the Sons of Italy Association, the defendants, have occupied it?

A. No, sir.

Q. Never been used?

A. No, sir.

Q. The only part I understand you used was the second floor where you hold your meetings, for meeting purposes?

A. No, we use part of the first floor, and the third floor for meetings, of course.

Q. How often does the Sons of Italy Association meet on the third floor?

A. Twice a month.

Q. What amount of rental does the Sons of Italy Association get from other organizations using the third floor for meeting purposes?

A. We get about $50. a year.

Q. How often do the Associations use it for that $50. a year, once a month or twice a month?

A. Twice, I believe, but I am not familiar with these things, because I have not got anything to do with the House Committee?

Q. You do not know exactly?

A. No, sir.

By Mr. Palese:

Q. Who has the regalia, if you know, which is the property of the Lodge D'Alighieri?

A. We have it down in the house.

Q. Who has the custody of it?

A. Bincosino.

Q. Who is Bincosino?

A. The Janitor.

Q. It is in his custody?

A. Always has been.

Q. Who has the minute book and treasurer's book of the Lodge D'Alighieri?

A. The Secretary.

Q. Who is the Secretary?

A. Mario Manarasi.

Q. Is he the Secretary now of the Sons of Italy Association?

A. Yes.

Q. Is he in the Court here?

A. Yes, he is in Court. He was there a minute ago.

Q. When did the Sons of Italy Association take possession of that building Fourth and Spruce Street?

A. At the time it was seceded from the Order of Sons of Italy.

Q. Do you know the date?

A. I can't recall the date.

Q. About when was it?

A. I think it was around June, But I don't remember. I can't tell you.

Q. It was not last year, was it, 1928?

A. No, two years ago.

Q. You say you think around June, 1927?

A. I don't recall the date.

Q. You were very active in the breaking away, weren't you, from the Lodge D'Alighieri?

Mr. Orlando: Objected to. This reference does not contemplate going into that.

IGNAZIO MARINO, sworn.

By Mr. Palese:

Q. You are Chairman of the House Committee?
A. Yes, sir.
Q. Do you have the books with you concerning the money taken in by the House Committee?
A. I have the books over there.
Q. Will you go and get the books that will show how much money the House Committee has taken in since March 15th, 1927?

Mr. Orlando: I have a suggestion to make subject to the approval of Mr. Palese, and of yourself. We have gone over these books, and we have a summary of these various incomes and the various expenditures. My point would be, we could have this man, if he sees those are correct, testify to those things. Afterwards, he could have the privilege of going over it, after the hearing, or any time within a reasonable time. If we have to go over it item by item, it will take up a lot of time.

Q. Turn to the book there about the renting of the four stores on the first floor?
A. I don't know the books. I am not the Secretary.

Q. Where is the Secretary?
A. He is in Philadelphia working.

By the Master:

Q. Is the book here?
A. The Secretary is working.

By Mr. Palese:

Q. Do you know who occupies the four stores on the first floor?
A. The first floor is used for ——
Q. The stores?
A. Rented to people. We got one paying $25. rent by the people, and another one pays $15., and we have another guy ——
Q. Look at these books and see if you can find in the books about the rental of those stores?
A. Store, 901, $25.
Q. When does that account start? What was the day the rent was collected?
A. July 25, $25.
Q. What year?
A. There ain't no year up there.
Q. Get the book?
A. I ain't got the books here.
Q. Look it over and see?
A. March.
Q. March, what year?
A. March, 1927, 3rd of May, 1927, store, 901, April, $25.
Q. Were all of the stores on Fourth Street rented in March, 1927?
A. Listen, that is not my book. You are asking me a lot of questions. I ain't got nothing to do with the books.

Q. You are the Chairman of that Committee?
A. I am the Chairman.
Q. Do you know whether or not the stores were rented?
A. I don't take care of the stores.

By the Master:

Q. Do you know whether they are rented?
A. I can't rent them myself.
Q. Do you know whether they are rented?
A. No, the stores is rented by the Janitor and the Secretary sometimes.
Q. Was there a tenant in there to your knowledge?
A. I don't understand.
Q. Was there somebody occupying it?
A. At this time?
Q. Yes?
A. I don't remember. I have to look at the books.

By Mr. Palese:

Q. You say the Janitor collects the money?
A. Lots of times ——
Q. The Janitor collects the money for the rental of these stores?
A. Yes, sir.
Q. Did he keep a book of the moneys he collected?
A. He has one book.
Q. Will his book show the money he collected for the rent of this property?
A. Yes, each month.
Q. The Janitor has a book?
A. Yes, all that is collected and given to the Secretary, and the Secretary gets it right off this book and gives it to the Treasurer.

JOSEPH BINCOSINO, sworn.

By Mr. Palese:

Q. You are the janitor of the building at Fourth and Spruce Street?
A. Yes, sir.
Q. Do you have a book that will show the rents for the property since 1927?
A. Yes, sir.
Q. Take the book in your hand. Open it to the place where it will show the rental of the four stores on the first floor. What are the numbers of the four stores on Fourth Street?
A. 903.
Q. What are the other three numbers?
A. 905. That is all I collected for the different months.
Q. Was that for March, 1927?
A. March, 1927, yes, sir.
Q. How much did you collect for those two stores?
A. One store $22. Another store $18.
Q. What about April, 1927?
A. April I collected 901, $25; 905, $18; 907, $30.
Q. May, 1927?
A. April again 903, $22.
Q. In May did you collect the same amounts?
A. May 901, $25. 907, $30. 903, $20. That is all in May.
Q. Was the other store rented during that month?
A. 905, $18.
Q. What about June, 1927?
A. 901, $25. 903, $20. 905, $18. 907, $30.
Q. What about July, 1927?
A. 901, $25. 903, $20. 905, $18. That is all.

Q. Was the other store rented in July, 1927?
A. No, sir, no more for that month.
Q. What about August?
A. 901, $25. 907, $30. 903, $20. 905, $18.
Q. What about September?
A. 903, $20. 905, $18. 907, $30.
Q. Was the other store rented for that month?
A. September, 901, $15.
Q. You collected in September $15 for that store?
A. We got a fellow in that store that said when I should be collecting the rents he told me, "I am going to pay $15, and $10 more I give you next week.
Q. What did you collect in October?
A. 903, $20. 905, $18.
Q. That is all in October?
A. Yes.
Q. Two stores in October?
A. Yes.
Q. November, 1927?
A. 903, $20. 905, $18. That is all in November.
Q. Just two stores in November?
A. Yes.
Q. What about December?
A. 903, $20. 907, $30.
Q. Is that all in December?
A. That is all in December.
Q. January, 1928?
A. We got $5 besides for rent of store.
Q. Did you collect any other rents for that month of January?
A. 903, $20. 905, $36, pay for two months.
Q. What about February?
A. We collect $15.
Q. Did you collect any other money?
A. Yes. 901, $25. 905, $18. That is all.

Q. March, 1928?
A. 903, $15. $25, 907. 901, $25. 905, $18.
Q. April?
A. We collected April $120 from the fellow who owed four months' rent. We went to court and stopped the fellow from going away.
Q. In April you collected $120. Is that right?
A. April 16, $120.
Q. What about the other properties, the other stores, in April?
A. No more in April, 905, $18.
Q. That is April, is it?
A. Yes, sir.
Q. What about May?
A. May, 903, $40. 901, $25. 905, $18.
Q. June?
A. 903, $15.
Q. Any more in June?
A. No, sir.
Q. July?
A. 901, $25. 903, $15.
Q. Any more?
A. 901, $25.
Q. Any more?
A. That is all.
Q. August?
A. 903, $15. That is all.
Q. September?
A. 901, $25. 903, $15.
Q. Any more?
A. That is all.
Q. October?
A. 901, $25. 903, $15.
Q. November?
A. 901, $25. 903, $15. 907, $25. That is all.
Q. December?

A. 901, he paid for two months, $50. 903, $15. 907, $25. That is all.

Q. January of this year?

A. 903, $15. 907, $25. That is all.

Q. February of this year?

A. 903, $15. 901, $50, paid for two months. 907, $25. That is all in February.

Q. March?

A. 903, $15. That is all.

Q. Is that all in March, just one store rented?

A. Yes.

Q. April, this year?

A. 901, $25. 907, $25. 903, $15. 905, $22.50.

Q. May, this year?

A. I have got another one in April, 907, $25.

Q. Now, May?

A. 901, $50, paid for two months. 903, $15. 907, $25. That is all in May.

Q. June?

A. 903, $15. 907, $25.

Q. Is that all in June?

A. That is all in June.

Q. July?

A. 903, $15. 907, $25. That is all.

Q. August?

A. 901, $25. 901, $25.

The Master: The same month?

Witness: Yes, sometimes they pay two months. 903, $15. 907, $25.

Q. September, the last month, give us the dates you collected?

A. September 30, $25.

Q. What property is that?

A. 907. That is all.

Q. You only collected one rent last month?

A. That is all.

Q. Did you collect any this month, yesterday or today?

A. No, I never collected anything.

Q. Does your book also show you how much you got from the City or County of Camden for the use of the building for election purposes?

A. Yes.

Q. How much did you get in 1927?

A. November 29, $60.

Q. November 29, 1927?

A. Yes, sir.

Q. How much did you get in 1928?

A. 3rd of December, $30.

Q. 30th?

A. No, December 3, $30. Paid by check.

Q. Do you know how much the city pays for the use of the building for election purposes?

A. Sometimes you pay according to how many times you have it.

Q. Last year you only got in $30?

A. $40.

Q. Have you received any money from them this year?

A. For a meeting we received $125.

Q. When was that?

A. 29th of January.

Q. 29th January this year, how much?

A. $125. That is not for election, that is for a mass meeting.

Q. Did you get any more money from the city for the use of that place for elections?

A. No more.

Q. Was the third floor rented to other societies?

A. Yes.

Q. Do the names of the societies to whom you rented show in your book?

A. Yes.

Q. Will you turn to that page where the third floor was rented?

A. What year?

Q. 1927?

A. When shall I start?

Q. March 15, 1927?

A. Sicilian League $20.

Q. Is that for one month or two?

A. That is for, I think, for three months.

Q. Read right on down those that you have there, with the amounts and the date?

A. Lodge Amita Garibaldi, $25.

Q. When was that paid?

A. Third of May.

Q. Go ahead.

A. July 1st, Society Salandrese, $11.25.

Q. All right.

A. July 24, Lodge Regina D'Italia, $45.

Q. Yes?

A. August 16th, Lodge Regina D'Italia, $5. Lodge Bataltinari.

Q. What date was that?

A. 16th August.

Q. How much?

A. $30. 30th August Salandrese, $11.25. Sicilian Lodge, $26.

Q. What date?

A. 30th August.

Q. All right.

A. September 20, Lodge Regina D'Italia, $11.

Q. Yes?

A. 13 October, Lodge Bataltinari, $24.

Q. Yes?

A. November 2nd, Sicilian League, $17. Lodge Anita Garibaldi, $25.

Q. What is the date?

A. 2nd November.

Q. Yes?

A. November again, Lodge Regina D'Italia, $20. Bataltinari, $20. Order Giovane D'Italia, $12.50. Brotherly Love, $12.50. January 30, Anita Garibaldi, $10. Salandrese, $12.25. Order Giovane D'Italia, $12.50. Bataltinari, $12.50. Lodge Regina D'Italia, $6. March 14, Sicilian League, $25. Terma Province, $12.50. Brotherly Love, April 13, $12.50. April 17, Bataltinari, $12.50. April 30th, a new club had the hall for three nights and paid $18. June 20th ——

Q. Is there none in May?

A. No, I have got nothing in May.

Q. June what?

A. June 20, Sicilian League, $10. Italian Club, $12. 28th June, Salandrese, $12.50. Giovane, $12.50. July 12th, Brotherly Love, $12.50. That is all. August 14, Italian Club, $18. Lodge Bataltinari, $15. August 29, Italian Province, $12.50. September 10, Giovane, $12.50. October 1, Salandrese, $12.50. October 15, Giovane, $12.50. Brotherly Love, $12.50. November 14, Province, $12.50. November 28, Bataltinari, $13.30. November 29, Giovane, $12.50. December 16, Salandrese, $12.50. January 16, Bataltinari $12.50. Italian Province $12.50. Brotherly Love $18.50. January 23, Brotherly Love, $12.50. January 29, Giovane, $12.50. Salandrese, $12.50. For one meeting, third floor $6. February 15, Giovane, $18.50. February 28, Sicilian League, $18. April 4, Giovane, $12.50.

Q. Any in March?

A. Nothing. April 4, Brotherly Love, $12.50. April 15, Bataltinari, $12.50. Italian Province, $18.50. Brotherly Love, $12.50. April 30, Salandrese, $12.50. June 18, Giovane, $18.50.

Q. Any in May?

A. Nothing in May. June 30, Giovane, $12.50. One meeting, third floor, $6. July 18, Brotherly Love, $16.17. July 31, Salandrese, $12.50. August 14, Brotherly Love, $18. September 15, Italian Province, $18.50. September 30, Giovane, $12.50. Bataltinari, $18.

Q. Were there any other monies collected for the rent of the third floor other than those you have just stated?

A. All the money is shown in this book.

Q. Do you have a book there for the collection of the rents on the second floor?

A. Yes.

Q. Turn to the page for the rental of the second flor, starting from March 15, 1927.

Mr. Orlando: Aren't some of these figures he has mentioned figures secured for the use of the second floor? I think he has sort of disregarded the floors.

The Master: Let Mr. Palese proceed with his questions.

Q. The rentals you have just given us, are they for the second floor, or for the third floor?

A. Third floor.

Q. All for the third floor?

A. All third floor.

Q. Were any of the rentals for the second floor?

A. Every meeting paid I show in this book, the third floor in this book, all I show in this book.

Q. Starting from March 15, 1927, what rentals did you collect for the second floor of this building?

A. April 13, Grand Ball $60. April 23, Wedding $40. Another wedding $40. Another wedding $30.

A. Three weddings and a Grand Ball in April?

A. Yes, sir. May, Wedding $70. Wedding $30. Wedding $40. Wedding $30. Performance $30. Conference $25. June 2nd, Wedding $50. Wedding $30. June 15, Wedding $40. July 1st, Wedding $40. Wedding $35. Conference $10. Wedding $35. Conference $10. August 16th, Mass meeting $15. September 29th, Wedding $40. September 30th, Wedding $50. Conference $25. Wedding $30. October 22nd, Wedding $40. November 2nd, Concert $25. November 14th, Wedding $40. Wedding $40. November 29th, Performance $35. Wedding $40. Wedding $40. Wedding $45. December 15th, Wedding $40. Wedding $40. February 23rd, Grand Ball, $55. Second floor $20. Wedding $45. Wedding $40. February 29, Wedding $40. March 5th, Smoker $35. April 17th, Wedding $35. Banquet $60. Wedding $30. Wedding $35. Wedding $35. Conference $35. May 14, Banquet $50. May 25th, Grand Ball $45. Recreation $50. May 31st, Wedding $25. Performance $25. June 8th, Performance $20. June 28th, Wedding $25. Wedding $25. July 25th, Wedding $40. Wedding $35. August 29th, Wedding $35. September 10th, Wedding $35. Wedding $25. October 15th, Wedding $25. Conference $25. October 21st, Wedding $25. October 28th, Wedding $40. Wedding $35. November 5th, Banquet $55. Wedding $35. November 28th, Wedding $35. Wedding $25. November 29th, Grand Ball $65. Wedding $35. Conference $45. December 14th, Wedding $40. Wedding $45. January 23rd, Conference $25. One $25 for the election.

Mr. Palese: You don't have to give us that now.

Witness: April 4th, Concert $30. Performance $20. April 15th, Wedding $30. Wedding $35. Wedding $45. Wedding $35. April 30th, Wedding $30. Wedding $35. Wedding $35. Wedding $35. Wedding $40. June 18th, Wedding $35. Wedding $60. Wedding $30. June 30th, Wedding $35. Wedding $45. Banquet $60. July 18th, Wedding $25. Wedding $20. July 31st, Wedding $35. August 14th, Wedding $25. Wedding $35. August 31st, Wedding $35. Wedding $25. September 15th, Wedding $35. Wedding $25. September 30th, Wedding $35. That is all.

Q. Did you collect any other money for the rent of the second floor other than the money you have just said?

A. No.

Q. Was any part of the building rented for any other purpose?

A. When you rent for weddings ——

Q. Did you get any other rental for the building from March 15th, 1927?

A. No.

Q. What did you do with the money you collected for the rent of the second floor, the third floor, and the stores?

A. When I collected the rent, when I collected for the weddings, when I collected the third floor, I give them to the Secretary of the House Committee, and he signed this book every week, or every two weeks. As soon as I get the money I turn it in.

Q. Who was the Secretary of the House Committee?

A. One time last year Joseph Carhone, and another Secretary Leanardo Turri, and the present Secretary, John Lalli.

Cross-examination.

By Mr. Orlando:

Q. Does that book show any expenditures by you?
A. No, my expenses is not in that book.
Q. Do you have a book in which expenses are shown?
A. No.
Q. The only thing you do is to collect the money and turn it over to the House Committee?
A. Yes, sir.
Q. The report you have made this morning of various sums represents all the income you got?
A. Yes, sir.
Q. From the time mentioned in the book down to the present time?
A. Yes.
Q. You didn't get any other money?
A. No, sir.

Lawrence Verga, sworn.

By Mr. Palese:

Q. You are in the real estate business, are you not?
A. I am.
Q. How long have you been in that business?

A. 25 years.

Q. During that time have you collected rents in the vicinity of Fourth and Spruce Streets?

A. I have.

Q. Do you know the stores there on the southwest corner of Fourth and Spruce Streets?

A. Yes, I do, generally. I have never been inside of them.

Q. What, in your opinion, would be a fair rental for a portion of that building, as follows: consisting of a third floor, on a plot of ground, 54 feet on Spruce Street by 74 feet on Fourth Street, third floor, and for the use of the second floor, the use of the basement, and the use of part of the first floor for a reception room?

Mr. Orlando: I object to that question for two reasons. I have the utmost respect for Mr. Verga's ability as a real estate man. I think if Mr. Verga, by the testimony, had appeared to have been inside the building, and been familiar with the arangements, the use of the building, and all the other necessary things which are required to give an answer to that question, I would be perfectly satisfied. But, first of all, Mr. Verga has never been inside the building; and secondly, he has not been familiar with the uses of these various parts of the building Mr. Palese refers to, and I think in fairness to Mr. Verga that he is called upon to answer a very unfair question.

Mr. Palese: If I had not described the building, I think Mr. Orlando could object. I have given a description of what there is there.

Mr. Orlando: First of all you have not given a

general idea of the inside of the building, the seating capacity, and the way it is fixed up.

The Master: He is asking him as to the building. It may not be the issue involved, and it may not have any direct bearing. I will permit the question to be answered.

(Question repeated.)

A. I would say $200 a month would be a fair rental, provided they were provided with heat, and ordinary janitor service.

By the Master:

Q. Would you say that independently of whether or not it was divided into different arrangements?
A. Just for the space.
Q. Independently of whether or not it may have had several rooms?
A. I just pictured it as one big room.
Q. Just for the space?
A. Yes.

Cross-examination.

By Mr. Orlando:

Q. Do I understand your opinion is that a rental of $200 or an income of $2,400 a year for that building would be a proper value?
A. For that part of the building, provided the owner furnished janitor service and heat.
Q. When we speak of the income, we speak of the use of the basement, the first floor, the second floor and the third floor?

A. Not the stores.

The Master: He is not speaking so much of income as gross rental value.

Mr. Orlando: Yes, whatever it might be used for.

Witness: That is with ordinary janitor service, and heat, I would say that would be a fair rental, $200.

Mr. Orlando: Regardless of what it was used for, or what use these men make of it?

Witness: Yes.

Mr. Palese: That is all we have as far as the income is concerned.

IGNATZIO MARINO, recalled.

By Mr. Orlando:

Q. You are a member of the House Committee?
A. Yes, sir.
Q. Are you familiar with the expenses that the House Committee had for keeping the building going, such as Public Service light, heat, gas and taxes, water rent, and things of that kind?
A. Yes, sir.
Q. What book do you have that shows that?
A. Two books making the order to draw checks. We write that and give it to the Treasurer. He

draws the checks. I sign it myself and the Secretary and the Treasurer, and after I get the big book and enter up any expenses.

Q. Will you refer to the book which shows the warrants drawn on the Treasurer. That is this little book?

A. Yes.

Q. Does that take all the expenses in it?

A. Yes. I had better use this.

Q. Yes, you use whichever one will show all the entries and start with March, 1927.

Mr. Palese: I don't want to be captious about this matter, but this same man said he was not familiar with these books at all, that the Secretary of the Committee knew all about them. Now, an effort is being made to have this man take the stand and testify as to these books.

The Master: We were only discussing collections at the time.

By Mr. Palese:

Q. Who made the entries in this book, you or the Secretary?

A. The Secretary.

Q. What do you know about the expenses?

A. Every meeting is given me all bills. I look at the bills, and control the bills, and suppose it is all right, I say, "Go ahead."

Q. Where are the bills you O. K.?

A. Over here. (Indicating.)

Mr. Orlando: You start with March.

By Mr. Palese:

Q. Did you mark the bills after the entries were made in the book after the bills were O. K.? Did you mark that bill you have there in your hands?

A. I don't understand.

Q. Is your name on that book? Did you sign it?

A. We start with the President ——

By Mr. Orlando:

Q. Did you check up to see if the figures in that book are just the same figures as in the warrants?

A. Yes.

By Mr. Palese:

Q. When did you check up, yesterday, or at each meeting?

A. Every meeting.

By Mr. Orlando:

Q. Start with March?

A. I am not President of the Committee in March.

Q. March, I want the expenses starting with March?

A. Expenses I got in March, I got a mortgage, $12,000, do you want that?

Q. $12,000 mortgage?

A. First mortgage, in Victory Trust Company a note $2,750.

Q. That the balances that were assumed?

A. Yes.

Q. Obligations of the members of the Lodge D'Alegheri?

Mr. Palese: I object to that. We want the expenses.

Q. Turn to the place where it shows expenses, money paid out?
A. Interest on mortgage.
Q. Is that the first thing?
A. Yes.
Q. What is the date?
A. March 17th.
Q. What year?
A. 1927, $175.32. Janitor $65.45.
Q. What is the date?
A. March 17th.
Q. Every time you mention figures, give us the date and the amount?
A. On March 17th, City Tax $101.52. Water Rent $14. 85. Public Service $25.67. Insurance for fire, $350.79. Repairs $20. Tobacco and cigars $20.28.

Mr. Orlando: That would not be a proper item. Cut that out.

Witness: Papering store $25.

Q. What was the date, was that in March?
A. That is all March. Repairs to heater and boiler $18. Crescent Electric Company, meter and box $42, so they could have an independent meter for the stores. Repair store 907, $7.
Q. Is that all for the month of March?
A. That is all for March.
Q. Turn over to April.
A. Public Service $25.67. Salary of the janitor $115. Miscellaneous expenses, Janitor, $8.67. Amount paid D'Aligheri, balance of purchase price of building $154.10. That is all in April. May, Pub-

lic Service Electric $26.06. Miscellaneous $10.15. Janitor's wages $115. Camden Safe Deposit, interest on mortgage $360.

By Mr. Palese:

Q. What was the interest you paid in March?

A. That is from 17th November, 1926, to 17th March, 1927.

Q. Why did you pay $360 in May then, only two months after that? Do you have two mortgages on this property?

A. One mortgage, $12,000.

Q. Why did you pay $175.32?

A. That is from the 17th November to the 17th March when you sold the property, the difference.

Q. Why did you pay another payment in May of $360?

A. $175.32 is for some months, and $360 is the total. Victory Trust Company, on account of note and interest $142.50.

Q. Is that a new note or old note?

A. Old note. That is the note for $2,750. June 15th. Janitor expense $9.73. Public Service $33.85. City of Camden, Water, $24.30. Repair $25. Repair boiler $18. Janitor's wages $115.

By Mr. Orlando:

Q. That is all in June?

A. Yes. July 6th. Crescent Electric Company for fixing, $42.

By Mr. Palese:

Q. Is that two meters from the Crescent Electric Company?

A. That is no meter.
Q. What is it?
A. For electric work done. Janitor's salary $115. Public Service $30.20. Plumber work $8.50. Miscellaneous $12.96.

By Mr. Orlando:

Q. Is that all July?
A. Yes.

By Mr. Palese:

Q. These miscellaneous items you speak of, is that for bills of Mr. Bincosino?
A. Little bills.
Q. To repair the building, or what?
A. Yes, to repair the building, sometimes makes a little bill.
Q. Is it for repairs to the building? It is not for something else that didn't pertain to the upkeep of this building?
A. Yes, the stuff he used for this building.
G. To make repairs to the building?
A. Yes, to fix the building.

Witness: August 15th. Public Service $45.64. Janitor $115. Repair $39. Miscellaneous $2.25. Repair door $2.50. Miscellaneous $1.75. Janitor $115.25.

By Mr. Palese:

Q. Is that two payments in August for the janitor?
A. Yes, this is the third of August.

Q. Is there two payments in there for the janitor in August?

A. Yes, sir.

Q. How much was the last?

A. $115.25. September. Victory Trust Company, on account of note and interest $139.55. Janitor, miscellaneous $16.40. Janitor, salary, $57.50. Public Service $23.56. City of Camden, water, $13.50. Account of work done, repairs, $50. October. Janitor, $57.50. Repairs $15.12. Lock and key, front door, $14. Books $7.87.

By Mr. Palese:

Q. What kind of books?

A. Account books.

Q. How much?

A. $7.87. Public Service $25.41. Janitor, $57.50. One lock and key $1.20. Wax for ball room $13.10. Boiler grate $81. November. Fix boiler $5.10. Janitor for October, $57.50.

By Mr. Orlando:

Q. That was for half of the month of October?

A. Yes.

Q. You paid it in November?

A. Yes. November 5th, Janitor, $57.50. Public Service Electric and Gas $25.40. Coal $132.50. Camden Safe Deposit and Trust Company, interest on mortgage, $360. Insurance $350.29. Lumber and glass $29.38. Janitor, stipend $57.50. December. Advertising $6.

Q. What was that for?

A. We didn't have enough money to pay our bills, and we advertised.

Mr. Orlando: Cut that out. That has got nothing to do with it.

Witness: Victory Trust Company, on account of note and interest, $122.50. Janitor for towels $2.92. Disinfectant for toilets $1.20. Crescent Electric Company, bulbs, $3. Two brushes $3. City of Camden, water, $9.45. Janitor, $57.50. Lock $2.75. For plastering for second floor $64.40. Public Service $36.60. Janitor $57.50. That is all December.

(At this point a luncheon recess was taken until 1:45 P. M.)

Witness: Janitor $57.50. Public Service Electric $26.49. Janitor $57.50. That is all January. February, 1928. City of Camden, taxes, $305.08. Janitor $57.50. Coal $50. Public Service $31.28. Janitor $57.50. Janitor, extra pay for selling merchandise, $26.80.

Mr. Palese: That would have nothing to do as far as maintenance is concerned. That was because he was selling merchandise for the organization.

The Master: That was for selling stuff, rather than for being janitor. Therefore, if the other folks don't figure in the merchandise being sold they should not pay the expense of it.

Mr. Orlando: That would be so if it were purely a commission for selling, but it was part of the salary, as an inducement for staying there.

The Master: Apparently it was based on the amount of the sales. Didn't it vary each month?

Mr. Orlando: Before he came in there. Then when he went in there he agreed on a specific sum. This was also a part of the commission he got for collecting the rents. Surely the man should be given something for collecting the rents, if the rents are to be figured.

By Mr. Orlando:

Q. This here commission you speak of, was that simply for sales, or did it also include a commission for collecting money such as rents?

A. I don't remember that. It is a percentage.

Mr. Orlando: Suppose we put it in, subject to further consideration as to what it was for.

Witness: March 6th, Victory Trust Company, on account of note and interest $136.45. City of Camden, water, $9.45. Public Service $33.03. Wax for ball room floor $3.75. Janitor $57.50. Coal $82.50. City of Camden, taxes, $297.46. Janitor $57.50. April. Miscellaneous, $2.40. Plumber work $11.50. Painting $2.50. Public Service $22.44. Janitor $57.50. Repairs, plumbing, $6. Janitor $57.50. New pump for bar $45. Mops $3.65. Lumber, glass, molding, etc., $31.65. Towels $2.73. May. Camden Safe Deposit and Trust Company, mortgage interest, $360. Help for big ball $12. Public Service $39.06. Janitor $57.50. Expenses for big ball $125.28.

By Mr. Palese:

Q. What expenses?

A. For the big ball.
Q. What expenses?
A. Buying everything for the ball.

By the Master:

Q. What does it say there?
A. Expenses.

By Mr. Palese:

Q. Was that bill for the Sons of Italy Association?
A. Yes.
Q. That was for the expenses for that ball?
A. Yes.
Q. Merchandise for the ball or what?
A. Merchandise, anything you sold for the ball.

Mr. Orlando: Keep that out.

Witness: Coal $25. Ceiling fans $96. Janitor $57.50. June 5th. Victory Trust Company, on account of note and interest $85.55. Insurance, complete, $221.79. Public Service $40.43. Janitor $57.50. City of Camden, water, $13.50. Janitor $57.50. July 12. Floor oil $4.10. Coal $34. Public Service $23.58. Janitor $57.50, Repairs $10. Repairs to boths $5.11. Bulbs $14.41. Janitor $57.50. August. Public Service $20.95. Janitor $57.50. Janitor $57.50. September. City of Camden, water, $10.80. Public Service $18.67. Janitor $57.50. Victory Trust Company, on account of note and interest, $87.86. Janitor $57.50. October. Public Service $14.35. Brush $3. Window glass $2.50. Janitor $57.50. Plumber supplies $1.75. Wood for stove

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$8. Janitor $57.50. November. Victory Trust Company, note and interest $132.75. Camden Safe Deposit and Trust Company, interest on mortgage, $360. Washing flags $6.53. Janitor $57.50. Public Service $41.51. Coal $81. Janitor $57.50. Electric fuses $1. December. Glass for window $3.50. Secretary's salary, House Committee, $13.56.

Mr. Orlando: That seems to be a proper expense, Secretary's expense.

The Master: I will decide that later.

Witness: Janitor $57.50. City of Camden, water, $13.50. City of Camden, taxes, $325. Janitor $57.50. January. Coal $94.50. Public Service $57.52. Plumber work $5.50. Janitor $57.50. Plastering $44. Insurance $216.80.

Mr. Palese: What is that, a part or what?

Witness: That is insurance for 1929. Janitor $57.50.

The Master: The House Committee are joined as defendants in this proceeding individually?

Mr. Orlando: The members of the House Committee are, yes.

The Master: That is another reason why I don't see how they can compensate themselves in the transaction at this time.

Witness: February, 1929. Floor oil, five gallons, $3.75. Public Service $19.65. Janitor $57.50. Coal

$108. Janitor $57.50. March. Victory Trust Company, on account of note and interest, $82.06. Public Service $15.39. City of Camden, water, $8.10. Janitor $57.50. Paint, two gallons, $8. Soda and lye $6.50. One mop .50. Janitor $57.50. April. Public Service $17.66. Wax and lock $12.25. Janitor $57.50. Coal $50. Plumber work $11. Janitor $57.50. May. City of Camden, tax, $322.32. Camden Safe Deposit and Trust Company, interest on mortgage, $360. Janitor $57.50. June. Victory Trust Company, on account of note and interest, $131. Public Service $78.92. Janitor $57.50. Coal $51.25. City of Camden, water, $10.80. Rope for window $1.40. Repairing and polishing electric cleaner $7. Fixing lock for store 905, $5.50. Janitor $115. July. Plumbing work $4.50. Janitor $57.50. Janitor $57.50. August. Public Service $43.49. Janitor $57.50. Stipend for three months, Secretary of the House Committee $37.50.

Mr. Palese: For salary of the Secretary of the House Committee?

Mr. Orlando: That is one of the things that the Judge is going to consider.

The Master: I don't see how the salary of the Secretary could cut any figure at all. My present notion is that it is a debt of the Association. I will consider it later.

Mr. Orlando: The only reason I offered it was that it seems plausible that if these people had seen fit they might have engaged some outside source to collect the rents and keep an account of it and charge 5 per cent commission on the amount received. In-

stead of getting such a person and paying that amount, the House Committee did that very work, and I think they were doing it for the Association in the sense that they performed a service which has now proved invaluable in this accounting.

The Master: The House Committee, as I see it, do it for the Association. Ordinarily it is done gratuitously. This, I understand, is the salary of the Secretary.

Mr. Palese: It is practically for the keeping of these books.

The Master: You don't contend that the Secretary is entitled to an allowance, do you?

Mr. Orlando: My contention was that the members of the House Committee are entitled to an allowance.

The Master: Here is the item of the Secretary now. Is that worth debating? I will let it in, but I am inclined against it if I had to decide it now, but I will give Mr. Orlando a chance to convince me of it.

(Exception noted for complainant.)

Witness: September. Janitor $57.50. Victory Trust Company, account of note and interest, $127.09. City of Camden, water, $22.80. Public Service $19.38. Janitor $57.50. Mop and brush $1.15. Janitor $57.50.

By Mr. Orlando:

Q. Have you had any expense these two days in October?

A. Yes, sure we have.
Q. Have you got it there?
A. No.
Q. Have they been paid?
A. No.
Q. Nothing paid yesterday or today?
A. No.
Q. These various things you have given us, they are the expenses which have been paid out by the House Committee from March down to the first of October for the maintenance and upkeep of the building, is that right?
A. Yes, sir.
Q. Of the property?
A. Yes, sir.
Q. Are there any other expenses other than those expenses that you have shown there?
A. No, sir.
Q. How are these expenses entered in the book? Are they taken from some place and entered in there?
A. Yes, sir, the little books, the mandate.
Q. The warrants that are drawn on the Treasurer are used in order to prepare this book?
A. Yes, sir.
Q. Where are those warrants? (He produces them.)

Mr. Orlando: May I have these marked in evidence as a whole?

(Received and marked.)

Q. Besides those books there, which I have shown you, and which we have offered in evidence marked D1, D2 and D3, did you have any other book from

which the entries were entered from, or were they all taken from those books?

A. From those two over there. (Indicating.)

Q. And these various items you speak of, were they in payment of bills rendered?

A. Here you have all the bills and checks.

Mr. Orlando: We will offer as a whole this box of bills and the checks in payment.

(Received and marked D4, one container.)

Q. In that package there, there are some bills for merchandise and things which you have charged against the house?

A. Yes, all the bills are there.

Q. You have articles you have mentioned, and that book contains articles, expenses of the Association, independent of the house?

A. Any bills paid by the House Committee.

Q. What are those books you have there?

A. These two books are for merchandise.

Q. They are not items that were considered?

A. No, this is what you buy and what you sell.

Q. What is that other book there?

A. The minutes of the House Committee.

Q. What is the other book?

A. That is the check book, the old one and the new one.

Q. Do the stubs show the payment of the bills?

A. Yes.

Q. This one starts April 14th?

A. March.

Q. No, the first one. Do these stubs show what all these checks were given for?

A. Yes.

Mr. Orlando: I offer the old check book.

(Received and marked.)

Mr. Orlando: I offer the new check book.

(Received and marked.)

Q. Who endorsed the note at the Victory Trust Company?

A. The note was endorsed by the President of the Association, the Treasurer ——

Mr. Palese: What note?

Mr. Orlando: $2,750 assumed by the Association at the time they took the property.

Mr. Palese: The only obligations we have is money they have paid for or on behalf of this Association. Any new obligation entered into with the bank does not pertain to us.

Mr. Orlando: The situation is ——

Mr. Palese: They are claiming credit. The Lodge D'Alegheri had an obligation with the Victory Trust Company for $2,750. It is the contention of the Sons of Italy Association they have made some payments on account of this note to the bank, and they are payments which they have testified to today. If those payments were made to the bank on the obligation of the Lodge D'Alegheri, they are entitled to be reimbursed that amount, but any new obligation they may have entered into with the bank can in no way bind the Lodge D'Alegheri. If they have gone

there and traded notes with the bank, on some idea or scheme of theirs, we are not obligated for that. The only thing we are obligated for is they have paid this amount which they have testified to today to the Victory Trust Company which was the obligation of the Lodge D'Alegheri, they ought to be reimbursed.

The Master: What does that $2,750 represent, some money that the organization already got credit for?

Mr. Palese: It represents an obligation which the older organization, the Lodge D'Aligheri, owed to the Victory Trust Company, and that obligation was in effect when the transfer was made of the real estate of the Lodge D'Aligheri to the defendant Sons of Italy Association. That obligation was then existent, and the defendant lodge, upon the theory that they had assumed the obligations—but the Vice-Chancellor has set that transaction aside, it is null and void—and upon the theory of the Sons of Italy Association that they had assumed the obligations of the Lodge D'Aligheri as part of the purchase price of the present property, they go up to the Victory Trust Company and make certain payments. If these payments, which were made by the Sons of Italy Association, were credited to the obligation of the Lodge D'Aligheri, of course, they are entitled to an allowance, and that fact you will, of course, have to determine. But that is the situation, that is with the Victory Trust Company, and if they are going to release us, or the Lodge D'Aligheri for the payments which have been made, they are, of course, entitled to an allowance for that amount. What notes they have, we are not interested in, because if they have gone to the bank and substituted some

other note for the note, which was our obligation, we are not interested in that. All we are interested in is if they have paid some money on our obligation.

Mr. Orlando: I am afraid Mr. Palese is trying to make this very simple thing very difficult. Here we have a note dated March 3, 1927, which was an obligation of the Aligheri Lodge. When the transfer was made about March 10th, or whatever the date was, this note became due, and as partial payment for the building at that time, the Sons of Italy Association assumed liability for that note. The Victory Trust Company today, as far as it is concerned, has no action against the D'Alighieri Lodge, because we have the note. That has been surrendered, and they placed a new note for $2,750. The note was the Sons of Italy Association, endorsed by the officers of the Sons of Italy Association, and from time to time they have reduced it. The payments which have been read out by this gentleman up to the present time are reductions in that note, an obligation assumed by the Sons of Italy Association, that rightfully was an obligation of the D'Aligheri Lodge, and it is the scope of this decree which the Vice-Chancellor or

---

(After further discussion.)

The Master: I will admit it, and we will argue that.

Witness: (Finishing last answer) and the members of the House Committee.

Q. Does your name appear on the note which was given by the Sons of Italy Association to the Victory

Trust Company in satisfaction of the note which the Victory Trust Company had against the Lodge D'Alighieri?

A. Yes.

Q. What other names appear on that note?

A. The Secretary's, John Lalli.

Q. I mean today?

A. Today Marino, John Lalli, Joseph Dascione and Joseph Damalio.

Q. There were two more besides the four you have mentioned?

A. Yes.

Q. They were officers of the Sons of Italy Association?

A. Yes, and the President and the Treasurer.

Q. And does the name of the Sons of Italy Association appear on this note?

A. Yes, sir.

Q. I show you a note dated March 3rd, 1927 in the amount of $2,750, payable to the order of the Lodge D'Aligheri, at the Victory Trust Company, Camden, New Jersey, signed by Lalli, and several others, and ask you whether or not this is the note that the Sons of Italy Association took up and gave their note in exchange for?

A. Yes.

Q. Is that the note?

A. Yes, sir.

Mr. Orlando: I offer the note.

(Received and marked.)

Q. What is the balance of that note today, if you know?

A. I don't remember.

Q. I show you a bunch of checks. Look them over and see whether or not these checks were checks that were given in payment of some of the items that you read off of that book. Look them over first?

A. Yes.

Q. Were they checks given in payment, or partial payment, of some of the bills you mentioned?

A. They are checks belonging to the Committee.

Mr. Orlando: We will include those right in the same package.

Cross-examination.

By Mr. Palese:

Q. You were not on the House Committee when the Sons of Italy took over the property, were you?

A. No, sir.

Q. When you leave the stand, I want you to get those bills over there, and find out the insurance bills that you have paid Mr. D'Aloise, with the checks. I want you also if you can, to find the check for $154.10 that you say was paid over to the Lodge D'Aligheri. When you get through you can get those. The Janitor was paid $57.50 twice a month. What work did he do for the Sons of Italy?

A. Cleaned the whole building, took care of the weddings and the balls and collected the rents. He stayed there, over there.

Q. What would he do when you didn't have any weddings, or didn't have any ball, was he supposed to be in the building?

A. Every day.

Q. Who took care of the card games, who collected for the merchandise, while some of the members of the Sons of Italy played cards?

A. The Janitor.

Q. How long was he supposed to be there? How late was he supposed to be there?

A. Sometimes 10 o'clock, sometimes 11 o'clock.

Q. Was that every day?

A. No, Saturdays and Sundays.

Q. Did you have any weddings on Sundays?

A. Lots of times.

Q. How many weddings do you know they had on Sunday down there?

A. They got one this month. A lot of weddings on Sundays.

Q. When he got through with the weddings, he took care of the business of the Sons of Italy Association?

A. He took care of the weddings.

Q. After he got through with hem, what did he do as far as your Association is concerned. What was he supposed to do there?

A. I don't understand.

Q. If there was no wedding there, what would the Janitor do?

A. The Janitor would go upstairs and take care of the buildings.

Q. Did he take care of the business of the Sons of Italy Association, too?

Mr. Orlando: They had no business.

Q. Play cards?

A. The members played cards.

Q. They played for cigarettes and cigars?

A. Yes.

Q. Who bought the cards and the cigarettes?

A. Anybody who wanted cards or cigarettes would call for them, and they would call for him, and he would get them.

Q. Who got the money he collected for the cigars and cigarettes?

A. The House Committee.

Q. How much did the Sons of Italy pay the Janitor for his work?

A. $115 a month.

Q. That also included taking care of the entire building?

A. Anything.

Q. He was supposed to be there until 10 o'clock Saturday night and Sunday, when he didn't have any weddings or didn't have any balls?

