

New Jersey Court of Errors and Appeals

Between

CHARLES J. WILLE,
Petitioner-Appellant,

and

LENA WILLE,
Defendant-Respondent.

On Appeal.

Brief for Appellant.

Petitioner brought this action against his wife, Lena Wille, charging that on the 18th day of May, 1917, she committed adultery with a man whose name was known, at her residence in West Orange.

The testimony adduced at the trial, shows that the petitioner and defendant had been living apart since the fifth day of July, 1915 (p. 7 Case, l. 9), and that petitioner gave defendant fifteen dollars a week, and paid the rent of the house that defendant lived in. There were four children born of the marriage, all residing with the defendant. The separation took place because of the dislike and antipathy that the defendant had for the petitioner. This is fully borne out by the letters which the defendant wrote to the petitioner while they were living apart, which letters were offered in evidence (pages 242 to 247 Case), and also by the testimony of William T. Coleman, a witness produced on the part of the petitioner, who relates a conversation which he heard between the petitioner and the defendant, at the petitioner's place of business, on or about February 28th, 1917, (pages 90 to 91

Case). That this dislike and antipathy was not caused by any ill-treatment on the part of the petitioner, is borne by the testimony of Elizabeth Shearer, a witness produced on the part of the petitioner, who testified that she had been living in the same house with the petitioner and defendant, and that the petitioner's treatment of the defendant was of the best, and that the defendant told this witness on two separate occasions, that she had a good husband, but didn't know how to appreciate it (pages 93 Case, ll. 10 to 20).

If the Court will peruse carefully **the letters offered in evidence** on behalf of the petitioner, we do not see how it can help arrive at the conclusion other than that this defendant was a woman of very low morals, and that the charge of adultery made by her husband against her is not extraordinary, in view of the moral condition of this woman. It does not seem to us, that a woman using the language that this woman did, and writing the letters that this woman did to her husband, would have much hesitation in surrendering her body to anybody, for the asking.

The Court, in dismissing the petition, among other things, said, "There was not only on the husband's part the motive of getting rid of an **unfaithful wife**, but there was the further motive of getting rid of her so that he might carry out obligations to another woman." (Top of p. 238.) It was not a motive of the husband to get rid of an unfaithful wife, but a right; and it seems to us from this finding of the Court, that the Court came to the same conclusion as the petitioner—that petitioner's wife had been unfaithful to him. As far as a motive for getting rid of his wife, so that he might carry

out obligations to another woman, we say that the testimony does not bear out this conclusion; and even if it did, that does not excuse the wife for her lack of regard for her marriage vows.

As was said in the case of *Dilatush v. Dilatush*, 98 Atl., p. 255 at p. 257:

“A husband’s desire to be rid of his wife, allowing her to pursue her own course, and failing to prevent her from committing adultery, is not such connivance as prevents him from securing a divorce.”

The evidence of the petitioner and his witnesses as to the occurrence on May 18th, 1917, is conclusive that the defendant did commit the act of adultery with a man unknown to this petitioner. The petitioner testified that on the 18th of May, 1917, he, with a Mr. Smith, a detective, and a Mr. Shearer, at about 10:30 P. M. went to the defendant’s house at 477 Valley road, West Orange (p. 10, ll. 10 to 40); that they went to the back door, and found that the door was open, and then they went to the kitchen, and passed into the dining-room; that when petitioner got to the dining-room, the first thing he saw was bottles of beer on the table and glasses, and that the light in the dining-room was dim, and that looking in from the dining-room to the parlor, he saw the defendant, his wife, and a man on the settee (p. 11, ll. 1 to 5); that the settee was about six feet long and between two and three feet wide (p. 11, ll. 10 to 13), and that the defendant, his wife, and a man, were in each other’s arms.

Further testifying, he said that the defendant had her arms around the man, and that when the man saw that there was somebody there, he made the remark, “Oh, my God,” (p. 11, ll. 15 to

20); that the man scrambled for his coat and hat, which was off; **that his trousers were open**, and that the defendant came to the petitioner and said, "You have caught me, and I am glad of it," and then, when she saw the other men with the petitioner, defendant got on her knees, and put her arms around petitioner and begged for forgiveness that she said, "**I know I have done wrong, but you don't care for me, and that is the reason I have done it.**" (P. 11, ll. 25 to 30.)

The petitioner described the man as being not quite as tall as he was, not quite as heavy, short and stout, and partly bald (bottom of p. 11); that when the man broke away from the defendant, he tried to button his trousers together (p. 12, ll. 10 to 13); that the man had a dark pair of trousers and a white shirt, and that he had his collar and tie off (p. 13, ll. 12 to 15).

Thomas Smith, a witness produced on behalf of the petitioner, testified that he was engaged in doing private investigating (p. 44, ll. 32 to 35), and that Mr. Wille, the petitioner, engaged him to do some detective work for him; that on the 18th of May, he ascertained that a certain man had gone into the house of defendant, and that he sent for Mr. Wille, and that at about 10:30 P. M., accompanied by the petitioner, and a Mr. Shearer, they went to the rear of the house, and opened the door, which was unlocked (p. 48, ll. 5 to 10); that petitioner went first, and that he, Smith, went second, and that he saw a man and the defendant in each other's arms, standing up; that he could see the defendant and a man, and it appeared as if they were getting up from somewhere from the side of the room, but he could not swear whether it was from a chair or from a tete; but that

afterwards he noticed that in that particular spot there was a tete, or a couch (p. 48, ll. 10 to 25).

The Court, in commenting upon the testimony of this witness, said that he could not believe any such story, because it was against human nature, that people, caught in the act of sexual intercourse, would rise in the manner stated. This witness did not state, anywhere in his testimony, that they were in the act of sexual intercourse, but simply stated that he saw them locked in each other's embrace. No two witnesses see things alike. The petitioner testified as to what he saw, and the witness, Smith, testified as to what he saw, and for the Court to say that it was against human nature for people caught in the act of sexual intercourse to rise in the manner stated, seems to us to be merely a conclusion from the Court's own mind, as to how people would act, under a certain set of circumstances. And again, for the Court to say that it was impossible for the parties to have committed adultery on a couch six feet long, and between two and three feet wide, seems to us, not to be giving due credit to a clear-cut statement of a fact.

The Court must remember that Mr. Smith was a detective employed by the petitioner to watch the defendant. It would therefore be very easy for Mr. Smith to enlarge upon his statements, and tell the Court a story which would include the witnessing of the very act of adultery of which this petitioner complains. He, nevertheless, refrains from telling anything but what he actually saw, and we think it is to his credit, because, being in the business he is in, he has told the truth, and in the weakness of this witness' story, lies its strength.

This witness Smith, further testified that the defendant went up to the petitioner, and pounding him on the stomach, said "**I don't care if you did catch me, you don't care for me anyhow;**" and that the man who was in the room with the defendant, exclaimed, "Oh, my God," and running for his hat and coat, ran out." (P. 48, ll. 30 to 40.) The witness further said that the man had no coat on, and that he had dark trousers, and that he didn't know whether he had a collar or tie on, but that the man was trying to get himself together; that he had his hands in front of his clothes, and that he seemed to be covered pretty well (p. 48, ll. 30 to 40, and top of p. 49), and also, that the petitioner said to him, "Try and find out who the fellow is" (p. 50, ll. 10 to 13).

He further testified that he had been watching the house of the defendant for about twenty or twenty-five days, and that he saw two different men go in and out of the house of the defendant while he was on the case (p. 61, ll. 25 to 30); that he saw a third man who called regularly on Tuesday and Friday nights (bottom of p. 61 to top of p. 62).

Another witness produced on the part of the petitioner, a Mr. Shearer, testified that he accompanied Mr. Wille and Mr. Smith on the 18th of May, 1917, to the house of the defendant, and that Mr. Wille went first, and Mr. Smith followed, and that then he followed; that they went through the kitchen and through the dining-room and parlor, and that he noticed a lady and man partly arising from some position; that he heard Mr. Wille say, "At last I have caught you," and that Mrs. Wille exclaimed, "I am glad you did, you don't care for me anyhow" (p. 78, ll. 1 to 40, and top of p. 7, ll. 1 to 10).

He further testified that the man was in his shirt, and that he had no coat or hat on, and that he was not sure whether he had a collar and tie on (p. 79, ll. 1 to 15). He further testified that there were some beer bottles on the table, and some glasses (p. 80, ll. 1 to 10).