A. Yes.

Q. Who took care of keeping the part where they had the reception room, who took care of that?

A. The Janitor.

Q. Did the Sons of Italy pay him anything for that extra?

A. No.

Q. That was all included in his $115 a month?

A. Yes.

Q. You had some baths down there, four or five baths that members used?

A. Two and a half years nobody used them, the pool tables.

Q. No, baths, where you take a bath, downstairs?

A. Yes, some members.

Q. You had some baths there the members used?

A. Yes.

Q. Who collected the money for the use of the baths?

A. The Janitor.

Q. Was that money turned over to the House Committee?

A. Yes.

Q. Mr. Bincosino has a record of that, too?

A. Yes.

Q. You have also got a poster upstairs for advertisements, where you advertise on the second floor?

A. Yes.

Q. Who collected the money from that?

A. The Committee got nothing to do with that. Mr. Bincosino——

Q. Have you got a record there of the money collected by the Committee?

A. Yes.

Q. Will you turn to it and find out how much you collected?

Mr. Orlando: I think we passed on that, Judge, this morning. We didn't make any charges for any advertising, or anything that may have been used.

The Master: If it develops, you can go further. We will see. This is an item of income, apparently, they are asking about now.

Mr. Palese: When you get off the stand, you look up the items there. Look up the items which will show the income from the poster, and the expense so far as that particular item is concerned.

JOSEPH BINCOSINO, recalled.

By Mr. Palese:

Q. Did you collect the money from the baths downstairs?

A. Yes, sir.

Q. Why didn't you tell us about that this morning, that you had collected it?

Mr. Orlando: He was not asked.

Q. Why didn't you tell us this morning about this other money you had collected?

A. You asked me for the amounts for the use of the hall. You didn't ask me for the baths.

Q. Get the book and tell us how much money you collected for the use of the baths?

A. July 24, 1927 $17.50. July 25, 1928 $15. November 14, 1928, $8.75. June 3, 1929, $12.50. That is all.

Q. If I didn't ask you last time, I ask you now. Are there any other moneys that you have collected with respect to this property, Fourth and Spruce Streets, other than the money you have told us about?

A. I collected the rents.

Q. What other moneys did you collect?

A. We have got the peanut machine and the nickel machine.

Q. I mean for the renting of this property, or the use of this property?

A. Sometimes we rent the chairs and the beer glasses.

Q. Who did the beer glasses belong to?

A. They belonged to us.

Q. Were they there when the Sons of Italy took possession of the property?

A. We got some of them. The rest we had ourselves.

Q. How many electric meters and water meters are there in that building?

A. We got one meter for the whole building, and

we got a meter for the moving picture, and each store has a separate meter.

Q. Does each store have to pay for the electricity they use?

A. They pay for their own gas and electricity by themselves.

Q. All the bills that we have had here today are bills that were for electricity used by the Sons of Italy Association?

A. Yes, sir.

Q. Were any of these bills for electricity used in the four stores?

A. No, sir.

Q. What about the water meter, is there more than one water meter?

A. We have got one water meter for the whole building and the water used in 901 store and 907 store. 903 and 905 not got any water in there.

Q. You are Janitor there?

A. Yes.

Q. Do you remember when the Sons of Italy Association in March 1927 took possession of the building, do remember that, when they got the deed for the property?

A. I don't remember the time, but I remember that.

Q. Was there any cigars, or any merchandise or cigarettes, or any personal property to be sold that was taken over by the Sons of Italy, that belonged to the Lodge D'Aligheri?

A. I remember we got some, but I don't remember how much.

Q. Do you know how much it was?

A. No.

Q. Was it five cents worth or ten dollars worth?

A. I don't know. I don't remember.

Q. You haven't any idea how much it was?

A. No, sir.

Q. Do you remember seeing a statement where they said it was worth $115?

A. I think something like that, but I can't remember now. It is over two years.

Q. Was it worth $115, do you remember?

A. I don't remember. I don't know.

Q. You are the Janitor down there?

A. Yes, sir.

Q. What work do you do for the members of the Sons of Italy Association, what work do you have to do for them?

A. I didn't do anything for them, just on Saturday or Sunday, sometimes when they play cards, and would hand them cigars and cigarettes.

Q. Didn't you have to be there every Saturday and every Sunday for members?

A. I would be there every day, from the first to the last day of the year.

Q. You say for the Sons of Italy Association you only had to be there on Saturdays and Sundays. Is that what you say?

A. No, I was there every day.

Q. If they came and played cards there, you would take care of them?

A. Sure I took care of them.

Q. If they came Tuesday night you would take care of them?

A. I took care of them every day, every time they come.

Q. If you had to stay as late as twelve o'clock at night, you would stay?

A. Yes.

Q. Did you get any extra money for that?

A. No extra money.

Q. That was included in your salary?

A. Yes, sir.

Q. Who took care of their first floor where they had their reception room, did you keep that clean for them?

A. Yes, and my boys helped.

Q. Who kept the third floor, the meeting room?

A. I took care of that, too.

Q. You had to be there every day in the week?

A. Yes, every day in the week.

Q. Did you have to do any cleaning in the four stores?

A. I got nothing to do with the stores.

Q. The only thing you had to take care of was the second and third floors and part of the first floor?

A. And the basement when they used it for weddings and other occasions.

Q. What did you do with the money you collected for those playing cards? What did you do with it?

A. Turned it over to the House Committee.

Q. Who paid for the merchandise?

A. The House Committee.

Q. It was turned over to you?

A. Turned over to me, yes, sir.

Q. How many members are there in the Sons of Italy Association?

A. I don't know to be sure. 300 or 325.

The Master: How much are the dues?

Witness: $1.25 a month.

By Mr. Orlando:

Q. What was your employment at the hall there, were you the Janitor?

A. I am Janitor and Custodian, too.

Q. As Janitor, what were the rules of the house with reference to what time you had to come to work and what time you had to quit?

A. When the hall is engaged for weddings, I have got to go first thing in the morning, and I have got to wait for the last of the people to go out. I have got to take my two boys to help out, sweep up the floor, and all that, and I sweep downstairs and my boys clean upstairs. When I finish I take a rest.

Q. Some nights, when there would be shows, or they would have weddings, you would have to stay later than other nights?

A. Yes, sir.

Q. These card games they speak of, were they run by the House Committee?

A. That is run by the House Committee, and sometimes my boy attend to it.

Q. The pay you got, was that as Janitor, or was it for taking care of the card games?

A. For Janitor and for card games.

Q. What did you have to do as Janitor?

A. Clean up the place.

Q. Clean up the house and keep it in good condition?

A. If you have a lot of weddings, sometimes want the second floor, and we have got to clean from top of the roof.

Q. That is a pretty big building?

A. Yes.

Q. Sometimes when you had a lot of weddings, some months you have used a lot of electricity?

A. Yes, sir.

Q. Sometimes when they have weddings, they have access to the cellar, and use a lot of gas?

A. Yes, sir.

Q. So that the difference in the monthly statement of the gas and electricity depends on the amount of the activity they had in the hall?

A. Yes, sometimes in the hall, too many nights, the bill goes up, and when the hall is never engaged, the bill is low.

Q. What did you tell us you did with the monies derived from the baths?

A. Turned over to the House Committee.

Q. Were they paid to you or to the House Committee.

A. Paid to me.

Q. They were paid to you and you turned them over to the House Committee?

A. Yes, sir.

Q. You were Janitor of this place before the Sons of Italy took possession?

A. I have been Janitor ten years.

Q. When you were Janitor for the D'Aligheri, how much did they pay you?

A. I started out at $75 and they raised me to $90 and raised me to $100, then they cut me down to $90, and another time up to $100, and five years ago I got $115.

Q. So that the salary you get now is the same salary as you got five years ago?

A. Yes, sir.

Q. And the salary that you got when you were Janitor for the Lodge D'Aligheri was the salary that they paid you for being Janitor of the place?

A. Yes, sir.

By Mr. Palese:

Q. You say you didn't collect as one of your duties the money they got for the advertisements there?

A. I worked for the advertisements, when I have got a little time myself.

Q. You never collected money?

A. I never collected one cent.

Q. Who collected the money?

A. The House Committee. That money never passed through my hands.

FELIX D'ALOISE, sworn.

By Mr. Orlando:

Q. You are one of the defendants in this suit?

A. I am.

Q. You are one of the officers of the Sons of Italy Association?

A. I am.

Q. What is your business or occupation?

A. Real Estate and Insurance.

Q. Various items were read this morning by the gentleman on the stand with regard to bills paid you for insurance. Did you furnish the insurance on this building?

A. I did, just enough to cover the mortgage, and the furniture for the Lodge, and plate glass insurance.

Q. How much insurance did you have on the building in 1928?

A. I could not tell you. I think $20,000 insurance.

Q. Fire insurance?

A. Yes.

Q. How much insurance did you have on the personal property?

A. $5,000.

Q. What insurance did you have on the glass?

A. Glass you pay at so much an inch, no fixed amount.

Q. You had insurance on the plate glass, covering the stores, is that right?

A. I did.

Q. All your bills are paid for it up to the present time for insurance?

A. Yes.

Q. You are paid up, and these payments that have been made have been payments on account of the insurance which you have furnished?

A. That is right.

Q. And the rate, of course, is the standard rate?

A. That is right.

Q. Are you an officer of the Sons of Italy Association?

A. Yes.

Q. And a defendant?

A. I am President.

Q. How long have you been a president?

A. Since two years last February or March. Since we started incorporated I have been President all the time.

Q. As President of the Sons of Italy Association of Camden, New Jersey, have you had to sign a note to the Victory Trust Company in satisfaction of a note which the D'Aligheri Lodge had with that bank in the amount of $2,750?

A. I did.

Q. And how did you sign that note, as an officer, or an individual, or how?

A. I could not exactly remember. I know I signed as an officer, but I don't know if it is a sepearate endorsement. I endorsed whatever they asked us to sign.

Q. That note has been renewed from time to time?

A. Yes.

Q. And payments made on account of the note interest and on account of the principal?

A. Yes.

Q. When was it last renewed?

A. I believe some time last month. I would not swear to it.

Q. For what period of time?

A. Either the latter part of August or the early part of September.

Q. For what period of time?

A. For three months.

Q. Was that note executed by the Sons of Italy Association?

A. Yes, sir.

Q. The defendant in this suit?

A. Yes, sir.

Q. Signed by you as well as the other officers?

A. Yes, sir.

Q. What other members of the Association had to sign?

A. All the officers of the Lodge and also the officers of the House Committee.

Q. How many names is that?

A. I think about seven or eight.

Q. Was this last note as well as the previous notes signed by all of these individuals?

A. Yes, sir.

Q. Do you know what the present balance is on that note?

A. Around $1,900. I would not say exactly.

Q. And the difference between that and $2,750, and interest, has been paid by the Association?

A. Yes, sir.

By the Master:

Q. What was the object of that note?

A. We had to borrow money to pay debts for keeping up the buildings, the buildings always had to have repairs, and the House Committee never made enough money to keep up with it. We had to borrow money to do it.

Q. All of the $2,750 went for that purpose?

A. We assumed that from the D'Aligheri, so we assumed that debt.

By Mr. Orlando:

Q. I show you a note dated March 3, 1927, which has been marked Exhibit D7, and ask you whether or not you recognize that note?

A. I do.

Q. Is that the note taken up by the Sons of Italy Association and their note given instead, in place of that, to the Victory Trust Company?

A. Yes, sir.

Q. Who is the owner of this note at the present time?

A. It is our note the Sons of Italy Association.

Q. Of Camden, New Jersey?

A. Yes, sir.

Q. The defendant in this suit?

A. Yes, sir.

Q. The payments have been made on this note periodically, principal and interest?

A. Every three months we pay the interest and principal.

Q. At the time, as President of the Sons of Italy Association, you are familiar with the transactions involving the purchase of the building and its contents?

A. I am.

Q. You remember the time when the Sons of Italy Association purchased the building at Fourth and Spruce Streets?

A. I do.

Q. At that time do you know of your own knowledge whether or not the Lodge D'Aligheri owed to the various members any sums of money?

A. Yes, I do.

Mr. Palese: I object to that. I don't see any materiality in that. The transfer of that property has been gone into by the Court of Chancery. They have decreed it was to be set aside, and what happened at that time was null and void.

The Master: They didn't speak of any consideration being returned.

Mr. Palese: No, they decreed the returning of the property to us, and to make an accounting of what they had spent in the upkeep of the property and a statement of all the moneys they had collected and referred the matter to your Honor.

The Master: We will argue that later. I will allow the question and it will be argued later.

(Question repeated.)

A. Yes, I do.

Q. Before you became identified with the Sons of Italy Association of Camden, New Jersey, were you a member of the Lodge D'Aligheri?

A. I was.

Q. For what length of time were you a member of the Lodge D'Aligheri?

A. About six years, I guess, five or six years.

Q. Had you ever been an officer of that Lodge?

A. Yes, once I was one of the Trustees.

Q. So that you have knowledge of the previous question I asked you with reference to the obligations of the Lodge members?

A. I have.

Q. How was that obligation incurred by the Lodge D'Aligheri?

A. When they had altered the building there the members, somebody put up $25, somebody $50, and different amounts, and they gave the moneys to the Lodge for a period of ten years, which the members could get back with four per cent interest.

Q. That money was used to make the alterations to the building?

A. That is right.

Q. What was it the members got as evidence of that loan, did they get bonds?

A. They got receipts and bonds.

Q. Some of them bonds and some of them receipts?

A. Yes.

Q. Do you remember when the Sons of Italy Association purchased that property what happened with reference to the bonds or the obligations which existed of the members against the Lodge D'Aligheri?

A. The Sons of Italy Association assumed over $9,000 worth of bonds to be paid to its own members.

Q. They were bonds that were all given by the Lodge D'Aligheri to the members?

A. That is right.

Q. When the transfer took place they assumed the obligation of payment?

A. Yes, sir.

Q. How many members did the Lodge D'Aligheri have at the time of the transfer?

A. About 325 or 350. I think from 325 to 340, I think is more correct.

Q. How many of its members became members of the Sons of Italy Association?

A. A little over 300.

Q. Do you know of your own knowledge whether or not the property or a large number of the Lodge D'Aligheri held these bonds you speak of?

A. The members of the Lodge, they held the bonds. I did.

Q. What did the Sons of Italy Association do to discharge the obligations of the Lodge D'Aligheri from those bonds?

A. We got the bonds back from our members and instead of that we gave them our bonds of the Sons of Italy Association in return.

Q. You exchanged the bonds?

A. Yes.

Q. So that the obligation of the Lodge D'Aligheri became the obligation of the Sons of Italy Association?

A. Yes.

Q. All the bonds were executed by whom. Who executed the Sons of Italy Association bonds?

A. The officers, President, Secretary and Treasurer.

Q. Have you a form of the bond that was given by the Sons of Italy Association to the various members in redeeming the other bonds which they held. Have you got one of those bonds with you here?

A. No, I have not got it with me, unless somebody else has got it.

Q. Were you a member of the House Committee within the period of March 1927 down to the present time?

A. No.

Q. You were an officer but not a member of the House Committee?

A. No, sir.

Cross-examination.

By Mr. Palese:

Q. Has the Sons of Italy Association paid any money at all for the return of the bonds, or those papers you spoke of of the Lodge D'Aligheri, to the members who surrendered their bonds?

A. To some we did, the people who needed the money, we did, but where they were willing to give the bonds we gave bonds.

Q. Who were the people you paid money to?

A. I could not tell you at this minute.

Q. How many are there? I could not answer that question.

Q. Is there someone here that knows about how much has been paid?

A. Mr. Broadione.

Q. Mr. Broadione is the man who paid?

A. Yes.

Q. When were the papers of the Lodge D'Aligheri due and payable?

A. They were payable in ten years, but——

Q. When were they due and payable?

A. In ten years from its date.

Q. When was it issued?

A. I could not remember that. About nine years ago, a little over.

Q. Unless a man would come over——

The Master: What is on the face of the bond? Were the bonds due on their face in 1929?

Q. Do you or don't you know that on the face of these papers that were issued by the Lodge D'Aligheri they were due and payable in 1934?

Mr. Orlando: I object to the phraseology used in that question "Due and payable." This man is not the proper person to determine when a bond is due and payable.

The Master: It is cross-examination. I will admit the question.

A. I do not, because the bonds speak for themselves.

Q. How many of these bonds have you seen, Mr. D'Aloise? If they speak for themselves, how many have you seen?

A. I seen a good many.

Q. About how many?

A. 50 or 75.

The Master: We can save time if they can produce one of the bonds.

Q. Is that the form of paper issued by the Lodge D'Aligheri?

A. Yes, sir.

Q. Will you read the bottom of that paper, and see what it says there when they are payable, or if you can translate it, translate it for us?

A. This is payable in 1931.

Q. What?

A. 1931. Ten years from 1921 makes 1931.

Q. That is when it is payable. Is that what it says payable 1931 is that the words used there?

A. Yes.

Q. You say some of these papers were paid for by the Sons of Italy Association when it is on there they were payable in 1931?

A. There is a clause on the back there.

Q. You say you paid some of them?

A. Yes.

Q. But how many of these have been paid you don't know?

A. I don't know.

Q. Those that have not been paid, you say in exchange for these the Sons of Italy Association took the one which is issued by the Lodge and in exchange gave one of the Sons of Italy Certificates?

A. Yes, sir.

(Bond received and marked.)

Q. You are President of the Sons of Italy Association?

A. I am.

Q. Have you, or any of the officers all of the certificates that were taken in exchange?

A. I believe the Secretary has got them all that was exchanged.

Q. The Secretary has them all?

A. He is the one that took care of that part.

Q. What efforts, if any, were made by your Association to get those from individuals who were not members of the Sons of Italy Association?

A. As far as I know we never made any effort. I think they were notified by mail.

Q. I have one of them, did the Secretary notify me?

A. The Secretary took care of that. I could not say that.

Q. The Secretary is Brasinole?

A. Yes.

Q. That is the man who unfortunately had to go to work this morning?

A. Yes.

Q. He would have possession of the certificates taken in exchange?

A. Yes.

Q. He would also have a record of those paid in cash?

A. Yes.

Q. Would your Treasurer have the same record?

A. The Treasurer of the House Committee.

Q. The Treasurer of the Sons of Italy Association, would he have a record of those paid?

A. That would come in under the House Committee.

Q. Who is the Treasurer of the House Committee?

A. At the present time I think it is Dashione.

Q. Would he have a record of those who have been paid in cash?

A. Yes, sir.

Q. Why was not the amount given this morning of the moneys which were paid for these certificates?

A. Because we keep three accounts, bond, sick benefit fund and mortuary fund.

Q. Where did you get your money to pay to the bond account. Where did you get that money?

A. From the members.

Q. In payment of what?

A. Payment of somebody who bought additional bonds, or whatever the case may be. A lot of people subscribed for new bonds.

Q. Of the Sons of Italy Association?

A. Of the Sons of Italy Association.

By Mr. Orlando:

Q. This particular bond which has been marked

for identification, you have testified that it was payable in 1931. Look at it and translate word for word what is on the face of that bond?

A. "Order of Sons of Italy in America. Lodge D'Aligheri No. 494, Camden, New Jersey. Certifies that Brother Dedeschi Carmina loaned the sum of $47.52 to be reimbursed in ten years."

Q. Does it say "in ten years" or "within ten years?"

A. Within ten years if I translate it right.

Q. Within ten years from what date?

A. Dated Camden, New Jersey, February 10, 1921, Lewis Durso, Venerable, Paul Baolo, Secretary.

Q. Look at the back of that and tell me whether or not there are any other conditions as part of that bond besides those on the face of it?

A. Shall I translate it?

Q. Are there other conditions?

A. Yes.

Mr. Orlando: May that be translated and a copy of the translation offered when we continue, instead of taking the time to translate it now?

The Master: You better had.

At this point the hearing was adjourned until ten A. M. Wednesday, October 9th, 1929.

October 9th, 1929.

Before WILLIAM T. BOYLE, Special Master.

APPEARANCES:
For the complainant, ROCCO PALESE, ESQ.
For the defendant, SAMUEL P. ORLANDO, ESQ.

Camden, October 8, 1929.

AGOSTINO GUAGLIANONE, sworn.

By Mr. Orlando:

Q. Are you a member of the Sons of Italy Association?
A. Yes, sir.
Q. What office do you hold in the Sons of Italy Association?
A. Recording Secretary.
Q. Now you are the Recording Secretary?
A. Yes.
Q. Did you hold any other office previous to this office?
A. No, sir.
Q. How long have you been Recording Secretary?
A. Since this Association was founded.

Q. Were you a member of the Lodge D'Aligheri?

A. Yes, I was.

Q. Before the Sons of Italy Association was formed?

A. Yes, sir.

Q. Did you own a bond?

A. Yes, sir.

Q. In the Lodge D'Aligheri?

A. Yes, sir.

Q. What did that bond represent?

A. That is a debt of the lodge.

Q. I show you a bond dated 10th February 1921 to your name, and ask you whether that is the bond you held?

A. That is mine.

Mr. Orlando: I offer the bond. I think it is going to be a question of law as to whether this is proper accounting. It is a question of whether these bonds represent the same thing. I may question this man on the obligations of the old lodge to the members, and it reduces itself to a question of law whether it is proper accounting.

Mr. Palese: There is a question of whether some of these bonds have not been cancelled, touching the transfer at this time.

Q. What did you do with your bond, this bond, after you became a member of the Sons of Italy Association?

A. I held that bond, and exchanged with the Sons of Italy Association bond.

Q. You surrendered your bond from the D'Aligheri lodge?

A. Yes.

Q. To the Sons of Italy Association?
A. According to the agreement.
Q. According to the agreement?
A. Yes.
Q. And the new Association gives you their obligation?
A. Yes, sir.
Q. Representing this amount?
A. The same amount.
Q. Do you have personal knowledge, Mr. Guaglianone, do you know of your own knowledge whether or not other members surrendered bonds from the D'Aligheri Lodge to the Sons of Italy Association?
A. Yes, sir.

The Master: I suppose they will insist on strict proof as to the others, anyhow. I don't see where that question would mean anything, standing by itself.

Mr. Orlando: This man is an officer of the Association. Surely he knows whether the Association took up other bonds, or not.

Mr. Palese: You will have the bonds in evidence?

Mr. Orlando: We will offer the bonds in evidence.

Q. When were these bonds taken up?
A. Which ones, the D'Aligheri?
Q. Yes, from the members to the Sons of Italy Association?
A. When they surrendered, you mean?
Q. Yes, when were they surrendered?
A. As soon as our bonds of the Sons of Italy Association were ready.

Q. As soon as your bonds were ready, so that you would take the bonds from the D'Aligheri Lodge and would give your bonds in return for them?

A. Yes.

Q. Are these bonds now in your possession that were surrendered, as an officer of the Sons of Italy Association?

A. Yes, I give them to the President there.

Q. As Recording Secretary have you been keeping those in your possession?

A. Yes, sir.

Q. I show you a number of those bonds, and ask you to look them over, and see whether or not they are the bonds which were surrendered by members of the D'Aligeri Lodge to the Sons of Italy Association, in exchange for Sons of Italy Association bonds. Are they the bonds you had in your possession. Look at them, all of them?

By Mr. Palese:

Q. When did the Association, the Sons of Italy Association get those bonds you have in your hand? I want to know the date, by assignment or payment, of those bonds you have in your hand?

A. They didn't give them all on one day. They started to deliver from in July, about after July 1927.

Q. July 27th what year?

A. 1927.

Q. Are there any there after the 4th of August, any of those bonds. Look at those bonds and see if any of those have been transferred since August 4th, 1927?

A. These here?

Q. Transferred to the Sons of Italy? (Question

repeated). Look at those bonds and see if any of those were transferred, or obtained by purchase, by the Sons of Italy Association from the members, after the 4th of August, 1927?

Mr. Orlando: Mr. Palese probably is working under the same misapprehension as we were working under throughout the trial in this case, that there was a restraining order, which is not the fact. There was no restraining order entered in this case.

Q. What is the answer?

A. All these bonds were given before we issued our bonds.

Q. When were your bonds issued?

A. Our bonds were dated June 3rd.

Q. What year?

A. 1927.

Q. Was that the time these bonds were taken in that you have in your hand?

A. Yes.

Q. What evidence does the Sons of Italy Association have, other than those bonds, they were transferred to the Association? Do they have a book that will show that those bonds, or any assignment of those bonds, from the members to the Sons of Italy Association? There is nothing here that shows that this bond has been transferred, or returned, or sold, or any cash has been paid on it. Will you have any books that will show that?

A. The Sons of Italy Association entered into an agreement.

Q. With who?

A. With the Lodge D'Alegheri that all the bonds should be paid on that transfer, and would give that bond. * * *

Mr. Palese: I move that be stricken out.

Mr. Orlando: It is agreeable to me that it be stricken.

(Question repeated.)

A. I have a book. * * *

The Master: Do you understand the question?

Witness: Yes. I have a book that will show, the book signed by the members who received our bonds when they surrendered them.

Q. Is that the only evidence that the Sons of Italy have as a receipt for a new bond, is that correct?
A. Yes, sir.
Q. Why did you get this man to sign his name just on the back of the bond?
A. I don't know why he signed his name.
Q. Why did he just sign his name on that bond?
A. I don't know.
Q. When did he sign his name on that bond?
A. I never saw it.
Q. Did he sign that in your presence?
A. No, sir.

Mr. Palese: I have now reference to bond issued to Della Vecchia Arturo, for $25, bond No. 95.

Q. Why was that assignment put on the back of that bond and not on the other bonds?
A. I didn't see this one. As soon as this case is started I give the bonds to the President.
Q. Since what case, since when?

A. Since last Wednesday.

Q. Since last Wednesday you have given these bonds to the President. Was this one in there when you gave them to the President?

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

Mr. Palese: I now have reference to bond No. 253 $47.52 to Tedeschi Carmine.

Q. Why does this bond only have a name on the back of it?

A. The same thing.

Mr. Palese: I have reference now to bond No. 228 payable to Robertis Giovanni $49.35.

Q. Where is the book that these people signed receipts for the new bonds of the Association?

A. I have got it home.

Mr. Orlando: Can you send somebody down home to get it?

Witness: No, I have to go and get it myself.

Mr. Orlando: I want to offer the bond in evidence.

Mr. Palese: Objected to. He has not had it in his possession for the last week.

The Master: To save time let us have it in now, and get the testimony in, and you can move at that time to strike it out. I will dispose of that question at your argument.

FELIX D'ALOISE, sworn.

By Mr. Palese:

Q. We want to clean up an insurance situation that came up at the last trial. How much insurance, if you have figured it out, did the Sons of Italy Association pay you since March 15th, 1927?

A. That is only one insurance every year.

Q. Have you figured the amount out?

A. No, I was not asked to do that. The House Committee is supposed to give the bills.

Q. I have three amounts here, but ——

A. I know one thing, there is only one bill per year. There has never been two bills in one year, so I can tell you.

Mr. Palese: If your Honor please, we want to get straightened out on the record of the hearing, the amount for insurance premiums paid on this property aggregating a larger sum than $792.08. Since that time we now want to stipulate that the insurance premiums which were paid by the Sons of Italy Association on this property amount to $792.08. You will find in examining the expenses which were given the last time, the amounts aggregated some $1,100, so you will have to keep that in mind when you make out your report.

The Master: That is all right, Mr. Orlando?

Mr. Orlando: Yes, one of these men just told me that is correct.

By Mr. Orlando:

Q. A group of bonds have been produced here, which I have kept here together, and I ask you

whether or not those are the bonds which were surrendered from the members of the D'Aligheri to the Sons of Italy Association?

A. Yes, they are.

Q. Have they been in your possession?

A. Yes, for a few days.

Q. In a safe?

A. Yes.

Q. These are the same bonds?

A. They are.

Q. I asked you if you would not get a translation of the back of that bond. Have you got it?

A. I have it.

Q. Have you got a copy of it?

A. Yes.

Q. These are the conditions which are on the back of those bonds, and are part of the bonds?

A. They are.

Q. Some time ago you were employed by the County of Camden as official Court Interpreter of the Italian language?

A. Yes.

Q. For how many years did you hold that position?

A. Three or four years, I guess.

Q. You are familiar with the English and the Italian language?

A. I am.

The Master: Is there any question about his qualifications as to the interpretation?

Mr. Palese: Yes, a very vital question.

Q. How many years have you been in this country?

A. About 22.
Q. You have been in business for how many years?
A. About 15.
Q. What is the nature of your business?
A. Real estate and insurance.
Q. When were you appointed?

Mr. Palese: His qualifications are admitted.

Q. Did you, at my request, take a bond which had been offered in evidence in this case, and translate the provisions which were on the back of this bond?
A. Yes.
Q. I show you a paper which you just handed to me, and ask you whether or not the translation which you have in English there represents what is written in Italian on the back of this bond?
A. It represents exactly the same, to my best knowledge.

Mr. Orlando: I would like to offer in evidence the translation of the conditions on the back of this bond, so that you might know what these articles are on the back.

Mr. Palese: I can't object to the offer.

Cross-examination.

By Mr. Palese:

Q. Take article 3. You have translated article 3 as reading "The bonds will be reimbursed within the period of ten years." Where do you get the word "within" in that translation?
A. Within is nel.

Q. That is the literal translation?

A. Within.

Q. What would you use for the word "end," at the "end" of ten years, how would you express that? How would you express that if this article there was to read that the bonds "Were to be paid at the end of ten years"?

A. Fene.

Q. What is the difference between the word "fene" and "termine"? What is the difference in the translation there?

A. There is no such thing in this bond as "fene."

Q. I am asking you for the difference in those two words in the Italian language?

A. "Fene" and what else?

Q. "Termine"?

A. A different thing altogether. "Termine" means period. "Fene" means end. There is a lot of difference between them.

Q. You say you were the President of the Sons of Italy Association?

A. I was.

Q. These bonds have been held by you since when?

A. They brought them two or three days. That is all they were in my possession.

Q. Where have they been prior to that time?

A. Mr. Guaglianone, the Secretary, had them.

Q. Do you know of your own knowledge when Mr. Guaglianone obtained possession of these bonds?

A. I could not tell you that. I know he got one at a time.

Q. Is there any record in the minutes of the Sons of Italy Association that would show when these

particular bonds were obtained by the Sons of Italy Association?

A. No, I don't think that would be in the minute books of the lodge, because the minutes of the lodge would have nothing to do with the House Committee.

Q. These bonds were taken by the House Committee, is that right?

A. They was taken by the House Committee, but Mr. Guaglianone acted as bookkeeper for that particular case, to take the bonds back, and issue new bonds. I believe I am right.

Q. Who is Chairman of the Committee Mr. Guaglianone was acting as Secretary to?

A. They have got no Chairman, just given to Mr. Guaglianone.

Q. Is there any minutes in the Sons of Italy Association that authorized Mr. Guaglianone to obtain those bonds and give in return an obligations of the Sons of Italy Association?

A. No, there was nothing in the minutes, because we were taking the property over, and we told members and those willing to change bonds they should just bring the bonds to Guaglianone, and get another bond. It was not compulsory. It was just voluntary.

Q. Who signed the bonds that were given by the Sons of Italy Association in exchange for those bonds?

A. I could not tell you.

Q. Who had authority to sign them?

A. The officers, I guess.

Q. Who were the officers of the Association who had authority to sign the obligations of the Sons of Italy Association in return for those bonds?

A. I was one of the officers, and I think they are signed by me, but I won't swear to it.

Q. Have you signed any bonds?

A. I think I did.

Q. You think you did?

A. Sure.

Q. Did you sign 15, 20 or 30 of them?

A. If I signed them, I signed them all. I was President at the time.

Q. You say you did sign them?

A. If they were signed by me, I signed them all. If I signed one, I signed them all.

Q. We want to know whether or not you as President of the Sons of Italy Association had authority to sign a bond to be paid out for one of those bonds?

A. If I had the authority?

Q. Yes, did you have the authority?

A. Positively.

Q. Where did you get that authority?

A. I got the order from the Lodge.

Q. Does that appear in the minutes of the Association?

A. I believe so, I won't say, but I think it does.

Q. Do you have a copy of the bond which was issued by the Sons of Italy Association?

A. I have not got it here, but we can get some.

Q. Will you say that the Sons of Italy Association issued a bond of the same amount as that represented by these bonds to the members?

A. I do.

Q. Will you say for every $25 bond that was delivered to the Sons of Italy Association the Sons of Italy Association gave a $25 obligation?

A. Positively.

Q. What other inducement did the member get if he turned over a $25 bond to the Sons of Italy Association?

A. What other inducement did he get?

Q. What did he get if he gave you a $25 bond, yes? Did he get a bond in the sum of $25?

A. Sure he did.

Q. What would he get if he paid you a little more money?

A. Get another bond.

Q. For the full amount of the money he paid you?

A. Sure.

Q. Isn't it a matter of fact that if a member had a $25 bond, and he paid you $15, that he got a $50 bond of the Sons of Italy Association?

A. Sure.

Q. Why didn't you tell us that before?

A. It has not got anything to do with this.

Q. I don't want you to argue with me. Why didn't you say that if a man put up a $25 bond, and put up $15 in cash that he got a $50 bond of the Sons of Italy Association?

A. That is right.

Q. Why didn't you tell us at first?

A. You didn't ask me. You asked me if a man gave $25 he got $25.

By the Master:

Q. Didn't you say that a bond for a like amount was given for the bond, isn't that your testimony?

A. Sure.

Q. You say that if it was a $25 bond another $25 bond was given in exchange?

A. Exactly, that is what we done.

By Mr. Palese:

Q. But if he surrendered his $25 bond and paid the Sons of Italy $15 in addition in cash, the Sons of Italy offered him a $50 bond? Is that right?

A. Yes, sir.

By the Master:

Q. They didn't give any cash in some cases? They simply gave a $25 bond, is that it, and you gave a $25 bond in exchange?

A. Yes, sir.

By Mr. Palese.:

Q. Were any of these bonds of the Lodge D'Alig- 10
heri returned for cash?

A. I don't remember that, may be, very little. If it was any, it was very little.

Q. Who would know of the Sons of Italy Association if any of these bonds, which are now held by the Sons of Italy Association were paid for in cash? Who would know, of your Association?

A. I think the House Committee ought to know.

Q. Name them. I don't know the House Com- 20
mittee. Who are the members of the House Committee, who would know?

A. The President of the House Committee, Mr. Marino, and the Secretary, Mr. Dashione.

Q. They would know?

A. If any one was paid in cash.

Q. Have you paid any interest on these bonds?

A. No, sir.

Q. Have you paid anything on account of those bonds?

A. Those bonds was not paid anything on account 30
and we didn't pay any interest.

Q. Have you paid anything on account of your bonds, the bonds of the Sons of Italy Association, which were taken in exchange for those? Have you paid anything on account of those?

A. They don't call for anything paid yet, no payment due.

Q. So far as you know, the Sons of Italy Association has not paid any money on account of those bonds, either on the principal or on the interest?

A. That is right.

Q. As far as you know none of those bonds was taken in for cash?

A. That is right.

JOSEPH TASCHIONE, sworn.

By Mr. Palese:

Q. What position do you hold in the Sons of Italy Association?

A. I used to hold Secretary of the House Committee.

Q. As Secretary of the House Committee did you have any books?

A. Yes, I have.

Q. Where are the books?

A. They are here. They was brought in last week.

Q. Do you know anything about these obligations of the Lodge D'Alegheri?

A. Not since the Lodge transferred from one to the other one.

Q. Not since March 15, 1927?

A. That is it.

Q. You don't know anything since that time?

A. No.

Q. I thought you were Secretary of the House Committee of the Sons of Italy Association?

A. So I was.

Q. Have you ever seen these bonds?

A. Yes, I did.
Q. When did you see them last?
A. 1925 or 1926.
Q. Aren't you associated with the Sons of Italy Association?
A. I am.
Q. What position do you have there?
A. At the present time?
Q. Yes?
A. Treasurer.
Q. Of the Association?
A. Yes.
Q. Anything else?
A. Just a member.
Q. What position did you hold on March 15, 1927?
A. Secretary.
Q. Of the Association or the House Committee?
A. House Committee.
Q. As Secretary of the House Committee did you sign any bonds of the Sons of Italy Association?
A. From them on?
Q. No, now?
A. No.
Q. Have you ever signed any bonds of the Sons of Italy Association?
A. No.
Q. Was Guaglinone on that same Committee you were on, the House Committee?
A. No, sir.
Q. As a member of the House Committee, did you ever see any money paid to members for the bonds of the Lodge D'Alegheri?
A. Not at that time.
Q. Since March 15, 1927?
A. I didn't.
Q. Have you ever seen a bond, or an obligation

of the Sons of Italy Association that was given in exchange for those?

A. I can't see them if I didn't have any.

Q. Do you have one yourself?

A. What?

Q. An obligation of the Sons of Italy Association, a new bond of the Sons of Italy Association?

A. I have.

Q. When did you get yours?

A. I got mine as soon as—I don't remember if it was in July or March.

Q. Do you have it with you?

A. No, I haven't.

Q. You say July or March?

A. Either one, I don't remember.

Q. March 1927?

A. March, 1927, March or July, I really don't know the date.

Q. Have you ever got any money on that bond?

A. I have.

Q. How much?

A. $25.

Q. How much was your bond of the Lodge Dante Aligheri?

A. $25. I didn't have a bond, I loaned $25 in 1925 or 1926 to the Lodge D'Alegheri. I donated and I got a bond for $25.

Q. Whose bond did you get?

A. Sons of Italy Association

Q. Did you have a bond of the Lodge D'Alegheri?

A. No.

Q. The Lodge D'Alegheri owed you $25?

A. Yes, sir.

Q. And then the Sons of Italy Association took over the debt?

A. Yes.

Q. How much did they pay you?

A. $25.

Q. Didn't you get a bond from the Sons of Italy Association?

A. $25.

Q. (Question repeated). You said you donated $25 to the Lodge D'Aligheri?

A. Yes.

Q. Why did the Sons of Italy Association pay you $25 for a donation? Why did you make a claim on the Sons of Italy Association for $25 when your money was a donation to the Lodge D'Aligheri?

A. I don't know what you call it, donate, or what, but I gave Lodge D'Aligheri and at the time, of course, they had a record in the book of my $25, and they gave me a bond for $25.

Q. Why did you take it if it was a donation to the Lodge D'Aligheri?

A. Why did I take it, because I thought it was belonging to me.

Q. Did you claim on the Sons of Italy Association?

A. No.

Q. Who saw you about returning this $25, which one of the Sons of Italy Association asked you about returning this $25?

A. Returning what?

Q. Returning the $25 which you had donated to the Lodge D'Aligheri?

A. I think it was the Secretary gave me the bond.

Q. Did you get a bond for $25 and you also got cash for $25?

A. I only got a bond for $25.

Q. So that they gave you a bond for $25 for a donation which you had made to the Lodge D'Aligheri?

A. That is it.

Q. Did you pay any other money?
A. No.

By Mr. Orlando:

Q When did you give the D'Aligheri Lodge $25?
A. I think it was 1925 or 1926. I don't remember right.
Q. Was it at a time when they were making improvements to the building?
A. I think it was. They were trying to get some money to do something to the place.
Q. At that time how did you come to give the Lodge D'Aligheri $25?
A. There was in a meeting, and he said any member will help the Lodge out, will give us money, so I drew a check to the Secretary, and ——
Q. And in return for the check for $25 you gave them they gave you a bond similar to this?
A. No, I didn't get that.
Q. What did you get?
A. The new bond.
Q. I mean after you first gave money to the Lodge D'Aligheri?
A. I didn't get that.
Q. What did you get for the $25?
A. I didn't get anything.
Q. Did you get a receipt?
A. No, I didn't get even that.
Q. You didn't get anything from the D'Aligheri Lodge?
A. No.

By the Master:

Q. Did they tell you they were going to give you anything?

A. No.
Q. Did you expect anything at the time?
A. Not that time I didn't, because I gave it to the House ——
Q. You didn't expect anything in return?
A. No.

By Mr. Orlando:

Q. When did you get this bond from the Sons of Italy Association?
A. I don't remember right, it was between March and July some time.
Q. You have that now?
A. I have got it home. I haven't got it here.
Q. That is signed by the officers of the Sons of Italy Association?
A. I didn't even look at it.

By the Master:

Q. Is he going to produce it?
Witness: I can't produce it at the present time.

By Mr. Orlando:

Q. Haven't you got it home?
A. I haven't got it home. I have got it over the place where I work at.

Louis Durso, sworn.

By Mr. Palese:

Q. What position do you have with the Sons of Italy Association?

A. Treasurer.

Q. Do you have the book of the Lodge D'Aligheri, that is the stubs from which these bonds were taken out?

A. No.

Q. Have you ever seen such a book?

A. Yes.

Q. When was the last time you saw it?

A. I don't remember, 1925 or 1926, I don't know.

Q. How big a book is it? Does it have a very large stub on it?

A. Just like this (indicating).

Q. While you were a member of the Lodge D'Aligheri, were any of these bonds surrendered to the Lodge D'Aligheri?

A. No, not when I was ——

Q. Not as long as you were a member of the Lodge D'Aligheri were any of these bonds surrendered by the members as a donation?

A. No.

Q. Were there any members who had $50 bonds who would surrender them and get another bond for $25? In other words, donate $25 to the Lodge D'Aligheri?

A. Not to my knowledge.

Q. Where is your bond? Did you have a bond of the Lodge D'Aligheri?

A. Not now.

Q. Did you have one?

A. Yes.
Q. How much was it?
A. $50.
Q. What happened to that bond?
A. I don't know. I lost it yet. I ain't got it any more.
Q. Did you turn it over to the Sons of Italy Association?
A. No.
Q. Did you have a bond of the Sons of Italy Association?
A. Yes.
Q. How much?
A. $25.
Q. Did you pay $25 cash for it?
A. Yes.
Q. In cash?
A. Yes.
Q. When did you buy it?
A. When we formated (sic).
Q. When you organized the Sons of Italy Association?
A. Yes.
Q. Who signed that bond of the Sons of Italy Association?
A. The President.
Q. Who was the President?
A. Mr. Felix D'Aloise.
Q. Did onyone else beside the President sign it?
A. Yes, myself, I guess.
Q. Did you sign your bond, or didn't you sign it?
A. I don't remember. I signed all the bonds.
Q. All of the bonds of the Sons of Italy Association?
A. As Treasurer, I don't remember ——
Q. Who authorized you and Mr. D'Aloise to sign those bonds of the Sons of Italy Association?