Another witness produced on behalf of the petitioner was a man by the name of Joseph W. Hanley, who, at the present time, lives in New Brunswick, who testified that he was an agent for the Prudential Insurance Company, and that in the year 1916 he lived at Valley road, West Orange, opposite to where the defendant lived (p. 83, ll. 30 to 40, and top of p. 84, ll. 1 to 15); that at various times while he was living there, he noticed a man by the name of Foster, who lived downstairs in his house, call at Mrs. Wille's home; that he would go there at about 7:45 P. M., and sometimes he would come out between 11:30 and 12:00 o'clock (p. 84, ll. 20 to 35); that there was always a light in the kitchen, but that there was no light in any other part of the house; that on one occasion he saw Mrs. Wille washing the dishes, and that he saw this man Foster, drying the dishes for her (p. 85, ll. 10 to 18); that he saw several people go into the defendant's house at night (p. 85, ll. 27 to 30); that he saw a peddler's wagon on Saturday nights, and that the peddler would go in about 8:45 P. M., and he would stay, sometimes, until about 10:00 o'clock (p. 85).

Another witness produced, on behalf of the **defendant** testified on direct examination that Mrs. Wille invited him to her apartment (p. 169, l. 20), and when asked by the Court whether he ever committed adultery with the defendant, his answer was:

"A I don't care to answer that question, judge.

Q What do you plead, privilege? A No, but I don't think I want to incriminate myself, that is all.

Q Don't want to incriminate yourself?

A No, sir; I am a married man and got a child."

(P. 169, ll. 33 to 40.)

He further testified that he drank beer with the defendant on several occasions (top p. 199, ll. 7 to 11). From this witness' refusal to answer the direct question as to whether or not he did commit adultery with the defendant, we think the natural conclusion that we can come to, is that he did.

There was an attempt made by the defendant to discredit this man's testimony, **their own witness**, by trying to show, by one Peter Boyle, a witness produced on the part of the defendant, that the petitioner had offered Foster some money to get the best of his wife (bottom of p. 153 to l. 11); and that this Peter Boyle accompanied petitioner one night to meet Mr. Foster (p. 159, ll. 20 to 25). This man Boyle, who gave this testimony, was a man who was formerly employed by Mr. Wille as a chauffeur, and had been involved in several accidents, wherein Mr. Wille's taxi-cabs were damaged, and Mr. Wille, the petitioner, made a charge against Mr. Boyle, that in the last accident he, Boyle, had, he was drunk and that the petitioner discharged him (p. 156, ll. 1 to 20). On another occasion ne, Boyle, was arrested and put in jail because he became involved in an accident in the City of Newark while driving one of the petitioner's cabs, and that Mr. Wille, had to pay \$185.00 in order to settle for the damages. (Bottom of p. 156, to top of p. 157.)

A Mr. Shields testified on direct examination, that he had a conversation with this man Boyle, in which he said, "I am going to get square with that guy (meaning Mr. Wille), if I have to swear his life away." Mr. Wille, in addition, denied that he ever made any arrangements with a Mr. Foster to get the best of his wife (p. 216, ll. 10 to 20), and further, Mr. Foster, whom it seems, defendant took a great deal of trouble to get, and in fact, was subpoenaed by the defendant to appear at Court (top of p. 166), and was called in behalf of the State, absolutely denied the story told by Boyle, and absolutely denied that the petitioner had any talk with him with respect to his wife (p. 169, ll. 20 to 30).

With the refutation of the story told by Boyle, there is absolutely nothing in all the testimony which would indicate in any way, that Mr. Wille had offered Foster any money to involve his wife in a compromising situation.

Now, how does the defendant deny this charge of the petitioner?

We cannot see how anyone reading the defendant's story as to what occurred on the night in question, can be satisfied that it is a story consonant with innocence. With its very telling, it spells guilt, and we can demonstrate that, with very little trouble.

In the first place, the man with whom the defendant was found on the night in question, was a John Price, and we think, that beyond a question, the witnesses for the defendant established the fact that Mr. Price was the man who was there that night. The defendant testified to it (p. 166, ll. 17 to 20), John S. Chambers testified to it (p. 122, ll. 22 to 25), and the defendant's daughter, Florence Wille, testified to

it (p. 212, ll 20 to 21); and although this man Price denies that he was there on that night, we think that the good and sufficient reason is, that he is a married man with a family residing in Newark (p. 207, ll. 20 to 25).

The defendant testified that Mr. Price called at her house one afternoon, and was canvassing to sell pianos for the Griffith Company, and that her little girl came in and told Mr. Price that her daddy was thinking of buying her a piano; and that the defendant told Mr. Price to go and see her husband about the purchase of a piano (bottom of p. 190 to top of p. 191); and in a letter offered in evidence, and marked Exhibit P. 5, this defendant suggests to the petitioner that he should get a player-piano for the little girl Florence (bottom of p. 245 to top of p. 246).

She further testified that Mr. Price came to her house on the night in question, between 8:30 and 8:45 P. M. to fix the piano; that Mr. Price asked the defendant whether she had any objections to his taking off his coat. Right in the beginning, it seems strange that a man should come to make repairs to a piano so late in the evening, unless that was merely a blind, and he had come there by invitation or agreement. And again, why should he ask the defendant for permission to take off his coat, if that was necessary in order to make repairs to the piano, unless the defendant wished to account for the fact, that when the defendant's husband had arrived there, Mr. Price had his coat off; and again, why should Mr. Price ask the defendant to get down on the floor and watch what he was doing? And again, why the defendant's continual persistence that she refused to drink a glass of beer with Mr. Price, or any other man? It seemed that the reason she refused to drink the beer with Mr.

Price, was because she had some suspicion that Mr. Price had put something in the beer (p. 167, ll. 10 to 20). This man Price, who stayed at the home of the defendant on the particular night in question for at least an hour and one-half to two hours, was the very man whom Mrs. Wille, according to her own testimony, refused to have anything to do with, and on two occasions, ran upstairs to Mr. and Mrs. Chambers, complaining that "Here comes that Price again," and asking them to tell Price that she was not at home (p. 183, ll. 10 to 40, and top of p. 184, and p. 146, ll. 10 to 30); and when asked, on cross examination why she refused to see Price defendant answered as follows:

A Because I didn't like the way he acted, and the way he looked. I didn't think it was his place to be coming in there.

Q You said he wanted to be fixing the piano? A Even so, I didn't want him to come in; if I wanted the piano fixed I could telephone to Mr. Griffith. (Bottom of p. 183 to top of p. 184.)

The defendant did not want to have anything to do with Mr. Price, and refused to see him. Nevertheless, she testified that on the night in question, Mr. Price came to the house to fix the piano, and asked the defendant for a screw driver; that the defendant got a screw driver for Mr. Price, and even went so far as to go into the parlor and light the lights for him, so that he could see (p. 182 from top of p. 1. 20). If the defendant did not like the actions of this man Price, why did she receive him in her home at 8:30 at night, and why did she get the screw-driver for him to make the repairs to the piano; and why did she go into the parlor to light the light for him; and why did she engage in con-

versation with a man whom she said she did not like for a period of over an hour; and why, when this Mr. Price was sitting on the settee or couch, and trying to induce this defendant to sit on the couch with him, did she merely say, "Not I, it is getting pretty late" (p. 68, ll. 20 to 25). Are those the actions of a woman who did not want to have anything to do with a man; and are those actions of a respectable married woman, who, when a man, at that hour of the night, offered those insulting remarks to her, merely made the replies she testified to?

During this hour and one-half in which the defendant was engaged in conversation with Mr. Price, she testified that all Mr. Price did, was to try to get her consent to go to some cabaret in New York (p. 187, ll. 18 to 30), and also attempted to get her to drink some beer, and tried to induce her to sit on the couch with him (p. 168, ll. 20 to 30). The accounting by the defendant, of what occurred during this hour and one-half on that particular night, is so lame and weak, that it falls with its very uttering.

If, when the petitioner and the witnesses came into the parlor that night, and there was nothing wrong between this defendant and Mr. Price, *why did Mr. Price grab his hat and coat, and run out of the house, as the defendant says he did?* (P. 175, l. 8.) *Is that the act of an innocent man?*

The testimony of the petitioner and his witnesses was to the effect that she admitted that she had done wrong, and pleaded for forgiveness; and there is no testimony on the part of the defendant, wherein she denies this conversation, and wherein she denies that she admitted her guilt; and when the daughter, whom it is ap-

parent, had been under the tutelage and instruction of the defendant, was questioned as to whether she had not heard her mother ask for forgiveness from her father, her answer was very evasive; and when finally pressed to give an answer, she refused to give an answer (p. 213, l. 10).

This Mr. Price seems to have been a **frequent caller** at the defendant's house, coming on the average of twice a week, as is testified to by John S. Chambers, a witness produced on the part of the defendant (p. 122, ll. 22 to 25, and also p. 122, ll. 27 to 35). His wife, Mary Chambers, also testified to Mr. Price's visits (p. 45, ll. 31 to 33), and Florence Wille, the daughter, also testified to the effect, that on two occasions before this, she saw Mr. Price at the house at night, and that on one occasion, **he brought a box of candy** (bottom of p. 232).

Since this Mr. Price was a frequent caller at this defendant's house in the evening, and on one occasion had brought candy, in spite of the fact that he was a married man with a family, what possible reason could he have for calling on a woman, not living with her husband, in the evening, and drinking beer with her; and on this particular night, what possible reason would this man Price have to come to the home of the defendant with the intention of fixing the piano, as the defendant says, and not carry his tools with him? And does it not seem strange that a business man, having a family such as Mr. Price had, should call in the evening, after working hours, to do his work? Is it not rather a reasonable conclusion that this Mr. Price called that evening because he was invited there by the defendant, or by some arrangement he had with the defendant, whereby he was to call that

evening? Can it not be reasonably deduced, from the evidence, that this defendant committed adultery with this man Price on that very night in question, and could any reasonable man infer anything else, from the testimony which she gave as to what took place on that night, between her and Mr. Price?

The Court inferred that Mr. Wille, the petitioner, intended to marry a Mrs. Alice Newman, and we call the Court's attention to the witnesses produced on the part of the defendant to prove that fact.

With the exception of Mr. Boyle, and Mr. Fred Wille, two discharged employees of the petitioner, the defendant relied upon the testimony of Mary McMahan, who testified that she never saw Mr. Wille and Mrs. Newman riding together more than once or twice in a period of two years. (P. 148, ll. 25 to 30). Mr. Atchison, who was a news-dealer at the Mountain Station, South Orange, testified that he never saw Mr. Wille and Mrs. Newman on any late trains, coming from New York (p. 144, ll. 10 to 20). Mrs. Catherine Wille, testified that her son, the petitioner, never quarrelled about Mrs. Newman, and that she never told her sister Mrs. Coder, that her son was going to marry Mrs. Newman when he got a divorce (p. 95, ll. 10 to 20).

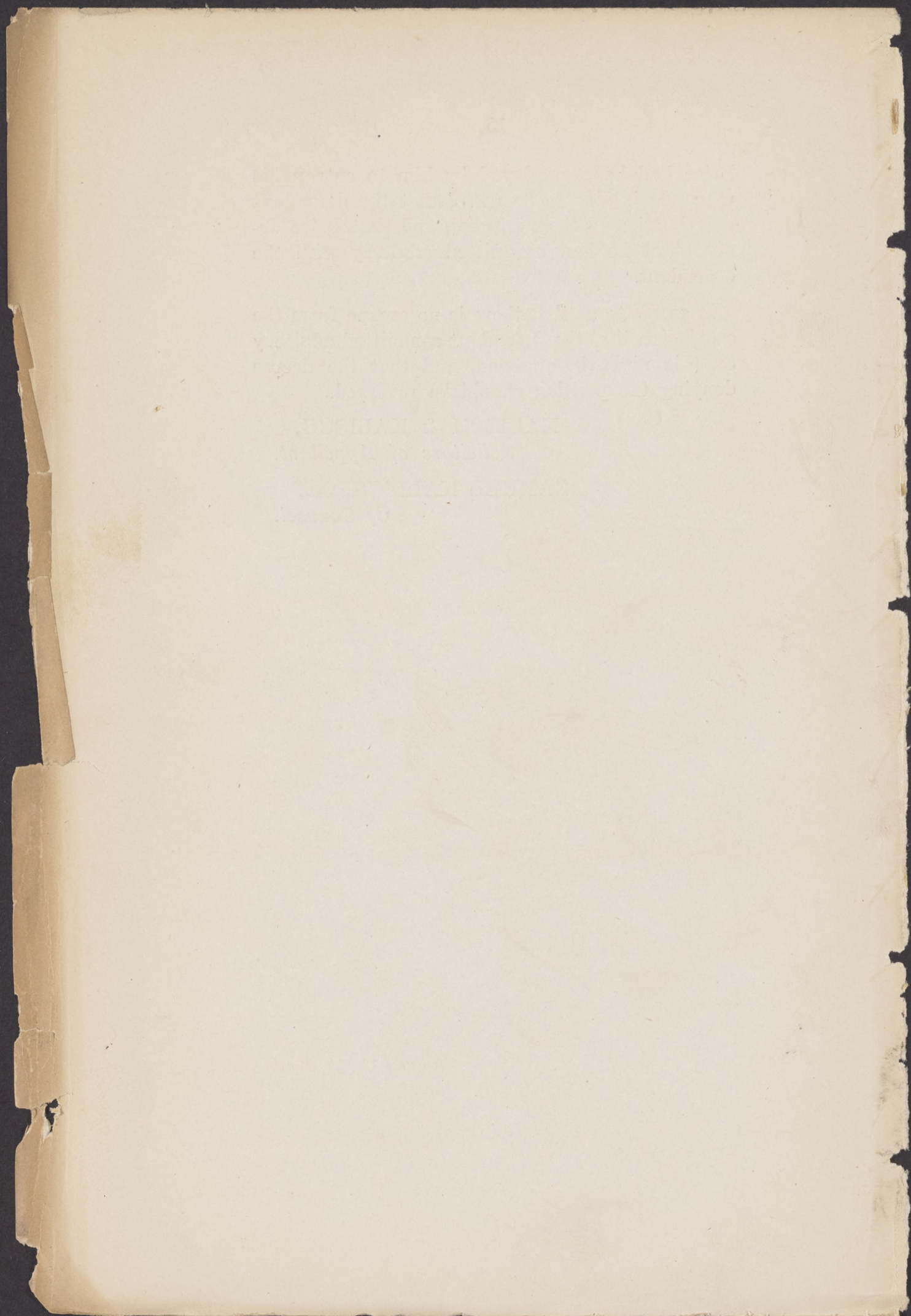
Further, if catching the defendant with Mr. Price on the night in question had been planned, as was said by the Court in his conclusions, then, necessarily, the petitioner must have known Mr. Price; and knowing Mr. Price, it is peculiar that he did not name Mr. Price as the co-respondent in his petition for divorce; and it is also peculiar that the petitioner, in proving his case, did not call Mr. Price as one of his witnesses, which he certainly would have done, if

Price had been employed by him to entrap his wife. It is also to be noted that the defendant called Price as their witness, and that Price denied that he had committed adultery with the defendant.

It seems to us that there is no escape from the conclusion that the defendant committed adultery on this night in question, and that the decree denying the petition should be reversed.

KALISCH & KALISCH,
Solicitors of Appellant.

SAMUEL KALISCH, JR.,
Of Counsel.



INDEX.

	PAGE.
Petition for Divorce	1
Answer	2
Opinion of Vice-Chancellor Lane	237
Order Dismissing Petition.....	251
Notice of Appeal	253
Petition of Appeal	254
Answer to Petition of Appeal.....	256

TESTIMONY FOR PETITIONER.

Charles Wille,	
direct examination	5, 215
cross “	15, 218
re-direct “	41, 219
re-cross “	43
Thomas Smith,	
direct examination	44, 83
cross “	50, 83
Charles H. Shearer,	
direct examination	77
cross “	80
Joseph W. Hanley,	
direct examination	83
cross “	88
William T. Coleman,	
direct examination	90
cross “	91
Elizabeth Shearer,	
direct examination	92
cross “	93
Ross H. Foster,	
direct examination	169, 196
John H. Price,	
direct examination	170, 205, 213
cross “	208, 213

	PAGE.
James Shields,	
direct examination	214
cross "	215
John Hartwick,	
direct examination	220
cross "	220
Lowell Markwith,	
direct examination	221
Arthur Haefner,	
direct examination	222
cross "	223
Catherine Seehusen,	
direct examination	224

TESTIMONY FOR DEFENDANT.

Catherine Wille,	
direct examination	94
Loretta Wille,	
direct examination	100
cross "	107
Fred Wille,	
direct examination	109
cross "	115
John S. Chambers,	
direct examination	118
cross "	121, 128
re-direct "	123
Emanuel Greenberg,	
direct examination	124
cross "	125
Benjamin Greenberg,	
direct examination	127
cross "	128
John J. McLaughlin,	
direct examination	130
cross "	130

	PAGE.
Louis A. Becker,	
direct examination	131
cross "	133
re-direct "	134
Emma Riley,	
direct examination	135
cross "	139
Sarah Grimes,	
direct examination	141
cross "	142
Josie Shearer,	
direct examination	142
Benjamin Atchison,	
direct examination	143
Mary Chambers,	
direct examination	144, 196, 235
cross "	147, 236
Mary McMahan,	
direct examination	148
Peter Boyle,	
direct examination	149
cross "	155
Mrs. Bridget Boyle,	
direct examination	160
cross "	161
Freda Koder,	
direct examination	161
Thomas A. Davis,	
direct examination	163
cross "	163
Lena Wille,	
direct examination	165, 173, 196
cross "	179
Richard J. Fitzmaurise,	
direct examination	171
cross "	173

	PAGE.
Florence Wille,	
direct examination	192, 211
cross “	193, 212
re-direct “	194
re-cross “	195
privately examined	225, 235

EXHIBITS.