A. The Assembly.

Q. Does that appear on the minute books of the Sons of Italy Association?

A. I can't tell you.

Q. Tell us what authority you and Mr. D'Aloise would have to sign the bonds of the Sons of Italy Association? Did you have to see one of these first before you signed it?

A. I don't know. I just signed.

Q. They just presented it to you and you signed it?

A. Yes.

Q. You don't know how many you signed?

A. No.

Q. Who requested, or who told you to sign the bonds for the Sons of Italy Association?

A. It was Guaglianone or the President.

Q. You are not sure?

A. No.

Q. If Mr. Taschione or Mr. Guaglianone had come to you and said "sign it" you signed it?

A Yes.

Q. You didn't ask them if they got any money for it?

A. No, because they got the interest like me.

Q. You didn't ask whether it was for a new bond?

A. No.

Q. Or in exchange for the Lodge D'Aligheri bond?

A. No.

Q. You didn't know anything about it?

A. No.

Q. Where is the book? Does the book from which the Sons of Italy issued the bonds, does that have a stub to it?

A. Yes.

Q. Where is the book?

A. Guaglianone has it.

Q. Do you remember how the book looked from which the Lodge D'Aligheri took these bonds? Did it look something like that?

A. I could not tell you. It is so many years ago now. Something like that, but I can't tell you.

Q. Had it a stub on which the names of the members and the amounts appeared?

A. Yes.

Q. You have never seen that book since 1925?

A. No, not any time.

AGOSTINO GUAGLIANONE, recalled.

By Mr. Palese:

Q. Look at these stubs here. Will you tell us if No. 1 bond, Aceto Domenico, on the 3rd of June, 1927, was that for a bond of the Lodge D'Aligheri or for cash?

A. For a bond of the Lodge D'Aligheri, not for cash.

Q. Where did Domenico sign a receipt for the bond which he received from you? You said on direct examination that the member would sign a receipt for the bond. Where did he sign a receipt for the bond?

A. In that book.

Q. Find the receipt of Aceto Domenico?

A. His number is not here. Maybe he didn't receive it, because when the order came it was stopped.

Q. What order came?

A. When we received, after August.

Q. After August, 1927?

A. We didn't force anybody to.

Q. Was this bond signed on the 3rd of June, 1927, to Aceto Domenico?

A. It was issued.

Q. Turn to stub No. 200 in this book, that was issued to Loperfido Giovanni. When was this bond issued, on the 3rd of June?

A. Yes, sir, it is here.

Q. What was the amount of the bond that he got?

A. $25.

Q. Do you have a receipt there in your book?

A. There it is.

Q. Did you get a bond in exchange, or did you get cash for this bond?

A. I don't remember iI I had a bond in exchange, or got cash. I don't know. I am not the Financial Secretary.

Q. The Financial Secretary could tell us whether they were paid for in cash, or not?

A. Maybe he remember.

Q. How many bonds did you issue in exchange for those of the Lodge D'Aligheri?

A. I can't recall now.

Q. Who does know?

A. In the book they show.

Q. What does the book show, whether or not you got cash, or you issued them in exchange for Lodge D'Aligheri bonds?

A. There are some cash.

Q. Point to one in that book you got cash for?

A. I don't know.

Q. You say the Treasurer would know. Would the Treasurer know whether the bond which is shown in this stub was paid for in cash, or was given in exchange for one of the D'Aligheri bonds?

A. I said maybe the Financial Secretary know,

because he receive the money. I don't receive any money.

Q. Take this bond of Tedeschi Raffaele for $100. There was a bond issued in exchange for this?

A. Yes, sir.

Q. Turn to it. Let us see what it looks like?

A. It is not in this book.

Q. Where is it?

A. I have got another one.

Q. Where is it?

A. I have got it home.

Q. Didn't you get a subpoena served on you to bring all the books that you had?

A. Of the Lodge D'Aligheri, yes, but this belongs to the Sons of Italy Association.

Q. What?

A. They didn't ask for any of the books of the Sons of Italy Association.

Q. Do you have another book home?

A. Yes, like this. This goes from "A" to "L."

By the Master:

Q. The other book is a similar book?

A. The other one goes from "L" to "Z," and "T" must have been in the other book.

Q. I thought that you were to get all that pertained to these stubs?

A. They just asked me for the receipt.

By Mr. Palese:

Q. How many receipts do you have? You have a book there for the bonds that were issued. Count them?

A. 138.

Q. 138 receipts?

A. Yes.

Q. Where are the receipts for the other 62 bonds that are shown in this stub book here? It is that of the Sons of Italy Association numbering 1 to 200. The other book referred to is that containing receipts for bonds issued by the Association? The stub book being marked D-12 and the receipt book being marked D-13. Where are the receipts for the other 62 bonds issued out of this book D-12?

A. As I told you before, not all got the bonds.

Q. Where are the bonds, then, if they have not been issued to the members?

A. Where are they, home.

Q. You say you have 62 bonds home belonging to members of the Sons of Italy Association, which have not been issued?

A. Yes.

Q. Why have not those 62 bonds been issued? Why are you holding those bonds?

A. They are many I could not find. They either not belong to our Association, and many have not asked for them.

Q. Where did you get their names to make out the bonds for them if you never got a request?

A. From the list they gave me.

Q. Where did you get that list from?

A. The Lodge D'Aligheri.

Q. So when you went over in the Sons of Italy Association you made out a bond for every member of the list of the Lodge D'Aligheri?

A. Yes.

Q. Did you write a letter to these members asking them to come and get the new bond?

A. We wrote a letter to our men, but I don't know the others, because we had no address. I only had the address of our members.

Q. Did you write me a letter that I had a bond of the Lodge D'Aligheri?

A. No, I have got your bond in my book.

Q. Why didn't you write me a letter? You knew where I live?

A. No, I don't know. I know where your father live, but I don't know you.

Q. Did you write my father a letter?

A. Yes, he said he wanted to keep his bond. He don't want to exchange.

Q. He wanted to keep the D'Aligheri bond?

A. Yes.

Q. How many other bonds have you got in that book?

A. I have so many.

Q. How many?

A. These are the bonds you don't want the exchange.

Q. These members of the Lodge D'Aligheri don't want to exchange that bond?

A. That is what they report to me.

Q. Who reported that to you?

A. I can't recall.

Q. Why didn't you have all the 62 bonds, instead of bringing 12 or 14? These belong to Antonio Debaulo, Salvatore Divo, Gusieppe Cashcini and Innocenzo Visceglia. Why didn't you bring all the bonds instead of these?

A. Nobody asked me to bring them.

Q. You just said you had my bond here. Where is it in there? Will you see if my bond is in there?

A. I made a mistake.

Q. My bond is not there?

A. It is in the book.

Q. It is in the book in Philadelphia?

A. No, in Camden.

Q. Did you examine the minutes of the Lodge D'Aligheri about these bonds before you made this bond out to Mr. Debaulo? Did you look in the book and see what Mr. Debaulo had done with his bond in the Lodge D'Aligheri?

A. I have no minute book of the Lodge D'Aligheri. I am not secretary, or an officer.

Q. Did you look in the book before you issued this to Mr. Debaulo?

A. I issued the bonds according to the list given me.

Q. Didn't you know as a matter of fact that Mr. Debaulo had donated his bonds to the Lodge D'Aligheri when he was a member?

A. I don't know whether he loaned or donated it.

Q. Why did you just bring these bonds instead of all of them?

A. That was in that book.

Q. Who gave you this list you refer to?

A. I can't recall. It was two years ago.

Q. You have no recollection at all who gave you this list and asked you to make out the bonds for the members listed there?

A. No.

Q. Do you know where these names came from? Did you ask the man who gave it to you where he got this information to make this list out for you?

A. The Recording Secretary of the Lodge D'Alegheri must know.

Q. Did he give you this list? Did the Recording Secretary of the Lodge D'Alegheri give you this list?

A. I don't know, or the Venerable gave it to me.

Q. Who was the Venerable?

A. Michael Lalli.

Q. Will you say he gave you this list?

A. No, I can't recall who gave it to me.

Q. Did you ask someone of the Sons of Italy Association or the Lodge D'Aligheri to get this list for you?

A. After this agreement they give a list of the men entitled to the bonds.

Q. Who told you these men were entitled to bonds?

A. I can't recall.

Q. Was this list with the amounts on there, too, when they gave it to you?

A. The amounts?

Q. Yes?

A. I can't recall.

Q. Why on here when you come to Rocco Palese you don't have any amount here, and you have $25 over there? Does that mean I still have $25 in the Lodge D'Aligheri?

A. Yes, this is not the original. This is a copy, and this with the men that belong to the Sons of Italy Association, they are on this list, and this is the Lodge D'Alegheri, this list.

Q. Where has this list been since you made these bonds out, who has had this list?

A. This is the first time I seen this list.

Q. You saw it when you made this out, didn't you?

A. Then I had the original.

Q. You didn't make out the bonds from this list?

A. No, sir, not from this list.

Q. What did you do with that list you made out these bonds from? Who did you give it to?

A. I don't know whether the lawyer, or who has got it.

Q. Don't you remember who you gave that list to, after you made out 200 or 300 bonds from that list, you don't know who you gave it to?

A. I don't know who had that.

Q. Was it typewritten like this, or in ink?

A. Typewritten.

Q. Did you make any memorandum on it of the bonds you had issued?

A. No.

Q. You think Mr. Lalli gave it to you, is that right, Mr. Lalli gave you the original list?

A. No, I said I can't recall.

Q. Can't you recall who you gave it to after you made the bonds out?

A. No.

Q. Did you give it to Mr. Lalli?

A. I don't know if I give it back to him, or somebody else, I don't recall.

Q. Who was the Vice-Venerable of the Association, the Sons of Italy Association?

A. The Vice-President?

Q. Yes, did you give it to him?

A. I can't remember.

Q. Did you give it to the Treasurer of the Association?

A. I can't remember.

Q. Did you give it to the Secretary of the Association?

A. Financial Secretary do you mean?

Q. Either Recording or Financial Secretary?

A. The Recording Secretary I am myself.

Q. You have not seen it? This is a copy of the original list?

A. This is a copy.

Q. Look at it, that is the original copy itself, isn't it? Is that the carbon copy or the original copy itself?

A. This is not the carbon copy, but it is not the original, either.

Q. It is not the one you made out the bonds from?
A. No.
Q. Did you give that to Mr. Orlando this morning, or did Mr. Orlando have it?
A. This is the first time I seen it.

Mr. Palese: When did you get it, Mr. Orlando?

Mr. Orlando: I didn't get that this morning.

Q. Have you ever seen this before?
A. No.
Q. Did you give it to Mr. Orlando?
A. No, sir.
Q. Did you give it to Mr. Lalli?
A. No, this is the first time I have seen it.

Mr. Orlando: This was handed to me prior to last Wednesday here by Mr. Manarasi, the Financial Secretary of the Sons of Italy Association.

Q. Did the one you had look like this? Was it typewritten?
A. Yes, typewritten.
Q. Was it the original or a carbon copy, that list?
A. Original.

Mr. Palese: We offer all of these in evidence.

Mr. Orlando: That is my own exhibit. That is my record. If you want to have the use of it, all right, but I want it for my own calculations.

MAREO MANARASI, sworn.

By Mr. Palese:

Q. Do you hold any position with the Sons of Italy Association?

A. Yes.

Q. What position?

A. Financial Secretary.

Q. Have you ever seen a book similar to D-12 which would show the stubs of the bonds issued by the Lodge D'Alegheri?

A. Yes.

Q. When was the last time you saw it?

A. June 3, 1927, when I helped make this book.

Q. Did that book contain a list of all the members to whom bonds had been issued by the Lodge D'Alighieri?

A. Part, not all.

Q. Did the stubs in that book show any other things other than the name and the amount of the bond?

A. I can't tell you much about the stubs because I just wrote it because I had good handwriting.

Q. You put the name on each stub and the amount of the bond?

A. One man called this name here and I make up the other side.

Q. Who was the man who called the names out to you?

A. Guaglianone.

Q. He is the man who called the names out to you?

A. Yes.

Q. You wrote that down on this paper?

A. No, I wrote it down on the bond.

Q. On the new bond?

A. On the original bond.

Q. Where did you get this list from? Where did you get the information to make this list up?

A. From my own piece of paper I have from 1924 when I got a little work on the House Committee. I was Secretary 1924-1925 of the House Committee, and so I make a statement of the Lodge, and so I had a paper on the names and everything, and I make out this new one, and thew away the other one.

Q. Did you make this out yourself?

A. Yes.

Q. On the typewriter?

A. Yes.

Q. When did you make it out?

A. About a couple of weeks ago.

Q. Where is the other paper that you had, that you got this information from?

A. It was all dirty, and I threw it away. From 1924 it was pretty old.

Q. When did you throw it away?

A. As soon as I made this list out.

Q. You made this list within the last two or three weeks?

A. Two weeks ago.

Q. Was that after we had served you with a subpoena, did you get a subpoena to bring some papers in Court, to produce certain papers here in Court?

A. No.

Q. You knew the other officers of the Sons of Italy Association had been served with a subpoena to bring the books in Court?

A. Yes.

Q. You knew that, and you took this paper and destroyed it because it was dirty?

A. Yes.

Q. Where did you get the information that Rocco Palese had a bond of the Lodge D'Aligheri?

A. I am Financial Secretary about seven or eight years. I know every one who belong to my side and who belong to the other side.

Q. Your statement would show my name in the original list of the persons who had bonds?

A. Yes.

Q. When you made this new one out you would have my name on the other side, that I had a bond of the Lodge D'Aligheri?

A. Yes.

Q. The amounts, did they appear on the statement you have, the amount of the bonds?

A. Yes, just a similar statement.

Q. Exactly like this?

A. Except to put them in the column, and I put them in the column.

Q. But the information, where did you get this from, that showed that I had not redeemed my bond?

A. No, I ain't got no information. I fill in from that.

Q. Did you examine the stubs of the Lodge D'Aligheri at any time?

A. No.

Q. How long were you a member of the Lodge D'Alligheri?

A. From 1923 I guess.

Q. What position did you have with the Lodge D'Aligheri?

A. Secretary, Financial Secretary.

Q. Weren't some of the bonds which were issued by the Lodge D'Aligheri donated to the Lodge?

A. I ain't got anything to do with that.

Q. Were not some of the bonds while you were

Secretary of the Lodge D'Aligheri donated to the lodge?

A. I don't know anything about it. The House Committee took care of that.

Q. Do you remember the day when they had a fire in the Lodge meeting, when some of these bonds were burned up?

A. No.

Q. Didn't you hear about a fire down there where some of these bonds were burned up?

A. No.

Q. You don't remember that?

A. No.

Q. Will you say that the same information as to the names and the amounts appeared on the stub of the book of the Lodge D'Alegheri?

A. No, on a little piece of paper.

Q. That list you say you got from the stubs of the book?

A. No, I didn't say that. I said that list I took it from a piece of paper I found in the closet of the Secretary in 1922.

Q. That was not your list, the list you made of another Secretary of the Association?

A. I found this piece of paper in the closet and copied a record of the names.

Q. Didn't you find the stub book there, too, the stubs showing the names and amounts of those bonds?

A. I know there was a lot of books in there, but I didn't look them over.

Q. Did you give Mr. Guaglianone a list like this.

A. No.

Q. Did you give him the original paper you found?

A. No, I told you I threw it away, because it was cut, and some of the names you can't see.

Q. Mr. Guaglianone says he made his list from another list containing the same information?

A. I don't know anything about that.

Q. This is the only one you have made up?

A. Yes.

Q. Did he ever see the other list you had from which you got this information?

A. I don't know if he saw it. I don't know anything about it.

Q. When you made out the bonds to the Sons of Italy Association you just went through the list and made a bond up for every member that appeared on that stub?

A. I made a bond for every name Guaglianone called out to me.

Q. Mr. Guaglianone was then looking at what? Where was he getting his information for you to make out your bonds?

A. From my book.

Q. Where is that book?

A. Home.

Q. What book is that? Does that have a list just like this?

A. When we make out bonds for the Sons of Italy Association, in getting the information for the new Association was from my book, but if we recall some old ones, we put it down, like Mr. Debaulo, who don't belong to our Association. We know Debaulo has got a bond, and he puts it down, but all the members of the new Association, he took it from my book, all the Sons of Italy Association.

Q. Mr. Guaglianone had it right in mind, how many bonds Mr. Debaulo had?

A. Yes.

Q. He had in mind how many bonds I had?

A. Yes.

Q. And Mr. Guaglianone, did he have in mind that Guiseppe Paladuo had $25.61. He had that in his mind?

A. He handled the bonds as soon as these come out. He handled the bonds, and nobody else, and nobody knew how much he knows.

Q. And he had the information as to whether or not this bond was for $74.14?

A. Must have been.

Q. $59.61?

A. Must have been.

Q. $25.61?

A. Must have been.

Q. Where is the book containing the stubs of bonds and bonds issued by the Lodge D'Aligheri?

A. I don't know.

Q. You never saw it since two years ago?

A. More than that. I told you 1924.

Q. Didn't you have a book in your hand when Mr. Visceghia and two or three others were there to incorporate the Sons of Italy Association?

A. No, sir; you mean the bank book?

Q. With stubs?

A. No.

Q. A ledger which would show the names to whom bonds had been issued?

A. No.

Q. Didn't you have it in your hand with Mr. Visceghia was there with two or three others for the purpose of incorporating the Sons of Italy?

A. No, sir.

Q. You say it was not there?

A. Yes, sir.

Q. Will you say that the stubs of the book of the Lodge D'Alegheri didn't have also written on there certain information that some bonds had been cancelled or donated to the Lodge?

A. I don't know. I told you I never seen that. I seen many books, but I don't know which one.

Q. Will you say as long as you were a member of the Lodge D'Aligheri some of these bonds were not donated to the Lodge, will you say that?

(Question repeated.) Some of the bonds were not donated to the Lodge?

A. No, I won't say it.

Q. Is it the truth or not the truth that some members of the Lodge D'Aligheri donated their bonds to the Lodge and said, "I don't want any money for my bonds"?

A. I don't know.

Q. You will say that never happened?

A. I can't say never. I don't know if anybody donated, or anybody want their money back. I don't know anything about it. I got my own bond because I wanted my money back.

Q. Were you ever at any meeting of the Lodge D'Aligheri where some of the members donated their bonds to the Sons of Italy Association?

A. No, and I want you to know that I attend every meeting.

Q. Do you know who took possession of all the books of the D'Aligheri Lodge since March 15, 1927?

A. What kinds of books?

Q. Any books?

A. I just know about my books.

Q. What books did you take?

A. I got the master book, I got the day book, what I collect money, and I got the bank book, I got the stubs received from the Treasurer, and I give it to Mr. Lalli.

Q. Where did you get those books? Who gave them to you?

A. When I got the position of Financial Secretary I got those books from the prior man before me.

Q. Who was the Secretary before you?

A. Mr. Turri.

Q. Was he Secretary of the Lodge D'Aligheri?

A. He was Secretary, I don't know, of the Lodge D'Aligheri, yes.

Q. He turned the books over to you?

A. To me, yes.

Q. Who else got some books, if you know, of the Lodge D'Aligheri?

A. I don't know.

Q. You don't know of any book that was turned over?

A. I know only my books, that is all.

Q. You don't know who got the minute book?

A. No, you must ask the Secretary about that.

Q. You say you got this list from a closet up in the hall?

A. Yes.

Q. Were there any other books there beside this list?

A. I told you when I found it in 1924, not now.

Q. You found this list in 1924?

A. It was from that rough list that I copied the new one.

Q. Did that list belong to you?

A. No, it belonged to the same place where I took it.

Q. You took that list and it didn't belong to you, did it?

A. No.

Q. You took it and kept it for five years until you made this list from it?

A. That is right.

Q. Were there any other books there when you found this list?

A. I told you there was many books there, but I don't know anything about them.

Q. Why did you take that list in 1923 or 1924? Why did you take it if it didn't belong to you?

A. I took it because it was a financial statement of the Lodge, and I make a statement, and at the end of the statement I put how many people get bonds and how many money.

Q. Why didn't you get that information from the stubs of the book from which these bonds were issued?

A. I had that list already made, and I copied that.

Q. Didn't you check it to see if that list was correct?

A. No, I didn't check it.

Q. You took it for granted that the list was correct?

A. Yes.

Q. This copy we have got here today was taken from that list?

A. Yes.

Q. Where did you make this list, in your office or your home?

A. I made it in my office.

Q. Where is your office?

A. 322 Pine Street.

Q. What is your business?

A. Manager of the Seven Brothers Bakery.

Q. After you made the list where did you throw the other list, in the basket?

A. In the basket.

Q. In the waste basket?

A. Sure.

Q. Did you burn it up?

A. I don't burn it up. The janitor threw it away.

Q. Did you make any carbon copies then, or just one original?

A. This copy and one carbon copy.

Q. Where is the carbon copy?

A. It must be somewhere.

Q. Who have you given the carbon copy to?

A. Maybe I got it in the office. Maybe I gave it to our lawyer. Only two copies were made.

Q. Did anyone ask you to make a typewritten list of the names of your members? Did anyone ask you to do it?

A. No.

Q. You just did it yourself?

A. Sure, because I thought we needed it.

Q. After you made the list, who did you give it to?

A. I held it a few days and then I gave it to the lawyer.

Q. Did Mr. Orlando ask you for it?

A. I don't remember if he asked me for it, but I gave it to him, anyhow.

Q. Did you tell him this was a list of the names of the holders of bonds?

A. Yes.

Q. Had you been requested by the officers of the Sons of Italy to make up such a list for Mr. Orlando?

A. I make it myself.

Q. Did anyone tell you to?

A. Nobody told me to.

Q. Why did you change from the piece of paper you had to a typewritten list? Why did you do that?

A. I did that because the other was all dirty and can't read it, and I make a nice new one.

Q. Could you read it to make up this list?
A. Yes, because I knew every one.
Q. Do you know who had made that list up?
A. No.
Q. You don't know who had made it up?
A. No, I found it in the closet, I told you.
Q. That list you copied this from didn't show that this man Arturo or this man Andrea didn't have a $49.22 bond of the Sons of Italy Association, it didn't show that he had, and you transferred it over when you made this list up?
A. Yes.
Q. When you came to that man, instead of putting his name under the Sons of Italy, you put it on the other side?
A. Yes.

JOSEPH BINCOSINO, recalled.

By Mr. Palese:

Q. You were the janitor of this building on March 15, 1927?
A. Yes, sir.
Q. You have been janitor for how long?
A. Ten years next December.
Q. Do you remember when the Sons of Italy Association took possession on March 15th, 1927?
A. I remember when they took possession, yes.
Q. Do you know what happened to the books there?
A. I don't know nothing about any books.
Q. Did you ever see the books down there?
A. I don't know nothing about a book.

MICHAEL LALLI, sworn.

By Mr. Palese:

Q. What position did you hold in the Lodge D'Aligheri March 15, 1927?
A. Venerable.
Q. That is the same as President of the Association?
A. Yes.
Q. Do you remember when the Sons of Italy Association took possession?
A. Yes.
Q. The Lodge D'Aligheri had some books, did they not?
A. Yes.
Q. What happened to those books on March 15, 1927?
A. I think they were left to the Lodge there.
Q. What books did you leave there?
A. I don't know.
Q. Who took the books?
A. When we took possession of the house, the Lodge D'Aligheri was in existence.
Q. Who got the minute book of the Lodge D'Aligheri?
A. The minute book I had had and at the time we was here last time somebody got it for translation.
Q. You had the minute book from March 15th, 1927 to last week?
A. Yes.
Q. What other books did you have?
A. I got the other book, the Financial Secretary gave it to me.

Q. What other book?

A. That book there.

Q. Did you have any other book yourself?

A. No.

Q. Did you ever see the book containing the stubs of the bonds that were issued by the Association?

A. No, sir.

Q. Was there such a book of the Lodge D'Aligheri?

A. I believe it was, because I recall when it was issued at that time I saw the book there, ten years ago.

Q. You say they did have a book that looked similar to D-12?

A. Yes.

Q. And that book contained a list of the names and the amounts of the bonds which were issued?

A. Yes, sir.

Q. When was the last time you saw that book?

A. I never seen it since then.

Q. Since the time you got your bond?

A. Yes, sir.

Q. While you were a member of the Lodge D'Aligheri were any of the bonds which were issued donated to the Lodge by any member?

A. Yes, sir.

Q. How many bonds would you say were donated by members of the Lodge D'Aligheri?

A. I could not tell you how many.

Q. Approximately?

A. It was at a time when we redeemed some of the bonds by putting a condition to the holder of the bond that he leave to the Lodge D'Aligheri the sum of $25, then we gave this member a promise that if at any time the property should be sold we should give the credit of the money that they give to the Lodge.

Q. If a man had a $50 bond he would take in exchange a $25 bond?

A. Yes.

Q. And donate the other $25?

A. Yes.

Q. To the Lodge?

A. Yes.

Q. Can you tell us approximately how many bonds were taken in under that arrangement?

A. I can't.

Q. Were any of those bonds which have been offered here in evidence today some of those bonds?

A. No.

Q. Will you say they are not?

A. I don't know.

Q. Every bond which has been offered here today was held by the members of the Lodge D'Aligheri and the Sons of Italy Association?

A. I want to explain.

Q. These bonds offered here in evidence, were any of those bonds donated by the members to the Lodge D'Aligheri?

A. Not that I know of.

Q. You heard Mr. Taschione say that the Lodge D'Aligheri and the Sons of Italy Association gave him a bond for $25? Do you remember that incident?

A. I don't remember that.

Q. What position do you hold in the Sons of Italy Association?

A. Vice-President.

Q. Has any money been paid to your knowledge to the members who held these bonds which have been offered in evidence?

A. Not to my knowledge.

Q. No money has been paid?

A. Not to my knowledge.
Q. Has any interest been paid on those bonds?
A. No, sir.

By Mr. Orlando:

Q. You say, when you were a member of the Lodge D'Aligheri, you remember some of the members making a donation of at least a part of the amount they would give to the Lodge D'Aligheri?
A. Yes.
Q. When that was done, would they surrender the bond for $50 and get a new one for $25?
A. I think they did surrender the bond.
Q. So any time when a contribution or donation was made by any of the members of the D'Aligheri, they would surrender their bond, and either get a new bond for it or surrender it altogether?
A. Yes.
Q. And these bonds which have been offered in evidence are none of those bonds?
A. No, sir.

ATTILIO MARINO, sworn.

By Mr. Palese:

Q. You hold some position with the Sons of Italy Association, do you not?
A. Not at the present time.
Q. Did you on March 15th, 1927?
A. I did at that time.
Q. What position did you hold in the Sons of Italy Association?

A. I was Vice-President.

Q. Do you remember the transfer on March 15, 1927?

A. I have some recollection of it.

Q. Did you attend the conference at Mr. Marino's home when Mr. Visceghia was to sign the certificate of incorporation of the Sons of Italy Association?

A. No, I don't recall.

Q. Have you in your possession any books of the Lodge D'Aligheri?

A. None whatever.

Q. Did you get any on March 15, 1927?

A. I did not.

Q. Do you know who has the books of the Lodge D'Aligheri?

A. No, I don't.

Q. Did you see any of the books in the possession of some officer of the Sons of Italy Association?

A. None.

Q. Do you remember ever seeing a book containing information as to the names of members who had obtained bonds of the Lodge D'Alegheri?

A. No, I don't.

Q. Did you know of such a book at the time the bonds were issued?

A. No, I don't know whether such a book was in existence or not, then.

Innocenzo Visceghia, sworn.

By Mr. Palese:

Q. What position did you hold in the Lodge D'Aligheri prior to March 15, 1927?

A. In June, 1926, before I come to be Treasurer of the Lodge D'Aligheri, I was trustee of the House Committee.

Q. Do you remember bonds or obligations similar to these issued by the Lodge D'Aligheri in 1924?

A. This bond was issued 1920-1921.

Q. Were you a member of the Sons of Italy Association then?

A. I was Secretary of the House Committee.

Q. Secretary of the House Committee?

A. Yes.

Q. Was there a book from which these were torn, that had a stub?

A. Yes, sir; it was in our possession.

Q. When was the last time you saw that book?

A. 1926 when I left the House Committee, it was in the closet, and after the Sons of Italy was incorporated, right after, in 1927, I went to the house of Mr. Manarasi to sign some checks, and he had the stubs of those who had give this money to the Lodge, and the adding machine, and was adding up, and the names of the men. I asked him what he was doing it for, and he said that it was for the new Association to issue bonds.

Q. You say you saw him making up a list with an adding machine and adding the stubs up?

A. Yes.

Q. Did you examine any of the stubs, or take up the book and examine them?

A. No, I didn't examine them, but I was alongside of him at his table. I was waiting for some checks.

Q. While there did you see any writing on these stubs in that book?

A. The names of the members and also I asked Mr. Manarasi that some of the members who donated money should they not appear.

Q. You told Mr. Manarasi that some of the members has donated bonds and they should not appear in the list he was making?

A. Yes.

Q. Do you know where that information was of members who had donated bonds to the Lodge? Where would that be?

A. Those bonds, when they was donated, they surrendered those bonds, and they was getting the amount, like I received $25. I donated my bond to the Lodge, and I received $25. That was in 1927 when Mr. Debaulo was Venerable.

Q. Were all the bonds surrendered to the Lodge D'Aligheri?

A. Not all.

Q. There were some donations made where the bonds were not surrendered?

A. Close to $3,000, in rough figures.

Q. Where would the information be, on the stubs, or in the ledger, of all the individuals who had surrendered bonds?

A. They should be in the House Committee book, and also in the Recording Secretary's book, which passed the minute on the books.

Q. Do you know where those books are?

A. They was all left in the possession of the Sons of Italy Association.

Q. Did you have any books in your possession when the Sons of Italy took possession?

A. The Treasurer's book.

Q. What did you do with it?

A. I have that myself.

Q. When was this meeting at Mr. Manarasi's home you spoke of, about signing these checks?

A. Around the month of April I got sick, and I have some checks signed. I wanted to get the checks signed, and I went to his house to have some checks

signed, and that is the time I went in his house, and he had the stubs of the bonds, and the ledger and an adding machine. And he was making one of these lists.

Q. He was getting the information from the stubs?

A. Yes.

Q. That was in April, 1927?

A. Yes.

Q. Where does Mr. Manarasi live?

A. 914 South 4th, I think.

Q. Who else was in the house at the time?

A. I don't remember. I think his wife and some other woman there.

Q. Did he have any other books there other than the stubs?

A. The stubs of the bonds, and the ledger.

Q. Have you seen the ledger since that time?

A. Since that time, no.

Q. You haven't seen the ledger?

A. No.

Q. All the information was in the ledger?

A. When Mr. Debaulo, we put that money up in 1919, like I give $50, I would give a bond of $50, and Mr. Debaulo will sell my bond, my Liberty Bond and put it on the ledger $47 some, whatever he get for my Liberty Bond, and from that ledger was made these bonds.

Q. That ledger would contain a list of all the members who paid money for bonds in 1920?

A. That is right.

Q. Mr. Manarasi had that book there?

A. Yes.

Q. In April?

A. Yes, sir.

Q. Have you seen that book since that time?

A. No, sir.

Cross-examination.

By Mr. Orlando:

Q. You say you have a Treasurer's book?
A. Yes.
Q. Where is that book?
A. At my home.
Q. Didn't it dawn on you that it might be necessary here today?
A. I had it last time in Court.
Q. You didn't bring it today?
A. No.
Q. Why did you bring it the last time and not this time?
A. I was not subpoenaed to bring my books.
Q. Were you subpoenaed to bring it last Wednesday?
A. No, sir.
Q. You brought it last Wednesday?
A. No, sir; I say on December 4th, the original.
Q. I understood you to say it was last Wednesday?
A. Not last Wednesday.
Q. What does that Treasurer's book show?
A. All the money we paid out.
Q. And what money that was paid out in return for the return of those bonds?
A. No, sir.
Q. The Treasurer's books show all disbursements. Isn't that right?
A. Just the Lodge affairs.
Q. That is a Lodge affair?
A. That was a House Committee, and they have a Treasurer's book, too. They have a Treasurer and a Secretary.

Q. Where is that?
A. In their possession, I suppose.
Q. You don't know?
A. Positively I know.
Q. In whose possession?
A. The House Committee who was at that time.
Q. Whose possession do you know it to be in?
A. Arturo Italiane I guess it is in his possession.
Q. Do you know?
A. The last time I saw the book it was in the closet.
Q. It may be there today?
A. Probably.
Q. How long have you been a member of the Lodge D'Aligheri?
A. Since 6th of July, 1918.
Q. Within your first year you held office?
A. No, the latter part of 1919 I was appointed Treasurer of the House Committee, 1920, in June I was elected Secretary of the House Committee. 1922, June, I was elected Treasurer of the House Committee.
Q. Do you remember the occasion when these bonds were returned, was it on one day, or different dates?
A. Different dates, Mr. Debaulo and others was paying out this money to those men who wanted to surrender these bonds, voluntary, not to compel to do it.
Q. What year was that?
A. 1922 and 1923.
Q. Was it 1922 or 1923? Was there any surrendered in 1923?
A. I could not recall that.
Q. To the best of your recollection and to the best of your knowledge, all the bonds that were sur-

rendered to the Lodge D'Aligheri were surrendered during the year 1922 and 1923?

A. And some before that.

Q. But none subsequent to that time?

A. I don't recall that.

Q. When these bonds were surrendered they would be marked cancelled?

A. That was the Secretary's job. I think he did it.

Q. He used to put it in with red ink?

A. I don't know.

Q. Do you remember whether he put it in in red ink or blue ink?

A. I could not recall that.

Q. You do remember that the Secretary would write on the face of it it was cancelled?

A. He would write in blue, I think, but I don't recall.

———

Mr. Palese: We are going to stipulate another item of the income in the testimony, if it was not testified to, that is $506 received from an advertising bill board they had in the hall, and as against that an expenditure of $28.50, so that we are to get credit as income of $506 and they are to get credit as expenditure of $28.50.

Mr. Orlando: That is based on your Honor's finding that that is an item which is chargeable to the house.

CONCLUSIONS.

(Filed June 6, 1929.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, N. J., *et als.*,
Defendants.

Final Hearing on Bill for Relief.

ALBERT S. WOODRUFF, ESQ., for complainant.
SAMUEL P. ORLANDO, ESQ., for defendant.
ROCCO PALESE, ESQ., for Loggia Dante Alighieri No. 494 Order Sons of Italy in America.

LEAMING, V. C.

The bill herein is presented to this court by the Grand Lodge of this State of a secret beneficiary organization, and seeks relief, for the benefit of the

beneficial Order, against a certain transfer of real and personal property which has been made by a subordinate lodge of the Order to an incorporated body which is in no way affiliated with the Order. The property which was so transferred embraced certain real estate, the legal title to which stood in the name of the subordinate lodge, on which land there had been erected a building containing stores and the lodge rooms in which the subordinate lodge held its meetings, and also included all of the furniture and cash and supplies of the subordinate lodge.

About three months after the conveyance had been made the members of the subordinate lodge, except a small minority who have remained loyal to the Order, seceded—as they phrase it—and became members of the new body to whom the conveyance had been made, and in that manner the majority of the members of the subordinate lodge have gone over to the new corporation and have taken with them all the property of the subordinate lodge; thus leaving the subordinate lodge with its comparatively few remaining members without property or lodge home.

The fraternal Order now seeking relief is organized along the general lines of such bodies, with a Supreme National Lodge, a Grand Lodge in each of the several States and subordinate local lodges chartered by the Grand Lodge; all organized and operating for the single purpose of advancing the beneficial aims of the Order.

In this case I think it unnecessary to specifically consider the extent to which the three component organizations of the order may be said to be interwoven and interdependent and their respective spheres of operations to determine whether the Grand Lodge, complainant herein, enjoys the right to control the acts of a subordinate lodge in any at-

tempt of such subordinate lodge to dispose of its accumulated assets, since the evidence in this case fully discloses that the subordinate lodge, which still exists and functions, did not at any time adequately authorize the transfer which was made by its officers.

The bill seeks a return of these assets to the Grand Lodge to be administered by it for the benefit of the Order. The answer of the subordinate lodge admits the averments of the bill, but by counter-claim seeks the return of the assets to it, and the solicitor of complainant stipulates that the Grand Lodge is content with the latter course.

The facts relating to the transfer here in question I find to be as follows:

The subordinate lodge, already referred to, is by name "Loggia Dante Alighieri No. 494 Order Sons of Italy in America," and is hereinafter referred to as Dante Lodge, or Lodge, for convenience.

Early in 1927 it was thought by some of the members of Dante Lodge that something should be done to improve the financial condition of the lodge, and a committee was appointed to devise a plan. That committee reported its plan to the lodge at its meeting of February 6th, 1927. The report is recorded at length on the lodge minutes of that date, and a motion was then adopted to the effect that the committee should have full power to safeguard the lodge rights and do whatever should be necessary for putting into effect the project of Mr. Guiaglianoe, who reported the plan. At that time the lodge owned the lot at a corner of 4th and Spruce Streets, Camden, on which was erected a building containing the lodge rooms in which meetings were held and stores for rent. There is no testimony touching what either the real estate or the furniture in it may have then been worth. In the annual financial statement of the

lodge, as of June 30, 1926, the real estate is valued at $45,000 and its furniture at $10,000. The building was encumbered with a mortgage of $12,000. A lesser valuation, which also has not been supported by testimony, will be referred to later. The financial statement of June, 1926, disclosed assets in excess of all liabilities amounting to $37,245. This did not include the withdrawal value of 15 shares of unencumbered stock in Building & Loan Associations. In 1927 the lodge may have owed something more than in 1926,—the difference does not fully appear. In 1927, in addition to the mortgage, it owed a note of $3,000 and about $4,000 to members who had loaned money to the lodge on lodge bonds. There was also owing to the Grand Lodge for assessments for the Mortuary Fund some $1100. The Guiaglianoe plan was, in general, to sell bonds to the members sufficient to pay all debts, and make the bonds a lien on the real estate. The plan, as reported, specifically provided that bonds should be acquired only by members of Dante Lodge, and should not be transferable to any persons other than members of Dante Lodge. The hope was entertained that in time the members might surrender their bonds.

On February 15th, 1927 a printed postal card notice (Exhibit C18) was sent to members calling a meeting for February 17th, 1927. This card gave notice that the meeting was "for discussion and taking vote definitely upon the motion to make our Home Building an Autonomous Entity, with authorization to issue bonds exclusively for the brothers." This notice was sent out to members by some one over the printed signature of the Recording Secretary without his knowledge or authority; but that may be here deemed immaterial.

The minutes of the meeting of February 17, 1927

are explicit and important and should be here quoted in full:

> "The Venerable explains to the brothers who were not present at meeting of Feb. 6, Guaglianone's project, that is to convert in bonds the debts that are on our building, adding that in doing so we will render justice to our brothers who loaned or contributed and thus save our situation owing to too much annual interest that burdened the lodge.
>
> The Venerable concluded inviting all present to give their ideas on this subject, but none of the brothers took the floor on the subject. Then Brother Durso proposed that the same be put to a vote. Put to a vote by the Venerable, the result was approved unanimously, without any objections. Then the Venerable declared as a law, the Guaglianone's project.
>
> Brother Guaglianone demands the floor, saying that if we want to get rid of these debts that is the only way, hoping that every brother will do their duty has been verified.
>
> The Venerable asked the assembly to nominate five persons to formulate the corporation. Brothers Oberdan, Guerino seconded by Fiorindo DiLudovico proposed that the five brothers be selected amongst the committee already existing."

The force of the proceedings at that meeting cannot be doubted. The plan adopted is there twice specifically stated as the "Guaglianone's project." That project, as already stated, is specifically set forth in detail in the minutes of February 6, 1927. That plan, as stated, embraces a provision that the bonds shall be issued to members only and be non-

negotiable except to members. No reference is made in Guaglianone's plan, as reported by him, to a transfer of the title of the property to a holding corporation, although that method of procedure may have been a part of his plan. Certain it is that the idea of selling the property to an alien organization in no way affiliated with Dante Lodge formed no part of his project. The provision for bonds to members only was wholly inconsistent with any such purpose. And equally certain is it that no member familiar with the project as specifically reported could have doubted that the plan contemplated—as stated in the minutes of February 6th—"safeguarding the rights" of Dante Lodge. In general the scope and the whole scope and purpose of the plan was, as stated in the minutes of February 17th, "to convert in bonds the debts that are on our building." The first mention of effecting the plan through the formation of a corporation appears at the end of the minutes. If the members then understood that the Guaglianone project was to be carried out through the medium of a corporation to be formed for the purpose, clearly that notion carried with it the idea of safeguarding the rights of Dante Lodge in the property, including the issuance of bonds to members only. Obviously any corporation formed by the committee to effectuate the plan was charged with a trust to do so, and could not enjoy the status of an independent owner hostile to the plan and the interests of Dante Lodge. Nothing that transpired in that or any other meeting of the lodge or any notice to members embodies or suggests the idea that any corporation formed by the committee should in any event be more than a holding corporation for Dante Lodge.

Shortly after the meeting of February 17th the

Grand Council of the State heard something of the proposed plans of Dante Lodge and by reason of their objections were visited by certain members of the Guaglianone Committee. The Grand Master has testified that at that meeting a member of the visiting committee stated that their proposed sale of the property was not a sale, but a transfer from Dante Lodge to a holding company, and that he as Grand Master forbid even that without consent from the Grand Lodge being first obtained. While I think that part of the conversation was denied by some of the committee, it is yet clear that up to that time no notion of a transfer of title had come before Dante Lodge unassociated with the idea that it was to carry out the Guaglianone project, under which it is clear that any corporation formed by the committee to take the title would take the title as a mere medium to carry out the plan in the interests of Dante Lodge.