	Offd.	Ptd.
Exhibit P. 1.....	42	242
Exhibit P. 2.....	42	243
Exhibit P. 3.....	42	244
Exhibit P. 4.....	44	245
Exhibit P. 5.....	44	245
Exhibit P. 5.....	191	246
Exhibit P. 6.....	50	247
Exhibit P. 7.....	50	248
Exhibit D. 1.....	161	250

Petition for Divorce.

Petition for Divorce.

Filed May 25, 1917.

In Chancery of New Jersey.

10

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

The petition of Charles J. Wille, of the Town of South Orange, in the County of Essex, and State of New Jersey, respectfully shows:

1. Your petitioner was lawfully joined in the bonds of matrimony to his present wife, Lena Wille, the defendant in this suit, in the month of December, nineteen hundred and seven, by a minister of the gospel at Newark, in the State of New Jersey.

20

2. Defendant, since her marriage to your petitioner, and on the eighteenth day of May, nineteen hundred and seventeen, committed adultery with a man whose name and identity is unknown to the petitioner, at West Orange, in the County of Essex, and State of New Jersey.

3. Petitioner and defendant were *bona fide* residents of the State of New Jersey when this cause of action arose, and they have ever since continued to be *bona fide* residents of this State down to the time of the commencement of this action, petitioner residing at South Orange, in the County of Essex and State aforesaid, and defendant residing at West Orange, in the County of Essex and State aforesaid.

30

4. Four children were born of the marriage aforesaid, to wit: Florence Wille, aged 10½ years; Charles Wille, aged 9 years; Fred Wille,

40

Petition for Divorce.

aged 6 years, and Harry Wille, aged 2½ years, who are in the custody of the defendant, who is unfit to have the custody of said children; and that the welfare of said children requires that they should be removed from her custody and restored to that of your petitioner.

- 10 5. Your petitioner prays, that the marriage between your petitioner and the defendant may be dissolved for the cause aforesaid, according to the statute in such case made and provided; and that your petitioner may be awarded the custody of said children of the marriage; and that he may have such further relief as may be just.

And your petitioner will ever pray, &c.

20 KALISCH & KALISCH,
Solicitors of Petitioner.

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

- 30 CHARLES J. WILLE, of full age, being duly sworn according to law, deposes and says: That he is the petitioner named in the foregoing petition and that the said petition is not made by any collusion between him and the defendant, but in truth and good faith for the cause set forth in said petition.

CHARLES J. WILLE.

Sworn and subscribed to before me,
this 21st day of May, A. D. 1917.

40 EVERETT T. FINDLEY,
An Attorney at Law of New Jersey.

Answer.

Answer.

Filed June 22, 1917,

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,
Petitioner,

and

LENA WILLE,
Defendant.

10

*On Petition
for Divorce.*

Answer.

The answer of Lena Wille, defendant, to the petition of Charles J. Wille, petitioner.

1. This defendant admits it to be true that petitioner and defendant were married as in said petition is alleged. 20

2. This defendant denies that since her said marriage, and on the eighteenth day of May, 1917, she committed adultery with a man whose name is unknown and whose identity is unknown to petitioner, at West Orange, in the County of Essex and State of New Jersey, as in said petition is alleged, or that she committed adultery with said person, or with any other person, at any time or place; but to the contrary, this defendant says that she has ever faithfully observed her obligations as the wife of the petitioner. 30

3. This defendant admits it to be true that the petitioner and this defendant were *bona fide* residents of the State of New Jersey when this supposed cause of action arose as alleged in the petition, and that this defendant has ever 40

Answer.

10 since continued to be a *bona fide* resident of this State down to the time of the commencement of this action, residing at No. 477 Valley road, West Orange, New Jersey, but whether the said petitioner has, ever since said supposed cause of action arose, continued to be a *bona fide* resi-
 10 dent of this State, as alleged by said petitioner in said petition, this defendant is without information, and neither admits nor denies the same.

4. This defendant admits it to be true that children were born of the marriage aforesaid, whose names are as stated in the petition; but denies that the ages of said children are as stated in said petition and says that the names and ages of said children are as follows:

20 Florence Wille, aged 11 years.

Charles Wille, aged 9 years.

Fred Wille, aged 3 years.

Harry Wille, aged 8 years.

She admits that all of the children are in this defendant's custody.

5. This defendant denies that she is unfit to have the custody of said children, but, on the contrary, says that she has faithfully cared for, and is now supporting said children, whose wel-
 30 fare require that they should continue under her care and control.

This defendant prays to be hence dismissed, with her reasonable costs and charges in that behalf most wrongfully sustained.

LENA WILLE,
Defendant.

40 HOWE & DAVIS,
Solicitors for Defendant,
 252 Main Street, Orange, N. J.

Charles J. Wille, direct.

October 1, 1917.

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,
Petitioner,

and

LENA WILLE,
Defendant.

10

Transcript of shorthand notes of testimony taken in the above entitled cause at Chancery Chambers, Newark, New Jersey, on October 1, 1917, before Hon. Merritt Lane, Vice-Chancellor.

20

APPEARANCES:

Mr. Samuel Kalisch, Jr., for the petitioner.

Mr. Thomas A. Davis for the defendant.

CHARLES J. WILLE, sworn.

Direct examination by Mr. Kalisch.

Q Mr. Wille, you are the petitioner in this case? A Yes.

30

Q And you are suing your wife for divorce? A Yes.

Q And when were you married? A Married about 1904.

Q Do you remember your wife's maiden name? A Yes.

Q What was it? A Lena Webber.

Q After your marriage where did you go to live? A Went to live in Orange Valley.

40

Charles J. Wille, direct.

Q And what business were you in? A Driving a taxi-cab.

Q And where did you live in Orange Valley? A On Chestnut street, the first street I lived on.

Q Were any children born of the marriage?

10 A Yes.

Mr. Davis. I think that is admitted.

The Court. That is admitted.

Q What were your relations with your wife up to the time you and she agreed to live apart?

Mr. Davis. I object to that because we contend there was no agreement to live apart.

20 *The Court.* It ought to be overruled on another ground. What difference does it make what their relations were? What are you going to try to show, adultery, prove constructive adultery.

Mr. Kalisch. No.

The Court. Absolute adultery? Actual proof of it?

Mr. Kalisch. Yes.

30 *The Court.* Then why go into this? If you are going to rely on inclination and disposition and opportunity, that is one thing, then this testimony would be important, but if you are going to rest your case upon positive proof of adultery it does not make any difference.

Mr. Kalisch. I say positive in this way, that she was found in a room with a man in a compromising position.

40 *The Court.* Well, if it is necessary I will permit you to recall this man, showing the relation existing between the parties.

Charles J. Wille, direct.

Q How long did you continue to live with Mrs. Wille? A I lived with her about nine years.

Q Can you give us the date when you ceased to live with Mrs. Wille? A About July 5, 1915.

Q And under what circumstances did that arise? A Under a quarrelsome disposition, &c. 10

Q Just tell the Court what happened? A She used to come up to my place of business, thinking nothing of hitting me, trying to lick me, calling me sons-of-bitches, bastards, bred under a black man, &c., and she has come out to my place of business more than once and pleaded with me for separation and we agreed to live apart, and I agreed to pay her so much, which I have done.

Q You say she pleaded with you for separation? A More than once. 20

Q And you say you agreed to live apart? A Yes, exactly.

Q Did she say how much she wanted? A She didn't, I made the price myself personally.

Q And where did she go? A She went to live in Orange.

Q Where in Orange? A She went to Alden street, first, then to Valley road. 30

Q Did you keep paying her, did you pay the rent of the house she lived in? A Exactly.

Q How much was that? A \$20 a month.

Q And did you give her any money besides? A I gave her \$15 a week up to the month of June when I was compelled to pay her \$25.

Q You mean under the order of the Court? A Exactly, outside of other contributions I made toward clothing the children, especially, I have done that as a side issue. 40

Charles J. Wille, direct.

Q What about the children, did they go with her? A I had one of them with me, tried to get more, but every time I had them she come up and raised such a stink at my mother's home I simply gave them up rather than have the disturbance, and keep the peace.

10 Q Where do you live? A I live with my mother.

Q Where is that? A That at the present time is 380 Meeker street, South Orange.

Q And while you were living apart did your wife ever come to your place of business? A She did.

Q For what purpose? A Came there to slander me, called me sons-of-bitches, bastards.

20 *The Court.* Strike that out. I told you I am not interested in this.

Mr. Kalisch. I want to show the woman's disposition.

The Court. Go on, but you are wasting time.

Q When was this that you discovered your wife in this act of adultery? A On May 18th.

Q What year? A 1917.

30 Q Now, just tell how you were apprised of what took place? A Well, I hired a couple of men. Different complaints of the neighbors, the way things had been running on down there, &c.—

Q Complaints in the neighborhood of what? A Different men going in there.

Q What were the complaints? A The complaints was they didn't think it was right—

40 *Mr. Davis.* I object to complaints, if your Honor please, unless the names are given.