The next meeting of the lodge was March 5th, 1927. This appears to have been a regular meeting, with no notice to members appraising them of any proposed action touching the disposal of the property. At that meeting it was reported by the Venerable (presiding officer) that the work of the committee in regard to the house had been delayed by objections of the Grand Council, but that those objections had been adjusted, "and the committee will continue its work to effect the sale." The minute also discloses that one member pointed out the danger that "the day will come when our house will land in the hands of one person," "but the Venerable made him understand that this will never happen." Clearly this explanation of the Venerable negatives the idea that the property was to be sold to an alien body or antagonistic interests or in any

way conveyed other than to effectuate the consummation of the Guaglianone project. The committee was then authorized to select an appraiser of the house and to have "the proper persons to sign the deed." I think it also clear that this suggestion of an appraisal and a deed cannot be properly regarded as an intent upon the part of the members present to depart from the essential features and inherent quality of the Guaglianone plan, or as more than an assent to such measures as the committee deemed necessary to effectuate that plan.

The next meeting was March 17th, 1927. The minutes of that meeting relating to this matter are as follows:

> "The Venerable brings before the Assembly the fact that the appraisal of the house has been done and same has been transferred to the new organization that has been selected from general committee, on the Guaglianone project, and that as soon as possible precise information will be given."

The matter of the transfer of assets does not appear to have again come before the lodge.

It should be noted that defendant, Sons of Italy Association—a name closely resembling the old Order, which is Sons of Italy in America—was incorporated February 26, 1927; nine days after the Guaglianone plan had been submitted. The expenses of its incorporation appear to have been paid by Dante Lodge; this is questioned but I think unsuccessfully. It is entirely clear that its incorporation was not only by the committee appointed by Dante Lodge and its incorporators members of that committee, but its purpose was that of carrying out the Guaglianone plan.

The deed from Dante Lodge to defendant, Sons of Italy Association, was executed March 15, 1927. It is in form an absolute conveyance in fee of the real estate of Dante Lodge. It is now claimed by defendant, Sons of Italy Association, that it is an innocent purchaser for value and that it holds its title free from any trust in favor of Dante Lodge. Its claim is that on March 14, 1927, the Guaglianone Committee appointed two competent real estate appaisers to appraise the value of the real estate; that on that day these appraisers found its value to be $24,000. On the following day the deed was executed and its consideration is claimed to be debts of Dante Lodge which were to be paid by the purchasing corporation as follows:

Mortgage on Real Estate		$12,000.
Note of Victory Trust Co.		2,750.
Obligations of Dante Lodge to its brothers for loans and donations		9,963.07
Outstanding bills of House Committee of Dante Lodge		885.89
Total Debts		$25,598.96
Price of property as fixed by experts	$24,000.	
Furniture (not appraised)	1,500.	
Money of Dante Lodge in Bank	253.	
	$25,753.06	
Total Credits		25,753.06
Balance due Dante Lodge		$154.10

It will be observed that defendant corporation took over not only the real estate at the appraised value

of $24,000, but also the furniture at a valuation of $1,500, and also the money of Dante Lodge in bank and supplies in the hands of the House Committee of Dante Lodge and thus deemed itself debtor of Dante Lodge of $154.10. In other words, it took the entire assets of Dante Lodge except the building and loan association shares, which it unsuccessfully tried to withdraw, and was to pay its debts as the consideration of the purchase. The deed of conveyance of the real estate contains no clause of assumption of any of these debts; not even an assumption of payment of the mortgage on the real estate. No scrap of paper exists, so far as has been brought to my attention, in which defendant agrees to pay or in any way obligates itself to pay any of these debts of Dante Lodge, although it appears that it has since made some payments.

As already stated no testimony of witnesses was introduced touching the value of these assets. In the annual financial statement of Dante Lodge of the preceding year the real estate is listed at $45,000 and the furniture at $10,000. The appraisement of the real estate made by the two men appointed by the committee was $24,000. No appraisement was made of the furniture. The total valuation of $25,500, for the real estate and furniture, at which valuation the transfer was made, strongly indicates a total valuation conveniently adopted to approximately equalize assets and liabilities. All this was consistent with the original Guaglianone plan if it was merely the creation of a holding company as a convenient medium to carry out that plan by the issuance of non-negotiable bonds to the members of Dante Lodge; and it cannot be too strongly emphasized that nothing appears upon the minutes of the lodge or in any notice to members of the lodge in

any way suggesting that the proceedings of the Guaglianone Committee of the lodge, which had been appointed to carry out that plan, which were to be taken or which were being authorized were other than in consummation of that plan in its essential features—a plan designed to refinance Dante Lodge through non-negotiable bonds sold to members of the lodge; whereas the plan executed by the committee turned over to an alien body with which Dante Lodge had no affiliation and over which it had no control, all of the assets of Dante Lodge, with no right of redemption—not even reserving a meeting place or lodge furniture—in consideration of a mere promise to pay its debts, and that promise nowhere evidenced by writing. It seems impossible to find in the executed plan even a trace of the spirit and purpose of the original plan as spread at length and in great detail on the minutes of the lodge of February 6, 1927. Clearly the membership at large were entitled to some notice of a purpose to make this radical change in the plan for the execution of which the committee was appointed. The suggestion is made that references were made in meetings of Dante Lodge to changes in the plans of the committee which do not appear upon the minutes of the lodge. The conception of the executed plan as a change of the original plan seems impossible; it retains no element of the original plan to aid Dante Lodge by a bond issue. In its practical effect the plan adopted amounted to a potential dissolution of Dante Lodge, since it left to that lodge scarcely more than a name.

That obvious result soon followed the transfer. The members of Dante Lodge, save the few remaining loyal, soon severed their membership and became members of the new corporation, which had orga-

nized itself into a lodge form with the inviting name of Sons of Italy Association, closely resembling the name of the old Order, but free and independent from any Grand or Supereme Lodge control. There was nothing else for them to do. There was left to Dante Lodge not even a meeting place or furniture, and even the regalia of Dante Lodge is still in the possession of the new defendant body. But the loyal members of Dante Lodge retained their allegiance to the Order and had the Grand Lodge install new officers, and Dante Lodge still exists and functions.

I am fully convinced that in the circumstances stated the transfer of the assets of Dante Lodge cannot stand or be equitably recognized as a sale. It was not a sale. It could not have been properly understood by the membership of Dante Lodge as a sale, and I am unable to believe that it was so understood by the membership at the time. In the circumstances then existing it was appropriately understood, and I believe was understood, by the membership, as a mere transfer in aid of the Guaglianone plan, as a transfer for the benefit of Dante Lodge and not in any sense as a severance of the beneficial interest of Dante Lodge in the property. The conception that the membership then realized or were given occasion to realize or understand that they were parting with all rights in their home and meeting place and all other lodge assets seems impossible in view of the facts disclosed by the evidence. And it must not be overlooked that the corporation to whom the transfer was made was a corporation formed by the Guaglianone committee, and composed of that committee's own members, for the purpose of carrying out the Guaglianone plan; a corporation without capital and, so far as

appears, at that time without organization. A sale necessarily embodies the idea of a bargain as to price; in this case the committee representing Dante Lodge in the matter caused the transfer to be made to the corporation formed by them and composed of their own members; in practical effect to themselves. The inevitable conclusion appears to be that in the circumstances stated a trust necessarily arose in favor of Dante Lodge by construction of law which denies to defendant corporation the assertion of an absolute title in exclusion of the equitable estate in Dante Lodge, not only by reason of inadequate authorization by the membership of Dante Lodge for an absolute sale, but also by reason of a trust imposed upon the members of the committee inconsistent with their action in which they in effect undertook to sell the property to themselves.

A reference will be made to a Master for an accounting. Any debts or other obligations of Dante Lodge which may have been discharged by defendant will necessarily be allowed as credits. Rents collected and use of the property will be charged. When an equitable adjustment shall have been ascertained by the Master a reconveyance will be ordered upon the discharge of the money, if any, that may be found due to defendant.

In reviewing the facts reference should have been made to a paper produced by defendant and offered for identification by complainant and marked Exhibit C25. It purports to be a copy of a formal resolution for the sale of the property passed March 5, 1927, and contains the signature: "Luigi Faragulli, Secretary." That resolution does not appear in that formal manner upon the minutes of the lodge, and the secretary has testified that he only signed one resolution, to wit, a resolution of later date

touching the withdrawal of Building & Loan Association shares. The copy of the resolution on its face discredits itself. It contains the figures of $24,000 as the value placed on the real estate, whereas the appointment of the appraisal committee was not authorized until that date and the appraisal was not made until March 14th, 1927. See Exhibit D1.

Submitted: January 24th, 1929.
Determined: May 17th, 1929.

DECREE.

(Filed July 17, 1929.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Decree.

This cause coming on to be heard in the presence of Albert S. Woodruff, solicitor for Grand Lodge of

the State of New Jersey, Order Sons of Italy in America, complainant, and Rocco Palese, solicitor for Loggia Dante Alighieri #494, Order Sons of Italy in America, defendant, and Samuel Orlando, solicitor for Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, defendants, and the bill, answers, counter-claim, replications, proof and exhibits having been considered, and the arguments of the respective counsel having been heard, and it appearing by stipulation of counsel for the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, that the complainant acquiesces in the prayer of the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, that the relief prayed for be granted it rather than the complainant.

It is on this 17th day of July, A. D. nineteen hundred and twenty-nine, by his Honor Edwin Robert Walker, 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 does hereby order, adjudge and decree that the attempted transfer of the personal property and effects of Loggia Dante Alighieri #494, Order Sons of Italy in America to Sons of Italy Association of Camden, New Jersey, and the deed bearing date the fifteenth day of March, A. D. nineteen hundred and twenty-seven allegedly made by Loggia Dante Alighieri #494, Order Sons of Italy in America to Sons of Italy Association of Camden, New Jersey, which was recorded on the sixteenth day of March, A. D. nineteen hundred and twenty-seven, in the

office of the Register of Deeds of Camden County, in Book 653, page 189, for the premises in said pleadings and proofs mentioned, are and were, from time to time of the execution and delivery of the same null and void and of no force or effect whatsoever in law or in equity.

It is further ordered, adjudged and decreed that the said Sons of Italy Association of Camden, New Jersey and Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, defendants, do, on service of a copy of this decree, deliver up the official lodge regalia, books, papers, accounts, furniture and furnishings and any and every article of personal property formerly owned by the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America and claimed to have been transferred to the defendant, Sons of Italy Association of Camden, New Jersey, or which has been taken or come into the possession of said Sons of Italy Association of Camden, New Jersey, or of any or all of the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini and Joseph DiPatrizio, or which is within its or their custody or power relating to the personal property and effects of Loggia Dante Alighieri #494, Order Sons of Italy in America.

And it is further ordered that this cause be referred to Wm. T. Boyle, one of the Masters of this Court for an accounting as between the defendants, Sons of Italy Association of Camden, New Jersey, and Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli,

Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, and Joseph DiPatrizio, and the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, and the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America; rents and income collected and the use of the property will be charged as against the Sons of Italy Association of Camden, New Jersey, and the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, or such of said defendants as have had or received rents or used said property; any consideration paid or deposited to the credit of the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America or any debts or other obligations of said lodge which may have been paid or discharged by the defendant, Sons of Italy Association of Camden, New Jersey, or the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Maria Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio or any of them, shall be proved and allowed; said Master shall report such accountng to this Court, and for the better taking of said account and discovery of the matters aforesaid, the said defendant, Sons of Italy Association of Camden, New Jersey, and the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Maria Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini and Joseph DiPatrizio are to produce before said Master, upon oath, all deeds, writings, papers and books of account in its or their custody or power, relating to the matters in ques-

tion, and complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and the other defendants are to be examined as the said Master shall direct; and the said Master is to make against all parties just charges and unto all parties just allowances.

It is further ordered, adjudged and decreed that the said Sons of Italy Association of Camden, New Jersey, do on service of a copy of an order or decree of this Court fixing or confirming the report of said Master upon said accounting, and upon the payment to it of any moneys declared by said fixation or affirmance of said Master's report to be due it by reason of expenditures necessarily made in the upkeep and maintenance of said real estate or on account of or in discharging of any debt or obligation of Loggia Dante Alighieri #494, Order Sons of Italy in America, deliver up the said deed to said premises to the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America to be cancelled.

And that the said Sons of Italy Association of Camden, New Jersey, and Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, do also deliver up to the said Loggia Dante Alighieri #494, Order Sons of Italy in America the possession of the said premises now held by it or them, together with all deeds, muniments of title, writings, moneys, and any and all property formerly owned by the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America and alleged to have been transferred to the defendant, Sons of Italy Association of Camden, New Jersey, or which has been taken or come into the possession of said Sons of Italy Association

of Camden, New Jersey, or of any or all of the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, or is within its or their custody or power relating to said premises or the property and effects of Loggia Dante Alighieri #494, Order Sons of Italy in America, and that the said Sons of Italy Association of Camden, New Jersey, do within ten days after service upon it of a true but uncertified copy of this decree, execute and acknowledge in due form of law and deliver to said Loggia Dante Alighieri #494, Order Sons of Italy in America a good and sufficient deed of conveyance for all that certain tract or parcel of land and premises situate and being in the City and County of Camden, and State of New Jersey, bounded and described as follows:

BEGINNING at the southwest corner of Spruce and Fourth Streets and extending thence (1) Westwardly along the Southerly line of Spruce Street seventy-five feet seven inches, thence (3) Eastwardly at right angles with Fourth Street and parallel with Spruce Street fifty-four feet to the Westerly side of Fourth Street thence (4) Northwardly along same seventy-five feet seven inches to the place of beginning; together with the buildings and appurtenances free and clear of and from all encumbrances done by it, the said Order Sons of Italy Association of Camden, New Jersey, or by any claiming, by, from, or under it.

And it is further ordered, adjudged and decreed that in the event that the said Order Sons of Italy Association of Camden, New Jersey, shall fail to deliver to said Loggia Dante Alighieri #494, Order Sons of Italy in America a good and sufficient deed

of conveyance for the premises hereinbefore described within the time hereinbefore mentioned, it is ordered, adjudged and decreed that a true and certified copy of this decree be filed in the office of the Register of Deeds, Camden County, in the place and stead of the deed herein directed to be executed by the Order Sons of Italy Association of Camden, New Jersey.

And it is further ordered, adjudged and decreed that, in the event that the report of said Master and the fixation or affirmance of the same shall determine that the defendant, Sons of Italy Association of Camden, New Jersey, or the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, are justly indebted to Loggia Dante Alighieri #494, Order Sons of Italy in America by reason of the taking or receipt of income from or the use of said real estate and premises is indebted to Loggia Dante Alighieri #494, Order Sons of Italy in America, then, that such defendant so determined to be indebted to the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America shall, upon service of a copy of said order or decree of this Court fixing or affirming said report, pay over such moneys to the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America; if the report of said Master and the fixation or affirmance of the same shall determine that Loggia Dante Alighieri #494, Order Sons of Italy in America is indebted to the defendant, Sons of Italy Association of Camden, New Jersey, or to the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito,

Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, then, Loggia Dante Alighieri #494, Order Sons of Italy in America shall, upon service of an order or decree of this Court, fixing or affirming said report, pay over such moneys to the defendant to whom the same shall be declared to be due and until such payment and satisfaction such defendant shall have a lien upon the real estate particularly described in this decree to secure the payment thereof.

Be it further ordered, adjudged and decreed that until the taking of said account by said Master of this court and the ultimate transfer or re-conveyance of all real and personal property formerly owned by the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America to it in accordance with this Court, that said Master of this court be and he is hereby also appointed receiver in this cause to take care of said premises in the bill of complaint described and to manage the same with power to sue for, collect and receive the rents, issues and profits thereof; and he is to account for any pay what he shall so receive, as this Court shall direct; to let the said premises, or any part thereof, from time to time; and to agree concerning the rents to be paid therefor, and to do all things necessary for the proper care and management of said premises.

And it is further ordered that the defendant, Sons of Italy Association of Camden, New Jersey, do pay the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America its cost to be taxed, and fees and allowances in addition to the usual taxed costs to be fixed and determined when said Master shall have made his report and the same shall be fixed or affirmed.

It is further ordered and decreed that the bill of

complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, be dismissed without costs to or against any of the parties; said complainant having stipulated that the relief sought in its bill be granted to Loggia Dante Alighieri #494, Order Sons of Italy in America rather than to the Grand Lodge of the State of New Jersey, Order Sons of Italy in America.

E. R. WALKER,
C.

Respectfully advised,
E. B. LEAMING,
V. C.

PETITION TO AMEND DECREE.

(Filed Aug. 20, 1929.)

IN CHANCERY OF NEW JERSEY.

Between GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA, *Complainant,* and SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*, *Defendants.*	On Bill, &c. Petition to Amend Decree.

To the Honorable Edwin Robert Walker, Chancellor of the State of New Jersey:

The petition of Loggia Dante Alighieri #494, Order Sons of Italy in America, respectfully shows that:

1. Petitioner is one of the defendants in the bill of complaint herein, which was filed for the purpose of reconveying certain lands and premises in said bill of complaint particularly described.

2. Such proceedings were had in this cause that a final decree was made on the seventeenth day of July, A. D. nineteen hundred and twenty-nine, directing the reconveyance of said lands and premises in said bill of complaint described, but through inadvertence the description of the said lands and premises in said decree did not follow the description thereof in said bill of complaint, which description was correct.

Petitioner, therefore, prays that the description of the said lands and premises in said decree may be amended so as to conform to the description as set forth in said bill of complaint, which said description is as follows:

"BEGINNING at the Southwest corner of Spruce and Fourth Streets and extending thence (1) Westward along the Southerly line of Spruce Street fifty-four feet, thence (2) Southward at right angles with Spruce Street seventy-five feet seven inches, thence (3) Eastward at right angles with Fourth Street and parallel with Spruce Street fifty-four feet to the Westerly side of Fourth Street, thence (4) Northward along the same seventy-five feet seven inches to the place of beginning."

ROCCO PALESE,
Solicitor of Petitioner.

STATE OF NEW JERSEY, }
COUNTY OF CAMDEN, } *ss.*

ROCCO PALESE, being duly sworn according to law upon his oath deposes and says that he is the solicitor of the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, and the petitioner in this petition, that he has read the petition and the matters and things therein contained are true to the best of his knowledge and belief.

ROCCO PALESE.

Sworn and subscribed to before me this fourteenth day of August, A. D. nineteen hundred and twenty-nine.

ISABELL WALLAZZ,
Notary Public of N. J.

ORDER AMENDING DECREE.

(Filed Aug. 20, 1929.)

IN CHANCERY OF NEW JERSEY.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
On Petition to Amend Decree.
Order Amending Decree.

A petition having been filed herein by the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, whereby it appears that the bill of complaint herein was filed to compel a reconveyance of the lands and premises in said bill of complaint particularly described; that on the seventeenth day of July, A. D. nineteen hundred and twenty-nine, a decree was made directing the reconveyance of said lands and premises; and that through inadvertence the description of the lands and premises in said decree directed to be reconveyed did not conform to the description of the lands and premises in said bill

of complaint described, which description was the correct description of said lands and premises.

And it appearing that due notice of this application has been given to all parties in interest.

It is on this twentieth day of August, A. D. nineteen hundred and twenty-nine, on motion of Rocco Palese, solicitor of the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, ordered that the aforesaid decree be and it is hereby amended by substituting for the description of the lands and premises therein directed to be reconveyed, the correct description as set forth in the bill of complaint filed herein, which said description is as follows:

"BEGINNING at the Southwest corner of Spruce and Fourth Streets and extending thence (1) Westward along the Southerly line of Spruce Street fifty-four feet thence (2) Southward at right angles with Spruce Street seventy-five feet seven inches, thence, (3) Eastward at right angles with Fourth Street and parallel with Spruce Street fifty-four feet to the Westerly side of Fourth Street, thence (4) Northward along the same seventy-five feet seven inches to the place of beginning."

E. R. Walker,
C.

MASTER'S REPORT.

65-77

(Filed Dec. 13, 1929.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Master's Report.

In pursuance of an order of this Court in the above entitled cause, bearing date the seventeenth day of July, nineteen hundred and twenty-nine, whereby it was referred to me, the subscriber, one of the Masters of this court for an accounting as between the defendants, Sons of Italy Association of Camden, New Jersey, and Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini,

and Joseph DePatrizio, and the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America, and the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America; rents and income collected and the use of the property to be charged as against the Sons of Italy Association of Camden, New Jersey, and the defendants, Felix D'Aloise, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DePatrizio, or such of said defendants as have had or received rents or used said property; any consideration paid or deposited to the credit of the defendant, Loggia Dante Alighieri #494, Order Sons of Italy in America or any debts or other obligations of said lodge which may have been paid or discharged by the defendant, Sons of Italy Association of Camden, New Jersey, or the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DePatrizio or any of them to be proved and allowed.

I do respectfully report that I have been attended by Rocco Palese, Esquire, representing Albert S. Woodruff, solicitor of the complainant and Samual P. Orlando, Esquire, solicitor of defendants.

At the close of the hearing the questions in dispute related to two matters, viz: an allowance asked by the defendants touching obligations and bonds hereinafter specifically mentioned and the amount of rent, if any, to be charged for the use of the property.

The evidence does not support the claim of the defendant to a credit for certain bonds or written obligations of the Loggia Dante Alighieri #494, and the same is, therefore, disallowed.

I also find and report that the Sons of Italy Association should pay for the use of the building at Fourth and Spruce Streets, Camden, New Jersey, from March 15th, 1927, to October 1st, 1929, at the rate of two hundred dollars a month, or a total of $6100.00.

I find and report that there should be charged against the Sons of Italy Association an aggregate sum of $13,643.79 and that they are entitled to credits totalling the sum of $11,090.79, making due to the said complainant the sum of $2,553.00, as shown by Schedule A hereto annexed.

In case the Sons of Italy Association pay to the Victory Trust Company the balance of $1900.00 due on the Loggia Dante Alighieri note of $2700.00, then the said Sons of Italy Association will be entitled to a further credit of $1900.00, provided, however, the said note is returned to the said complainant.

Respectfully submitted this fifth day of December, A. D. nineteen hundred and twenty-nine.

WM. T. BOYLE,
Master.

SCHEDULE A.

RECEIPTS:

Rental 1st floor	$1,956.50	
Rental 2nd floor	4,013.60	
Rental 3rd floor	997.94	
Rental bath rooms	69.74	
Advertising	506.00	$7,543.79

Rental $200.00 per mo. mo. 3/15/27 to 10/ 1/29 2 yrs., 6 mo., 15 da.		6,100.00	$13,643.79
EXPENDITURES:			
Public Service Elec. & Gas	$ 773.44		
City of Camden — Water	113.40		
Coal	708.75		
Interest on Mortgage (12,000)	1,800.00		
City of Camden Taxes	1,249.86		
Advertising (By Stipulation)	28.50		
Insurance Premium	792.08		
Victory Trust Company (Paid)	1,057.96		
Repairs	654.65		
Janitor Salary	3,377.05		
Paid to Loggia Dante Alighieri	154.10		
Expenses and Incidentals	281.00		11,090.79
	Balance due		$2,553.00

WM. T. BOYLE,
Master.

EXCEPTIONS TO MASTER'S REPORT.

65-77

(Filed Dec. 30, 1929.)

IN CHANCERY OF NEW JERSEY.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Exceptions to Master's Report.

The defendant, Sons of Italy Association of Camden, New Jersey, hereby excepts to the report filed in this cause by William T. Boyle, Esq., one of the Masters of this court, bearing date the fifth day of December, nineteen hundred and twenty-nine for the following reasons:

1. The said Master has charged the defendant with rent for the premises in dispute from March 15th, 1927, where, as a matter of fact, the Lodge Dante

Alighieri occupied the premises until July, 1927, and enjoyed the use and benefits of the property in question until said time, making a difference of four months which were charged against Sons of Italy Association which is contrary to the facts.

2. The said Master charged the defendant a rental of $200.00 per month, and also charged them with revenue collected by defendant from sub-tenants, occupants and users of the premises, contrary to the evidence and contrary to the testimony of complainant.

3. The said Master made an inequitable charge for rent against defendant of $200.00 per month, which is contrary to the proof offered as to the reasonableness of rent to be derived from the property in dispute.

4. The said Master allowed the Dante Alighieri Lodge inequitably and against the proof a rental of $200.00 per month and also money derived from the use of the premises for which he made the said charge of $200.00 per month.

5. The said Master disregarded the testimony of complainant's own witness, Mr. Verga, in allowing a rental of $200.00 per month, as well as allowing other income derived from the building.

6. The said Master improperly disallowed defendant's claim for certain bond obligation paid by defendant, Sons of Italy Association, and which inured for the benefit of Dante Alighieri Lodge.

7. The said Master improperly fixed a charge for

rent which is excessive, unreasonable, inequitable and contrary to the evidence.

SAMUEL P. ORLANDO,
Solicitor for Defendant, Sons of Italy Association of Camden, New Jersey, et als.

CONCLUSIONS.

(Filed June 5, 1930.)

65/77.

IN CHANCERY OF NEW JERSEY.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,

and

SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

Hearing on Exceptions to Master's Report.
Conclusions.

ROCCO PALESE, ESQ., for complainant.
SAMUEL P. ORLANDO, ESQ., for defendants.

LEAMING, V. C.:

I think the Master properly charged defendants with possession from March 15, 1927, notwithstanding the fact that the final secession from the Order did not occur until the following June. The property was conveyed on the former date, and defendants took over at that time all the assets of the old lodge at a valuation as of that date and collected the rents from that date and have claimed, and by the Master given allowances for, expenditures from that date, including janitor's charges.

Nor am I able to sustain the exceptions which relate to the charge of $200 per month from that date as a reasonable charge for possession for those parts of the building, exclusive of the rented stores, with janitor service, heat and electricity supplied by the owner. The testimony is meagre touching the reasonable value of the space for which the charge is made; but it must be borne in mind that defendants were wrongdoers and had wrongfully taken title, and the value of their asserted right, as determined by the Master, even if more than they did or could have realized, should not be now disturbed as an equitable charge against them for their wrongful possession. Indeed, the damages which necessarily have been sustained by the Dante Lodge through defendants' misconduct can scarcely be adequately estimated and never be fully recompensed. I think the Master's charge of $200 per month for possession, in addition to the amounts actually realized from the possession, should stand.

I am satisfied that no credit should be given defendant for the bonds of Dante Lodge which appear to have been delivered by defendants to the Master. It may be that some small amount of cash has been paid by defendants for some of these bonds,

but the testimony indicates to the contrary. Most of these bonds were surrendered by the individuals holding them and new bonds of defendant, Sons of Italy Association, were given the parties in lieu thereof. Some may have been surrendered without any competition, but as to that the testimony is not conclusive. But if not all, then nearly all, were exchanged in the manner stated. It is entirely obvious that such exchanges were made in the notion that Dante Lodge was, in effect at least, succeeded by the new organization, and it is impossible now to be certain that these persons making exchanges may not be entitled to assert a rescission of these exchanges. Whether Sons of Italy now are solvent does not appear; but in any event a full credit for the face value of these bonds cannot be equitably allowed at this time for several reasons. These bonds are not assignable to any but members, and it is well known that payment of such bonds are seldom enforced; the hope always being present and often realized that members will not enforce their payment. Some bonds of that issue had been voluntarily surrendered in whole or in part. The only equitable solution appears to be for Dante Lodge to place these surrendered bonds at the disposal of Sons of Italy to the end that they may be returned to the persons from whom they were received in exchange for the Sons of Italy bonds for which they were surrendered. This will restore the bonds where they should be. To credit Sons of Italy with their face value at this time would be clearly inequitable.

The exceptions filed by Sons of Italy to the Master's report will be overruled.

Submitted Feb. 24, 1930.

Determined May 29, 1930.

ORDER CONFIRMING MASTER'S REPORT.

(Filed June 9, 1930.)

IN CHANCERY OF NEW JERSEY.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Order Confirming Master's Report.

A report having been filed in this case by William T. Boyle, one of the special Masters of this court, bearing date the fifth day of December, nineteen hundred and twenty-nine, in pursuance to a decree of this Court in the above entitled cause bearing date the seventeenth day of July, nineteen hundred and twenty-nine.

It is, on this 9th day of June, A. D. nineteen hundred and thirty, ordered, adjudged and decreed that the said special Master's report be and the same is hereby in all things ratified and confirmed according to the true tenor and meaning thereof.

And it is further ordered, adjudged and decreed that the fees of the said special Master, amounting to two hundred thirteen dollars and thirty cents ($213.30) endorsed on said Master's report be paid one-half thereof by Sons of Italy Association of Camden, N. J., and one-half there of by Loggia Dante Alighieri, Order Sons of Italy.

E. R. WALKER,
C.

Respectfully advised,
E. B. LEAMING,
V. C.

NOTICE OF APPEAL.

(Filed July 21, 1930.)

IN CHANCERY OF NEW JERSEY.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants.

On Bill, &c.
Notice of Appeal.

The defendant, Sons of Italy Association of Camden, New Jersey, hereby appeals from the final decree made in the above entitled cause on July 17, 1929, the order amending the said decree, made on August 20, 1929, and the order confirming the Master's report, made on June 9, 1930, and from the whole and every part thereof, to the Court of Errors and Appeals in the last resort in all causes.

Dated: July 12, 1930.

SAMUEL P. ORLANDO,
Solicitor of Defendant, Sons of Italy Association of Camden, New Jersey.

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

HARRY HEHER,
Of Counsel with Defendant,
Sons of Italy Association of
Camden, New Jersey.

[ENDORSED]

Service of the within notice of appeal is hereby acknowledged this 15th day of July, 1930.

Albert S. Woodruff,
Solicitor of Complainant.
Rocco Palese,
Solicitor of Defendant, Loggia Dante Alighieri No. 494, Sons of Italy in America.

PETITION OF APPEAL.

(Filed July 31, 1930.)

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between
GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant-Appellee,
and
SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants-Appellants.

On Appeal from the Court of Chancery. Petition of Appeal.

To the Honorable Judges of the Court of Errors and Appeals, in the Court of Last Resort in All Causes:

The petition of Sons of Italy Association of Camden, New Jersey, the appellant in the above-entitled cause, respectfully shows that:

1. The petitioner finds it is aggrieved by a final decree made in the Court of Chancery of New Jer-

sey by his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey, bearing date July 17, 1929, and an order amending said decree made on August 20, 1929, in a certain cause pending in said Court of Chancery, wherein the appellee, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, was complainant, and the appellant, Sons of Italy Association of Camden, New Jersey, and others, were defendants, in these respects, to wit: That the said final decree adjudged that the transfer of the personal property and effects of Loggia Dante Alighieri #494, Order Sons of Italy in America, to said Sons of Italy Association of Camden, New Jersey, and the deed bearing date the fifteenth day of March, nineteen hundred and twenty-seven, made by the said Loggia Dante Alighieri #494, Order Sons of Italy in America, to said Sons of Italy Association of Camden, New Jersey, which was recorded on March 16, 1927, in the office of the Register of Deeds of Camden County, in Book 653, page 189, for the premises described in the bill of complaint, are and were, from the time of the execution and delivery of the same, null and void and of no force or effect whatsoever in law or in equity; that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, and others therein named, deliver up the official lodge regalia, books, papers, accounts, furniture and furnishings and any and every article of personal property formerly owned by the said Loggia Dante Alighieri #494, Order Sons of Italy in America and transferred to the said Sons of Italy Association of Camden, New Jersey, or which had been taken or came into the possession of said Sons of Italy Association of Camden, New Jersey, or any of the other defendants

therein named, or which was within its or their custody or power relating to the personal property and effects of the said Loggia Dante Alighieri #494, Order Sons of Italy in America; that the said final decree further ordered that the said cause be referred to Wm. T. Boyle, one of the Masters of said Court of Chancery, for an accounting as between the said Sons of Italy Association of Camden, New Jersey, and the individual defendants named therein and the said Loggia Dante Alighieri #494, Order Sons of Italy in America, and the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and that the rents and income collected and the use of the property be charged as against the said Sons of Italy Association of Camden, New Jersey, and said individual defendants, or such of said defendants as had received rents or used said property; that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, deliver up for cancellation the deed to said premises to the said Loggia Dante Alighieri #494, Order Sons of Italy in Ameriac, and deliver up as well the possession of the said premises, together with all deeds, muniments of title, writings, moneys and any and all property formerly owned by the said Loggia Dante Alighieri #494, Order Sons of Italy in America, and that the said Sons of Italy Association of Camden, New Jersey, do execute and acknowledge in due form of law and deliver to said Loggia Dante Alighieri #494, Order Sons of Italy in America, a good and sufficient deed of conveyance for the lands and premises described in said decree, or in default thereof that a true and certified copy of said decree be filed in the office of the Register of Deeds of Camden County in the place

and stead of said deed therein directed to be given; that the said decree further adjudged that in the event that the report of the said Master should determine that the said Sons of Italy Association of Camden, New Jersey, or the other defendants therein named, were lawfully indebted to the said Loggia Dante Alighieri #494, Order Sons of Italy in America, the said debtor should pay over such moneys to the said Loggia Dante Alighieri #494, Order Sons of Italy in America; and that the said final decree further adjudged that the said Master be appointed a receiver with the power designated in said decree; and that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, do pay to the said Loggia Dante Alighieri #494, Order Sons of Italy in America, its costs to be taxed and fees and allowances in addition to the usual taxed costs to be fixed and determined when the said Master should have made his report.

And your petitioner appeals from the said final decree of the Chancellor, and from every part thereof, upon the ground that the same is erroneous, in that:

(a) The said bill of complaint should have been dismissed.

(b) The said Loggia Dante Alighieri #494, Order Sons of Italy in America, was not entitled to any equitable relief.

(c) The said deed of conveyance referred to as aforesaid in said decree was valid in law and in equity, and the said Loggia Dante Alighieri #494, Order Sons of Italy in America, has no equitable

right to a conveyance of the lands described in said decree, or to possession thereof, or the return of the personal property therein mentioned, or to the accounting specified in said decree, or to the appointment of a receiver for the purposes set forth in said decree.

(d) The said Sons of Italy Association of Camden, New Jersey, could not be lawfully deprived of said real and personal property, as provided in said decree, nor be required to pay the counsel fees and costs as therein directed.

2. The petitioner also finds itself aggrieved by an order made in the said cause confirming the Master's report, bearing date June 9, 1930, in these respects, to wit:—That the said order confirmed the Master's report in disallowing the claim of the said Sons of Italy Association of Camden, New Jersey, for certain bond obligations paid by it for the benefit of said Loggia Dante Alighieri #494, Order Sons of Italy in America, and finding that the said Sons of Italy Association of Camden, New Jersey, should pay for the use of the lands and premises referred to in the bill of complaint from March 15, 1927, to October 1, 1929, at the rate of $200 per month, or a total of $6100; that there should be charged against the said Sons of Italy Association of Camden, New Jersey, an aggregate sum of $13,643.79, and that it was entitled to credits totalling the sum of $11,090.79, and that it was indebted to the said complainant for the difference, the sum of $2,553.

And your petitioner appeals from the said order of the Chancellor confirming the said Master's report, upon the ground that the same is erroneous, in that:

(a) The said Sons of Italy Association of Camden, New Jersey, was entitled to an allowance for said bond obligation paid by it for the benefit of said Loggia Dante Alighieri #494, Order Sons of Italy in America.

(b) The said Sons of Italy Association of Camden, New Jersey, should not be charged for the use of said premises for the period above mentioned, at the rate of $200 per month, or a total of $6100.

(c) The said Sons of Italy Association of Camden, New Jersey, should not be charged with the aggregate sum of $13,643.79, and was entitled to credits in a greater sum than $11,090.79, and is not indebted to the complainant in the sum of $2,553.

Your petitioner therefore prays that the said final decree of the Chancellor, bearing date July 17, 1929, and the said order of the Chancellor confirming the said Master's report, bearing date June 7, 1930, may be wholly reversed, set aside and for nothing holden, and that your petitioner may have such other relief in the premises as to this Court shall seem proper.

SAMUEL P. ORLANDO,
Solicitor of Defendant, Sons of Italy Association of Camden, New Jersey.
HARRY HEHER,
Of Counsel.

[ENDORSED]

Service acknowledged this 31st day of July, 1930.

Albert S. Woodruff,
Sol'r of Complainant.
Rocco Palese,
Sol'r of Deft., Dante Alighieri Lodge #494, Sons of Italy in America.

ANSWER TO PETITION OF APPEAL.

(Filed Aug. 20, 1930.)

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA, *Complainant-Appellee,* and SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*, *Defendants-Appellant.*	On Appeal from the Court of Chancery. Answer to Petition of Appeal.

The answer of Grand Lodge of the State of New Jersey, Order Sons of Italy in America, the above-named complainant-appellee, and Loggia Dante Alighieri #494, Order Sons of Italy in America, defendant-appellee, to the petition of appeal of Sons of Italy Association of Camden, New Jersey, the above-named appellant.

Complainant-appellee, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and defendant-appellee, Loggia Dante Alighieri #494,

Order Sons of Italy in America, not admitting the truth of all or any of the matters in the said petition of appeal contained, for answer thereto nevertheless admit that a decree bearing date July 17th, 1929, and an order bearing date June 7th, 1930, were made and entered in the Court of Chancery of New Jersey, in the above-entitled cause, for the purposes in said petition mentioned and as therein set forth; but as to the substance and form of said decree and order, these appellees beg leave to refer thereto when the same shall be produced.

The complainant-appellee, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and defendant-appellee, Loggia Dante Alighieri #494, Order Sons of Italy in America, are advised and believe that the said decree and order are agreeable to equity, and they pray that the same may be affirmed, with costs to be taxed in favor of defendant-appellee, Loggia Dante Alighieri #494, Order Sons of Italy in America.

ALBERT S. WOODRUFF,
Solicitor for and of Counsel with Complainant-Appellee.

ROCCO PALESE,
Solicitor for and of Counsel with Defendant-Appellee.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,

Complainant-Respondent,

and

SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.,*

Defendants-Appellants.

ON BILL, &C.

ON APPEAL FROM THE COURT OF CHANCERY.

BRIEF FOR DEFENDANT-APPELLANT.

PLEADINGS AND RECORD OF THE CASE.

The present controversy originated by a bill of complaint filed on August 2nd, 1927, by Grand Lodge

of the State of New Jersey, Order Sons of Italy in America as complainant, and Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and Sons of Italy Association of Camden, New Jersey, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, defendants (Case, page 1). The bill of complaint sought relief for the benefit of the Grand Lodge, and the complainant prayed that a certain transfer of real and personal property which had been made by the subordinate lodge, Dante Alighieri, No. 494, Order Sons of Italy in America, to defendant, Sons of Italy Association of Camden, New Jersey, be set aside on the theory that the Grand Lodge had control over the sale of the property in question.

The property which was so transferred embraced certain real estate the title to which stood in the name of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, on which land there had been erected a building containing stores on the first floor, auditorium on the second floor and a lodge room on the third floor, where defendant association and other similar bodies held lodge meetings. It also included all of the furniture and supplies contained in said building.

The bill of complaint was served on all defendants and answer was filed on behalf of the defendant, Sons of Italy Association of Camden, New Jersey; Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli and Enrichetti Angelo Vito, on September 8th, 1927 (Case, page 45).

The defendant, Loggia Dante Alighieri, No. 494,

Order Sons of Italy in America, failed to file answer to the bill of complaint filed in this cause, and no answer was filed by the said defendant, Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, until March 30th, 1928, at which time an answer was filed by said defendant with the consent of counsel for complainant, but not with the consent of counsel for the other defendants (Case, page 55).

Order of reference was filed by the complainant on April 11th, 1928, and all of the defendants consented to the entry of said order (Case, page 67). By said reference the cause was referred to Honorable E. B. Leaming, one of the Vice-Chancellors of the New Jersey Court of Chancery, to hear the same for the Chancellor and to report thereon to him and advise what order or decree should be made therein.

The defendant, Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, failed to ask for affirmative relief, although it claimed the right to possession of the real and personal property formerly owned by it, the subject of this proceeding, and the counter-claim having been filed by the said defendant, a stipulation was filed (Case, page 55) on April 5, 1929, wherein it was agreed and stipulated (Case, page 56, line 26) that the said counter-claim be filed and become a part of the pleadings in the cause.

An answer to said counter-claim of defendant, Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, was filed on behalf of defendant, Sons of Italy Association of Camden, New Jersey, on April 13th, 1929 (Case, page 64).

The cause came on to be heard on final hearing before Honorable E. B. Leaming, one of the Vice-Chancellors of the Court of Chancery of New Jersey, and testimony was taken in the matter on December 4th and 5th, 1928.

Conclusions were filed by the Vice-Chancellor on June 6th, 1929, and among other things in said conclusions, as will more fully appear by the record of the conclusions (Case, page 424), a reference was advised to a Master for an accounting between the parties to the controversy.

A decree was filed on July 17th, 1929 (Case, page 437). In said decree it was provided, among other things, that this cause be referred to William T. Boyle, one of the Masters of this court, "for an account as between the defendants, Sons of Italy Association of Camden, New Jersey; Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America."

Through inadvertence, the description of the lands and premises as described in the final decree did not follow the description contained in the deed and set forth in the bill of complaint, therefore said description was required to be corrected, and an order amending the final decree was filed on August 20th, 1929 (Case, page 449).

In pursuance of the decree made in this cause referring the matter of accounting to William T. Boyle, one of the Masters of this court, testimony was taken by said Master on October 2nd, 1929, and

October 9th, 1929. The said Master submitted a report on December 5th, 1929, and the same was filed on December 13th, 1929.

On December 30th, 1929 (Case, page 455), exceptions to Master's report were filed by the defendant, Sons of Italy Association of Camden, New Jersey, and in due course, the said exceptions were presented and argued before Vice-Chancellor E. B. Leaming. The matter of the said exceptions was submitted to Vice-Chancellor Leaming on February 24th, 1930, and by him determined on May 29th, 1930. Vice-Chancellor Leaming's conclusions on the exceptions were filed on June 5th, 1930 (Case, page 457). An order confirming Master's report was filed on June 9th, 1930 (Case, page 460).

On July 21, 1930 (Case, page 462), notice of appeal was filed and service of said notice of appeal was acknowledged on the 15th day of July, 1930, and filed with the clerk of this court on July 31, 1930.

NATURE AND FACTS OF THE CASE.