Charles J. Wille, direct.

thing about it. A Mr. Joseph Hanley, one man thing about it. A Mr. Josph Hanley, one man that is in the navy at the present time, a man named Williams, also a man named Foster came up to my place of business.

Q What did this man Hanley tell you?

Mr. Davis. I object. I object to anything he said; I object to anything told by Hanley to Wille. 10

Mr. Kalisch. About the goings on of his wife.

The Court. How is that evidential? Hearsay purely.

Mr. Kalisch. Merely for the purpose of showing why he employed these detectives.

The Court. I overrule it. 20

Q As a result of the complaints you heard from Mr. Hanley and from Mr. Foster what did you do? A I simply went and hired several men to watch her.

Q Who were the men? A Mr. Cosgrove sent several men down there, but I felt I couldn't afford it, so one of the men I telephoned to and made arrangements with him to see what he could do for me. I was tired of hearing this different gossip and wanted it settled one way or the other. 30

Q Who was that? A A man named Mr. Smith.

Q What did Mr. Smith tell you, if anything, on the day that this occurred?

Mr. Davis. I object.

Overruled.

A Mr. Smith came over to me about 10:30 and said—

Mr. Davis. I object to what he said. 40

Charles J. Wille, direct.

The Court. What he said may be stricken out.

Q As a result of what Mr. Smith told you what did you do? A I went over to the place where Mr. Smith was; he told me to stay in back of the house, which I did.

10 Q Which house? A Her house.

Q Where was that? A 477 Valley road, West Orange.

Q What time of night was it? A We got there I should judge about ten minutes to eleven, and he came back to me and said, "They are in the parlor," and I said, "What do you want to do?"

20 *Mr. Davis.* I ask that this conversation be stricken out.

Q Don't state the conversation; just state what you and Mr. Smith did, not the conversation, just what you and Mr. Smith did, not what you said? A Mr. Smith told me—

The Court. Do you know the difference between what you did and what was told you?

A I do.

30 *The Court.* Then please observe it. Don't tell us anything Mr. Smith told you.

A I decided to go to the back door and break the door in; I got to the back door and found the door open and walked in.

40 Q Who accompanied you? A Mr. Smith and a man named Mr. Shearer; we got to the dining-room, the first thing we saw was bottles of beer on the table and glasses; the light was very dim.

Charles J. Wille, direct.

Q Where was that light that was dim? A In the dining-room, which leads right to the parlor, and with open door, and on the settee there was the both of them.

Q What kind of settee was this? A I should judge small settee of parlor suit.

Q Can you give us the length of it? A I should judge the settee was about six feet long. 10

Q And give us the width of it? A About three feet, perhaps two feet and a half, and when I approached them they got up.

Q Who got up? A They both were in one another's arms.

Q Who got up? A Both of them together, he got up first and she got up after.

Q (*By the Court.*) What do you mean by in each other's arms? A She had her arms around him, and when he seen that there was somebody there he passed the remark, "Oh, my God!" and he scrambled for his coat and hat which he got, it was off, and the position he was in, his trousers open, and he got away. My wife came to me and started to try and lick me, she started to hit me right off the real; she said, "You have got me and I am glad of it." Then when she seen the other men with me she says to me, she got on her knees and put her arms around me and begged for forgiveness. 20

Q What do you say she said? A She said, "I know I have done wrong, but you don't care for me, that is the reason I have done it." 30

Q This man that you found that you say you saw your wife have her arms around, how tall was he? A A man not quite as tall as I am, not quite as heavy, short and stout and I think partly bald. 40

Charles J. Wille, direct.

Q Would you know him again if you saw him?

A I think I would.

Q What did you say about the man's trousers? A Why, when he broke away from her he simply grabbed himself together.

10 Q Where did he put his hands? A He clasped his hands where I am clasping mine.

Q The stenographer has got to get it. A He tried to button himself together, that is more distinct.

Q (*By the Court.*) How many rooms in that apartment? A I seen three of them the night I approached there, kitchen, dining-room and parlor.

Q (*By the Court.*) Was there a bedroom? A I couldn't say, I wasn't in them.

20 Q (*By the Court.*) Was the parlor lighted? A No, it was not.

Q (*By the Court.*) Dark? A The dining-room was lighted and it threw the light into the parlor.

Q Was it gaslight or electric light? A Gaslight.

Q And was it full on, the gas? A No, it wasn't, it was half.

30 Q (*By the Court.*) In the dining-room? A Yes, sir.

Q You say there was beer bottles on the table? A Beer bottles on the table, also glasses.

Q (*By the Court.*) Who was living there in the same house with her? A As I understand a party named Chambers was living in the other apartment.

Q (*By the Court.*) Man or woman? A Man and woman both, I believe.

40 Q (*By the Court.*) Where were the children? A The children must have been asleep, because when I went in there I heard them crying.

Charles J. Wille, direct.

Q (*By the Court.*) Where were the Chambers people? A That I don't know.

Q (*By the Court.*) You didn't see them? A I did not. The remark I passed was, "I don't care to raise a disturbance, I don't care to have the children know anything about it." The child was crying when I approached the place. 10

Q It was one of your children, was it? A I imagine it was, it was downstairs.

Q Did you notice what kind of suit he had on? A I didn't notice; all I seen was a dark pair of trousers and white shirt.

Q Did he have a collar on? A He had his collar and tie off.

Examined by the Court.

Q When you went in there and saw them sitting on the settee how were they sitting? A They were not sitting, they were laying toward one another. 20

Q You mean lying lengthwise? A Exactly. There was the settee, they were laying this way (indicating); when I approached them they jumped up in one another's arms.

Further direct examination.

Q What did this man do, when he said, "Oh, my God!" What did he do? A He just simply broke away from her, picked himself together and tried to get out, which he did. 30

Q Did he walk out? A He run out with his head down.

Q (*By the Court.*) Did you try to stop him? A I did not; I didn't care to have any disturbance in the place.

Q (*By the Court.*) You broke in the door, didn't you? A I did not, I went to the door and 40

Charles J. Wille, direct.

found it open, went with the intention of breaking it open, but found it open.

Q (*By the Court.*) Which door? A The back door, kitchen door.

Q (*By the Court.*) Then went through there and into the parlor? A Yes, sir; I hesitated
10 in the dining-room and felt nervous, Mr. Smith urged me to continue on.

Q (*By the Court.*) Those three men coming up the stairs, didn't they make any noise? A Evidently they did not; evidently they did not hear us or we wouldn't have caught them in the position they were in.

Q (*By the Court.*) Didn't you make any noise coming upstairs? A No.

Q (*By the Court.*) Were the kitchen stairs
20 carpeted? A That I can't say.

Q (*By the Court.*) Was the dining-room carpeted? A There was a rug on the dining-room floor.

Q (*By the Court.*) Did you walk on the floor? A Yes.

Q (*By the Court.*) The rug was just under the dining-room table, wasn't it? A No, covered practically the whole floor.

Q Did you notice whether the bottles of beer
30 were full? A Several of them full and several of them empty.

Q What was the date of this? A May 18, 1917.

Q (*By the Court.*) When was the separation? A Why, we separated July 5.

Q (*By the Court.*) Nineteen what? A 1915.

Q (*By the Court.*) This was about two years
40 after your separation? A Yes, sir.

Charles J. Wille, cross.

Cross examination by Mr. Davis.

Q Where are you living? A Living at my mother's, 380 Meeker street, South Orange. I have been living with her ever since the time my wife and I have not been living together.

Q And your wife and you at the time you separated were living where? A In Meeker street, South Orange. 10

Q And at that time you had the four children, didn't you? A Yes.

Q And when you left Meeker street, South Orange, where did you go to? A To my mother's directly.

Q Where is that? A At that time she was living on Valley street, Orange.

Q Not far away from where your wife was living? A About two blocks or so. 20

Q And you say that during all the time you have been separated from your wife you have lived within a short distance of her, haven't you? A No, not within a short distance, not within a short distance of my wife, no.

Q You lived in South Orange and she lived in West Orange? A She lived in West Orange.

Q And all during the day your place of business was in West Orange, wasn't it? A South Orange, principally. 30

Q You run a garage, don't you? A I don't run a garage, no.

Q What do you do? A I run a taxi business.

Q And your office of the taxi business is in West Orange? A West Orange and South Orange, both; my principal place of receiving my telephone calls is Mountain station and my hack stands there. 40

Charles J. Wille, cross.

Q During all the time you have been away from your wife you have known where she has been living? A Exactly.

Q And you never had any difficulty in ascertaining where she had been living at all, have you? A What do you mean, in what way.

10 Q Where she was living? A I knew where she was living because I had to pay the rent.

Q And during all of the time that you were living away from your wife you had various men watching her, didn't you? A Only on these complaints of these neighbors; they told me of the different things that was going on there.

Q Will you mention the neighbors who told you things, who was it that told you anything? A Mr. Joseph Hanley was one.