This is an appeal by the defendant-appellant, Sons of Italy Association of Camden, New Jersey, from the final decree made in the Court of Chancery of New Jersey by his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey (Case, page 437), bearing date July 17th, 1929, and an order amending the said decree (Case, page 449) made on August 20th, 1929, in a certain cause in said Court of Chancery wherein the appellee, Grand

Lodge of the State of New Jersey, Order Sons of Italy in America, was complainant, and the appellant, Sons of Italy Association of Camden, New Jersey, and others, were defendants, in these respects, to wit: That the said final decree adjudged that the transfer of the personal property and effects of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, to said Sons of Italy Association of Camden, New Jersey, and the deed bearing date the fifteenth day of March, nineteen hundred and twenty-seven, made by the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, to said Sons of Italy Association of Camden, New Jersey, which was recorded on March 16th, 1927, in the office of the Register of Deeds of Camden County, in Book 653, page 189, for the premises described in the bill of complaint, are and were, from the time of the execution and delivery of the same, null and void and of no force or effect whatsoever in law or in equity; that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, and others therein named, deliver up the official lodge regalia, books, papers, accounts, furniture and furnishings, and any and every article of personal property formerly owned by the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and transferred to the said Sons of Italy Association of Camden, New Jersey, or which had been taken or came into the possession of said Sons of Italy Association of Camden, New Jersey, or any of the other defendants therein named, or which was within its or their custody or power relating to the personal property and effects of the said Loggia Dante

Alighieri, No. 494, Order Sons of Italy in America; that the said final decree further ordered that the said cause be referred to William T. Boyle, one of the Masters of said Court of Chancery, for an accounting as between the said Sons of Italy Association of Camden, New Jersey, and the individual defendants named therein, and the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and that the rents and income collected and the use of the property be charged as against the said Sons of Italy Association of Camden, New Jersey, and said individual defendants, or such of said defendants as had received rents or used said property; that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, deliver up for cancellation the deed to said premises to the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and deliver up as well the possession of the said premises, together with all deeds, muniments of title, writings, moneys, and any and all property formerly owned by the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, a good and sufficient deed of conveyance for the lands and premises described in said decree, or in default thereof, that a true and certified copy of said decree be filed in the office of the Register of Deeds of Camden County in the place and stead of said deed therein directed to be given; that the said decree further adjudged that in the event that the report of the said Master should determine that the said Sons of Italy Association of Camden, New Jersey, or the other defen-

dants therein named, were lawfully indebted to the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, the said debtor should pay over such moneys to the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, and that the said final decree further adjudged that the said Master be appointed a Receiver with the power designated in said decree, and that the said final decree further adjudged that the said Sons of Italy Association of Camden, New Jersey, do pay to the said Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, its costs to be taxed and fees and allowances in addition to the usual taxed costs to be fixed and determined when the said Master should have made his report.

The Order Sons of Italy in America is a beneficial organization instituted and functioning in United States of America, and consists of a Supreme Lodge which exercises jurisdiction throughout the United States, and which Supreme Lodge was incorporated November 29th, 1911 (Supplemental Case, page 1, Exhibit C1); a Grand Lodge which exercises jurisdiction in each of the several States, and which Grand Lodge (Schedule A, Case, page 33) was incorporated May 1, 1920, and various subordinate lodges in various localities within the States of the United States. Lodge Dante Alighieri Lodge, No. 494, Sons of Italy in America, one of the defendants herein, was incorporated on March 12, 1920 (Supplemental Case, page 7, Exhibit C5), said lodge being one of the subordinate lodges of the Order Sons of Italy in America and located in the City and County of Camden, State of New Jersey. Said lodge and defendant herein, Dante Alighieri

Lodge, No. 494, Sons of Italy in America, made application for a charter to organize as such lodge (Supplemental Case, page 22, Exhibit C15) on February 5th, 1916, and a charter was granted to said Lodge Dante Alighieri, No. 494, Sons of Italy in America, on February 21st, 1916 (Supplemental Case, page 23, Exhibit C16). On March 24, 1919, said Lodge Dante Alighieri Lodge, No. 494, Sons of Italy in America, defendant herein, purchased certain land and premises (Supplemental Case, page 12, line 26) from the Pennsylvania Company of Insurances on Lives and Granting Annuities and Als, trustees, a corporation having its principal office in the City of Philadelphia, State of Pennsylvania, by deed dated March 24th, 1919, and of record in the office of the Register of Deeds of Camden County.

The said Lodge Dante Alighieri, No. 494, Sons of Italy in America, defendant herein, continued to function until the early part of 1927, when it was discovered that said Lodge Dante Alighieri, No. 494, was losing money and was in very poor financial condition (Case, page 192, lines 1 to 33; Case, page 214, lines 19 to 33; Case, page 121, line 24, to Case, page 122, line 37; Case, page 134, lines 16 to 36; Supplemental Case, page 27, Exhibit C19). The financial condition being a very serious matter, the same was taken up for discussion at a meeting held on February 6th, 1927 (Case, page 195, line 19, to page 198, line 13). As a result of the discussions on the financial condition of the Lodge Dante Alighieri, No. 494, Order Sons of Italy in America, one of the defendants herein (Case, page 195, lines 19 to 37), it was decided to accept a project which which to nominate a committee to do whatever was

best to overcome this financial situation. The above committee was appointed (Case, page 196, lines 4 to 24), consisting of the following members: M. Lalli, Eugenso Guiaglianone, Innocenzio Visceglia, Attilio Marino, Luigi Durso, Antonio Italiano, Mario Mararesi, Ignatzio Marino, Amelio Noce, Giovanni Marion and four more. This committee was authorized to make a report or recommend what should be done about the property, and further, that said committee should have full power to do whatever was necessary. On February 15th, 1927, a postal card was sent to all the members of the Lodge Dante Alighieri, No. 494, Order Sons of Italy in America (Supplemental Case, page 26, Exhibit C18), advising them of a special meeting held on February 17th, 1927. At that meeting of February 17th, 1927, a project of the Guaglianone plan was taken up before the lodge and said project was changed, with the approval of the lodge, from the issuance of bonds to the sale of the property (Case, page 222, line 11, to page 223, line 5).

On March 5th, 1927, a meeting of Lodge Dante Alighieri, No. 494, Order Sons of Italy in America was held and at that meeting a motion was made to give the Committee authority to sign any paper to sell the property (Case, page 205, line 21 to page 206, line 6). A vote was taken on the motion and it was unanimous (Case, page 207, lines 13 to 15). As a result of the motion made and seconded at the meeting of March 5th, 1927, to sell the property, an appraisal of the said property was made fixing the marketable value of the land and premises belonging to the Lodge Dante Alighieri, No. 494, defendant

herein, at a value of $24,000.00 (Supplemental Case, page 49, D1).

On March 15th, 1927 (Supplemental Case, page 11), a corporation deed was prepared and executed, conveying the property of the Lodge Dante Alighieri, No. 494, Order Sons of Italy in America, a corporation, to Sons of Italy Association of Camden, New Jersey (Case, page 151 to page 152).

On June 16th, 1927, at a regular meeting of the Lodge Dante Alighieri, No. 494, defendant herein, a vote was taken as to whether or not the Lodge Dante Alighieri, No. 494, should secede from the Order Sons of Italy in America. At this meeting there were 85 to 90 members present and all members with the exception of one voted in favor of the secession (Case, page 153, lines 20 to 29; Case, page 207, lines 13 to 24).

On June 21st, 1927, a notice was sent to all members to attend a special meeting to be held on Thursday, June 23rd, 1927 (Supplemental Case, page 38, Exhibit C23). At the special meeting of June 23rd, 1927, the question of secession arose and a vote was taken as to whether or not the Lodge Dante Alighieri, No. 494, should secede, and 92 members who were present at said meeting voted in favor of the secession and no one voted against it (Case, page 249, lines 20 to 26; Case, page 256, lines 3 to 8; Case, page 207, line 28 to page 208, line 2).

The consideration for the conveyance of the property of the Lodge Dante Alighieri No. 494, Order Sons of Italy in America, defendant herein, was the sum of $24,000.00 for the building and $1500.00 for the furniture (Case, page 212, line 33 to Case,

page 213, line 6; Supplemental Case, page 55, Exhibit D5).

ARGUMENT.

In dealing with the argument of this case we will consider it under two points; namely, point one and point two.

POINT ONE.

The Chancellor erred in finding that the conveyance dated March 15th, 1927, from Loggia Dante Alighieri, No. 494, Order Sons of Italy in America to Order Sons of Italy Association was null and void and in decreeing that it should be reconveyed to Loggia Dante Alighieri, No. 494, Order Sons of Italy in America.

The circumstances leading to the sale show that the sale was bona fide, made for a valuable consideration with the approval of the members and under such circumstances as prompted a sale for the protection of the entire membership.

Some time prior to the sale, the financial condition of the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America was very serious, so much so that considerable discussion took place at numerous meetings and it was more particularly discussed at a meeting held on February 6th, 1927 (Case, page 195, line 19 to page 198, line 13). As a result of the discussions on the financial condition of the Loggia Dante Alighieri, No. 494, Order Sons

of Italy in America, it was decided to adopt the proposition to name a Committee to do whatever was best to overcome the financial difficulties in which the lodge found itself. A Committee was appointed (Case, page 196, lines 4 to 24). This Committee was authorized to make a report or recommend what should be done about the property, and further, that said Committee should have the power to do whatever was deemed necessary. On February 15th, 1927, a notice in the form of a postal card was sent to all the members of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America (Supplemental Case, page 26, Exhibit C18), advising them of a special meeting to be held February 17th, 1927. At that meeting the project of Guaglianone, a member of said Committee, was taken up for consideration by the members of the lodge. His original project was to issue bonds for the purpose of raising revenue as a financial aid to the lodge and to be used for the purpose of wiping out obligations standing against the lodge. His project was changed, however, during the said meeting, from one of selling bonds to one which would result in the sale of the property (Case, page 222, line 11 to page 223, line 5).

On March 5th, 1927, a motion was made to have the lodge property appraised to determine the reasonable value of the property in question. The appraisal was made by two disinterested real estate brokers and they fixed a value of twenty-four thousand dollars for the property in question (Supplemental Case, page 49, Exhibit D1).

On March 5th, 1927, a motion was made to give the Committee, above mentioned, the authority to

sign any paper to sell the property (Case, page 205, line 21 to page 206, line 6). A vote was taken on said motion and it was carried by unanimous vote. On March 15th, 1927, a corporation deed was executed, conveying the property in question of the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, a corporation, to the Sons of Italy Association of Camden, New Jersey (Case, page 151 to page 152). The consideration for the sale of the property in question was twenty-five thousand five hundred ($25,500.00) dollars. Of the said amount twenty-four thousand ($24,000.00) dollars was paid for the value of the real estate in accordance with the appraisal made by the real estate men selected for that purpose, and fifteen hundred ($1500.00) dollars was the price paid for and represented the value of the personal property in the said building (Case, pages 212 and 213; Supplemental Case, page 55, Exhibit D5). At the time of the transfer of the property Loggia Dante Alighieri, No. 494, Order Sons of Italy in America was indebted to the extent of twenty-five thousand five hundred ninety-eight dollars ninety-six cents ($25,598.96) made up as follows:

Mortgage on property	$12,000.00
Note to Victory Trust Company	2,750.00
Obligations on Bonds	9,963.07
Bills payable by House Committee	885.89
	$25,598.96

The membership was alarmed by the constant growth of its indebtedness and was anxious to do something to be relieved of the increasing obliga-

tions. It is only fair to assume that that was one of the main reasons for the transfer of the property.

That it was the intention of the members of the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America to secede from the National and State body of the Order Sons of Italy in America is evidenced by the action of the membership on June 16th, 1927. At a regular meeting held on said date, to wit, June 16th, 1927, a vote was taken on the proposition of whether or not the Lodge Dante Alighieri, No. 494, Order Sons of Italy in America should secede from the Order Sons of Italy in America. At this meeting there were present 85 to 90 members and all of the members except one voted in favor of the secession from the National and State body (Case, page 153, lines 20 to 29; Case, page 207, lines 13 to 24).

In order that the members of the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America who were not present at the regular meeting held June 16th, 1927, at which time secession was voted upon, and to afford others an opportunity of being heard on this subject, a notice was sent out on June 21st, 1927, to all members to attend a special meeting to be held on Thursday, June 23rd, 1927 (Supplemental Case, page 38, Exhibit C23). At the said special meeting of June 23rd, 1927, the question of secession arose and, after consideration, a vote was taken as to whether or not Loggia Dante Alighieri, No. 494, Order Sons of Italy in America should secede from the Order Sons of Italy in America. There were 92 members present at the said special meeting. The vote was unanimously in favor of secession. No one voted against secession

(Case, page 249, lines 20 to 26; Case, page 256, lines 3 to 8; Case, page 207, line 28 to page 208).

Loggia Dante Alighieri, No. 494, Order Sons of Italy in America, before its secession, had a membership of approximately 350 members. A turnout of 85 to 90 members at a meeting was considered a very large turnout, meetings being generally attended by 40 or 50 members. Every one had the opportunity of expressing his views on the question of whether or not they should secede from the National and State body, both at the regular meeting held on June 16th, 1927, and at the said special meeting held on the following week, Thursday, June 23, 1927.

LEGAL ASPECTS TO POINT NO. ONE.

This suit was originally instituted by the Grand Lodge for the benefit of a certain group of members consisting of about ten members in order that they might obtain the property which rightfully belongs to the Sons of Italy Association. They used as their basis for the claim the right of a Grand Lodge to demand a return of the property when a certain number of members remain loyal to it.

While it is true that the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America is named as a defendant, counsel for the Grand Lodge and counsel for the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America are in accord, and the relief obtained by the Loggia Dante Alighieri, No. 494, Order Sons of Italy in America is the relief sought by the Grand Lodge in behalf of the

small number of members who have sought the aid of the Grand Lodge. The case is based on the theory that upon secession of a subordinate lodge from the Grand Lodge, the Grand Lodge or Supreme Lodge has the right to retain the property which is owned by the subordinate lodge.

A careful examination of the by-laws of the Order Sons of Italy discloses the composition or make-up of the Order Sons of Italy to be as follows: The members of the subordinate lodges pay certain monthly dues to their respective subordinate lodge. From the said dues the subordinate lodge pays certain per capita tax or assessment to the Grand Lodge, and the Grand Lodge, in turn, pays certain assessment or per capita tax to the Supreme Lodge. The relation between the subordinate lodge, Grand Lodge and Supreme Lodge is a voluntary relation. It is not a contractual relation. The most that could be said is that it is a quasi-contractual relation. The subordinate lodge sends certain delegates to the conventions held by the Grand Lodge from which delegates are elected officers of the Grand Lodge, and the Grand Lodge, in turn, sends certain delegates to the conventions held by the Supreme Lodge from which delegates are selected the officers of the Supreme Lodge. There is nothing by which the Supreme Lodge of the Order Sons of Italy in America can compel the Grand Lodge to make payments to it, nor is there anything in the by-laws by which the Grand Lodge can compel a subordinate lodge to pay to the Grand Lodge.

The Order Sons of Italy in America, as we examine its by-laws, is framed somewhat similar, if not exactly alike, to the by-laws of the Junior Order

United American Mechanics, and we respectfully submit that the decisions which have been made by the Court of Errors and Appeals of this State in several of the cases involving the Junior Order United American Mechanics of New Jersey are controlling in the case at bar.

We call the Court's attention to the case of *State Council of Junior Order United American Mechanics of New Jersey v. Enterprise Council No. 6.* This case was decided by the Court of Errors and Appeals of New Jersey and is reported in 72 Atl., page 19. In the said case Justice Swayze, speaking for the Court of Errors and Appeals, commenting on the decision made by Vice-Chancellor in the case of *State Council v. National Council* (71 Eq. 433), says:

> "It is thus settled that it is the subordinate Council which have an independent existence and that their relationship with the State and National Councils is as the Vice-Chancellor said, a purely voluntary one. The State Council could have no greater right to coerce the subordinate Council than the National Council had to coerce the State Council."

The objects of the Junior Order United American Mechanics, as stated in its constitution and by-laws, are similar to the objects of the Order Sons of Italy in America. The Court in the said case, at page 21, said:

> "The right of the State and National Councils to revenue is limited to what is called a tax, and is really a contribution of a small sum per capita for the necessary expenses of those

> Councils, collected of the individual members by the subordinate Councils."

The Order Sons of Italy in America is of the same creation and were it not for the funds paid by the individual members to the subordinate lodge such a thing as a Grand Lodge or a Supreme Lodge could not exist.

In the present case there cannot be any dispute, but that the money paid by the members was paid with the understanding that it was to be used by the subordinate lodge and not to be turned over to the Grand or Supreme Lodge. Therefore, we fail to see how a trust can be created in favor of the Grand Lodge as is contended by the complainant, and as was held in *National Council v. State Council* (64 Eq. 470):

> "The burden of proof was upon the complainant to establish the trust and that trust must be the trust created by the individual members who contributed to the funds. It is quite evident that these contributions did not intend to create any trust in favor of either the State or National Council as long as the relations between the subordinate council and the State Council and between the State Council and National Council remained unsevered."

If the money was paid by the members to the subordinate lodge, how can the Grand Lodge claim to have a trust in said funds or property obtained from said funds? The property which the local subordinate lodge had was not derived from the Grand

Lodge, but was contributed to and owned by the associated members of the local lodge, and the property which they held was held by an absolute title as perfect and unconditional as is the title by which any person or corporation holds its individual property, and, to use the language of the New York Supreme Court, in the case of *Wicks v. Monihan* (130 N. Y. 232):

> "To hold that the General Assembly can, by a decree, divest the title to property and vest it in itself is giving to it a power which is forbidden to be exercised by Congress or by the Legislature of any State."

THE EFFECT OF THIS CASE IS TO TAKE AWAY PROPERTY RIGHTS FROM ONE SET OF MEMBERS AND GIVE THEM TO ANOTHER SET, WHICH IS DIRECTLY IN VIOLATION OF THE LAWS OF THIS STATE.

It may be contended by the opposition that the Grand Lodge has the power to obtain the property of the subordinate lodge by reason of certain provisions contained in its by-laws. Justice Swayze, in the case of *State Council of Junior Order United American Mechanics* (72 Atl. 23), approved what the Maryland Courts had said, as follows:

> "Whatever powers the higher lodges in such an organization as this may have to make rules or laws for the government of the subordinate lodges and the discipline of their members, we

> think it quite certain that the Courts can never recognize as valid any rule or law, so made, the effect of which is to confiscate property, or to arbitrarily take away property rights from one set of members, and give them to another set; nor will the Courts allow or recognize the enforcement of any such rule when its enforcement will accomplish, and is designed to accomplish, such a result."

The complainant in this case attempts to do the very thing which Justice Swayze said they could not do, namely; to take property away from one set of members and to give it to another set.

Vice-Chancellor Pitney said, in the case of *National Council v. State Council* (64 Eq. 470):

> "The relation between the parties is purely a voluntary one and any member may withdraw at any time. The adhesive power which holds these bodies together is the supposed benefit; first, to the individual members by reason of their membership; then to the subordinate council by reason of its connection with the State Council; and then to the State Council by reason of the benefit supposed to be derived by this connection with the National Council."

In that case he held that the National Council could not recover from the State Council monies which had been collected by the State Council from the individual members for the reason that under the circumstances of the case they had not been contributed by the individual members for the use

of the National Council. The case is entirely analogous to the present case where the funds were contributed by the members for the relief of themselves and their associates and not for the purpose of being turned over to another organization for the benefit of other persons when neither that organization nor those persons were under any obligation to hold the funds for the purpose for which they had been contributed.

We respectfully submit that the case at bar comes within the said phraseology. There is nothing in the by-laws or constitution of the Grand Lodge, Order Sons of Italy in America, the complainant in this case, which creates any obligation on its part to hold the funds for the purpose for which they had been contributed. If there were such provisions as there were in the case of *Council v. Sharp* or in the Germania Lodge case, or in similar cases where a trust is created or an obligation is imposed upon the Grand Lodge, the result would be different, but we respectfully submit that neither the Grand Lodge nor the Supreme Lodge in the present case, according to its by-laws have any trust to carry out.

The case at bar differs very materially from the case of *State Council v. Sharp* (38 Eq. 24), where the complainant's constitution provided that the amount received by the State Council should be apportioned for the assistance and support of the widows and orphans of members of the subordinate council. The present case also differs from the case of *Knights of Pythias v. Germania* (56 Eq. 63), where the statute of the Order provided that the receipts of a subordinate lodge should constitute a

trust fund for carrying out fraternal and beneficial features of the Order.

Vice-Chancellor Stevens, in the case of *Grand Court Foresters of America v. Court Cavour* (88 Atl. 191), makes a statement directly in conflict with the contention of the complainant in this case. In doing so he referred to the case of *State Council v. Enterprise Council No. 6* (75 Eq. 245). As we have already pointed out to the Court, the entire theory upon which the complainant rests its case is that the Grand Lodge was vested with authority to carry out the trust or objects for which the local subordinate lodge was constituted. Let us see what Vice-Chancellor Pitney says about said contention. At page 193 of 88 Atl. Reporter, he says:

> "But there is another difficulty. In State Council v. Enterprise Council No. 6 75 N. J. Eq. 245), it was held that under the laws of the Order the State Council had no authority to administer the trust fund created by the local council for the benefit of its members, and no power to dissolve the local court, considered either as a voluntary association or as an incorporated society. That seems to be the case here. Counsel for complainant sought to convince me, in a very elaborate argument, that the Grand Lodge was vested with authority to carry out the trusts or objects for which Court Cavour was constituted; but after a careful examination of the various laws of the Order I fail to find any such authority. It is true that Section 1 of Article 18 of the Grand Court laws prescribed that, 'should any subordinate court become,

> either by operation of law or otherwise, dissolved, or be suspended, expelled or secede from the Order, all property, money, goods and effects shall vest in and be delivered to the Grand Lodge upon demand being made therefor.' But it is not provided that it shall take the money and other property of the dissolved Court and apply them as a separate fund for the payment of its debts or for the other uses for which they were contributed. As far as appears they go into the general fund of the Grand Court subject to be disposed of according to its rules."

A careful examination of the by-laws of the Order Sons of Italy in America shows a similar structure, particularly as to the provision upon which the complainant seeks to rest its right to obtain the property as is mentioned in Section 1 of Article 18 of the Laws of the Grand Court Foresters of America, except that in the Grand Court case a specific provision was made to cover secession; whereas, in our particular case, no such provision was made by the Order Sons of Italy in America, and even with said provision, the Court says they have no right to administer the property because there appears nothing to show that the money taken or the property taken from the subordinate court or subordinate lodge is to be taken for trust purposes.

Section 89 of the by-laws of the Order Sons of Italy in America provides:

> "All the funds of a lodge suspended or dissolved and delivered to the Grand or Supreme Council shall be administered for the account of

said lodge and returned, in the event of the lodge being restored or re-organized."

It is obvious to the Court that no provision was made to contemplate the situation where a subordinate lodge secedes from the Grand Lodge; whereas, in all other cases, it appears that the word "secede" is used and relied upon in cases where a secession occurred upon which a claim for the property is made.

Forfeitures are not favored. They certainly will not be enforced where enforcement must incapacitate the corporation from performing the very duty for which it was constituted.

Counsel may lay great stress upon the agreement to which each individual must subscribe on joining: "I will conform to and abide by all the rules of the Court and of the Order or submit to the penalties therein contained." This is the subscription of the individual, binding, no doubt, upon him, but not upon the corporation. It is the right of the corporation and not of the individual that is here in controversy (*Grand Court Foresters of America v. Court Cavour No. 133,* 88 Atl. p. 194).

In the case of *Schweitzer v. Schneider*, reported in 97 Atl. page 159, Vice-Chancellor Lewis distinguished the case of *Altmann v. Benz* and we respectfully submit the same. It is pointed out by the learned Vice-Chancellor that certain differences which existed in the cases which he was considering exist in the present case. Vice-Chancellor Lewis said:

"I cannot see how under any view of the case that the funds involved in this dispute were

> trust funds within the meaning of the decision in Altmann v. Benz. If these funds can be called trust funds at all, then the said trust is for the benefit only of the members of the local unions as they represented a net surplus which belongs to the local union, and upon which the National Union had no claims. The funds represented a net accumulation of the contributions paid by the members of the respective local unions after deducting therefrom all initiation fees, per capita taxes and other charges, which had been paid to the National body."

In the argument we have used the word "complainant" to mean both the Grand Lodge and Loggia Dante Alighieri, No. 494, Order Sons of Italy in America which latter lodge, while named defendant, really stands in the position of complainant throughout these proceedings.

POINT TWO.

Under Point No. Two we will deal with the grievance of the appellant to the order entered by the Chancellor confirming the Master's report, and it is contended that the Chancellor erred under Point Two in confirming the report of the Master filed in this cause.

After decree had been entered in this matter by the Chancellor, this case was referred to William T. Boyle, Esquire, one of the Masters of the Court of Chancery for accounting. The Master, by said reference to him, was to make an accounting "as be-

tween the defendants, Sons of Italy Association of Camden, New Jersey, and Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti, Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, or such of said defendants as have had or received rents or used said property; any consideration paid or deposited to the credit of the defendant, Loggia Dante Alighieri, No. 494, Order Sons of Italy in America or any debts or other obligations of said lodge which may have been paid or discharged by the defendants, Sons of Italy Association of Camden, New Jersey, or Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio or any of them, shall be proved and allowed; said Master shall report such accounting to this Court."

There was practically no dispute as to what amounts had been collected by defendant, Sons of Italy Association of Camden, New Jersey. There was also no dispute that the defendants, Felix D'Aloise, Attilio Marino, Louis Durso, Louis Guiaglianone, Mario Manaresi, Michele Lalli, Enrichetti Angelo Vito, Giovanni Marini, Luigi Faragalli, Ignazio Marini, Joseph DiPatrizio, or any of them received any money or had anything to do in the accounting. It was apparent from the testimony taken in that matter that the accounting was simply one between Loggia Dante Alighieri, No. 494, Order Sons of Italy in America and Sons of Italy Association.

The testimony was taken before Honorable Wil-

liam T. Boyle on the accounting on October 2nd, 1929. The said testimony is incorporated in the State of the Case and found at page 304. Arguments of respective counsel were later heard and report was filed by William T. Boyle, Master, as aforesaid, on December 5th, 1929. The said Master's report is incorporated in the State of the Case and appears at page 451, etc.

Exceptions to the Master's report were filed by defendant, Sons of Italy Association of Camden, New Jersey, on December 30th, 1929 (Case, pages 455 and 456) and argument was had on the said exceptions to the Master's report on February 24th, 1930.

By the testimony produced before the Master, the defendant, Sons of Italy Association of Camden, New Jersey, received as follows:

Rent four stores	$1956.50
Rent second floor for various occasions	4013.60
Rent third floor	997.94
Rent bath rooms	69.75
Advertising board	506.00
	$7543.79

This was the total income received by the defendant, Sons of Italy Association of Camden, New Jersey, from March 15th, 1927 to October 1st, 1929.

There was expended during the time mentioned above, and to be charged against Loggia Dante Alighieri, No. 494, in the maintenance of said building during the said period, the following:

Public Service Gas and Electricity	$773.44
City of Camden—Water	113.40
Coal	708.75
Interest on Mortgage ($12,000.00)	1,800.00
City of Camden—Taxes	1,249.86
Advertising (by stipulation)	28.50
Insurance Premium	792.08
Victory Trust Company (Paid)	1,057.96
Victory Trust Company (Note)	1,900.00
Repairs	654.65
Janitor Salary	3,377.05
Paid to Loggia Dante Alighieri	154.10
Expenses and Incidentals	281.00
	$12,990.79

Exceptions to the Master's report were as follows:

1. The said Master has charged the defendant with rent for the premises in dispute from March 15th, 1927, where, as a matter of fact, the Lodge Dante Alighieri occupied the premises until July, 1927, and enjoyed the use and benefits of the property in question until said time, making a difference of four months which were charged against Sons of Italy Association, which is contrary to the facts.

2. The said Master charged the defendant a rental of $200.00 per month, and also charged them with revenue collected by defendant from sub-tenants, occupants and users of the premises, contrary to the evidence and contrary to the testimony of complainant.

3. The said Master made an inequitable charge for rent against the defendant of $200.00 per month, which is contrary to the proof offered as to the reasonableness of rent to be derived from the property in dispute.

4. The said Master allowed the Dante Alighieri Lodge inequitably and against the proof a rental of $200.00 per month and also money derived from the use of the premises for which he made the said charge of $200.00 per month.

5. The said Master disregarded the testimony of complainant's own witness, Mr. Verga, in allowing a rental of $200.00 per month, as well as allowing other income derived from the building.

6. The said Master improperly disallowed defendant's claim for certain bond obligation paid by defendant, Sons of Italy Association, and which inured for the benefit of Dante Alighieri Lodge.

7. The said Master improperly fixed a charge for rent which is excessive, unreasonable, inequitable and contrary to the evidence.

ARGUMENT ON POINT TWO.

Dealing with the argument of Point Two, we wish to call the Honorable Court's attention to the fact that the report made by the Master allowed rent to be charged against the Sons of Italy Association as of March 15th, 1927, down to the time that the ac-

counting was taken. This, we contend, was contrary to the facts and proofs presented before the Master.

The testimony was that the defendant, Sons of Italy Association of Camden, New Jersey, did not take possession of the building in question until the secession by the members of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America from the complainant organization, and that was in June, 1927, and not in March, 1927, as was reported by the Master. At page 311 of the State of the Case, lines 23 to 36, which was testimony taken before the Master on October 2nd, 1929, we find the following testimony in support of the above statement:

> "By Mr. Palese:
>
> Q. When did the Sons of Italy Association take possession of that building at Fourth and Spruce Streets?
>
> A. At the time it was seceded from the Order Sons of Italy.
>
> Q. Do you know the date?
>
> A. I can't recall the date.
>
> Q. About when was it?
>
> A. I think it was around June, but I don't remember; I can't tell you.
>
> Q. It was not last year, was it, 1928?
>
> A. No, two years ago.
>
> Q. You say you think around June, 1927?
>
> A. I don't recall the date."

There is no other testimony showing the date when the defendant, Sons of Italy Association, took possession and we fail to find upon what testimony or proof the Master based his conclusion by which he

charges rent against the defendant, Sons of Italy Association, as of March 15th, 1927. We submit that under the proofs as it came out at the trial of the cause and the subsequent hearing on the accounting, the charge should have been made as of June, 1927, and not as of March, 1927, or there is a difference of three months for which no charge could be made.

It was urged by defendant, Sons of Italy Association at the hearing on the account, that credit should be given to it for the aggregate amount of certain written obligations in the form of bonds of the Loggia Dante Alighieri now in its possession which were taken by it by cash payment, exchange of bonds, and by release of the same from the holders of them to the Sons of Italy Association for value.

The order of reference *inter alia* provides:

> "It is further ordered, adjudged and decreed that the said Sons of Italy Association of Camden, New Jersey, do on service of a copy of an order or decree of this Court fixing or confirming the report of said Master upon said accounting and upon the payment to it of any moneys declared by said fixation or affirmance of said Master's report to be due it by reason of expenditures necessarily made in the upkeep and maintenance of said real estate or on account of or in discharging of any debt or obligation of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America deliver up the said deed to said premises to the defendant,

Loggia Dante Alighieri, No. 494, Order Sons of Italy in America to be cancelled."

It is respectfully called to your Honors' attention that the aforesaid provision of the order calls upon the Master to account for any *debt or obligation* of Loggia Dante Alighieri. These bonds undoubtedly, and beyond dispute, were obligations of the Loggia Dante Alighieri and sooner or later were to be paid. If the defendant, Sons of Italy Association paid as it did, or relieved the Dante Alighieri Lodge of the obligation of having to pay the holders of these bonds, why should not they equitably be entitled to that credit? We urge that they should be paid because they represented an obligation of the Loggia Dante Alighieri which no longer exists against it because they were satisfied by the Sons of Italy Association. The exact amount we do not have because these bonds were offered in evidence and are in the custody of the official stenographer, but they are available to you and we ask that the amounts be calculated and a credit be given to Sons of Italy Association in that amount.

All of the other exceptions taken may be merged and stated as one, that is, that the Master made an inequitable charge for use had by the Sons of Italy Association of the building in question at Fourth and Spruce Streets when he allowed the sum of $200.00 per month to be charged against Sons of Italy Association, contrary to the evidence submitted in the cause.

One of the questions contemplated by the reference to the Master was what amount should be

charged against defendant, Sons of Italy Association, for the building in question.

It is obvious from the testimony taken in this matter that the building in question has a very limited use. The building consists of three floors, and the main use of the building was as a meeting place for lodges in the Italian colony which met there and also occasionally for balls, dances and weddings.

The only use that the Sons of Italy Association had for the building, as appears in the testimony, was for meeting purposes, and occasionally a few members would meet and spend a few hours in a sociable game of cards. See the testimony of Michael Lalli (Case, page 307, lines 16 to 27), where the following question is asked by Mr. Palese:

> "Q. What part of the building does your association occupy?
>
> A. We have part of the first floor.
>
> "Q. What other part of the building do you occupy?
>
> A. No other part except when you have a meeting.
>
> Q. Who has the use of the building besides the tenants on the first floor?
>
> A. We have other associations that have their meetings there. We rent the second floor for weddings and balls."

The testimony shows that the defendant, Sons of Italy Association, did not use the building for any other purpose than above expressed, and did not

use the basement for any amusements, nor did they use the pool tables (Case, page 308, lines 17 to 19).

At Case, page 310, lines 19 to 26, it appears that the only use made by the Sons of Italy Association of the building in question was for meeting purposes. The testimony appears as follows:

> "By Mr. Orlando:
>
> Q. The only part, I understand, you used was the second floor where you hold your meetings, for meeting purposes?
>
> A. No, we use part of the first floor, and the third floor for meetings, of course.
>
> Q. How often does the Sons of Italy Association meet on the third floor?
>
> A. Twice a month."

The amount of rental paid by similar organizations, although smaller in number, for the use of the third floor for meeting purposes, according to the testimony, was approximately $50.00 a year. By paying $50.00 a year some other associations have use of the said third floor twice a month. This appears in the testimony at Case, page 310, lines 27 to 35.

The Sicilian League Lodge, an organization similar to the Sons of Italy Association, according to the testimony (Case, page 320, lines 10 to 13), paid $20.00 for the use of the meeting room for three months. On the same page it appears that other smaller organizations paid approximately the same amount.

Mr. Verga, a real estate man of Camden, was called by the other side to this accounting for the

purpose of placing a value on the income reasonably to be derived from the building in question. His testimony appears as follows (Case, page 327, line 29, to page 328, line 1):

> "By Mr. Orlando:
>
> Q. Do I understand your opinion is that a rental of $200.00, or an income of $2400.00 a year for that building, would be a proper value?
>
> A. For that part of the building, provided the owner furnished janitor service and heat.
>
> Q. When we speak of the income, we speak of the use of the basement, the first floor, the second floor and the third floor?
>
> A. Not the stores."

* * * * * * * *

(Case, page 328, lines 12 to 14):

> "Q. Regardless of what it was used for, or what use these men make of it?
>
> A. Yes."

Mr. Palese asked this question of Mr. Verga (Case, page 326, lines 9 to 15):

> "Q. What, in your opinion, would be the fair rental for a portion of that building, as follows: consisting of a third floor, on a plot of ground, 54 feet on Spruce Street by 74 feet on Fourth Street, third floor, and for the use of the second floor, the use of the basement, and the use of part of the first floor for a reception room?"

Mr. Verga answers the question (Case, page 327, lines 11 to 13):

> "A. I would say $200.00 a month would be a fair rental, provided they were provided with heat and ordinary janitor service."

It is apparent from the testimony given by Mr. Verga that an income of $2400.00 a year, exclusive of the rent from the stores, represents a fair income to be derived from that building.

We do not think that counsel for complainant can seriously contend that it was the thought of Mr. Verga or that it could be inferred from what Mr. Verga said that $200.00 a month would be a fair rental for the use which the defendant, Sons of Italy Association, itself, got out of the building. There is nothing in support of such notion. Mr. Verga was specific in stating that $200.00 a month would be an adequate income from the use of the building in question other than the rent derived from the stores for which we have accounted and about which there is no question.

The defendant accounted to the complainant in the amount of $4,013.60 for income derived from the second floor and for $997.94 for income derived from the rental of the third floor.

It would not be equitable to charge $200.00 a month merely for what use Sons of Italy Association got of the building when from the testimony it appears that other lodges using the building for meeting purposes similar to the Sons of Italy Association only paid the small sum of five or ten dollars a meeting.

Sons of Italy Association is only a small organization having approximately three hundred members paying dues of $1.50 per month. If what complainant contends is true, it would require almost all of the money received by the defendant Association from dues simply to pay rent.

Argument may be made by counsel that the janitor service provided in this case, for which the defendant was allowed credit, was more than ordinarily required for the proper supervision of the building, and he may attempt to charge a portion of the same against the Sons of Italy Association. Counsel forgets that it appears in the testimony that the janitor collected all the rents and practically acted in the capacity of rental agent, a duty which if performed by some outside source, would be chargeable with commissions which would run into hundreds of dollars . Furthermore, it appears in the testimony (Case, page 356, lines 19 to 31), that the janitor who acted as such for defendant, Sons of Italy Association, was the same janitor had by Dante Alighieri Lodge when they were occupying the building and that they paid him the same salary that was paid by the defendant, Sons of Italy Association.

> "Q. (By Mr. Orlando): When you were janitor for the D'Alighieri, how much did they pay you?
>
> A. I started out at $75.00 and they raised me to $90 and raised me to $100, then they cut me down to $90 and another time up to $100, and five years ago I got $115.
>
> Q. So that the salary you get now is the same salary as you got five years ago?

A. Yes, sir.

Q. And the salary that you got when you were janitor for the Lodge D'Alighieri was the salary that they paid you for being janitor of the place?

A. Yes, sir."

The position taken by the complainant is inconsistent with reason and equity. They have called Mr. Verga, who has fixed the value of the entire building at $200.00. If they had a tenant in the place receiving $200.00 per month, according to their own testimony, that would represent an adequate income from the building. With the defendant, Sons of Italy Association, they have taken a different view. They have collected, or have been given credit for all that has been obtained by the defendant, Sons of Italy Association, by way of rent from the place, amounting to over $5,000.00, which in itself over a period of thirty months represents an income of about $150.00. Then, in addition to that, they seek to charge us with an additional $200.00 a month. In other words, if we had a tenancy, we could say that they are trying to get all that the tenant was charged with, namely, as rental, and all that he derived from his sub-tenants.

We most respectfully submit and agree that a charge should be made against Sons of Italy Association for the use that they made of the building which was for meeting purposes, but that such charge should be consistent with other charges made against other lodges which received similar use of the building and which amounts ranged around $50.00 to $100.00 per year.

It is most respectfully submitted that the exceptions to the Master's report should have been sustained by the Chancellor and that the Chancellor erred in confirming the Master's report for the reasons above stated.

It is respectfully submitted that for the reasons above stated the decrees of the Chancellor should be reversed.

SAMUEL P. ORLANDO,
Solicitor of Defendant-Appellant, Sons of Italy Association of Camden, New Jersey.

HARRY HEHER,
Of Counsel with Defendant-Appellant.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Between

GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA,
Complainant-Respondent,

and

SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, *et als.*,
Defendants-Appellants.

ON BILL, &C.

ON APPEAL FROM THE COURT OF CHANCERY.

BRIEF FOR GRAND LODGE OF THE STATE OF NEW JERSEY, ORDER SONS OF ITALY IN AMERICA, COMPLAINANT-RESPONDENT, AND LOGGIA DANTE ALIGHIERI, NO. 494, SONS OF ITALY IN AMERICA, DEFENDANT-RESPONDENT.

PLEADINGS AND RECORD OF THE CASE.

Complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, filed a bill seeking relief against a transfer of all the real estate and personal property of its subordinate lodge, Loggia Dante Alighieri, No. 494, Sons of Italy in America, to the defendant, Order Sons of Italy Association of Camden, New Jersey.

Insurgent members of Dante Alighieri Lodge obtained control; they organized a new lodge or association, the defendant Order Sons of Italy Association. They then had Dante Alighieri Lodge deed all of its real estate to the Sons of Italy Association and transfer to it all of its personal property and effects. Loyal members of Dante Alighieri Lodge kept this subordinate lodge alive. The Sons of Italy Association, having consummated its object ejected Loggia Dante Alighieri from its building and deprived it of all its property.

The real estate consisted of a three-story brick home with lodge rooms. Legal title prior to the transfer stood in the name of Loggia Dante Alighieri, No. 494, Order Sons of Italy in America. This lodge under the terms of its creation was trustee for such real and personal property for the complainant, parent organization, and its members, to carry out the beneficial objects of the Order.

Dante Alighieri Lodge remained loyal to the parent, the complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America. It filed

its answer in this cause by stipulation (Case, page 55) on April fifth, 1929. It was agreed and stipulated (Case, page 56, line 26) that a counter-claim be filed and become a part of the pleadings in the cause. The subordinate lodge in its counter-claim prayed that the defendant, Sons of Italy Association, be declared and decreed to hold all the real estate, official regalia, books, papers, furnishings and personal belongings, building and loan stock and other personal property formerly owned by it, in trust (Case, page 58).

An order of reference was filed on April eighteenth, 1928, and the matter was referred to Honorable E. B. Leaming, one of the Vice-Chancellors of the New Jersey Court of Chancery to hear the same and to report what order or decree should be made therein. The hearing of the cause resulted in a decree in favor of the defendant, Loggia Dante Alighieri No. 494 Order Sons of Italy in America declaring that the attempted transfer of title and deed to the real estate and the transfer of the personal belongings of the subordinate lodge were, from the time of the execution and delivery of same, null and void and of no force and effect whatsoever in law or in equity.

Conclusions filed by the Vice-Chancellor (Case, page 424), decree (Case, page 437). It was also ordered that the matter be referred to William T. Boyle, a Master in the Court of Chancery, for an accounting of rents received and income derived from the lodge property and for the use of said premises. The Master determined that there should be charged against the Sons of Italy Association for such use and occupancy, rental, at the rate of

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$200.00 monthly from the fifteenth day of March, 1927, to October first, 1929, or a total of $6100.00.