20 Q And who else? A Mr. George Williams, he is in the navy at the present time.

Q And the man named Smith? A Mr. Smith is the man I had there to watch.

Q And a man named Foster? A Foster, he is intimate friend of hers; the first I heard of him was through an accident that he caused in her yard on the 4th of July.

Q Now, you say that your wife and you agreed to a separation? A Yes.

30 Q Isn't it a fact that you left your wife and took your things away from her house when she was down with her mother, when she and her children were down with her mother at Woodbridge where you had sent her in the summer of 1915? A I didn't send her.

Q You brought her there in your automobile, didn't you? A No, I didn't bring her there; she went on these trips of her own free will.

40 Q Isn't it a fact that every summer she and the children spent some time in her mother's

Charles J. Wille, cross.

place in Woodbridge? A She had been in Camden and she will admit that.

The Court. Answer the questions and no more.

Q Isn't it a fact that every summer since you got married to your wife that she spent some time at Woodbridge with her mother? A Not every summer. 10

Q Nearly every summer? A Not every summer.

Q Almost every summer? A That I can't say, because she has been away and I haven't received word from her.

Q Since you have been in the taxi business isn't it a fact that in the summer of 1915 your taxis or your automobiles brought her and the children down there? A No. 20

Q How did she get there? A She went to the train and went down; I have taken her trunk to the station.

Q And you took her trunk and took the children to the station, didn't you? A Not always.

Q In July, 1915? A I can't recollect it.

Q She was away then for five weeks, wasn't she, in the summer of 1915, at her mother's? A I can't say how long. 30

Q Several weeks? A She was away quite a time.

Q And isn't it a fact that while she was away that you moved your bedroom furniture to your mother's and left her and the children? A Not until she came home that following day for something she claimed she forgot and came over to my place of business and raised a disturbance there and calling me violent names and chased me across the track, and I said, "I am through." 40

Charles J. Wille, cross.

Q Then you moved your things away? A I did, exactly.

Q And you have lived away from her ever since? A I did.

Q And never tried to make any reconciliation?
 10 A I never had the chance to try; every time she approached me she wouldn't let me.

The Court. You listen to me; you answer that question yes or no; your counsel will take care of you on re-direct examination.

A What is the question?

Q Did you ever try to become reconciled with your wife since you left your wife in July, 1915?

A Did I ever try?

Q Yes. A I haven't had the chance to.

20 *The Court.* That may be stricken out. Did you or not?

A Well, as I say—

The Court. Strike it out. Yes or no. Did you try or didn't you?

A I will have to say yes; I haven't had the opportunity to do it.

30 *The Court.* Strike out all the rest. He said he did try.

Q When did you try since July, 1915, to become reconciled to your wife? A Different occasions.

Q And in what way? A Well, when she would meet me I would try to talk to her and instead of her letting me try to talk to her she would start these violent words and try to lick me, &c., which I couldn't talk to her.

40 Q Did you ever go to your wife and ask her to come with the children and live with you? A

Charles J. Wille, cross.

No, I did not, because she agreed to live apart from me; we could not get along.

Q Isn't it a fact that instead of your wife agreeing to live apart from you that the reason why you and she separated was on account of your familiarity with another woman named Newman? A No.

10

Mr. Kalisch. I object. It is merely denial of this adultery; there is no charge by way of answer that this petitioner has committed adultery with anybody or committed any matrimonial offense.

The Court. I will permit the answer; there is a third party.

Mr. Kalisch. I will take exception.

The Court. There is no exception in this court. The State is involved.

20

Q And isn't it a fact that you separated from your wife in July, 1915, shortly after your wife found in your pockets a picture, a woman's picture, and talked to you about it? A No.

Q And isn't it a fact that you had a fight with your brother Fred in which you beat your brother Fred because you charged him with bringing the story to your wife of your familiarity with this woman? A No.

30

Q You say you did not? A I did not.

Q When your wife came home that time, that day, did she bring the children with her? A No, she did not.

Q The children were still at Woodbridge? A Yes.

Q When did she come home and bring the children? A I don't just recollect the date she come home.

40

Charles J. Wille, cross.

Q How many weeks after that? A I don't know; it might have been a week, might have been two, I don't know.

Q When she came home and brought the children you had already moved your things up to your mother's? A Yes, I had.

10 Q And from that day to this you never lived with your wife or children? A No.

The Court. Judge Davis, don't repeat.

Q Is it not a fact, Mr. Wille, that your wife shortly before you left the house and about the time that your last child was born took you to task for being familiar with Mrs. Newman? A No, she did not.

20 Q Wasn't Mrs. Newman's name mentioned between you and your wife? A Every woman that came to my place of business to do anything with me was mentioned.

Q Wasn't Mrs. Newman's name mentioned by your wife? A I don't recollect it, no.

Q Didn't your wife on several occasions go to your garage after you started to employ Mrs. Newman and object to her presence there? A She came and raised a disturbance, &c.

30 Q Didn't she object to your employment of this woman? A She wanted to know why I had this woman there; I said I had the privilege to hire whoever I saw fit.

Q She objected to her presence at your garage, didn't she? A That I don't recall.

Q What were you recalling a moment ago? A I am recalling a moment ago I had her hired there, she is still there yet.

Q You told your wife you had a right to hire whoever you saw fit? A Yes.

40 Q The reason you told her that was she objected to Mrs. Newman being there? A That

Charles J. Wille, cross.

I don't recall, whether she objected that way, she spoke of the woman, what she said I don't know.

Q (*By the Court.*) What was she hired as?

A She was hired as operator and bookkeeper, &c.

Q (*By the Court.*) What do you mean by operator? A Telephone. 10

Q And in the face of your wife's objection to her you continued to hire her, didn't you? A She was there, she was acquainted with the business, understood the business, being there a length of time, and there was no reason why I should make a change, because she was satisfactory.

Q As I say, in the face of your wife's objection to her being in your garage you continued to hire her, didn't you? A Naturally, she was there in her position. 20

Q Didn't you continue to hire her? A Yes.

Q Down to the present time? A Yes.

Q And you frequently went out automobiling with her? A With her in company with my brother and sister who is sitting there, yes.

Q And you bought a house and put it in her name, didn't you? A I did not, no. 30

Q Didn't you buy the Central Place house and put it in her name? A No, sir; I did not; her father gave her the money to buy that place.

Q What is her father's name? A John Hardwick.

Q Now, Mr. Wille, on the night of May 18th, 1917, where were you that night? A Sitting in my office.

Q And you had employed Smith, was that his name? A Yes. 40

Charles J. Wille, cross.

Q And you say about half-past ten Smith came to your office and told you something? A Yes.

The Court. Over your objection I am going to ask what he told him; you may have your objection on the record.

10 A He told me, he said there was somebody in the house; the remark I passed to Mr. Smith, "I have heard this thing so darned often of you, if I go there I am going to break in and see who is in there"; that is the remark I passed to Mr. Smith.

Examined by the Court.

Q That is all that was said between you? A Exactly; then we went over.

20 Q You had heard these things several times before? A I had, yes.

Q Somebody came to you and reported practically the same thing? A The same thing.

Q That some man was in the house there with her? A Yes, sir.

Q And you had not gone over before that, had you? A I went over different occasions.

30 Q What did you find? A I went over there one night and found the lights out, and stood there a length of time, and the lights were lit and a man went out of the front door.

Q What do you mean lights out? A The lights were out when I went there.

Q The whole house? A The whole flat below.

Q Then you watched there for how long? A An hour or so.

40 Q And the house remained dark all that time? A Yes, sir.

Charles J. Wille, cross.

Q For an hour or so? A Yes, sir.

Q Sure of that now? A Yes, positive.

Q The whole flat remained dark for an hour or so? A Yes, sir.

Q What time of night was this? A I should judge around the hour of nine.

Q And after waiting for that hour some man went out of the front door? A I finally stayed there and found the house was lit, waited a few minutes, and somebody left the front door. 10

Q You said the house was dark for an hour, for an hour or two hours at nine o'clock, then the lights were lit and some man left the front door. Any other occasion you watched this house? A I went there on another occasion and the same thing has happened.

Q What same thing? A As I just repeated. 20

Q How many occasions have you been there? A Two or three.

Q And it always happened about the same hour? A Yes.

Q And about the same thing happened? A Yes.

Q That the house would remain dark for an hour or two hours? A Yes.

Q Then would be lit up and some man would leave the front door? A Yes, sir. 30

Mr. Kalisch. May I ask a question there?

The Court. When I get through you can ask all the questions you please.

Q How long before the time you went with Smith was it that you observed this occurrence the last time, I mean how much time elapsed between the last time you observed this and the time you went after? A I imagine it was a 40

Charles J. Wille, cross.

month or so; he had been over different times between, though.

Q You never thought of breaking in when the house was dark? A I did several times, but I felt if I did I wouldn't get nothing.

10 Q Why not? A Because at the present time we could not distinguish whether there was anybody in the house or not until we seen them come out.