Exceptions were filed to the Master's report but, upon the hearing of same, the report was confirmed by Vice-Chancellor Leaming (Case, page 460). Defendant, Sons of Italy Association, appeal from the decree and order confirming the Master's report.

BRIEF AND ARGUMENT.

The complainant, Grand Lodge of the State of New Jersey, Order Sons of Italy in America, and the defendant, Dante Alighieri Lodge No. 494, Order Sons of Italy in America, are component parts of a beneficial society instituted and functioning on the continent of North America.

The Order of the Sons of Italy in America was formed in about the year nineteen hundred and five. It is a fraternal organization of persons of Italian birth or ancestry, for the purpose of promoting their moral and social welfare and for creating funds to pay sick and death benefits. It existed as a national order for many years prior to its incorporation. It consists of the parent lodge, "Supreme Lodge Order Sons of Italy in America," State lodges known in each State as the Grand Lodge of that particular State, "Order Sons of Italy in America," and district lodges in the various States, subordinate to the Grand Lodge of such State.

On November twenty-ninth, nineteen hundred and eleven, the "Supreme Lodge, Order Sons of Italy," was incorporated as a fraternal and beneficial

society under the laws of New Jersey. This was an incorporation of the supreme or parent lodge in America (Exhibit C1).

On January fifteenth, nineteen hundred and fourteen, the parent organization was reincorporated in New Jersey as the "Supreme Lodge, Order Sons of Italy in America." That this body was to be the supreme lodge authority in America and that grand and local lodges were ever to be subordinate to this "Supreme Lodge," clearly appears in these original charters (Case, p. 75).

It is equally clear that district or local lodges were to be always subordinate to the State Grand Lodge. The original charter of the supreme body declares that the incorporation was effected to perpetutate the objects for which the Order of Sons of Italy is organized, "in accordance with such constitution and general laws of the Supreme Lodge, Order of Sons of Italy, as may be hereafter adopted." That charter declares its purpose, to unite fraternally, citizens of Italian birth "through Grand and Subordinate Lodges," and to pay sick and death benefits. It further provides that the Supreme Lodge shall have "all true and legitimate power and authority in the Order of Sons of Italy, wheresoever established; it shall have original and exclusive jurisdiction and power;" it is given power "over forms used, initiations and regalia;" it is given power "to establish the Order in States;" and to "provide revenue for the Supreme Lodge by means of a tax and from a profit on supplies;" to provide "*for annual returns from each Grand and Subordinate Lodge existing or to be established*;" it is given power "to enact laws and regulations of

general application as may be necessary to enforce *its legitimate authority over Grand and Subordinate Lodges, now existing or hereafter to be established*;" it reserves the power "to create Grand and Subordinate Lodges wherever the Supreme Lodge shall deem it advisable." It continues to function with officers chosen by degelates from Grand and Subordinate Lodges.

The reorganization broadened but did not materially change the plan and operation of this fraternal association. It continued in existence Grand and Subordinate Lodges, both dependent upon the Supreme Lodge and subject to its jurisdiction and control. This amended charter provides the "Supreme Lodge, Order Sons of Italy in America, shall have the same powers as heretofore *and shall be the force of all true and legitimate power and authority in the Order of Sons of Italy, wheresoever established, it shall have original and exclusive jurisdiction and power.*" Among other things it provided for a tax to raise revenue, and gave power to require returns from Grand and Subordinate Lodges, to hear and determine appeals from Grand and Subordinate Lodges, to enforce verdicts of arbitrators, to enact such laws and regulations of general and special applications as may be necessary to enforce its legitimate authority over Grand and Subordinate Lodges, under its immediate jurisdiction, existing or hereafter to be established." It is given power to prescribe the form of a candidate's application (Case, page 75).

On September fourth, nineteen hundred and thirteen, the "Grand Council of the Grand Lodge of Order Sons of Italy in America," was incorporated

under the laws of this State. The State Grand Lodge had previously functioned as an unincorporated body. This charter formally defined the authority of the New Jersey Grand Council and Grand Lodge of the Order Sons of Italy over subordinate lodges organized or to be organized in the State.

On July twenty-ninth, nineteen hundred and twenty, the "Grand Lodge of the State of New Jersey, Order Sons of Italy in America," was formally incorporated. This charter recites, among other things, that the purposes for which it is incorporated are to perpetuate the objects for which the Order, "Sons of Italy" as a voluntary organization, was created, as shown by the general laws and constitution of the Order and "as a secret fraternal beneficiary organization on the lodge system; with a representative form of government." It declares that the *Grand Lodge of the State of New Jersey, "recognizing the Supreme Lodge, Order Sons of Italy in America, as the source of all legitimate power and authority, shall have and exercise the same powers as heretofore and shall have and exercise all the rights and privileges of a Grand Lodge over a subordinate lodge as defined and provided in the constitution and general laws of the Order."* It provides that "it may join with the Supreme Lodge in granting dispensations for the institution of subordinate lodges in New Jersey;" it is given power to "raise revenue by a per capita tax" and to "establish a mortuary fund to pay death benefits." It is also given power to "establish an orphanage and a home for the indigent or aged;" it has power to function as a court to hear appeals from arbitration committees of subordinate lodges.

Particularly pertinent to the present inquiry, are provisions in this charter giving *the Grand Lodge in the State of New Jersey "power to compel subordinate lodges to apply the funds and money of subordinate lodges, in every case, for the uses and purposes contemplated by the constitution and general laws of the Order, the laws of the Grand Lodge of the State of New Jersey and the laws of the Supreme Lodge, Order Sons of Italy in America, and to no other uses and purposes of any kind or nature whatsoever."*

As clearly indicating the intention to have and exercise control over subordinate lodges and to force the application of income to the beneficial purposes of the association, the certificate of incorporation provides that the *Grand Lodge may "compel subordinate lodges to issue sick benefits, to render quarterly reports as to finances" and to "regulate by law the custody of all property and money of subordinate lodges becoming suspended, expelled, defunct or seceding from the Order, Sons of Italy in America."*

The Fundamental Constitution and General Laws of the Supreme Lodge, Order Sons of Italy in America, was approved at a Supreme Convention, November twelfth, nineteen hundred and seventeen and amended in nineteen hundred and nineteen and again in nineteen hundred and twenty-one. This Fundamental Constitution and these General Laws left no doubt but that supreme authority in the Order, Sons of Italy in America, must rest in the Supreme Lodge and that district or local lodges were to be subordinate not only to the Supreme Lodge of the Order in America, but to the Grand Lodge of its particular

State. Sections 75 to 93, inclusive, clearly demonstrate this thought.

Note the provisions of Section 87 that

> *"when a subordinate lodge is suspended for any reason whatsoever, it must give over to the representative of the Grand or Supreme Council, all the funds, books, seal, papers, paraphernalia, charter, etc., in the possession of said lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the lodge"* (Exhibit D2, p. 50).

And Section 89 that

> *"all the funds and objects of property of a lodge suspended or dissolved and delivered to the Grand or Supreme Council shall be administered for the account of said lodge and returned in the event of the lodge being restored or reorganized."*

And, the provisions of Section 90 that

> *"wherever at least seven members of the lodge oppose its severance from the Order, the lodge remains connected with the Order with all its equipment and the departing brothers forfeit all their rights."*

Beyond possibility of argument, *the payment of dues by individual members according to the form and plan of this Order create a trust for the carrying out of its purposes*; that trust it is clear, shall be controlled and administered, when necessary, by

the Grand Lodge of the State. It is equally clear that as long as seven or more members of a district lodge remain loyal to the Grand Lodge and the Supreme Lodge of the Order, the lodge continues to function and *it primarily has the right of control of its property and effects, to carry out the purposes of the Order.*

In this particular case, Dante Alighieri Lodge No. 494, Order Sons of Italy in America, admittedly remains in existence and continues to function. It is loyal to and recognizes its dependency upon the Grand Lodge of New Jersey and the Supreme Lodge in America. Its real and personal property is in the possession of the defendant, Sons of Italy Association.

Perhaps the most convincing evidence of the subordination of individual members and of district lodges to the State Grand Lodge and to the Supreme Lodge in America is found in the Exhibits "C15" and "C25." The former is the application for a charter for Dante Alighieri Lodge. This "Domanda" was dated February fourth, nineteen hundred and sixteen, and the applicants appeal to the Grand Executive Council of the State of New Jersey and to the Order, Sons of Italy in America, to permit them *to affiliate themselves with the Order and to institute a "subordinate lodge in accordance with the general laws of the Order."* This application petitions that Dante Alighieri Lodge, No. 494, may be instituted as an integral part of an Order. This application was approved by the Grand Council of the State of New Jersey and ratified by the Supreme Executive Council in America. Thus Dante Alighieri Lodge, No. 494, was created.

Every member of the Order, including the disloyal members who formed the Sons of Italy Association which now controls the property sought to be recovered, signed an application similar to the "Domandi di Ammissione," Exhibit "C25." In this application *each member declared that he had an exact understanding of the laws of the Order and by-laws of the lodge and was satisfied with them and bound himself "to abide and stand by the laws of the Order, decrees of the proper authorities, and the by-laws of the lodge, as they now stand, or as in the future amended."*

The dispensation, Exhibit "C16," authorizing and creating Dante Alighieri Lodge, No. 494, was issued February twenty-first, nineteen hundred and sixteen, by the Supreme Venerable and Supreme Recording Secretary of the Supreme Lodge, Sons of Italy in America, upon the recommendation and approval of the Grand Council of the State of New Jersey. This dispensation, accepted by Dante Alighieri Lodge, No. 494, provides that, "authority and privilege of issuing dispensations in any part of the United States of America, its territories and dependencies, is vested unalterably and exclusively in the Supreme Lodge."

In addition to all this documentary evidence demonstrating that Dante Alighieri Lodge, No. 494, was created and has continued to exist as a subordinate lodge of the Grand Lodge of the State of New Jersey and of the Supreme Lodge in America, there is the significant testimony of the ceremony held when the real estate was purchased by the local lodge and it was opened for the use of its members and the purposes of the Order; a key was presented

to the officers of the State and supreme bodies (Case, pp. 127-128). Dante Alighieri Lodge members enjoyed the privileges incident to the national organization; they could visit other lodges and fraternize with members throughout the land; they could be transferred, if necessary or desirable, to other lodges of the Order where their sick and death benefits could continue, they had not only the moral and financial background of their local lodge but the moral and financial responsibility of the State and supreme bodies, as a guarantee that sick and death benefits would be paid.

For eleven years Dante Alighieri Lodge continued to function as a lodge subordinate to the State Lodge and the Supreme body, using the forms and ritual of the Order, paying part of its dues over to the State and national bodies and participating in the organization and government of the Grand and Supreme Lodges. When in nineteen hundred and twenty-six, a disloyal group in Dante Alighieri Lodge, led by Michael Lalli, began to consider and plan to do something with the home and real estate of the lodge, they called in their present counsel, Mr. Orlando, who advised that the constitution and by-laws of the Order put control of all the lodge property in the Grand and Supreme Lodges. Again (Case, p. 133), when the scheme was suggested which ultimately brought about this litigation, defendants, *Lalli and Durso, admit that, recognizing the authority of the Grand Lodge in New Jersey,* they called upon the Grand Lodge officers for advice and authority. The mere statement on their part that they sought and obtained permission to sell the lodge property argues their understanding of the concep-

tion and plan of the Order and of the constitution and by-laws, vesting authority over property in the Grand Lodge of New Jersey (Case, p. 211).

What theory then is advanced, what claim presented, justifying the transfer of the real and personal property of Dante Alighieri Lodge and its continued use by the Sons of Italy Association?

Counsel has argued under "Point 1," that these proceedings were not formally authorized by the Grand Lodge and so are void; that the mere incorporation of Dante Alighieri Lodge so changed it that it could legally and without sanction or permission of the Grand or the Supreme Lodge, sell or transfer its properties; the transfer of property was fully understood by the members of Dante Alighieri Lodge and was without fraud. Counsel also argue under "Point 2," that Vice-Chancellor erred in confirming the report of the Master filed in pursuance to the decree.

POINT 1.

A. NECESSITY OF PROVING AUTHORIZATION BY GRAND LODGE TO INSTITUTE THESE PROCEEDINGS.

Judge Mancuso, Grand Venerable, testified that counsel was retained by formal action of the Grand Lodge and necessary proceedings authorized to be taken to preserve the real and personal property of Dante Alighieri Lodge and see that it was returned upon reorganization or administered in accordance

with the trust with which it was impressed (Case, pp. 125-126). But this was not necessary:

> "It is not necessary for the complainant to show a vote of the State Council to authorize the bringing of this suit. The suit is in the name of the State Council, and the presumption is that it was brought by authority." The State Council of the Order of United American Mechanics v. Sharp. 38 N. J. Eq. 24.

B. WAS THE STATUS OF DANTE ALIGHIERI LODGE SO CHANGED BY MERE INCORPORATION AS TO MAKE LEGAL A TRANSFER OF PROPERTY TO ANOTHER ASSOCIATION FREE OF ITS TRUST?

> "The fact that the subordinate Council was incorporated does not affect the right of the complainant to recover the moneys received by the defendants. The complainant has a right to follow the trust funds into the hands of the defendants." The State Council, Order of United American Mechanics v. Sharp, 38 N. J. Eq. 24.

C. PERMISSION TO SELL AND TRANSFER REAL AND PERSONAL PROPERTY CLAIMED AS JUSTIFICATION.

The argument is advanced that Lalli and Durso sought and obtained permission of the Grand Secre-

tary and Grand Venerable to sell and transfer the lodge property. Their testimony was not so far reaching. They admitted that they had not as yet broached any plan to sell property, only to issue bonds. They presented no plan, no offer of purchase, no suggestion of a wholesale transfer of real and personal property. They only claim to have tentatively suggested that it might become necessary to consider a possible sale.

This claim of authority given is inconsistent with the other admitted facts and is denied by the Grand Venerable and the Grand Secretary.

But the very admission of a seeking of authority, of the petitioning for counsel and permission, persuades that they recognized the true intent of the plan of the Order to impress property with a trust to carry out its beneficial purposes and to make the State lodge responsible in authority and duty.

Such informal authority as is suggested, *i. e.*,—to proceed and sell if about $25,000 could be realized—argues its insufficiency. Sell what? When? On what terms? And to whom? What of the proceeds?

In *Grand Lodge of I. O. O. F. of N. J. v. Wieland Lodge, No. 113, I. O. O. F.*, 93 N. J. Eq. 129; 115 Atl. Rep. 205, V. C. Fielder, citing *Schubert Lodge v. Schubert Kranken Verein*, 56 N. J. Eq. 78; 38 Atl. Rep. 347, held that lodge property was "impressed with a trust for the purpose of benevolence and charity," "impressed with a trust to be administered by complainant (Grand Lodge of I. O. O. F. of New Jersey), and should be paid to it."

In the Schubert Lodge case, V. C. Pitney considered and determined features of the Knights of

Pythias Order strikingly similar to same here under consideration. There, as here, disloyal members formed another association of similar name and attempted to hand over to it the lodge property. There, as here, a sufficient number of members remained loyal to continue the existence of the lodge; there, as here, these reorganized. The Vice-Chancellor said:

> "The charter was sent to the Grand Lodge, but upon investigation the officers of the Grand Lodge found that there were this number of eight or nine still remaining loyal to the Order, and redelivered the charter to them; and the organization, under the dominion of the Grand Lodge, has been kept up. This bill was filed to recover the funds. They had been deposited in a savings bank to the credit of three or more of the individual defendants, and were there stayed by the injunction of this Court, and the dispute is as to the rights to those funds. It was not disputed but that these funds were the result of the accumulation of dues paid in by members of the Order, and that they became at once impressed with a trust, the terms of which are to be found in the constitution, laws, and by-laws of the Order, and that they cannot be applied to any use except those defined in those instruments. Those uses are—first, to pay the expenses of the lodge, and dues to the Grand and Supreme Lodges; second, to make payments to sick members; and, third, payment of expenses of burial of deceased members. And all such payments are to be made only after cer-

tain formalities have been complied with. On this simple statement, as in the case of Grand Lodge, K. P. v. Germania Lodge, K. P., the breach of trust appears manifest.

In the first place, it is to be observed that the Schubert Lodge being not only organized under the constitution and laws of the Order, but also incorporated under the laws of the State, the constitution and laws of the Order not only defined the terms upon which the funds of the lodge were held in trust, but also formed a contract between the different members of the lodge; and a breach of the contract between the Schubert Lodge and the Supreme Lodge, if there ever was such contract, could not have the effect of altering the terms of the trust and contract between the members of that lodge. Each member of the lodge was interested in those funds, and none of them could be diverted from the purposes to which they were devoted without the consent of every individual member. Such consent was not had. And the well-settled rule in such cases is that the rights of the minority who stand by the regular organization, and their contract rights, must be respected."

In the recent case of *Grand Court of New Jersey, Foresters of America v. Court Riverside No. 100, Foresters of America, et al.*, 142 Atl. Rep. 306, V. C. Berry also held lodge funds to be impressed with a trust. In this Riverside case all the seceding members organized a new lodge but not affiliated with the State and national Order, and each member signed a release upon transfer of property from the

old lodge to the new organization. Still, held V. C. Berry, the trust had become so impressed on the property that even the release of every member could not free it, and *he directed the real estate to be conveyed to the State lodge.*

D. WAS A SPECIFIC GRAND LODGE BY-LAW NECESSARY TO CONTROL THIS PROPERTY AND MAKE ILLEGAL THIS ATTEMPTED TRANSFER?

The whole theory and plan of operation of the Order Sons of Italy negatives this proposition. For eleven years Dante Alighieri Lodge formed a loyal, co-operating unit in the order. Not until disloyalty developed and secession resulted was this contention raised and now only to retain property acquired by mere subterfuge.

The New Jersey cases, almost without exception, have been determined upon the broad theory of purposes and plan of organization. These decisions recognize and affirm the principle that property accumulated by the contributions of the individuals, becomes impressed with a trust to carry out the beneficial purposes of the Order. These cases recognize the rights, contractual in their nature, of individual members to require that lodge property be used to carry out the beneficial purposes of the Order which they join; they declare that these rights of the individuals may not be taken away by methods quite similar to the method here utilized by Lalli and the other disloyal members of the Dante Alighieri Lodge.

Dante Alighieri Lodge continues to function. The property sought to be recovered represented the accumulations of this local lodge through contributions of its members. The plan of the Order Sons of Italy in America clearly contemplates that such property shall never be used except to carry out the purposes of the Order; it provides for a continuance of the local lodge if even "seven members" remain loyal to the State lodge and the national body. The Grand Lodge of the State of New Jersey, by the plan of the Order, must act as trustee to take into possession and to hold property of a subordinate lodge only when it becomes necessary to preserve the property and only that it may be returned to the local lodge upon reorganization.

There is no conflict of purpose between Dante Alighieri Lodge, made a defendant in this case, and the Grand Lodge of the State of New Jersey, complainant. When this bill was filed and restraint sought disloyal members claimed still to be in control of Dante Alighieri Lodge, though it is now known that they had done everything possible to secede. It is an admitted fact that under the constitution of the parent body Dante Alighieri Lodge was reorganized and exists to carry out the trust primarily imposed upon it. Its answer filed in this cause asks that the property be turned over to it. This is consistent with the prayer and purpose of complainant that the property be delivered to it to be re-delivered to the reorganized Dante Alighieri Lodge.

Altmann v. Benz, 27 N. J. Eq. 331. In this case, decided in 1876, Chancellor Runyon considered the status of property of a lodge where a majority of

its members had seceded but a minority remained loyal. The Chancellor said:

> "There can be no doubt that that one which remained true to its allegiance to the Grand Lodge of the United States and the Grand Lodge of this State, and as a consequence holds the charter, is, for the purposes of this controversy, to be adjudged to be Teutonia Lodge No. 177, D. O. H., and as such, to be entitled to the property of the society."

State Council, O. U. A. M., v. Sharp,. 38 N. J. Eq. 24. Here was a suit by a State body to recover property of a subordinate, "which money, according to the charter, on the dissolution of the subordinate council, whether by forfeiture of its charter or otherwise, became the property of the complainant." The Chancellor considered the charter of the State Lodge empowering it to grant charters to subordinate lodges; he considered "the objects of the association," traced the plan to require property to be used for the purposes of the trust imposed upon it, and specifically, a provision like that of the Order Sons of Italy, that, "seven members" remaining loyal, the lodge continues and property must be returned to it to be administered in accordance with the benevolent purposes of the organization.

Before attempted dissolution this lodge endeavored to distribute its effects among members. The Chancellor said:

> "But from whomsoever derived, the money in question, the council and widows' and or-

phans' funds, was contributed under the charter for and dedicated to certain specified purposes, for which it was, from the time when it was contributed, held in trust by the society and its officers to whose hands it was committed or to whose control it was subjected. It was held by them subject also to the trust to pay it over to the State Council in case of the dissolution of the subordinate one. The defendants therefore had no right to take the money. It is within the jurisdiction of this Court to grant the relief which the complainant seeks. Van Houten v. Pine, 9 Stew. Eq. 133; Fraas v. Barlement, 10 C. E. Gr. 84; Altmann v. Benz, 12 C. E. Gr. 331. The constitution of the State Council provides that these funds shall, on dissolution of the subordinate council, be paid over to the former, to be appropriated, by a board of trustees organized for that purpose, to the assistance and support of the widows and orphans of the latter as they may be needed; and if the subordinate council had no widows or orphans, then the full amount is to be safely invested, at interest, and with its accumulations of interest shall be paid over to the subordinate council on its reorganization. There is no provision limiting the time of such reorganization. But if there were it would be of no importance. It is enough to say that the organic law of the subordinate council provides that in case of dissolution the funds shall be paid over to the State Council. The latter has a right to the funds."

Grand Lodge, K. of P. of N. J., v. Germania Lodge No. 50, 56 N. J. Eq. 63; 38 Atl. 341. This was a proceeding by a State Grand Lodge to recover funds of a subordinate lodge. V. C. Pitney based his decision on the general theory of the order that property created by payment of dues became impressed with a trust defined by the beneficial purposes of the organization. He considered the scheme of organization, the charter provisions of the national and State bodies, the pledge of members to loyalty to State and National Grand Lodges. He called attention to financial reports made by the subordinate lodge to the State body and its loyalty over a period of years. He quoted the provision of the constitution requiring that all property be turned over to the State body upon dissolution, &c. A new association was formed by disloyal members, and after an attempted transfer to it of all property the majority of members seceded. The new lodge did not owe allegiance to the old Order. The Vice-Chancellor held:

> "It is familiar law that funds accumulated as were those here in question become, as soon as paid in, impressed with a trust, with all its consequences. In this case the terms of the trust are found in the constitutions of the Supreme, Grand, and Subordinate Lodges, and the laws of the former and by-laws of the latter. The funds, being impressed with such a trust, cannot lawfully be diverted therefrom; and all persons aiding and assisting in such diversion are guilty of a breach of trust, and liable for the consequences. Torrey v. Baker,

1 Allen, 120; Abels v. McKeen, 18 N. J. Eq. 462; Fraas v. Barlement, 25 N. J. Eq. 84; Altmann v. Benz, 27 N. J. Eq. 331, and note on page 135; State Council v. Sharp, 38 N. J. Eq. 24, and cases cited; Crisman v. Smith, 44 N. J. Eq. 240; 14 Atl. 484; Gable v. Miller, 10 Paige, 627; Den v. Bolton, 12 N. J. Law, 206; Den v. Pilling, 24 N. J. Law, 653; Hendrickson v. Shotwell, 1 N. J. Eq. 577; Nibl. Ben Soc. & Acc. Ins., par. 144, *et seq.; Id.,* par. 354."

The case of *Schubert Lodge,* 56 N. J. Eq. 78; 38 Atl. 347, has been already referred to and quoted from in another part of this brief.

In the cases which arose out of the attempt of the State Lodge of Junior Mechanics to operate independently of the national lodge of that order, several cases are reported. *National Council, Jr. O. U. A. M., v. State Council, Jr. O. U. A. M. of N. J.,* 64 N. J. Eq. 470; 53 Atl. 1082, was the first of these cases. The situation involved was quite different from that here under consideration. The Court recognized the principle that a trust is imposed upon funds collected for beneficial purposes, but points to the distinction between the Junior Mechanic cases and the class of cases of which the instant case is one, when attention is called to the fact that the State Council, Jr. O. U. A. M., existed and was incorporated before the creation of the National Council, that the State Council voluntarily assisted in forming the National Council and there was nowhere in the charter, constitution, by-laws, or regulations a scheme or plan similar to that in effect in the Order Sons of Italy, where the national body

is ever to be supreme, with power to create State and subordinate bodies and to control their property, even to the administration of the trust in the event of failure to discharge that obligation by the local lodge acquiring property.

In *State Council, Jr. O. U. A. M. of N. J., v. National Council, Jr. O. U. A. M. of N. A.,* 71 N. J. Eq. 433; 64 Atl. 561, Vice-Chancellor Pitney in a lengthy opinion reviews the history of the Order of Junior Mechanics and clearly indicates the distinct features of that Order, different entirely from the plan of this Order, upon which he based his decision.

State Council, Jr. O. U. A. M., v. Enterprise Council No. 6, 75 N. J. Eq. 245; 72 Atl. 19. This is a Court of Errors and Appeals case on appeal from the Court of Chancery. The bill was filed for discovery and an account of assets in the hands of a local lodge, loyal to the national body, by the State body, the status of which was defined in the two decisions above discussed. Enterprise Council was created not by authority of the New Jersey State Council nor by authority of the National Council, but was created by authority of the State Council of Pennsylvania prior to the creation of the State Council in New Jersey. Justice Swayze points out that by the plan of organization following in the order of Junior Mechanics, this local council might continue its existence independently of and without disloyalty to State or National Councils. In considering property rights, Justice Swayze said:

> "In determining these rights, it is of the first importance to consider the object with which

> the funds are raised and the method of disposition in contemplation of the individual members of the Order. * * * Before they could be deprived of this property right, they were themselves entitled to be brought into the proceeding. So far as appears, the only effort that was made to give notice was a service upon the Recording Secretary of Enterprise Council. * * * and not for the purpose of being turned over to another organization for the benefit of other persons * * * In that case the subordinate council disbanded and undertook to divide up its funds, contrary to the scheme under which they had been raised, and the State Council was seeking to enforce the trust created by the contributors to the fund, not as in the present * * *"

After these references to the rule which had been established by the Altmann, Sharp, Germania and Schubert lodge cases, the opinion points out that the complainant could only be entitled to possession of the property of the defendant on a theory that it had power to consider and determine the disloyalty of the subordinate lodge and suspend or dissolve it. The opinion cites the Sharp case, the Germania case, the Schubert case and the Lady Lincoln case and points out the clear distinction between it and these cases which are like the Sons of Italy case; in the group of cases, as in this Sons of Italy case, the plan conceived that property was impressed with a trust to carry out the benevolent purposes of the Order and that the Grand Lodge, if necessary, should act as trustee of that property

to the end that the trust purposes might be effectuated.

Pierson v. Gardner, 81 N. J. Eq. 505; 86 Atl. 442. This case is radically different in its facts from the case here under consideration. The Court points out that "the purpose for which the members of the subordinate circle had been originally organized having failed, the relationship between its members, *inter sese,* partook so far of the nature of a partnership that it became *ipso facto* dissolved."

Grand Court Foresters of America v. Court Cavour No. 133, 82 N. J. Eq. 89; 88 Atl. Rep. 191; affirmed 83 N. J. Eq. 343. In this case the State body attempted to gain possession of the property of a subordinate lodge, claiming that it, by virtue of its authority as the State body, had dissolved the local lodge. Vice-Chancellor Stevens points out that there had been, first, no legal dissolution; second, that the plan of the organization did not provide that the State body should take property of the dissolved court and hold it for the uses for which contributions were made. This is not true in the instant case. Here clearly the plan contemplated, that Dante Alighieri Lodge should be trustee as long as it existed—and it is still in existence; that the Grand Lodge should only act as trustee when it became necessary to hold the property until the reorganization of loyal members of Dante Alighieri Lodge. This is a fact accomplished. The Grand Lodge and Dante Alighieri Lodge are in accord. Dante Alighieri Lodge now asks, by its officers, possession of its property; this is entirely consistent with the prayer of complainant that until Dante Alighieri Lodge reorganizes it be given the

property to hold in trust for delivery to Dante Alighieri Lodge when again functioning. Vice-Chancellor Stevens also points out that in this Foresters of America case, the subordinate court never attempted to disband or secede. The words of the Vice Chancellor aptly apply as the present case, *"the right of the member is contractual. He has agreed that the funds contributed by himself and by other members shall be managed and applied by the officers of the court to which he belongs. He has further agreed that on dissolution the property shall go to the Grand Court."*

The case of *Grand Lodge, I. O. O. F. of N. J., v. Wieland Lodge No. 113,* 93 N. J. Eq. 129; 115 Atl. 205, has already been discussed. This case is quite similar to the present Sons of Italy case. We maintain that Dante Alighieri Lodge still being in existence, a functioning corporate unit, it is entitled to the return of its property through the Grand Lodge, or, as a more practicable proposition, directly to it. The Sons of Italy Association cannot well challenge this proposition. Their act in seceding and attempting to dissolve and destroy Dante Alighieri Lodge precludes them, according to the reasoning in the Knights of Pythias-Germania and Grand Lodge-Wieland cases from questioning the dissolution or the continuance of Dante Alighieri Lodge. Vice-Chancellor Fielder in this Wieland Lodge case held that property might be ordered delivered to the Grand Lodge *"to be held subject to restoring to the members of Wieland Lodge, if during a period of three years the lodge is reinstated."* The disloyal members of Dante Alighieri Lodge did all in their power to dissolve that subordinate body. Can

they then question that by-law of the order which says that upon dissolution all objects of property shall continue to be impressed with the trust for the benevolent purposes of the Order, to be guarded first by the Grand Lodge if necessary, and secondly by the reorganized local lodge?

The most recent case in point seems to be that of the *Grand Court of New Jersey, Foresters of America, v. Court Riverside No. 100, Foresters of America, et als.,* 142 Atl. Rep. 306. The facts in this case, determined by Vice-Chancellor Berry, are quite similar to the facts here under consideration. Disloyal members seceded from the Order, organized a new lodge or court, and attempted to transfer to the new lodge all of the property and assets of the old lodge. In the Riverside case, however, every member of the local lodge seceded; there was no reorganization and continuance of the subordinate body; only the State body remained to carry out the trust purposes for which property was accumulated. The individuals seceding had signed a written release to the State Lodge. The Vice-Chancellor directed a conveyance of the real estate to the State Lodge and an accounting for personal property.

E. WAS AN ATTEMPTED TRANSFER OF PROPERTY LEGALLY CONSUMMATED WITH DUE FORMALITY AND WITH THE CONSENT OR ACQUIESCENCE OF THE INDIVIDUALS OF DANTE ALIGHIERI LODGE?

The plan of organization in the Order Sons of Italy in America is in evidence and uncontradicted. First, a lodge to be supreme in America was created. Its powers and purposes were defined in two charters (Exhibits C1 and C2). It established a fundamental constitution and general laws. These filled out the plan of organization. The Supreme Lodge then created a State body in New Jersey. This body was first known as the Grand Council and later as the Grand Lodge. Then Dante Alighieri Lodge was created.

This was accomplished by a "Domanda" signed by individuals, in which they petitioned the Order Sons of Italy in America, through the Grand Executive Council of New Jersey, for a dispensation to institute a "subordinate lodge in accordance with the general laws of the Order." and declared that they desired to be an "integral part" of the Order Sons of Italy in America. Upon this petition a dispensation was issued by the Supreme Lodge, Sons of Italy in America. This dispensation was received, accepted, framed, and remained in the home of the Dante Alighieri Lodge as its original authority to organize. In this dispensation consent is given "to form a regular subordinate lodge in Camden, N. J., under the name of Lodge Dante

Alighieri, No. 494, to perform the ceremonial work and the rites of the Order Sons of Italy in America, according to the laws and the ritual of the Order.'' That dispensation, however, declares that it is to be understood and agreed that ''authority and privilege of issuing dispensations in any part of the United States of America, its territories and dependencies, is vested unalterably and exclusively in the Supreme Lodge.'' That ''any charter already given may be revoked and annulled by the same Supreme Lodge in case of disobedience or violation of the laws of the Order.''

This is a beneficial society. The constitution provides for the payment of sick and death benefits. It also provided for a transfer card from one State to another and for a travelling card, so that members might enjoy the fraternal features incident to the Order and insure a continuance of sick and death benefits, even though they remove from one jurisdiction to another.

For eleven years Dante Alighieri Lodge functioned as a loyal ''integral part'' of the Order Sons of Italy in America. It recognized the plan of the Order and gave its allegiance to the State Lodge as well as to the Supreme Lodge. It rendered financial statements to the Grand and Supreme Lodge; it paid taxes to both bodies. It recognized that it was a beneficial association and that it was a part of a great Order creating property, and responsibility that the beneficial purposes of the Order might be carried out. The members of Dante Alighieri Lodge contributed dues and assessments and so came into real and personal property. It recognized its obligation to contribute to the

"mortuary fund." Its property became charged with a trust to pay not only current sick benefits, but sick benefits to members who might in the future, if still loyal to the Order, become entitled, and death benefits to dependents of deceased loyal members. This property of the Dante Alighieri Lodge is still impressed with a trust to pay to the Grand Lodge some eleven or twelve hundred dollars past due as its contribution to this "mortuary fund." The property has been transferred without payment of that obligation.

Individual members of Dante Alighieri Lodge, who contributed through the years to the accumulation of its property, were entitled to assume that the plan of the Order Sons of Italy in America would be carried out, i. e., that property accumulated by them should always be used to carry out the benevolent purposes of the lodge, that Dante Alighieri Lodge would act as trustee as long as it functioned, and that then the State Lodge would act as trustee for loyal members until such loyal members could reorganize; they never conceived or have they agreed that the Sons of Italy Association, made up of some old and other new members, and owing no allegiance to the Order Sons of Italy in America, should administer this trust for them.

> "The rationale of the situation is this: The right of the member is contractual. He has agreed that the fund contributed by himself and by the other members shall be managed and applied by the officers of the court to which he belongs. He has further agreed that on dissolution the property shall go to the Grand

> Court; but he has not agreed that, on the contingency that has happened, and while the local society, whether incorporated or not incorporated, exists, it shall be administered by the officers and agents of any other court." *Grand Court F. of A. v. Court Cavour No. 133, F. of A.*, 82 N. J. Eq. 89; 88 Atl. Rep. 181; affirmed 83 N. J. Eq. 343.

What is contended by the Sons of Italy Association as justification for its possession of the property of Dante Alighieri Lodge?

It contends that Sections 85 to 96 of the supreme constitution do not apply (Supplemental Case, Exhibit D2). It says that the wording of Sections 87 and 89 are insufficient to block the transfer of property made. It plays upon the words "suspended" and "dissolved," and it claims that Dante Alighieri Lodge has neither been suspended nor dissolved. Lalli, Durso and other disloyal members of Dante Alighieri Lodge who engineered this scheme did everything in their power to "dissolve" Dante Alighieri Lodge. They organized the Sons of Italy Association and incorporated it. They were still officers of Dante Alighieri Lodge. They took every object of property of Dante Alighieri Lodge and handed it over to the Sons of Italy Association except the building and loan stock. And that, it is maintained, was attempted to be transferred even through forgery. They even took from Dante Alighieri Lodge and have retained, notwithstanding demand made upon them, the dispensation, the list of members, the past minutes of its existence, and even all of its regalia which could be of no use

to any group or association not loyal to the Order Sons of Italy in America. May, then, these disloyal members or the corporation they created, which disclaims allegiance to the Order Sons of Italy in America, claim protection behind that which they say they dissolved and destroyed?

> "It seems quite clear from the evidence that the members of Wieland Lodge intended to abandon and destroy it as an organization, by withdrawing from it, dissipating its funds, and attempting to form a new organization. They did all in their power to dissolve it, and the individual members are now estopped from setting up that the lodge has not, to all intents and purposes, ceased to exist. Knights of Pythias v. Germania Lodge, 56 N. J. Eq. 63, 38 Atl. 341." *Grand Lodge of I. O. O. F. v. Wieland Lodge No. 113, I. O. O. F.*, 93 N. J. Eq. 129; 115 Atl. 205.

It is almost fundamental that this property of Dante Alighieri Lodge was impressed with the trust, and upon such secession, or attempted dissolution, the Supreme bodies should take and hold the property to carry out the trust. The charter of the Supreme Lodge suggests this plan. The charter of the Grand Lodge of New Jersey gives it power to "regulate by law the custody of all money of subordinate lodges becoming suspended, expelled, defunct or seceding from the Order Sons of Italy in America." Sections 85 to 96, inclusive, of the fundamental constitution and by-laws clearly defines this trust purpose. Section 87 requires that a

lodge suspended "must give over to the representative of the Grand or Supreme Council, all the funds, books, seal, papers, paraphernalia, charter, etc., in the possession of the said lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the lodge."

Dante Alighieri Lodge has never been suspended; it continues to exist; but those who organized the Sons of Italy Association did that which, under the constitution and by-laws, required their suspension. If their contention is correct that they destroyed Dante Alighieri Lodge, then there was nothing to suspend, and its property impressed with the trust had to be administered by someone. Section 89 provides that "all the funds and objects of property of a lodge suspended or dissolved and delivered to the Grand or Supreme Council shall be administered for the account of said lodge and returned in the event of the lodge being restored or reorganized." Section 90 provides for reorganization and continuance of a lodge where at least seven loyal members remain.

The plan of organization, the charter provisions, the by-laws and the operation of the plan in the Order Sons of Italy, now under consideration, were almost identical with those in the Wieland Lodge case and the Court Cavour case. Vice-Chancellor Berry in the Court Riverside case rested his decision upon one feature of the trusteeship. There property became impressed with the trust, among other things, for the benefit of members of the Supreme Lodge who were members direct and not affiliated with any subordinate lodge. The Vice-

Chancellor said, "It may be that there are other purposes, but these are sufficient for the purpose of this decision." It is admitted in the present case, even contended, that property of Dante Alighieri Lodge owed the obligation to see that the current indebtedness to the "mortuary fund" was paid. This claim of Lalli and the Sons of Italy Association clearly demonstrates their recognition of the fact that the property was impressed with the trust to carry out the beneficial purposes of the Order.

If, argues the Sons of Italy Association and Lalli and the seceding members of Dante Alighieri, the inapt wording of the charter of the Grand Lodge and of the constitution of the Supreme Lodge is not enough to protect us, then we claim that the transfer of property was made for full consideration and with due formality. This requires an examination of the procedure ending in the attempted transfer of all real and personal property of the lodge.

Discussion of secession preceded any discussion of disposition of property. Mr. DiPaolo, the Italian banker, joined Dante Alighieri Lodge in 1917. He resigned and left the lodge in 1923 or 1924 because of disloyal sentiment (Case, p. 128). In April, 1927, he was informed by officers of the lodge that "everything was settled." He rejoined. When he returned to the lodge, which was then functioning with Lalli as its Venerable, he found "secession, people against the Grand Lodge" (Case, p. 130).

Lalli and the other individual defendants attempt to justify their secession and the transfer of the real and personal property by the intimation that Dante Alighieri Lodge was in such financial difficulty that some such plan was inevitable. They attempt to argue that this secession and this transfer of property, in some strange fashion, saved the lodge property and saved the lodge. That the financial difficulties of Dante Alighieri Lodge were exaggerated by Lalli and his friends as an arguable justification for their action is self-evident Exhibit C19, pp. 27-28-29). "The Loggia Dante Alighieri was in good condition with the Grand Lodge, only they have an assessment to the mortuary fund." "They were in arrears about three hundred dollars or five hundred dollars only." "The lodge was up to date, only one assessment, I think, was in arrears." "We allow a lodge to take its time to pay" (p. 112, l. 9). Judge Mancuso, the Grand Venerable of the State, testified at p. 122, l. 36: "I know they were in good standing with the Grand Lodge."

Exhibit C17, listed in book as C19, is the official financial statement of Dante Alighieri Lodge as of June 30th, 1926. This is admitted by defendants. This statement shows a clear equity in real and personal property of $37,245.00, plus the value of ten shares in the First Italian Building & Loan Association and five shares in the Italian-American Building & Loan Association (Testimony, pp. 135 to 137).

In 1926, a group of men in Dante Alighieri Lodge called in Samuel Orlando, Esquire, now counsel for the Sons of Italy Association, defendant. Mr.

Orlando was asked to give an opinion as to the rights of the subordinate lodge in its real estate. Mr. Orlando examined the by-laws of the Order, which are now in evidence, and, putting his hand to his throat, told the members of Dante Alighieri Lodge that "the Grand Lodge got you like this" (p. 133). In or about November, 1926, the defendant, Lalli, then Venerable of the Lodge, had gathered about him "a group of brother members that were interested in the condition of the Lodge." This was the group which brought about the secession and the attempted transfer of the real and personal property. Lalli testified that he went before the Council of Dante Alighieri Lodge and asked them if they would approve "any changes in the condition of the house." Lalli testifies further that he took up with the members of this group his plan, "something to save both the lodge and the house" (l. 22, p. 194). It will be noted that at the inception of this movement, Lalli, the leader of the movement, had in mind and discussed with the members only a plan to *"save"* the lodge and the property.

February 6th, 1927, Lalli first broached his plan to the members of Dante Alighieri Lodge at a regular meeting. He said that he had talked with some members and the council "about some changes on the house" (Case, p. 195). Mr. Guaglianone advanced a plan which became known as the Guaglianone project. Lalli testified that this project was "to nominate a committee to see what was the best way to save, as I said before, to save both the lodge and the house" (Case, l. 37, p. 195).

A committee was appointed by Lalli. He made himself chairman (Case, l. 6, p. 196). A motion

was made and passed that this committee "have full power *to safeguard our rights,* authorizing them to do whatever necessary for putting into effect *the project of Mr. Guaglianone"* (Case, l. 18, p. 196). This project is set forth in full on pp. 196, 197 and 198. *The Guaglianone plan did not suggest a sale of either real or personal property; it was conceived, "in order to safeguard the interest, present and future, of the house and of the brothers."* Bonds were to be issued in an amount sufficient to meet existing obligations, and sold to members. "The bonds shall be personal and they can be acquired only by members of Loggia Dante Alighieri No. 494, and they shall be obliged not to resell or give them to third parties, but only to Loggia Dante Alighieri, to whom shall be reserved the right to redeem them every time it deems convenient." The bonds were to be secured on the building, Sons of Italy Hall, Fourth and Spruce Streets, Camden, N. J. (Case, l. 10, p. 198).

The committee, appointed by Lalli to carry out the Guaglianone project, met, and Lalli presided over it. Mr. Guaglianone started to work out his plan, but the committee appointed to carry out his project, did not approve of that project. Guaglianone testified (Case, p. 254), "I was surprised myself why they all approved my project and then they don't want to buy the bonds, so in the meeting somebody said, 'We must do something,' and somebody proposed to sell the house"—"If we sell the house to somebody else they will kick us out and we want to still stay in," and somebody, after discussing it more, I don't remember who it was, suggested to sell the house *with the condition of my*

plan to the Sons of Italy Association, which at that time I don't know as it was incorporated or about to be incorporated under the name of Sons of Italy Association, and which most of the members of that association were members of the lodge, *so we could still stay in the house.*"

Lalli and the Secretary of the lodge, Manaressi, when asked, testified that minutes were kept by Manaressi of the committee meetings. Here a most remarkable situation developed at the trial. When Manaressi was asked about those minutes, he said: "I have the rough minutes" (Case, l. 29, p. 250). Counsel then immediately withdrew this witness from the stand, ostensibly to bring about a translation of those minutes (Case, p. 251). Later (Case, p. 290), this witness was recalled by the defense and he testified as to other matters. At p. 293 this witness was then asked by his counsel if he, as Secretary of the Committee, prepared a report that the Guaglianone plan had been changed to a proposition to sell the real estate. His answer was that he had prepared such a report. Counsel then said: "And was it read to the members?" His answer was, "Yes, sir" (Case, l. 18, p. 291). Then the examination of this witness was concluded without offering the minutes, although the witness had previously been withdrawn from the stand in order to prepare such a translation to be so submitted. Then counsel for the defense, after the withdrawal of the witness, personally offered what were suggested as translations of the committee minutes. Counsel for complainant asked to see the original minute book and called for the witness, Manaressi, to again take the stand. The witness then produced

a copy book (Case, p. 301). The Court examined this book. It was quite apparent that all the minutes in the book had been written with the same peucil and at the same time. It was apparent that it was a new book and that the pages had been ruffled to make it appear as if it had been used night after night in committee. The lead pencilled writing on the pages had been run through by the fingers of an outstretched hand that the writing might appear old and much used. Still these minutes were not offered in evidence nor was the translation of the minutes. At p. 302 the Court called attention to the fact that the witness had stated that an oral report had been made but not a written report. Then counsel for the defense indicated his reluctance to have this minute book, which had been criticized and questioned as to its authenticity, in evidence as an exhibit. The Court said: "Are they in or out?" The answer of counsel for the defense was, "They are out" (p. 303).

The Guaglianone plan called only for the issuance of bonds in order to save the property and the lodge. Mr. Guaglianone, a witness for the defense, explained what occurred after the committee had rejected his plan and advanced the plan of selling the property. *"All the time the lodge put it on the minutes, 'Guaglianone plan,' but they never said my plan was changed"* (Case, p. 258).

On February 6th, 1927, the committee had been appointed "for putting into effect, the project of Mr. Guaglianone" (p. 196). The committee met between February 6th and February 15th and, reading the Guaglianone project, determined upon a sale of the real estate.

On February 15th, 1927, Lalli assumed to have a postal card sent to some members of the lodge. He admitted that the Secretary did not know of the card or authorize his name to be used, but his name was used (Supplemental Case, Exhibit C18). Lalli carefully worded this card. The Guaglianone project to issue bonds to save the building for the lodge and its members, had been carefully explained before the lodge and its details spread upon the minutes. Notwithstanding the radical departure from this plan, conceived by Lalli and his committee, he so worded the card as to give no hint to its recipients that other than the Guaglianone project was in contemplation. He admitted that the majority of members of the lodge were uneducated Italian laborers. Strange to say, in addressing these uneducated persons, he used the words "ente autonome," literally translated, entity autonomous. In using these words, however, he said to the lodge members that the meeting was "for discussion and taking vote definitely upon the motion to make our home building an entity autonomous, with authorization to issue bonds (buoni) exclusively for the brothers" (Exhibit C18). In this card there is not a suggestion that a separate corporation was to be created; no intimation of secession; no warning that the lodge home, its property and its real estate were to be disposed of.

On February 17th, 1927, the special meeting was held pursuant to the post card notice, C18. This minute appears on pages 52-53 of the minute book (Supplemental Case, Exhibit C22). Lalli, the Venerabli, explained the "Guaglianone project, that is, to convert in bonds the debts that are on our building." There was a discussion "then the Venerabli

declared as a law, the *Guaglianone project.*'' Lalli ''asked the assembly to nominate five persons to formulate the corporation.'' Apparently no incorporation had been suggested, nothing but a plan to make the home building an autonomous entity. No explanation appears in the minutes of February 17th, indicating the character, purpose or scope of the corporation to be formulated.

On February 26th, 1927, Lalli, Guaglianone and three others, incorporated the Sons of Italy Association, of Camden, New Jersey (Supplemental Case, C11). This incorporation created a new beneficial order. Its title was so worded as to indicate that it was affiliated with the ''Order Sons of Italy,'' but it was not. Although Lalli and his friends were instituting a new order and not merely creating a corporation to hold the building and make it an autonomous entity, no intimation of their purpose came to the members of the lodge as individuals or to the lodge in session.

If Dante Alighieri Lodge determined to incorporate a company merely to hold this real estate and issue bonds, it was, of course, proper that lodge funds should be used to pay for such incorporation. But Lalli and Manaresi deny that this was done (p. 242). Exhibit C12, a check of the lodge, signed by Manaresi and countersigned by Lalli, the Treasurer, was to pay for this incorporation. The exhibit showed that it was deposited to the credit of William B. Knight, Esquire and Samuel P. Orlando, Esquire. It was made payable to a student in their office. *This check was dated March 14th, 1927.*

On March 5th, 1927, there was a regular meeting of the lodge. Lalli, according to the minutes, pages

53, 54 and 55 (C22, p. 33 Supplemental State of the Case), complained that one of his post card notices had been sent to the Grand Council of the State and that the officers of Dante Lodge had been informed "that nothing can be done without their permission." That Lalli made the statement that he had been before the "Grand Council" and that "matters were adjusted." This was not true. Lalli did visit the Grand Secretary and see the "Grand Venerable." He was accompanied by Manaresi. Neither Lalli or Manaresi testified that they had appeared before the Council (p. 211). They admitted that they had talked about issuing bonds and borrowing money, not about a contemplated sale of the property. The most they said in that regard, was they suggested the possibility of a sale if other remedies failed. The Grand Venerable and the Grand Recording Secretary deny that permission was sought or given to a transfer of the real and personal property of the lodge (pp. 281 and 297).

At the meeting of March 5th, 1927, a motion was put before those present and carried "authorizing the proper persons to sign the deed." Still there is no suggestion that this was to be an absolute sale to an entirely distinct corporation unaffiliated with the "Order Sons of Italy;" the contrary is everywhere indicated in the testimony and in the minutes.

On March 15th, 1927, an attempted conveyance of the real estate was made from Dante Alighieri Lodge to the Sons of Italy Association (C6).

On March 17th, 1927, the regular meeting of the lodge was held. The minutes (part of C22), show that Lalli reported that the house had been appraised and "transfer to the new organization, that

has been selected from general committee, on the Guaglianone project, and that as soon as possible precise information will be given.'' Once more the members were told by Lalli that *the Guaglianone project,* about which they all knew, was being carried out. Nothing was said about the form, scope or character of the Sons of Italy Association. Nothing was said as yet about secession, although the form of certification of incorporation clearly indicated that purpose. Again there was an intimation that the new organization was to be a part of Dante Lodge. Notwithstanding the promise of Lalli to give the members ''precise information'' ''as soon as possible,'' no letter or circular was sent to individual members. Less than one hundred members had been present at these meetings out of the total membership of about four hundred.

On May 1st, 1927, another regular meeting of the lodge was held. The minutes appearing at page 62, are in evidence as C28:

> A member, Faragalli, requested that a lawyer be engaged ''to see how matters stand for the welfare of the lodge, Dante Alighieri.'' Another brother, Visceglia, requested a lawyer and asked, ''Why has not the Venerabli (Lalli) informed use of the appraisal so small of our property as yet? Even members of the Council of the Lodge have not been informed about it.'' Lalli answered: ''all that has been done has been done in legal manner and now it is too late because the vote has been favorable and full powers given to the committee who has studied the project.'' Again Lalli misled the mem-

bers: He said "no one can acquire bonds if they do not belong to the lodge, only those who have loaned or donated." A member, Visceglia, announced, and Lalli did not contradict him, that "If brothers who have loaned or donated the amount of bonds cannot be found, it will go to the general fund of the lodge (Dante Alighieri Lodge)."

Still there was no notice to individual members that their real and personal property was being disposed of. Only those who had attended the meetings knew what was being done and they were being led to believe that the Guaglianone project was being carried out to the end that the lodge property should become an autonomous entity, but connected with Dante Lodge and controlled by its members.

Between May 1st and June 16th, 1927, a notice of the regular meeting was sent to members. This notice, Exhibit C20, told the lodge members only that there would be an "election of officers for 127 and 1928." Still there was no "precise information" for individual members, still no warning that their property was to be disposed of.

On June 16th, 1927, the regular meeting was held. The deed of transfer had already been made and recorded. There had been no bill of sale for perosnal property, but that was all in possession of the officers, except the building and loan stock. Lalli suggested the withdrawal of this stock. D'Aloise had already typewritten a resolution, C21. In this resolution authority was supposed to be given for the assignment or withdrawal of building and loan stock in two assosciations. This resolution was signed by

the Secretary, who immediately withdrew from the lodge. At once a motion was made to secede from the Order Sons of Italy. Only sixty-seven members out of four hundred were present. Sixty-six voted in favor of secession, one against.

The attempted withdrawal of building and loan shares presents another striking feature of this case. Unquestionably Exhibit C21, had been drawn in advance of the meeting and was ready for the signature of the Secretary the instant the motion passed. But Lalli could not then sign as "Venerabli." The resolution was erased. D'Aloise asserts this was done before the meeting. But he could not have had information that secession would be adopted. This resolution was used to withdraw building and loan stock and a check was drawn to "Loggi Dante Alighieri No. 494." Lalli assumed to write "Loggi Dante Alighieri No. 494" as an endorsement on this check and to sign his name as president, although he had, as he thought, destroyed the lodge. The check C26 was credited to the account of the "Sons of Italy Association." But when the endorsement was noted, this payment was challenged and Lalli and his friends returned the money.

On June 21st, 1927, a notice of a special meeting was sent out by Lalli. After the secession at the meeting of June 16th, 1927, such a special meeting had been decided upon. To "confirm or reject the motion to sever relationship with the order." Again Lalli carefully chooses his words for his notice. He does say to the membership that they are to "definitely decide if it is convenient or not for us to remain any further in the ranks of the Order Sons of Italy," but he also inserts a phrase which he pos-

sibly thought would make legal, the illegal transactions surrounding the transfer of the property. He suggested an attendance "in order to know that has been approved at the last regular meeting" (C23). Still there is no notice to individual members that their property is to be or has been disposed of.

On June 23rd, 1927, the special meeting was held. Lalli (Minutes, p. 71, part of C22, p. 36, Supp. State of Case), asked for confirmation of the building and loan withdrawal "to pay stock benefit, etc." Then Lalli asked for approval of the secession from the Order Sons of Italy. Only ninety-two members out of a membership of about four hundred were present. Secession was approved. Still there was no notice or precise information as to the disposal of property of the lodge.

That Lalli and the ring leaders of the disloyal group were willing to go to almost any lengths to destroy Dante Alighieri Lodge and gain control of its property is clearly indicated by the documentary evidence and the oral testimony. The deceptive wording of the notices sent out by Lalli to members proves his purpose. The committee copy book incident strikingly argues this point. Manaressi said he had "rough minutes" (p. 250). He testified that a minute showing the change of plan was read to the lodge. He was asked to produce it. He did not do so. The Court insisted that if such a minute in fact existed, it was important that it be produced. Counsel answered "that was the report that they are preparing now." Finally counsel for the complainant had to ask for the report after this witness had been recalled and permitted to leave the stand. It was then demonstrated (pp. 306 and 307)

that these minutes had possibly been especially prepared in preparation for or at the trial. Then counsel for the witness struck out the minutes. *There is, therefore, nowhere in the record, any evidence, of a report by the special committee to the lodge showing a change of plan from the Guaglianone project* (pp. 301, 302 and 303).

Nowhere in the evidence is it proven that, at any time, the lodge contemplated or authorized the sale or transfer of its personal property. Yet Lalli urged a resolution to withdraw building and loan shares. Lalli signed the name of Dante Alighieri Lodge as an endorsement to this check and signed his name as president after he and his friends had seceded from the lodge and attempted to destroy it. Only when caught in this maneuver was the money returned to the building and loan association.

D'Aloise made a slip in drawing only one form of resolution to withdraw building and loan moneys. After the withdrawal motion was passed, the secretary's signature was secured to the one paper and he then, in disgust, withdrew from the lodge room. Another resolution could not then be prepared and signed by him. The one resolution was used to withdraw stock in the Italian-American Building and Loan Association. The secretary retained the resolution—the only one. How were the schemers to get the other building and loan moneys? The resolution marked "Exhibit C21" for identification was used. Faragalli says the signature on that paper is a forgery. Is this true? D'Aloise tries to explain the situation. At p. 273, he testifies that he prepared "this resolution." He says nothing of a second resolution. Then he was asked if he had

both these resolutions prepared the night of June 16th, 1927. He answered that he had. He said he took both of them to the meeting. He testified they were both read before the lodge (p. 274). He testified that the president signed both of them and that the secretary signed each of them. *But Exhibit C21 for identification bears no signature of the secretary.* They were both signed, he says, by the secretary at the same time (Case, p. 274). *The signatures, however, were in different colored ink.*

A clear demonstration of the untruthfulness of this testimony is found in the fact that Exhibit C21, the admittedly authentic resolution, is dated June 16th, 1927. The resolution marked for identification C25 is dated March 5th, 1927. There is nothing in the minutes of March 5th, 1927, indicating the presentation or adoption of this alleged resolution. It is a most remarkable fact that this resolution marked for identification C25 attempts *in legal phraseology* to authorize the sale and transfer of not only all real estate of the lodge but of all personal property of every description, for a sum total of $24,000. The statement, which strange to say, has no date and, which stranger still, could not be produced in printed form although it was declared to have been mailed to every member of the lodge *after the sale and transfer* (Case, p. 226) and filed with the lodge, gives a figure as fixed by the experts for the lodge of real estate at $25,500. The experts (D1) fixed the value as $24,000—*and they did not include personal property.*

Before the individual member of Dante Alighieri Lodge, No. 494, could be deprived of their property they were individually entitled to be brought into

the proceedings. *State Council of Jr. O. U. A. M. v. Enterprise Council, No.* 6, 75 N. J. Eq. 245, 72 Atl. Rep. 19, col. 1, para. 3, p. 23. Several members testified that they never received even the notices which Lalli alleges were sent out to members. No member of the lodge ever had a notice that anything was to be done whatever with the personal property of the lodge. No member had notice or knowledge, except Lalli and four members of his special committee, that the real estate of the lodge was to be put beyond control of the lodge members. The lodge regalia and the lodge paraphernalia has been taken and is still held by the individual defendants and the Sons of Italy Association without warrant or authority.

POINT II.

This matter was referred to William T. Boyle, one of the masters of this Court, for an accounting as between the defendant, Sons of Italy Association, of Camden, New Jersey, and the defendant, Loggia Dante Alighieri No. 494, Order Sons of Italy in America. The order of reference *inter alia* provides:

> "Rents and income derived and the use of premises situate Fourth and Spruce Streets, Camden, New Jersey, to be charged as against the Sons of Italy Association, and credit to be given for any consideration paid or deposited to the credit of the defendant, Loggia Dante Alighieri, or any other debts or obligations of said Loggia Dante Alighieri which may have

been paid or discharged by the defendant, Sons of Italy Association."

The Master in his report disallowed the claim of Sons of Italy Association for certain bond obligations of Loggia Dante Alighieri alleged to have been paid or discharged by the Sons of Italy Association.

He also reported and found that the Sons of Italy Association should pay for its use of the building at Fourth and Spruce Streets, Camden, New Jersey, from March 15th, 1927, to October 1st, 1929, at the monthly rate or sum of $200.00, or a total sum of $6100.00.

Exceptions to the Master's report were filed by the defendant, Sons of Italy Association, as follows:

1. The said Master has charged the defendant with rent for the premises in dispute from March 15th, 1927, where, as a matter of fact, the Lodge Dante Alighieri occupied the premises until July, 1927, and enjoyed the use and benefits of the property in question until said time, making a difference of four months which were charged against Sons of Italy Association, which is contrary to the facts.

2. The said Master charged the defendant a rental of $200.00 per month, and also charged them with revenue collected by defendant from sub-tenants, occupants and users of the premises contrary to the evidence and contrary to the testimony of complainant.

3. The said Master made an inequitable charge

for rent against the defendant of $200.00 per month, which is contrary to the proof offered as to the reasonableness of rent to be derived from the property in dispute.

4. The said Master allowed the Dante Alighieri Lodge inequitably and against the proof a rental of $200.00 per month and also money derived from the use of the premises for which he made the said charge of $200.00 per month.

5. The said Master disregarded the testimony of complainant's own witness, Mr. Verga, in allowing a rental of $200.00 per month, as well as allowing other income derived from the building.

6. The said Master improperly disallowed defendant's claim for certain bond obligation paid by defendant, Sons of Italy Association, and which inured for the benefit of Dante Alighieri Lodge.

7. The said Master improperly fixed a charge for rent which is excessive, unreasonable, inequitable and contrary to the evidence.

ARGUMENT ON THE EXCEPTIONS.

We will deal first with exception No. 6, to wit, the said Master improperly disallowed defendant's claim for certain bond obligation paid by defendant, Sons of Italy Association, and which inured for the benefit of Dante Alighieri Lodge.

Counsel for the defendant argues that credit should be given for certificates of the Loggia Dante Alighieri now in its possession which were taken by cash payment, by exchange and by release of the same from the holders of them to the Sons of Italy Association, for value.

Such a credit is claimed because of that portion of the decree which reads as follows:

> "Or any other debts or obligations of said Loggia Dante Alighieri which may have been paid or discharged by the defendant, Sons of Italy Association."

What debt or obligation was paid or discharged by the Sons of Italy Association?

A group of dissatisfied members of the Loggia Dante Alighieri, in the spring of 1927, broke away from the Loggia Dante Alighieri and became members of the Sons of Italy Association. That association then endeavored to collect, and did collect numerous certificates of indebtedness, and issued in exchange for same, certificates of the Sons of Italy Association. The method used in obtaining the bonds is described as follows, Case, p. 363, ll. 12-20:

> "Q. What did the Sons of Italy Association do to discharge the obligations of the Lodge D'Alighieri from those bonds?
>
> A. We got the bonds back from our members and instead of that we gave them our bonds of the Sons of Italy Association in return.
>
> Q. You exchanged bonds?
>
> A. Yes."

Counsel further argues that cash was paid for these bonds. Mr. Felix D'Aloise testified as follows, Case, p. 283 of testimony taken October 9th, 1929:

"By the Master:

Q. They didn't give any cash in some cases. They simply gave a $25 bond, is that it, and you gave a $25 bond in exchange?

A. Yes, sir.

By Mr. Palese:

Q. Were any of the bonds of the Lodge D'Alighieri returned for cash?

A. I don't remember that, may be, very little. If it was any it was very little.

Q. Who would know of the Sons of Italy Association if any of these bonds, which are now held by the Sons of Italy Association were paid for in cash. Who would know, of your association?

A. I think the House Committee ought to know.

Q. Name them. I don't know the House Committee. Who are the members of the House Committee who would know?

A. The President of the House Committee, Mr. Marino, and the Secretary, Mr. Dashione.

Q. They would know?

A. If any one was paid in cash.

Q. Have you paid any interest on these bonds?

A. No, sir.

Q. Have you paid anything on account of those bonds?

A. Those bonds was not paid anything on account and we didn't pay any interest.

Q. Have you paid anything on account of your bonds, the bonds of the Sons of Italy Association, which were taken in exchange for those. Have you paid anything on account of those?

A. They don't call for anything paid yet, no payment due.

Q. So far as you know, the Sons of Italy Association has not paid any money on account of those bonds, either on the principal or on the interest?

A. That is right.

Q. As far as you know none of those bonds was taken in for cash?

A. That is right."

The foregoing testimony clearly shows that the bonds or certificates did not come into the possession of the Sons of Italy Association upon payment of any cash. It also clearly shows that nothing was paid on account of the certificates, or that any interest was paid to the members who had surrendered them to the Sons of Italy Association.

The Loggia Dante Alighieri was not, nor has it been relieved of its obligations on its bonds, or that the debts or obligations represented by such certificates were satisfied or discharged by the Sons of Italy Association in the exchange of certificates.

Attention is called to the conditions written on the back of each certificate, a translation of the conditions having been agreed upon and admitted in evidence (p. 56, supplemental State of Case). By Article 6, the holder of a bond was prohibited to sell or assign the same to a person who was not a

member of the Loggia Dante Alighieri. The Sons of Italy Association claiming credit for the bonds in its possession was not, at the time it accepted the bonds or certificates, nor is it a member of the Loggia Dante Alighieri at the present time, and, therefore, accepted the bonds or obligations contrary to the terms and conditions on the back of same.

No credit should be allowed the Sons of Italy Association for the further reason that the acceptance of these bonds by assignment, exchange or transfer does not come within the language of the decree, in that, the bonds or obligations of the Loggia Dante Alighieri were not paid or discharged by the defendant, Sons of Italy Association; no credit should be allowed because there is no testimony as to the nature of the obligation alleged to have been assumed by the Sons of Italy Association, in exchange for the bonds of the Loggia Dante Alighieri in its possession.

We respectfully submit that these bonds are still the obligation of the Loggia Dante Alighieri under the terms and conditions which they were issued and those written on the back of the bonds and that the debt or obligation represented by the bonds was not discharged or paid by the exchange of bonds.

All of the other exceptions may be merged and stated as one, that is, that the charge for use of premises Fourth and Spruce Streets by the Sons of Italy Association made by the Master was inequitable and contrary to the evidence submitted in this matter.

It may be well to recite the circumstances under which the Sons of Italy Association acquired owner-

ship of premises Fourth and Spruce Streets, Camden, New Jersey.

On March 15th, 1927, an attempted transfer was made of the home of Loggia Dante Alighieri situate Fourth and Spruce Streets, Camden, New Jersey, consisting of a three-story building, on a plot of ground fifty-four feet by seventy-four feet, with four stores and a reception room on the first floor, a basement, a second floor used mostly for weddings and dances, and a third floor used for lodge meetings.

Counsel argues that it should be only charged for the use of the premises commencing June or July, 1927, and not from March 15th, 1927, the date of the transfer of title. Rents for the stores were collected by the Sons of Italy Association commencing March, 1927, and collected every month thereafter and the deed of conveyance was dated March 15th, 1927 (Case, p. 315).

Expenditures claimed by the Sons of Italy Association and allowed by the Master commenced March, 1927, which by stipulation amounted to $12,990.79, and the total income received by defendant was $7,543.79.

The Loggia Dante Alighieri was ejected from the building it had enjoyed for its purposes and compelled to seek other quarters to hold its meetings. The defendant, Sons of Italy Association, exercised absolute ownership, rented the stores, the second and third floors, made all repairs to the building, paid all municipal liens assessed aganist the premises, paid the interest on the $12,000.00 mortgage existing against the premises and provided fire insurance for its protection. All of these items were allowed the Sons of Italy Association in the accounting. The

total expenditure charged against the Loggia Dante Alighieri including janitor's salary amounting to $12,990.79 for a period starting March 15th, 1927, and ending October 1st, 1929. The rents and income derived from the premises for the same period was $7,543.79.

The defendant claimed and was allowed by the Master an allowance of $115.00 per month for janitor services amounting to $3,377.03 from March, 1927, to October 1st, 1929.

Mr. Lawrence Verga, p. 325 to 327, concerning the rental value of premises Fourth and Spruce Streets, and what, in his opinion, would be a fair rental value of that portion of the building occupied by the Sons of Italy Association, testified as follows:

"By Mr. Palese:

Q. You are in the real estate business, are you not?

A. I am.

Q. How long have you been in that business?

A. 25 years.

Q. During that time have you collected rents in the vicinity of Fourth and Spruce Streets?

A. I have.

Q. Do you know the stores there on the southwest corner of Fourth and Spruce Streets?

A. Yes, I do, generally. I have never been inside of them.

Q. What, in your opinion, would be a fair rental for a portion of that building, as follows: consisting of a third floor, on a plot of ground, 54 feet on Spruce Street by 74 feet on Fourth Street, third floor, and for the use of

the second floor, the use of the basement, and the use of part of the first floor for a reception room?

Mr. Orlando: I object to that question for two reasons. I have the utmost respect for Mr. Verga's ability as a real estate man. I think if Mr. Verga, by the testimony, had appeared to have been inside the building, and been familiar with the arrangements, the use of the building, and all the other necessary things which are required to give an answer to that question, I would be perfectly satisfied. But, first of all, Mr. Verga has never been inside the building; and secondly, he has not been familiar with the uses of these various parts of the building Mr. Palese refers to, and I think in fairness to Mr. Verga that he is called upon to answer a very unfair question.

Mr. Palese: If I had not described the building, I think Mr. Orlando could object. I have given a description of what there is there.

Mr. Orlando: First of all you have not given a general idea of the inside of the building, the seating capacity, and the way it is fixed up.

The Master: He is asking him as to the building. It may not be the issue involved, and it may not have any direct bearing. I will permit the question to be answered.

(Question repeated.)

A. I would say $200 a month would be a fair rental, provided they were provided with heat, and ordinary janitor service.

By the Master:

Q. Would you say that independently of

whether or not it was divided into different arrangements?

A. Just for the space.

Q. Independently of whether or not it may have had several rooms?

A. I just pictured it as one big room.

Q. Just for the space?

A. Yes.

Cross-examination.

By Mr. Orlando:

Q. Do I understand your opinion is that a rental of $200 or an income of $2,400 a year for that building would be a proper value?

A. For that part of the building, provided the owner furnished janitor service and heat.

Q. When we speak of the income, we speak of the use of the basement, the first floor, the second floor and the third floor?

A. Not the stores.

The Master: He is not speaking so much of income as gross rental value.

Mr. Orlando: Yes, whatever it might be used for.

Witness: That is with ordinary janitor service, and heat, I would say that would be a fair rental $200.

Mr. Orlando: Regardless of what it was used for, or what use these men make of it?

Witness: Yes."

Mr. Verga testified that a fair rental value of the space occupied and used by the Sons of Italy Association would be $200.00 provided heat and ordinary

janitor services were furnished. Both of these items were furnished and, in addition thereto, electricity.

The janitor testified on cross-examination, p. 62, that he was janitor and custodian of the building, that his salary, which is a charge against the Loggia Dante Alighieri, was for his services as janitor and for attending card games. There were approximately 325 members in the Sons of Italy Association. The money collected from playing cards was turned over to the House Committee and no account given of same to the Loggia Dante Alighieri (Case, p. 354).

Attention is called to the testimony of the janitor (Case, p. 353), regarding his duties. He was required to work on Saturdays and Sundays and dispose of cigars and cigarettes, the property of the Sons of Italy Association. From his testimony he was there at the command of the members of the association. In fact, he testified that he took care of them, meaning the members of the Sons of Italy Association, every day and every time they came there (Case, p. 353), and that he had stayed as late as twelve o'clock at night and that all of this was included in his salary of $115.00 per month (Case, p. 354), and all this was charged against the Loggia Dante Alighieri.

Manifestly ordinary janitor services would not require a janitor to be at the command of the members of the Sons of Italy Association, collect monies from those playing cards, dispose of merchandise belonging to the association and be required to be in attendance on Saturdays and Sundays, and on some evenings stay as late as twelve o'clock. All the

profits derived from such services were appropriated by the Sons of Italy Association.

The janitor's salary was not for his services as janitor of the building, but included a charge for his services to the association.

Now, what portion of that sum, to wit, $3377.05, should be borne by the Sons of Italy Association? What portion of the amount expended for electricity, to wit, $773.44 should be borne and charged against the Sons of Italy Association?

The Master considering the testimony of Mr. Verga as to what would be a fair rental value of the space occupied by the Sons of Italy Association, and considering the item allowed the Sons of Italy Association as a credit for monies expended for janitor services, a portion of which should have been charged against the Sons of Italy Association, and the item allowed for electricity, to wit, $773.44, a portion of which should have been paid by the Sons of Italy Association, reported that under the circumstances, a rental of $200.00 per month would be a fair charge against the Sons of Italy Association for its use of the building.

CONCLUSION.

Dante Alighieri Lodge exists as a loyal unit of the Order Sons of Italy in America. Complainant filed its bill following the secession of the disloyal group. More than sufficient members remained loyal to continue the existence of the lodge and it came in as a defendant, admitting complainant's authority as the State body but asking, in view of its reor-

ganization and continuance, that it be decreed to retain its property. Complainant agrees that this is the practical and logical solution of the matter. Complainant only sought to preserve the property that it might be administered as a trust for the beneficial purposes of the Order; Dante Alighieri Lodge primarily, under the laws of the Order, acts as such trustee. There is no necessity that complainant take possession or attempt to administer this property while Dante Alighieri Lodge exists and remains loyal to the Order.

The property sought to be recovered consists of real estate, lodge regalia and paraphernalia, building and loan stock, furniture, and other personal property of the lodge. All this property was created by voluntary contributions of members. It became impressed with a trust to carry out the beneficial purposes of the Order. It could not be transferred or disposed of except by administering the trust. All the property, real and personal, is now in the possession of the Sons of Italy Association, admittedly a separate corporate entity, distinct from and disavowing allegiance to the Order Sons of Italy in America. The incorporation of the Sons of Italy Association and the transfer to it of its property did not relieve such property of the trust imposed upon it by the manner of its creation.

The attempted taking of the building and loan stock was clearly illegal. The alleged authorization was based upon misrepresentation; was without even claimed consideration. The taking into possession of the remaining personal property of the lodge and its retention has not even an arguable justification in the evidence.

The rights of individual lodge members whose contributions created the lodge property could not be destroyed by the procedure utilized in making the attempted transfer. They had no notice, actual or constructive, of that which was attempted to be accomplished.

For the reasons heretofore urged, we respectfully submit that the decree entered in this cause and the order confirming the Master's report, be affirmed.

Respectfully submitted,

ALBERT S. WOODRUFF,
Solicitor of Grand Lodge of the State of New Jersey, Complainant-Respondent.

ROCCO PALESE,
Solicitor of Loggia Dante Alighieri, No. 494, Order Sons of Italy, Defendant-Respondent.

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EXHIBIT C1.

CERTIFICATE OF INCORPORATION
of the
SUPREME LODGE, ORDER OF SONS OF ITALY.

The undersigned persons, members and officers of and acting in accordance with the resolution of the Supreme Lodge, Order of Sons of Italy, a voluntary organization, hereby associate themselves and the members of the Supreme Lodge, Order of Sons of Italy into a corporation pursuant to an Act of the Legislature of New Jersey entitled "An Act to incorporate associations not for pecuniary profit," approved April 21, 1898 and the several supplements thereto and acts amendatory thereof and hereby certify;

First: That the name of this association is "The Supreme Lodge, Order of Sons of Italy."

SECOND: That the purposes for which it is incorporated are to perpetuate the objects for which the Order of Sons of Italy is organized.

To carry out those objects and purposes in accordance with such constitution and general laws of the Suprem Lodge, Order of Sons of Italy as may be hereafter adopted.

Through Grand and Subordinate Lodges, to unite fraternally all white males of Italian birth or descent of good moral character and of sound bodily health between such ages as may from time to time be

directed; to give all moral and material aid in its power to its members and those dependent upon them; to educate its members, socially, morally and intellectually; to provide releif in cases of sickness or distress among its members and such death benefits upon the death of a member or a member's wife as may from time to time be determined.

THIRD: The Surpeme Lodge, Order of Sons of Italy shall have, all true and legitimate power and authority in the Order of Sons of Italy wheresoever established; it shall have original and exclusive jurisdiction and power.

(A) To establish and control the Forms, Ceremonies, Written and Unwritten Work, and to change alter and annul the same, and to provide for the safekeeping and uniform teaching and dissemination of the same.

(B) To prescribe the form of Candidate's Application Blanks and to provide, print and furnish all other Forms, Rituals, Ceremonies, Cards, Certificates and Supplies.

(C) To prescribe the form, material and color of all Regalias, Emblems and Jewels.

(D) To provide for the emanation and distribution of all passwords, and regulate the mode and manner for using same, and generally to prescribe such regulations as may be necessary to secure the safe and easy intercourse and identification of the brothers.

(E) To establish the Order in States, Territories, Provinces or Dominions of America, where the same has not been established.

(F) To provide a revenue for the Surpeme Lodge by means of a per capita tax and from a profit on supplies.

(G) To provide for annual returns from each Grand Lodge and each Subordinare Lodge under its immediate jurisdiction now existing or hereafter to be established.

(H) To hear and determine, through its arbitrators, all appeals from the Arbitration Committee of Grand and Subordinate Lodges under its immediate jurisdiction, now existing or hereafter to be established; and to have original jurisdiction in such cases as may be provided by General Laws; and to provide by legislation for the proper enforcement of the verdict of its Arbitrators.

(I) To enact Laws and Regulations of general application to carry into effect the foregoing and all other powers reserved by this Constitution to the Supreme Lodge, or its officers, and such as may be necessary to enforce its legitimate authority over Grand and Subordinate Lodges under its immediate jurisdiction, now existing or hereafter to be established.

(J) To institute Grand Lodges and to define the territorial extent of their jurisdiction, now existing or hereafter to be established, and to institute

Subordinate Lodges wherever the Supreme Lodge shall deem advisable, and to provide a Constitution for each Subordinate Lodge under its immediate jurisdiction, now existing or hereafter to be established.

Fourth: The Supreme Lodge, Order of Sons of Italy shall be composed of:

1. All the Supreme Lodge Officers.

2. All the delegates from the Grand and Subordinate Lodges.

3. All Past Supreme Venerables,

and such other and different officers or members as may be required by changes in the laws from time to time.

Fifth: The Corporation is to be located, and its principal place of business is to be conducted in the City of Newark, County of Essex and State of New Jersey.

Sixth: That the number of Trustees shall be three and the names of the Trustees elected and the term for which they have been elected, are, Viz:

Name.	Term of Office.	Residence.
Matteo Pignataro	1 year	81 Ferry St., Newark, N. J.
Paul Curcio,	1 year	305 Morris Ave., Newark, N. J.
Nicola R. Sica,	1 year	30 Thirteenth Ave., Newark, N. J.

Seventh: The Corporation shall maintain an office in the State of New Jersey at 81 Ferry Street, City of Newark, in County of Essex, and Matteo Pignataro shall be the registered agent in charge of such office, upon whom process against the corporation may be served.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this Twenty-ninth day of November, nineteen hundred and eleven.

Frank R. Di Matteo, (L.S.)
Paolo Curcio, (L.S.)
Nicola R. Sica, (L.S.)
Doc. Matteo Pignataro, (L.S.)
Frank Mastrangelo, (L.S.)

In the presence of
Eugene Dotto.

STATE OF NEW JERSEY,
COUNTY OF ESSEX,

Be it remembered that on this twenty-ninth day of November, in the year of our Lord One Thousand Nine Hundred and Eleven before me the subscriber an Attorney at Law of the State of New Jersey, personally appeared Matteo Pignataro, Paul Curcio, Nicola R. Sica, Frank R. Di Matteo and Frank Mastrangelo, who I am satisfied are the persons named in and who executed the foregoing instrument and I having first made known to them the contents thereof, they did thereupon severally acknowledge that they signed, sealed and delivered the same as

their voluntary act and deed for the uses and purposes therein expressed.

Eugene Dotto,
Atty at Law of N. J.

ENDORSED:

Received in the Clerk's office of the County of Essex, on the 29 day of Nov. A. D. 1911; and recorded in Book D of Miscellaneous for said County, Page ....

J. B. Woolston,
Clerk.

FILED and RECORDED DEC 1, 1911,
S. D. DICKINSON,
SECRETARY OF STATE.

STATE OF NEW JERSEY

DEPARTMENT OF STATE.

I, JOSEPH F. S. FITZPATRICK, Secretary of State of the State of New Jersey, do hereby Certify that the foregoing is a true copy of the Certificate of Incorporation of "The Supreme Lodge, Order of Sons of Italy", and the endorsements thereon, as the same is taken from and compared with the original filed in my office on the First day of December, A. D. 1911, and now remaining on file and of record therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Trenton, this Thirteenth day of March, A. D. 1928.

Joseph F. S. Fitzpatrick,
(Seal) Secretary of State.

(On back):

CERTIFIED COPY
OF
CERTIFICATE
of Incorporation
of
"The Supreme Lodge, Order of Sons of Italy."

EXHIBIT C5.

CERTIFICATE OF INCORPORATION
OF
"LOGGIA DANTE ALIGHIERI NO. 494
ORDER SONS OF ITALY IN AMERICA."

The undersigned desiring to associate themselves into a Corporation, pursuant to an act of the Legislature of the State of New Jersey, entitled, "An Act to incorporate Associations not for pecuniary profit" approved April 21, 1898 and the several supplements thereof and acts amendatory thereof do hereby certify:—

1. The name of such Association is "LOGGIA DANTE ALIGHIERI NO. 494, ORDER SONS OF ITALY IN AMERICA."

2. The purposes for which it is incorporated are:—To unite fraternally all white males of Italian birth or descent of good moral character and of

sound bodily health between the ages of eighteen (18) and fifty (50) years; to give all moral and material aid in its power to its members; to educate them socially, morally and intellectually; to insure sums of money towards defraying expenses of the burial of deceased members and their wives; to render assistance to members when sick and unable to follow their employment, and supply them with such medical attendance and medicine as the laws of the Order or the By-Laws of this Corporation provide; to grant temporary relief to members in distress and for any other benevolent or charitable purposes as prescribed by the By-laws of this Corporation.

3. The location of the principal office in this State is at No. 905 S. 4th Street, corner of Spruce Street, in the City of Camden, County of Camden and State of New Jersey. The name of the statutory agent therein and in charge thereof upon whom process against this corporation may be served is ANTONIO DI PAOLO.

4. The number of trustees elected for the first year of the existence of this corporation is five, and their names and addresses are as follows:—

Salvatore Tronca,	Camden, N. J.
Lorenzo Lamaina,	"
Francesco Sozzi,	"
Giuseppe Guarino,	"
Michele Mignogna,	"

IN WITNESS WHEREOF we have hereunto set our hands and seals this twelfth day of March, in

the year of our Lord, One Thousand Nine Hundred and Twenty.

Salvatore Tronca (LS)
Lorenzo Lamaina, (LS)
Frank Sozzi (LS)
Giuseppe Guarino (LS)
Michele Mignogna (LS)

Signed, Sealed and Delivered)
in the presence of,)
Rocco Palese

STATE OF NEW JERSEY }
COUNTY OF ESSEX. } SS:

BE IT REMEMBERED that on this twelfth day of March, in the year of Our Lord, One Thousand Nine Hundred and Twenty, before me the subscriber, personally appeared Salvatore Tronca, Lorenzo Lamaina, Francesco Sozzi, Giuseppe Guarino and Michale Mignogna, who I am satisfied are the persons named in and who executed the foregoing Certificate of Incorporation, and I having first made known to them the contents thereof they did each acknowledge that they signed, sealed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

Rocco Palese
Atty-at-Law of N. J.

RECEIVED 3/13 1920 and Recorded in the Clerk's Office of the County of Camden in Book 49 of Corporations, Page 58.

F. F. Patterson, Jr.
Clerk."

ENDORSED:

"FILED AND RECORDED MAR 15,
1920,
THOMAS F. MARTIN,
SECRETARY OF STATE."

STATE OF NEW JERSEY
(Seal of State of New Jersey)
DEPARTMENT OF STATE.

I, JOSEPH F. S. FITZPATRICK, Secretary of State of the State of New Jersey, do hereby Certify that the foregoing is a true copy of the Certificate of Incorporation of "LOGGIA DANTE ALIGHIERI NO. 494, ORDER SONS OF ITALY IN AMERICA," and the endorsements thereon, as the same is taken from and compared with the original filed in my office on the Fifteenth day of March A. D. 1920, and now remaining on file and of record therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Trenton, this First day of December A. D. 1928.

Joseph F S Fitzpatrick
Secretary of State.

(Seal)

(On back):

CERTIFIED COPY
of
CERTIFICATE
of
Incorporation
of
"LOGGIA DANTE ALIGHIERI NO. 494, ORDER SONS OF ITALY IN AMERICA.

EXHIBIT C6.

CORPORATION DEED.