Q Did you ever watch there to ascertain whether or not anybody went in? A I myself personally, no.

Q Did anybody else for you? A Mr. Smith has, yes.

20 Q When did he say the man went in? A He used to watch there Tuesdays and Fridays.

Q And what time did the man enter the house? A Well, that he can say more than I can.

30 Q You tell me what he told you? A He used to come over to me occasionally and tell me there was somebody in there, but he says, he used to tell me there was a party in there he could tell from the way the house looked, &c., and heard them talking, but he advised me to wait.

Q Did he ever tell you that he had seen the man enter the house? A Yes, he had.

Q Did he tell you that he had seen the man enter the house on any one of these occasions, you went there and found the house dark and waited until the man went out? A That I don't remember, no.

40 Q Then when he told you he had seen the man enter you did not go watch? A He told me he had seen a man enter; several occasions he came

Charles J. Wille, cross.

there, by the time he waited for me to come in the office it was too late.

Q Was it the same man? A I don't know; Mr. Smith will have to vouch for that.

Q Didn't Mr. Smith tell you? A Mr. Smith give me description of the man that went in there.

Q Did Mr. Smith tell you it was the same man that went in there or that there were several men going in there? A He told me there was men going in there; he didn't say whether there were several or not.

Q Do you want me to believe a detective employed to watch this place would leave you in doubt as to whether it was the same man or several men? Don't ask me to believe an impossibility. Do you mean to sit here on this stand and tell me that that detective did not tell you that there was one man going there persistently? A He told me there was men going in the house.

Q And you didn't know or have any idea as to whether it was one man or several men? A I knew it was one man; I didn't ask him whether it was several.

Q Did you think it was the same man each time or a different man on different occasions? A It was different men, because I seen different men stopping there myself personally; a peddler used to stop there at nine o'clock at night and never leave there until 11:30.

Q This huckster, when was it you first knew this huckster went there? A Why, three or four months or so.

Q Before this raid? A Yes.

Q How did you know that he went there? A I was told of his stopping there.

Charles J. Wille, cross.

Q Told that he was stopping there? A Yes.

Q You mean leaving there? A I was told he stopped there at about nine o'clock.

Q And left when? A He left at the hour around 10:30; he would stay there an hour
10 or an hour and a half.

Q Did you try to investigate that and find out whether there was anything in it? A I went over there and saw it myself, but couldn't prove anything.

Q What did you see? A I saw when he went in there, there was no lights lit.

Q He went in in the light? A Yes; I knew that one thing, I seen it with my own eyes.

Q Lights were out when he went in? A
20 Yes.

Q The entire flat? A Yes.

Q He stayed there for how long? A An hour to an hour and a half.

Q Then what happened to the light? A Several times I was over there, three or four different times, sometimes they would light when he would leave, light in the kitchen.

Q You are perfectly certain when you went
30 over there and the huckster went in the entire house was in absolute darkness? A Darkness.

Q Did you see how he got in? A He went around the back door and went in, the electric light showed that, you could see him going in.

Q That is the electric light on the street? A Right on the corner.

Q How many times did that happen? A To my knowledge two or three different occasions, while I was there.
40

Charles J. Wille, cross.

Q And you didn't break in then? A No, I did not.

Q Why not? A Because I didn't have anybody with me for evidence enough to stand in back of me, that is why.

Q Do you want any more evidence than a huckster going in the house, in a dark house, and staying there for an hour and a half and coming out, the house in perfect darkness, do you want any more evidence than that? A I wanted to convince myself; I wanted to clear my conscience, when I got what I wanted I got it clear, which I did get. 10

Q Have you any idea who this man is you found your wife with? A No, I have not, I haven't the least.

Q How would you describe him? A I described him as a short, stout man, not quite as heavy as I am, or quite as tall, partly bald. Q Dark or fair? A That I really couldn't say; he held his head as he went out. 20

Q Was he a man that you could lick? A That I didn't know at that present moment; I think anybody caught in that position would put up an awful fight; I wouldn't care to be mixed in it and raise a disturbance.

Q He said nothing and you said nothing; he said, "Oh, my God!" And you said nothing to him? A After my wife got through wanting me to forgive her I think I passed the remark to Mr. Smith, "Try and find out who he was," that is the remark I passed to him. 30

Q In the first place your wife said she was glad you caught her? A Yes, that is the first remark she made.

Q What caused her to change her mind, do you think? A When she seen the other men standing with me; she thought I was alone. 40

Charles J. Wille, cross.

Further cross examination by Judge Davis.

Q You went from your place then over to 477 Valley road, where your wife was living?

A Yes.

Q Who did you take along with you? A Took Mr. Shearer.

10 Q What was his first name? A Charles.

Q And who else? A Mr. Smith.

Q And who else? A That is all.

Q Didn't you take a man named Beyers? A No, I did not.

Q Did Mr. Shearer go into the house with you? A He did.

Q And also Mr. Smith? A He did.

Q When you got to this house, 477 Valley road, what did you observe as to the front of it, whether the place was lighted up or not?

20 A Why, I seen the light dim in the dining-room.

Q Couldn't you see that from the front?

A No, you couldn't.

Q Did you look in the front first? A I didn't go near the front.

Q You went around the back? A I went around the back; Mr. Smith went to the front, not me.

30 Q When you went around in the back you found a light lighted in the kitchen, didn't you? A There was no light in the kitchen.

Q Nothing at all? A No.

Q The kitchen door was open? A The kitchen door was open, found it open.

Q And you walked in through the kitchen, you found a light in the dining-room, which is next to the kitchen, and then you went from there into the parlor? A We didn't go into
40 the parlor.

Charles J. Wille, cross.

Q You didn't go into the parlor? A No, we stood at the door of the parlor; the dining-room and the parlor are adjoining.

Q Could you see from the dining-room into the parlor? A Yes.

Q Was this couch or settee at the right of the dining-room? A Right opposite the dining-room door; right in the corner. 10

Q So that standing in the dining-room you could look right in the parlor? A Get a perfect view.

Q How far did you have to progress in the dining-room before you could get this view in the parlor? A We were over halfway through it.

Q There you stopped? A We stopped. 20

Q Why didn't you go in the parlor? A I seen all I wanted to see; there was no good in my going any further.

Q What did you want to see? A What I did see.

Q You were hoping to find your wife in that position or condition, weren't you? A I went in there with the expectation of finding her untrue to me.

Q You were expecting that for a long time? A Only from hearsay; I didn't put it against her at all; I wanted to prove my own conscience. 30

Q Prove your own conscience? A That it was, I wanted it clear.

Examined by the Court.

Q When you went in that flat where did you expect to find her? A According to Mr. Smith, find them in the parlor. 40

Charles J. Wille, cross.

Q Did Mr. Smith say he knew they were in the parlor? A He went up the front and found out and came around back and told us about it.

Q He heard them talking in the parlor? A Yes, sir.

10 Q From what position in the front of the house? A He can tell you that better than I can.

Q Why didn't you go up the front stairs? A The reason I wouldn't care to go up the front, if we did they might have heard us and we wouldn't have seen anything and it would not have done us any good.

Q Any more danger going up the front than the back? A Yes, lot of danger, it would
20 have been a signal to them.

Q There were four children there, weren't there? A I don't know how many was there, I didn't see them.

Q All your children were living with your wife, weren't they? A I don't know whether they were or not.

Q How many rooms are there in the flat which your wife occupied? A I don't know.

30 Q Were you never in it? A I was never in it before.

Q Who went in first? A I did.

Q And who was next after you? A Mr. Smith.

Q How far behind you was he? A Right up to me, couldn't have been over a foot or so.

Q Was he back of you or what? A Right in back of me.

Q Was anyone back of him? A Mr.
40 Shearer.

Charles J. Wille, cross.

Q And as you advanced into the dining-room you got about halfway into the dining-room? A I got over halfway, I should judge I was over two or three feet from the front door of the parlor, then they stepped side by side with me.

Q Did they say anything to Mrs. Wille? A 10
I don't remember.

Q Did either of them try to stop this man?
A Mr. Smith, I believe, tried to find out who he was.

Q Did he ask him who he was? A He can tell you that better than I can.

Q Well, while you were there did you hear Smith ask this man who he was? A I passed a remark to Smith to find out who he was and Mr. Smith went and tried to find and locate 20
him, went out right after he went out.

Q What room did this man go out of? A We were on the right of the dining-room coming in, he went out the left.

Q What room did he go out of? A The kitchen door, the same way we came in.

Q The front door is the easiest way of going out, wasn't it? A That I couldn't say, that depends.

Q Don't you know where the front door 30
was? A I knew about where it was.

Q He had to pass you to get out of the back door? A Yes.

Q He passed you to go out the back door?
A Yes.

Q Why didn't he go out the front door?
A That I can't say.

Q In other words, he ran right into you men? A He was within seven or eight feet of me when he ran past me. 40

Charles J. Wille, cross.