THIS INDENTURE, MADE THE 15th day of March in the year of our Lord one thousand nine hundred and twenty-seven
BETWEEN LOGGIA DANTE ALIGHIERI #494, ORDER SONS OF ITALY IN AMERICA, a Corporation of the State of New Jersey, party of the first part, and SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, a Corporation of the State of New Jersey, party of the second part:
WITNESSETH, That the said party of the first part, for and in consideration of the sum of TWELVE THOUSAND DOLLARS and OTHER LAWFUL CONSIDERATIONS. lawful money of the United States of America, well and truly paid by the said party of the second part to the said party of the first part, at and before the ensealing

and delivery of these presents, the receipt whereof is hereby acknowledged hath granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed and by these presents doth grant, bargain, sell, alien, enfeoff, release, convey and confirm, unto the said party of the second part, its successors and assigns, ALL that certain lot or tract of land and premises situate in the City and County of Camden, and State of New Jersey, bounded and described as follows:

BEGINNING at the Southwest corner of Spruce and Fourth Streets and extending; thence (1) Westwardly along the Southerly line of Spruce Street, fifty-four feet; thence (2) Southwardly at right angles with Spruce Street, seventy-five feet seven inches; thence (3) Eastwardly at right angles with Fourth Street and parallel with Spruce Street fifty-four feet to the Westerly side of Fourth Street; thence (4) Northwardly along same, seventy-five feet seven inches to the place of beginning; together with the buildings and appurtenances.

BEING the same premises which the Pennsylvania Company for Insurances Lives and Granting Annuities and Als Trustees, a Corporation, having its principal office in the City of Philadelphia, State of Pennsylvania, by deed dated March 24th, 1919, and of record in the office of the Register of Deeds of Camden County in Book #441 of Deeds, page 424 &c., granted and conveyed unto the said LOGGIA DANTE ALIGHIERI #494 ORDER SONS OF ITALY IN AMERICA, A corporation of the State of New Jersey, in fee.

SUBJECT, NEVERTHELESS, to a first mortgage of Twelve Thousand Dollars ($12,000.00) created by the parties of the first part, on November 17, 1922 in favor of the Camden Safe Deposit and Trust Company, of Camden, New Jersey, and of record in the Office of the Register of Deeds of Camden County in Book 206 of Mortgages, page 5 &c.

TOGETHER with all and singular the improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; AND ALSO all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in and to the said premises, and every part thereof, with the appurtenances:

TO HAVE AND TO HOLD the said premises above described, with all and singular the hereditaments and appurtenances, unto the said party of the second part, its successors and assigns, to the only proper use, benefit and behoof of the said party of the second part its successors and assigns forever.

AND the said party of the first part, for itself, its successors and assigns doth by these presents covenant, grant and agree, to and with the said party of the second part, its successors and assigns, that

it the said party of the first part, and its successors and assigns all and singular the hereditaments and premises above described and granted, or mentioned and intended so to be, with the appurtenances, unto the said party of the second part, its successors and assigns, against it the said party of the first part, and its successors and assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said party of the first part to these presents hath hereunto set its corporate seal and hath caused these presents to be signed by its President and attested by its Secretary dated the day and year first above written.

LOGGIA DANTE ALIGHIERI #494
SONS OF ITALY IN AMERICA
By Michele Lotta,
By Michele Lalli,
President

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF
Attilio C. Marino
NOTARY PUBLIC OF THE
STATE OF NEW JERSEY.
My commission expires
Sept. 28, 1931.

Attest:
Luigi Faragalli
(Seal) Secretary

STATE OF NEW JERSEY }
CAMDEN COUNTY, } ss.

Be it Remembered, that on this 15th day of March in the year of our Lord one thousand nine hundred and twenty-seven before me a Notary Public of the State of New Jersey personally appeared LUIGI FARAGALLI who being by me duly sworn on his oath saith, that he is the Secretary of LOGGIA DANTE ALIGHIERI, #494, ORDER SONS OF ITALY IN AMERICA the grantor within named, and that MICHELE LALLI is the President; that deponent knows the common or corporate seal of said grantor and that the seal annexed to the within Deed or Conveyance is such common or corporate seal; that the said Deed or Conveyance was signed by the said President and the seal of said grantor affixed thereto in the presence of deponent; that said Deed or Conveyance was signed, sealed and delivered as and for the voluntary act and deed of said grantor for the uses and purposes therein expressed, pursuant to a resolution of the Board of Directors of said grantor; and at the execution thereof this deponent subscribed his name thereto as witness.

Luigi Faragalli
Secretary

Sworn and Subscribed the }
day and year aforesaid. }
Attilio C. Marino,,
(Seal) Notary Public of N. J.
Comm. expires Sept. 28, 1931

(On back):

DEED
LOGGIA DANTE ALIGHIERI #494
SONS OF ITALY IN AMERICA
to
SONS OF ITALY ASSOCIATION OF
CAMDEN, NEW JERSEY.

Received at CAMDEN, N. J. March 16th 1927 at 11:00 A. M. and Recorded in Book No. 653 of Deeds Page 189&C in the Office of the Register of Deeds, &c., of CAMDEN COUNTY.

Joshua C. Haines
REGISTER.

Law offices of
Samuel P. Orlando,
511 Market St.,
Camden, N. J.

(In pencil):

Paid
175
40

215

Mch 16-27 at 11 AM

EXHIBIT C11.

CERTIFICATE OF INCORPORATION SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY.

This is to certify that the undersigned, do hereby associate themselves into a corporation under and by virtue of the provisions of an act of Legislature of the State of New Jersey, entitled "An Act to incorporate associations not for pecuniary profit", approved April 21, 1898, and the several supplements thereto and acts amendatory thereof.

FIRST: The name of the corporation is: SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY.

SECOND: The objects for which this corporation is formed are to unite fraternally, all its brothers and to educate them socially, morally and intellectually and to inculcate and disseminate the principles of charity, benevolence and fraternity. To alleviate distress among the sick or disabled brothers; to bury deceased brothers or to pay funeral expenses of deceased brothers, and to perform such other charitable deeds as may be provided for by the laws of such corporation. To have the right to hold real estate and to buy and sell the same in this State or in any other State for the scope or for carrying out the objects set forth herein. To make its own constitution, rules of discipline and laws

for its own government, not inconsistent with the constitution of The United States and of this State.

THIRD: Location of the principal office of this corporation shall be the Southwest corner of Fourth and Spruce Streets, Camden, New Jersey, and the name of the agent therein and in charge thereof upon whom process may be served is Michele Lalli.

FOURTH: The number of trustees of this corporation is five.

FIFTH: The names of the trustees selected for the first year of the existence of this corporation and the residence of each are as follows:—

NAME	RESIDENCE
Michele Lalli	Camden, N. J.
Giovanni Marini	Camden, N. J.
Felice D'Alois	Camden, N. J.
Agostino V. Guaglianona	Camden, N. J.
Innocenzo Visceglia	Camden, N. J.

IN TESTIMONY whereof, we have hereunto set our hands and seals this 26th day of February, A. D. 1927.

(signed)	Michele Lalli	(SEAL)
	Giovanni Marini	(SEAL)
	Felice D'Alois	(SEAL)
	Agostino V. Guaglianona	(SEAL)
	Innocenzo Visceglia	(SEAL)

Signed, sealed and delivered
in the presence of:
Attilio C. Marino
Notary Public of the State
of New Jersey.

STATE OF NEW JERSEY }
COUNTY OF CAMDEN } ss.

Be it remembered that on this 26th day of February, nineteen hundred and twenty-seven, before me a Notary Public of the State of New Jersey, personally appeared: MICHELE LALLI, GIOVANNI MARINI, FELICE D'ALOIS, AGOSTINO V. GUAGLIANONE and INNOCENZO VISCEGLIA, who I am satisfied are the persons named and who executed the within instrument, and I having first made known to them the contents thereof, they acknowledged that they signed, sealed, and delivered the same as their voluntary act and deed. All of which is hereby certified.

Attilio C. Marino
Notary Public of N. J.

Comm. Expires Sept. 28, 1931.

ENDORSED:

"Received 2/26/27 and recorded in the Clerks Office of the County of Camden in Book 60 of Inc. Page 292.
Charles F. Wise, Clerk"

"FILED AND RECORDED Feb 28, 1927
JOSEPH F. S. FITZPATRICK
Secy. of State.

STATE OF NEW JERSEY

DEPARTMENT OF STATE

I, JOSEPH F. S. FITZPATRICK, Secretary of State of the State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the Certificate of Incorporation of SONS OF ITALY ASSOCIATION OF CAMDEN, NEW JERSEY, and the endorsements thereon, as the same is taken from and compared with the original filed in my office on the twenty eighth day of February, A. D. 1927, and now remaining on file and of record therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at Trenton, this Twenty eighth day of February, A. D. 1927.

(signed) JOSEPH F. S. FITZPATRICK,
(SEAL) Secretary of State.

EXHIBIT C12.

Camden, N. J. March 14 1921 No. 134
VICTORY TRUST COMPANY 55-95
Pay to the Order of Marino Attilio $50 00/xx
Fifty ..... Dollars
Loggia Dante Alighieri No. 494, Order
Sons of Italy in A.
Mario Mauares Innocenzo Janos Visceglia
Fin. Secretary Treasurer
(In margin):
Michele Lalli
Master Venerable
(Perforated):
PAID
3 16 27
55 95
(Endorsed):
Marino Attilio
FOR DEPOSIT ONLY
To the Credit of
WILLIAM B. KNIGHT
SAMUEL P. ORLANDO
SECURITY TRUST CO.,
MAR 16 1927
RECEIVED PAYMENT
Through the Clearing House

EXHIBIT C15.

Order Sons of Italy in America

APPLICATION FOR CHARTER

To the Grand Executive Council
of State of New Jersey

We, the subscriber, desirous of endeavoring to emancipate and fraternize the Italian laborer, and then move, strengthened by the conscience to do good, to the conquest of the high ideals of the Order Sons of Italy, respectfully apply to have a Charter granted to us to institute a Subordinate Lodge in accordance with the General Laws of the Order, which we exactly know.

To that end we declare:

1—That among the signers we have chosen, so that their name be written on the Charter, the following:

1. Joseph Caputo
2. Vincenzo Croffi
3. Frank P. Cacchiaraley

2—That we desire that the Lodge to be instituted be named: Lodge Dante Alighieri No. 494

3—That its meeting place shall be in Camden N. J. on the second and last Wednesday of the month.

In compliance with the Statute we inclose $30 hoping that our application be favorably received, and that in the near future, even us, that have a great feeling of solidarity, shall be very glad to be an integral part of an Order which stands for and diffuses a great feeling of justice and love for the country.

Name Name

Approved by the Grand Circuit of the State of New Jersey under date of Feby 5 1916

The Grand Recording Sec'y
Italo Iaccheri

The Grand Venerable
Peter A. Cavicchia

Ratified by the Supreme Executive Council under date of February 21-1916

The Supreme Recording Sec'y
Frank Mancini

The Supreme Venerable
D. V. Buffa

EXHIBIT C16.

SUPREME LODGE ORDER SONS OF ITALY IN AMERICA

We, the Supreme Venerable and Supreme Recording Secretary of the Supreme Lodge Sons of Italy in America, by virtue of the power vested in us by the by-laws of the Order, and on the recommendation and approval of the Grand Council of the State of New Jersey, ratified by the Supreme Council, hereby give full assent and authority to our beloved

brothers Joseph Caputo, Vincenzo Cioffi, Frank P. Cacchiaraley to form a regular subordinate Lodge in Camden, N. J. under the name of

Lodge Dante Alighieri No. 494

to perform the ceremonial work and the rites of the Order Sons of Italy in America, according to the laws and the ritual of the Order.

It is, however, understood and agreed that:

1. The Authority and privilege of issuing dispensations in any part of the United States of America, its territories and dependencies is vested unalterably and exclusively in the Supreme Lodge.

2. Any charter already given may be revoked and annulled by the same Supreme Lodge in case of disobedience or violation of the laws of the Order.

WE, THEREFORE, the duly authorized officers, hereby grant permission for the institution of the said Lodge, and give to our beloved brethren the present dispensation, bearing the Seal of the Supreme Lodge Sons of Italy in America and our signatures.

Dated New York February 21 1916

DiVincenzo Buffa
Supreme Venerable
Frank Mancini
Supreme Recording Secretary.

Countersigned by the Grand
Venerable of the Grand Lodge of the
State of New Jersey
Peter A. Cavicchia
Grand Venerable
Italo Iaccheri
Grand Recording Secretary.
Dated West New York, N. J. March 12-1916

EXHIBIT C17.

ORDER SONS OF ITALY IN AMERICA.

Honorable Grand Council of the State of New Jersey
156 Market St. Newark, N. J.

We, the subscribers, all members of Lodge Dante Alighieri No. 494 of the Order Sons of Italy in America of Camden, N. J. under the jurisdiction of the Grand Lodge of the State of New Jersey and of the Supreme Lodge of the Order Sons of Italy in America, having been informed that a group of members of said Lodge, has illegally decided to have said Lodge secede from the Order Sons of Italy in America, having read Article 90 of the General Laws, we respectfully pray your Grand Council to safe-guard our rights as members, because it is our utmost desire to remain in the Order.

We protest also against the motion illegally taken at the meeting of June 16-1927 to proceed with the sale of the house belonging to said Lodge Dante Alighieri, No. 494 of Camden, N. J. Order Sons of Italy in America, to the Sons of Italy Corporation, which is an organization completely foreign to the Order Sons of Italy in America, with a serious danger of our financial and moral interests, and we therefore complain to the authorities of the Order against all the officers and members responsible for such illegal act, and we request the Grand Council to take all those legal and disciplinary actions to protect our interests of brothers of the Order Sons of Italy in America.

Signatures

EXHIBIT C18.

Translation of Post Card sent to the member for a meeting.

Camden, N. J. Feb. 15, 1927.

Lodge Dante Alighieri, No. 494

Dear friend and brother:

You are requested to come at the meeting, which we will have at the Lodge Room Thursday evening; 17 inst. at 8 P. M. sharp, for discussing very important business and especially for discussion and taking vote definitely upon the motion to make our Home Building an Autonomous Entity, with authorization to issue Bonds (buoni) exclusively for the brothers.

This proposition concerns vital interest for our Lodge and therefore we wish that no member will be absent.

With brotherly greeting,

Venerable
Michael Lalli

Recording Secretary
Luigi Faragalli.

EXHIBIT C19.

Order Sons of Italy in America
Lodge Dante Alighieri No. 494
4th & Spruce Streets Camden N. J.
General Financial Statement on June 30-1926
General Statement on June 30-1926
Administration

Receipts

Dues	5774.80
Applications for membership	33.00
State Orphanage	157.00
Mortuary Fund	51.75
Donations—pro orphans	371.85
Admissions for new initiated	90.15
Assessment for Ball	389.75
Tax to Grand Lodge ($0.25)	94.75
Keys	.25
By-Laws & General Laws	2.35
Tickets for Raffle	44.00
House Tax (for new brother)	13.00
Donation from House Committee	360.00
Loan	150.00
Collected in excess	28.00
Total Receipts	$7560.65

Disbursements

Mortuary Fund	2573.30
Sick Benefits	2023.84
Interest on Mtge of 12000	720.00

Building & Loan (15 Shares)	160.00
Jewel to Ex Venerables	84.00
Capita tax and donations to Orphans	447.00
State Orphanage	157.00
Assessments for Ball, House &c.	444.75
Admission fees to Mortuary Fund	42.00
Expenses to Grand Delegates	180.40
Salaries to Secretaries	177.00
Donations (from general fund)	85.00
Buttons and applications	22.00
Insurance for officers	14.00
Doctor for examinations of new applicants	32.25
Printing, stamps, postal cards & book for Fin. Secy.	225.64
Flowers and accompaniment of deceased brothers	60.00
Tax to Grand Lodge	107.00
Various expenses	10.88
Repayment of loan	150.00
Total Disbursements	7696.06

Receipts	7560.65	
Disbursements	7696.06	
Deficit	$135.41	
General Fund June 30-1925		$387.42
Deficit June 30-1926		135.41
General Fund June 30-1926		$252.01

House Committee

	Receipts
1st Quarter	$1158.26
2nd "	1824.63

3rd	"	1509.05
4th	"	981.15
Total Receipts		5473.09
Disbursements		
1st Quarter		619.06
2nd	"	2038.07
3rd	"	1325.50
4th	"	1315.72
Total Disbursements		$5298.35
Receipts	5473.09	
Disbursements	5298.35	
House Fund on July 30-1926		$174.86

Assets

Real Estate worth approximately	$45,000.00
Furniture	10,000.00
General Fund	252.01
House Fund	174.86
Merchandise worth	384.10
Total Assets	$55,810.97

Liabilities

Mortgage on Building	$12,000.00
Loans from Brothers (to mature)	4335.27
Mortuary Fund (two assessments	1280.70
Note to Broadway Trust Co	950.00
Total Liabilities	18565.97

First Italian B & L. 10 Shares
The Italian American B & L. 5 Shares
Camden N. J. August 25-1926

The Financial Secretary
Mario Mauarese

EXHIBIT C20.

ORDER SONS OF ITALY IN AMERICA

Lodge Dante Alighieri, No. 494
4th & Spruce Streets, Camden, N. J.

Thursday, June 16-1927, at the hour of 8 P. M. we will have our regular meeting, and as you well know will be held the election of officers for 1927-1928, with the hope that all will be present at this meeting, we greet you fraternally.

Ass't Venerable—Giovanni Marino
Secretary—Luigi Faragalli

N. B. To be entitled to vote you must be in good standing with your payments.

BALLOT

Venerable—Felix D'Aloise
Ass't Venerable—Giovanni Marino
Orator—Agostino V. Guaglianone
Recording Sec'y—Luigi D'Urso
Financial Sec'y—Mario Maranese
Turi Leonardo
Treasurer—Innocenzo Visceglia
Cichitelli Nicola
Trustees—Tascione Giuseppe
Galizio Domenico
Tauriello Garibaldi
D'Anastasio Giovanni
Ludovico Fiorinto
Di Iulisi Raffaele

Grand Delegates—
Luigi Durso
Ignazio Marini
Giovanni Marino
D'Anastasio Giovanni
Agostino V. Guaglianone
Maranese Mario
D'Aloise Felix
Lalli Michele
Marchione Raffaele
Comito Salvatore
Galizio Domenico

EXHIBIT C21.

RESOLUTION

At the regular meeting of the Loggia Dante Alighieri #494 of Camden, New Jersey, a corporation, the following resolution was adopted on this 16th. day of June, A. D. 1927.

BE IT HEREBY RESOLVED that the President presiding is hereby authorized to execute an assignment, or withdraw our Building and Loan stock for the following: Book #315, Series 4th, Shares 5, Italian-American Building & Loan Ass'n of Camden, N. J. and Book #37, Series 16th, Shares 10, Camden First Italian Building & Loan Ass'n of Camden, N. J.

Camden, N. J., June 16, 1927.
Erasures on line 4,
made before signing.

Loggia Dante Alighieri #494
of Camden, New Jersey.
Michele Lalli
President.

Attested.
Luigi Faragalli
Secretary.

(Seal)

EXHIBIT C22.

Minute Book

1st page
52-53

MEETING OF THURSDAY, FEB. 17, 1927

Order of the Day

The Venerable explains to the Brothers who were not present at meeting of Feb. 6, Guaglianone's project, that is to convert in bonds the debts that are on our building, adding that in doing so we will render justice to our brothers who loaned or contributed and thus save our situation owing to too much annual interest that burden the lodge.

The Venerable concluded inviting all present to give their ideas on this project, but none of the brothers took the floor on the subject. Then brothers Durso proposed that the same be put to a vote. Put to a vote by the Venerable, the result was approved unanimously, without any objections.

Then the Venerable declared as a law, the Guaglianone's project.

Brother Guaglianone demands the floor, saying that if we want to get rid of these debts that is the only way, hoping that every brother will do their duty has been verified.

The Venerable asked the assembly to nominate five persons to formulate the corporation. Brothers Oberdan, Guerino seconded by Fiorindo Di Ludovico proposed that the five brothers be selected amongst the committee already existing.

Page 53, 54, 55

A. AT REGULAR MEETING OF March 5, 1927

Unfinished Business

The Venerable opened the discussion on the work the Committee is preparing in regard to our House, adding that the work has been suspended due to a very important reason, namely: some brother took the trouble to send to the Grand Council the post card which was sent to the brothers, bearing notice of what shall be done, and the Grand Council immediately sent a letter to our lodge informing us that nothing can be done without their permission.

Then the Venerable said that he went immediately to the Grand Council to explain our situation, and after a long discussion, matters were adjusted, and the Committee will continue its work to affect the sale.

Brother Dovi said that brothers believed that had he been present at meetings which have opposed to the above, but this is not true, as only by doing this, the day will come when our House will land in the hands of one person, but the Venerable made him understand that this will never happen.

Brother Ignazio Marino seconded by Brother Pasquale Fatale, made motion that the assembly give full power to existing Committee, for the selection of the competent person regarding the appraisal of this House, authorizing the proper persons to sign the deed, which was unanimously approved.

See Page 56

B. AT REGULAR MEETING OF MARCH 17, 1927

Unfinished Business

The Venerable brings before the Assembly the fact that the appraisal of the House has been done and same has been transferred to the new organization, that has been selected from general committee, on the Guaglianone project, and that as soon as possible precise information will be given.

4th—Page 69

C. AT REGULAR MEETING OF JUNE 16, 1927.

The Venerable says that we have money invested in the Building and Loan and that we are in need

to convert the building and loan in cash. Brother DiMedeo agrees with the brothers that there is a need. Maramese remarked that beside the disasterous financial condition might have add that we owe two quarterly bills to the death fund. Brother S. Comito asked how long this Building and Loan has been paid, and to withdraw the same. Cangelosi says that before it was habit whenever there was no money to dig into our pockets. D'Aloise agrees to withdraw the said Building and Loan. Brother Mentini tells a joke and says that "when there is a need it should be done." Galizio said at that time money was floating, but today there is no money and he does not believe we can make a collection. Palese makes a motion to authorize the officer to withdraw the money from the Building and Loan, Barbetta seconded the motion, to withdraw the Building and Loan of the First Italian B and L, and Italian-American B and L.

Brother Garagallo asked if all present are paid up members, the vote resulted as follows: Sixty two in favor of withdrawing one against. Brother Benevento makes a motion that we separate from the Order, Toste seconded the motion. The result of vote as follows: 66 in favor 1 against.

Brother Faragallo on hearing the result of the Vote in favor of severance from the Order Dante Alighieri left his place and after being requested by the Venerable consigned the books the same, and declared that to eliminate troubles, prefer that he leave the hall.

The Venerable after the refusal of Faragallo, begged Brother Maranese to continue recording the minutes. The Venerable having re-established or-

New Jersey State Library

der in the hall for the enthusiasm shown for the severance of the lodge from the Order the Orator arose and informed that to give the motion a legal status to separate from the Order, a special meeting should be called thru means of a letter as soon as possible, so that all the brothers will be informed of what was decided at this meeting, so that they may confirm or reject the motion to sever relationship with the Order. The Brother Coccia makes a motion to send a letter and call a special meeting for the 23rd inst. A. Barbetta seconded the motion and the assembly approved it. B. DiMedio makes a motion that this decision be confirmed in the following special meeting. The components of the lodge Dante Alighieri No. 494 will enter in mass into the New Association, Sons of Italy Association. The assembly arose and frantically applauded Brother B. DiMedio.

No other business, the Venerable adjourned the meeting.

5th

Page 71

D. SPECIAL MEETING JUNE 23, 1927

On the evening of Thursday, June 23, 1927, at 9 P. M. the Venerable opened the meeting and called the Roll Call. The following officers were absent, John Marini, Ass't Venerable Faragallo, Recording Sec'y DiPatrizio and Quattrocchi, Trustees.

New Jersey State Library

The Venerable took the floor and asked the Assembly to confirm the decision passed at the previous regular meeting, of June 16th, 1927, regarding the converting in cash of the two B & L which belongs to the lodge, to pay the sick benefit, etc. Put to a vote, it was unanimously approved, after this the Venerable Michele Lalli explains to the Assembly the essential scope of present special meeting that is: To decide if it is more or less convenient for us to remain any longer in the ranks of the Order Sons of Italy in America. Upon this proposal he has read by Agostino Quaglianone passed and approved at the last meeting dated June 16, 1927, with only one vote against.

After the reading of said resolution the Venerable asked the Assembly is any one had anything to say in favor or against it. Brother Ruccolo M. Angelo said that after the Big Ones have not known or wanted to seek our interests, makes a motion that we leave the ranks of the Order Sons of Italy in America. Brother Toste Camillo seconded the motion of Brother Ruccolo M. Angelo.

The Assembly at this motion arose and applauded the two brothers. After the assembly has quieted down, the Venerable asked again if there is any other desiring to speak on the subject.

Proceed then to vote from the left to right, all the brothers go to the ballot box. The Venerable stopped the Brothers and again explains to them that the White Balls are in favor of a severance from the Order Sons of Italy in America, and black balls are against. With admirable calmness the brothers proceeded to vote.

After the casting of vote ceased, the two attend-

ing the balloting box, conveyed the ballot box to the Assistant Venerable.

The Assistant Venerable conveyed the vote and gave the following results to the assembly.

White Balls 92

Black Balls 0

So by the unanimous vote the Assembly decreed the severance of this Lodge from the ranks Order Sons of Italy in America.

During the proceedings of the meeting, Brother Assistant Venerable came in.

At the reading of the minutes of the present meeting the Assembly arose and applauded the results of the decision.

EXHIBIT C23.

Copy

ORDER SONS OF ITALY IN AMERICA
Lodge Dante Alighieri, No. 494
4th & Spruce Streets, Camden, N. J.
June 21-1927.

Dear Brother:

You are requested to take part at the special meeting that will take place Thursday evening, 23 instant, at the hour of 8 P. M. in order to know all that has been approved at the last regular meeting of June 16, 1927.

We remind you that your presence is of the greatest importance, having to definitely decide if it is

convenient or not for us to remain any further in the ranks of the Order Sons of Italy.

Sure of your coming, we greet you fraternally.

The Venerable
Michele Lalli

EXHIBIT C24.

Camden, N. J. March 7 1927 No. 131
VICTORY TRUST COMPANY 55-95
Pay to the Order of Lalli Michele $18 84/xx
Eighteen ..... and ..... 84 Dollars
Loggia Dante Alighieri No. 494,
Order Sons of Italy in A.
Mario Manarese Innocenzo James Visceglia
Fin. Secretary Treasurer
(In margin):
Michele Lalli
Master Venerable
(Stamped):
I
55-95
(Perforated):
PAID
3 8 27
55 95
(Endorsed on back)
Michele Lalli
Lalli Bros

EXHIBIT C25.

Initiated on the ..... day of the month of ..... year.

....:.....

Executive Secretary

APPROVED BY THE GRAND COUNCIL.

BY .....

ORDER SONS OF ITALY IN AMERICA
GRAND LODGE OF THE STATE OF NEW JERSEY.

APPLICATION FOR MEMBERSHIP

City ..... Date ..... 19...

I, the subscriber ..... of the age of ..... son of ..... born ..... 18... in ..... Prov. of ..... business ..... residing at No. ..... being desirous of giving my contribute to the moral conception which gets together and unites in an unbreakable bond of brotherly love so many men and different wills, putting them beyond any partnership rivalry, ask to be admitted as a member of

LODGE ..... NO. .....

To that end I swear on my honor and on my conscience:

(a) that I bind myself to respect and defend the constitution of the United States of America, the laws and legal authorities.

(b) That I firmly believe in the conception that we have of a fatherland.

1. That I have never belonged to any Lodge of the Order

(if otherwise, fill the following:)

That I have belonged to Lodge .....
and was dropped from membership on .....
for .....

2. That I have never been rejected or expelled from any Lodge of the order or from Similar Associations.

3. That I am not a member of an Order with similar principles (Order Independent Sons of Italy).

4. That I am (single, married or widower) ...| ..... with ..... years old and have ..... children.

5. That I have an exact understanding of the Laws of the Order, and of By-Laws of this Lodge and am satisfied with them.

6. That I am in good physical condition, without any organic disease, hereditary or acquired.

7. That there is no physical, moral or legal reason that would prevent me from becoming a member of the Order.

8. That I bind myself to abide by and stand to by the laws of the Order, decrees of the proper authorities, and the by-laws of this Lodge, as they now stand, or as in the future amended.

9. That these statements are absolutely the truth, and should it be found in the future that they are not so, I agree to submit to all disciplinary measures that may be taken against me, even if they amounted to the taking away of every benefit and privileges of the Lodge and of the Order to which I or my heirs might be entitled to.

10. That the above application constitutes a formal contract between me and this Lodge.

.....

Applicant's signature.

Witnesses .....

.....

The subscriber, on his honor and conscience declares that he knows the applicant and deems him competent to belong to the Order Sons of Italy.

.....

Voucher's signature.

NOTICE: The Executive Secretary of the Lodge, after having filled the application with all statements necessary and seen that it is signed by the applicant shall send it to the Grand Executive Secretary, for approval of the Grand Council

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EXHIBIT C25.

RESOLUTION.

AT a regular meeting of the Loggia Dante Alighieri, #494, Order Sons of Italy in America,

a Corporation of the State of New Jersey; the following resolution was adopted:

BE it resolved that the proper officers be and they are hereby authorized to sell the property situate 901-03-05-07 South Fourth Street, in the City and County of Camden, and State of New Jersey; together with all the furniture, chinaware, draperies, decorations, etc. therein contained, and BE IT RESOLVED that the proper officers be and are hereby authorized to execute a deed in favor of the Sons of Italy Association of Camden, New Jersey, a corporation of the State of New Jersey, for the consideration of Twenty Four Thousand Dollars ($24,000.00) and execute a Bill of Sale for the furniture, etc., for Fifteen Hundred Dollars ($1500.)

Dated: March 5th, 1927.

(signed) Luigi Faragulli
Secretary.

EXHIBIT C25.

ORDER SONS OF ITALY IN AMERICA.

Application for Charter.

To the Grand Executive Council
of State of New Jersey.

We, the subscriber, desirous of endeavoring to emancipate and fraternize the Italian laborer, and then more, strengthened by the conscience to do good, to the conquest of the high ideals of the Order Sons of Italy, respectfully apply to have a charter granted to us to institute a subordinate

lodge in accordance with the General Laws of the Order, which we exactly know.

To that end we declare:

1.—That among the signers we have chosen, so that their name be written on the Charter, the following:

1. Joseph Caputo
2. Vincenzo Cioffi
3. Frank P. Cacchiaraley

2.—That we desire that the Lodge to be instituted be named:

Lodge Dante Alighieri, No. 494.

3.—That its meeting place shall be in Camden, N. J. on the second and last Wednesday of the month.

In Compliance with the Statute we inclose $30.00 hoping that our application be favorably received, and that in the near future, even us, that have a great feeling of solidarity, shall be very glad to be an integral part of an Order which stands for and diffuses a great feeling of justice and love for the Country.

Name Name

Approved by the Grand Council of the State of New Jersey under date of Feb'y 5-1916 —

The Grand Recording Sec'y
Italo Iaccheri

The Grand Venerable
Peter A. Cavicchia

Ratified by the Supreme Executive Council under date of February 21-1916.

The Supreme Recording Sec'y
Frank Mancini

The Supreme Venerable
Di V. Buffa

EXHIBIT C26.

No. 2346 Camden, N. J. 6/20 1927

CAMDEN FIRST ITALIAN BUILDING & LOAN ASSOCIATION

Pay to the Order of Loggia Dante Alighieri No. 494 Seven hundred five ..... xx/100 Dollars

With 37-16

By Order of the Directors

Antonio Mecca President

$705/00 Rocco Palese Secretary

Or Payable at Phila.

Office of Bank 223 Market St.

(In margin):

Accepted Payable at
THE FIRST NATIONAL STATE BANK
55-85 of Camden, New Jersey
3

Cyrriano Moles Treasurer

(Perforated):

PAID
6 22 27
55 85

(Endorsed on back):
Loggia Dante Alighieri
No. 494
Michele Lalli
President.
Sons of Italy Ass.
RECEIVED PAYMENT
through the
CLEARING HOUSE
JUN 22 1927
CAMDEN SAFE DEP. & TRUST CO.
CAMDEN, N. J.

EXHIBIT C27.

FOR VALUE RECEIVED I hereby assign, transfer and set over unto Sons of Italy Association of Camden, N. J. all my right, title and interest in 5 shares of stock in the 4th series (in Book No. 315) Italian-American of CAMDEN FIRST ITALIAN BUILDING AND LOAN ASSOCIATION, standing in my name on the books of said Association.

WITNESS my hand and seal this 17th day of June A. D. 1927

Loggia Dante Alighieri No. 494
By Michele Lalli
President (L.S.)

(Seal)

Signed, Sealed and Delivered
in the presence of
The above transfer of stock to
is hereby approved.
Dated 190

Secretary.

FOR VALUE RECEIVED I hereby assign, transfer and set over unto Sons of Italy Association of Camden, N. J. all my right, title and interest in 10 shares of stock in the 16 series (in Book No. 37) of CAMDEN FIRST ITALIAN BUILDING AND LOAN ASSOCIATION, standing in my name on the books of said Association.

WITNESS my hand and seal this 17th day of June A. D. 1927

Loggia Dante Alighieri No. 494
By Michele Lalli
President (L.S.)

(Seal)

Signed, Sealed and Delivered
in the presence of
The above transfer of stock to
is hereby approved.
Dated 190

Secretary.

EXHIBIT C28.

May 1-1927

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After reading the Report of the House Committee from January 31-1927 to the date of the sale and after having asked if there were any errors or omissions in said Report, the Venerable on motion of Brother Fatale seconded by Bro. Benevento was put to a vote and approved unanimously.

Brother Oberdain Querino asked the Venerable if the Bonds can be bought if a member is not in good standing with Lodge. The Venerable answered Mr. Querino that the new administration will think about it. Bro. Visceglia said that it is not just that the $10.00 be paid to brothers not in good standing with the Lodge and it is the Lodge that must take action and not the new administration.

Bro. Faragalli said that it being a very delicate matter he requested that a Lawyer be engaged to see how matters stand for the welfare of the Lodge Dante Alighieri. Even Bro. Vincenzo Visceglia requested a lawyer adding: why has not the Venerable informed us of the appraisal so small of our property as not even members of the Council of the Lodge have been informed about it.

The Venerable answered that all that has been done has been done in legal manner and now it is too late because the vote has been favorable and full powers given to the Committee that has studied the project.

Bro. Marchegiano asked the Venerable if those who do not belong to the Lodge can purchase bonds of the building. The Venerable answered the Brother that no one can acquire bonds if they do not belong to the Lodge, only those who have loaned or donated.

Bro. Visceglia said that if brothers who have loaned or donated the amount of the bonds cannot be found it will go to the general fund of the Lodge.

EXHIBIT D1.

Camden, New Jersey.
March 14th, 1927.

Loggia Dante Alighiere, #494,
Order Sons of Italy in America.
Dear Sirs:—

At the request of Mr. Felix D'Aloise, of 624 South Fifth Street, Camden, New Jersey, we have inspected the properties situate at 901-03-05 and 07 South Fourth Street, Camden, New Jersey, (known as Sons of Italy Hall) and believe that the fair marketable value of the land and buildings erected thereon is Twenty Four Thousand Dollars ($24,000.00).

Very truly yours,
(signed) Howard F. Lupton
(signed) Arthur Leopold

EXHIBIT D2.

TRANSLATION OF ARTICLES 75 to 96 INCLUSIVE FROM THE FUNDAMENTAL CONSTITUTION AND GENERAL LAWS OF SUPREME LODGE, ORDER SONS OF ITALY IN AMERICA.

DEFAULT, SUSPENSION AND FORFEITURE OF SUBORDINATE LODGES

ARTICLE 75: A Subordinate Lodge is in default with respect to the entity to which is tributary whenever it has failed to pay to such entity during 2 consecutive quarters the prescribed contributions.

ARTICLE 76: The Lodge indebted in any amount to the entity to which it is tributary is not entitled to be represented at conventions.

ARTICLE 77: The default produces suspension of all financial and moral rights vested in the lodge as toward the entity to which the Lodge is tributary.

ARTICLE 78: A defaulting lodge which fails to effect settlement within 90 days is cancelled from the order.

ARTICLE 79: A Subordinate Lodge may be

suspended for disciplinary reasons apart from the case of default in the following cases:

(a) Failure to obey the laws or dispositions of superior authorities.

(b) Performance of acts which conflict with the spirit of harmony, brotherhood and union.

Notice of default or suspension shall be given to a lodge either by registered letter or thru its deputy or thru a special deputy.

ARTICLE 80: A suspended lodge is assisted by its deputy or by the special deputy to regulate its position.

ARTICLE 81: The Lodge that eliminates the cause which determinates the default or the suspension is restored to the enjoyment of its rights subject to the approval of the authority from which the suspension is declared.

ARTICLE 82: The list of defaulting or suspended lodges is published monthly in the Official Bulletin.

ARTICLE 83: The brother of a suspended subordinate lodge may by means of a transfer card issued to him by the Grand or Supreme Council, pass to another lodge by submitting to all the provisions of the regulations.

ARTICLE 84: A lodge suspended for disciplinary reasons and within 60 days fails to eliminate the reasons that have given rise to the suspension, is held to have been dissolved.

ARTICLE 85: The efforts of the suspension affect all the brothers of the lodge in their relationship with the Order but not with respect to the economical rights involved in such relationship.

ARTICLE 86: The suspension may be pronounced by a Grand Council but the dissolution is to be pronounced by the Supreme Council upon the preposition of the Grand Council having jurisdiction.

ARTICLE 87: When a Subordinate Lodge is suspended for any reason whatsoever, if so requested, it must give over to the representative of the Grand or Supreme Council, all the funds, books, seal, papers, paraphernalia, charter, etc., in the possession of the said Lodge, making up a statement of delivery in duplicate original, one for the Grand or Supreme Council and another for the Lodge.

ARTICLE 88: Any officer of the suspended Lodge who refuses to deliver to the representative of the Grand or Supreme Council wholly or in part of the funds and other properties of the Lodge in his possession, may be expelled from the Order, even if the Lodge were subsequently restored or reorganized.

ARTICLE 89: All funds and objects which are the properties of a lodge suspended or dissolved and delivered to the Grand or Supreme Council will be administered on account of the same and returned in the event that the same lodge becomes

restored or reorganized from such funds, however, there shall be deducted the cost of the proceedings.

ARTICLE 90: Wherever at least seven members of the Lodge oppose its severance from the Order, the Lodge remains connected with the Order with all its equipment and departing brothers forfeit all their rights.

ARTICLE 91: Against those upon whom rests respondibility for the dissolution of a Lodge there is immediately pronounced by the Supreme Council a Judgment of expulsion from the Order, which judgment has the same legal effects as an award pronounced by the Arbitral Board.

ARTICLE 92: The members of a Lodge dissolved by way of discipline, forfeit all their financial and moral rights both with respect to the Order and with respect to all the lodges with which they are enrolled. However, if they succeed in furnishing convincing proof that they are not responsible for the events that brought about the disciplinary measure, they may remain members of the other Lodges with which they are enrolled and if they were members of only the dissolved Lodge they may be enrolled with another Lodge under a transfer card.

ARTICLE 93: A Lodge which dissolves or whose dissolution is ordered is to return to the Order its Charter.

ARTICLE 94: The holder of a charter of a

dissolved Lodge refusing to return same is expelled from the Order and an action at law shall be instituted against same before the Court of Law to compel him to return such charter.

ARTICLE 95: The members of a Lodge dissolved owing to default shall be held to have resigned.

ARTICLE 96: The dissolved Lodge may be reinstated upon same submitting itself to all the provisions covering the organization of new Lodges.

EXHIBIT D3.

$2350.00 Camden, N. J. March 6th, 1928

THREE months after date we promise to pay to THE ORDER OF SONS OF ITALY ASS'N at the VICTORY TRUST COMPANY, Camden, N. J. TWENTY THREE HUNDRED AND FIFTY ... . DOLLARS

Without defalcation for value received, together with all costs and an attorney's collection fee of 15% should it become necessary to collect the amount due thereon, by or thru the services of an attorney.

SONS OF ITALY ASS'N. HOUSE FUND

Ignazio Marino Pres.

Secy.

No. 5083

Due June 6

Endorsements
Sons of Italy Assn.
Felix D'Aloise, Pres.
Louis Durso, Treas.
Ignazio Marino
Raphaele Lovnolo
Domenico DiNatale
John D'Anastasio
Sons of Italy Assn. House Fund
Ignazio Marino—Pres.
Sec.

EXHIBIT D5.

Mortgage Camden Safe and Trust Company	$12,000.00
Note Victory Trust Co.	2,750.00
Obligations with the brothers of the Lodge for loans and donations	9,963.07
Bills to be paid by the House Committee of the Lodge	885.89
Total debts of the Lodge	$25,598.96

CREDIT OF THE HOUSE COMMITTEE OF THE LODGE

Money deposited at the Bank	$138.06
Value of merchandise at cost price	115.00
Total credit of the Lodge	$253.06

Price of the property of the Lodge as fixed by the experts	$25,500.00
Plus credit	253.06
Total credit of the Lodge	$25,753.06
Less Debt	25,598.96
Balance to the Lodge	$154.10

10

TRANSLATION OF REGULATIONS ON BACK OF BONDS.

COPIED FROM HOUSE REGULATION, APPROVED IN THE ORDINARY MEETING OF FEB. 2, 1919 AND WENT INTO EFFECT FEB. 1, 1920.

20

Article 2. The necessary sum for the erection of the house will be constituted by the offering and voluntary loans that the members will make to the Loggia Dante Alighieri No. 494. To each loaner, one or more Bonds will be issued.

Article 3. The bonds will be reimbursed within the period of ten years.

30 Article 4. On the sums loaned, interest of 4% per annum will be paid.

Article 5. At the end of every year, or in other dates to be fixed, there will be distributed to the creditors, or for clearness, we pay so many Bonds, according to the surplus which is found in our fund.

Article 6. To every single holder of the Bond or Bonds, it is absolutely prohibited to sell or assign the same to a person which does not belong to the Loggia Dante Alighieri.

Article 7. If the deceased of a member who possesses a Bond, this will be paid in the period of thirty days to the next kin.

Article 8. To the members who will return to Italy, there will be reimbursed the money, providing however, they notify thirty days ahead, and to show as proof of the fact, the steamship ticket.

Article 9. At any time any possessor of Bonds will be compelled to withdraw from the Lodge, the money will be refunded in the period of thirty days. In case there will be discovered that the expultion has been plotted by the expelled member, in this case he must wait ten years for the reimbursement. Whoever will be cancelled for unpaid dues, must wait ten years from the auguration of the House to be reimbursed of the money.