Q Three men there standing between that front door could have stopped him if you wanted to? A I couldn't at the time, because I was too nervous.

10 Q Three of you could have stopped him standing there in that doorway if you wanted to stop him? A If they felt they could stop him that would have been up to them; they might have got hurt, I suppose, on the impulse of the moment.

Q Can you tell me any reason that you can surmise, any reason why that man should run right into your arms where you could have stopped him when he could have gone out the front door? A I think Mr. Smith tried to stop him; that I don't know.

20 *Further cross examination by Mr. Davis.*

Q How was your wife dressed? A Why, she had a white skirt on and white waist.

Q And how was this man dressed? A Why, from what I seen he had a black pair of trousers and white shirt.

Q And when you made your presence known he had no coat on, did he? A He did not, no.

30 Q And you say his collar and tie were off? A Were off.

Q What did he do with regard to picking up his coat and collar and tie? A That I don't know; as soon as they broke away she came over and started to hit me.

Q Did he start to pick up his coat? A He did.

40 Q His collar and tie? A That I don't know.

Charles J. Wille, cross.

Q Did he have his hat on when he went out? A I couldn't say.

Q Did you see him pick up his hat? A That I couldn't say.

Q You didn't find any collar and tie there? A Didn't look for any; the children started crying and I walked out. 10

Q How many children started crying? A Several of them started crying when the rumpus started; I didn't want any disturbance.

Q What rooms did you find then they were in? A I didn't know what rooms they were in.

Q Weren't they in rooms off of the parlor or dining-room? A That I can't say.

Q Why not? A Because I didn't look for them. 20

Q You heard them cry? A I didn't know how many were in the flat.

Q You heard them cry; couldn't tell whether they were in the room next to you? A I couldn't tell whether they were or not.

Q Couldn't you tell whether they were in the room off of the room your wife was in? A No, I couldn't.

Q How long did you stay there then after you came in? A I should judge I was there about ten minutes. 30

Q And did you chase this man? A I did not, no; I asked Mr. Smith personally to try and find him, he was to try and get him.

Q And did Smith or did Shearer or did you—you did not, you have answered that—did Mr. Smith or Shearer, as far as you could see, chase after this man? A Mr. Shearer went out after Mr. Smith. 40

Charles J. Wille, cross.

Q You don't know whether either one of them chased the man? A I don't know; I wasn't there when they went out.

Q Do you see that man in the court room now? A No.

10 Q Did you examine the people that were in the court room? A I did thoroughly.

Q Do you see anyone in the court room that looks like him? A I do not.

Q And have you seen the man since? A No, I have not.

Q You saw his face that night, didn't you? A I saw part of it, yes.

Q What part of the face did you see? A I saw side face, he hung his head and went out.

20 Q That is all you saw? A That is all I saw.

Q You do not think you would recognize him again if you saw him? A That I do not know.

Q Now, Mr. Wille, the peddler or huckster that you mentioned in response to the Court's question, you know who that is, don't you? A No, I don't.

Q Don't you know that that huckster is a man named Greenberg? A No, I don't.

30 Q You saw his wagon? A I have seen his wagon, but it has always been in the dark and could not distinguish what was on the wagon.

Q There was something on the wagon? A I don't know.

Q Did you go to see? A I didn't go close to his wagon.

40 Q You saw a huckster's wagon drawn up in front of your wife's place and you say that that huckster went in there and stayed for an hour and a half and you never took the trouble to go

Charles J. Wille, cross.

up to the wagon and find out what name was on it, did you? A No, I did not.

Q Why not? A Afraid they might see me, that is why.

Q Did you have any of your numerous detectives go over and find out? A I did not have any; I had them, but they were not there at the time I was there. 10

Q Was there any difficulty in the least in your finding out whose name was on that huckster's wagon? A No, I didn't trouble myself to.

Q Didn't you also see in connection with that huckster matter that there were two men on the huckster's wagon, father and son? A I never noticed.

Q Did you ever try to find out whether the huckster served the family upstairs, Mrs. Chambers, or not? A No, I did not. 20

Q So you don't know whether the huckster stopped there to serve Mrs. Chambers and her family or your wife? A I don't know.

Q Did you ever see a huckster go into your wife's apartments? A I did.

Q Yourself? A Yes, personally.

Q What door? A Back door.

Q And into your wife's kitchen? A Into the wife's kitchen. 30

Q Where were you at the time? A In the lot 100 feet away, say, from her place.

Examined by the Court.

Q I understand also there was no light in the house? A No.

Q You saw from the electric light? A I could see from the electric light him approaching. 40

Charles J. Wille, cross.

Further cross examination by Mr. Davis.

Q Approaching where? A Her back door.

Q You did not call anyone at that time to go with you? A No.

10 Q (*By the Court.*) This is a two-family house? A Yes, sir.

Q (*By the Court.*) And your wife lives on the lower floor? A Yes, sir.

Q Who lives upstairs? A Mrs. Chambers.

Q They have lived there ever since your wife has lived there, haven't they? A That I don't know.

Q Did you see some other man go in the house beside the huckster? A Saw a man named Foster enter there one night.

20 Q Where does Foster live? A I don't know where he is living at the present time; at that time he lived on Valley road.

Q What is his business? A I don't know.

Q Whereabout on Valley road did he live? A He lived right opposite her place.

Q And how long have you known Foster? A Don't know him but very little.

30 Q Do you know of his living opposite to her place now? A No; I have tried to locate him and couldn't.

Q You saw him go into your wife's place, did you? A I have, yes.

Q When? A I saw him enter there one night around 10:30; when he entered he had a pail of beer, when he went in.

Q In the back way? A In the back way.

Examined by the Court.

40 Q Were the lights out at that time, too? A No, they were not.

Charles J. Wille, cross.

Q How long did he stay there? A I didn't wait to see how long he would be there.

Q Is Foster married? A Yes.

Q His family live with him? A They did at that time.

Q His wife was home, wasn't she? A Yes, as far as I know.

10

Further cross examination by Mr. Davis.

Q Did you see Foster go in before he brought in the pail of beer? A I did not, no.

Q You know a man named Boyle, don't you, that used to be in your employ? A Yes.

Q Didn't you in the presence of Boyle arrange with either a man named Foster or Nelson to try to get next to your wife? A No, I did not.

20

Q Do you swear that in the presence of Boyle you did not ask a man named either Nelson or Foster to bring beer into your wife's place and get next to her? A No.

Q How long have you known Foster? A I only met the man about twice, and how I come to meet him was he came up to my office.

Q How did you meet him the first time? A The first time I met him was in the hospital, he wouldn't tell me who he was.

30

Q What did you go to the hospital for? A To see my boy, who was shot in her yard by Foster.

Q By Foster? A By Foster.

Q That was an accidental shooting, wasn't it? A It must have been, it was on the celebration.

Q And you met Foster there? A Yes.

Q At the hospital? A Yes.

Q What was the next time you met Foster? A He came to my office in the morning.

40

Charles J. Wille, cross.

Q What morning? A The following day, admitted he was the one that shot the boy; I asked him why he didn't tell me that down there, I even asked the boy who done it and he wouldn't tell me, wouldn't acknowledge who done it.

10 Q That was the only time? A The only time I met Foster.

Q Until you saw him going in or going out? A One night I saw him going in with a pail of beer.

Q When he went in with a pail of beer what did you do? A I didn't do anything.

Q How long did he stay in? A That I don't know; I didn't wait; I think my sister happened to walk in; I see her going through the door in the same house.

20 Q In your wife's house? A In my wife's house.

Q What is your sister's name? A Emma Reilly.

Q Isn't it true that on a number of occasions after you left your wife that she went to you and asked you to come back and that you said no, that you would stick to Alice, meaning Alice Newman? A No.

30 Q Do you remember calling on your wife after you left her when she was living on Alden street, Orange, and telling her that you were done with her, that your love for her was dead? A No.

Examined by the Court.

Q Was your love for her dead? A No, it was not.

Q How long did it persist? A Until this happened.

40 Q Until the time that you found this man?
A Exactly; I had that feeling for my children.

Charles J. Wille, cross.

Q Existed up to that time notwithstanding the other men you have seen going in the house? A I felt that I ought to see it with my own eyes before I would convict anybody.

Further cross examination by Mr. Davis.

Q And didn't you as a matter of fact, and haven't you for quite a long time past called Mrs. Newman by the name Bun. or Bunny? A No. 10

Q Around your garage? A No.

Q Didn't she write you postal cards in which she signed herself Bun.? A No.

Q You are sure of that? A Positively.

Q Didn't you in the presence of the men who worked around your place there always or frequently address Mrs. Newman your book-keeper as Bun.? A I addressed her as Al. 20

Q Didn't you address her as Bun.? A No, I have not.

Examined by the Court.

Q How old a woman is she? A I should judge about the age of twenty-four or twenty-five.

Q How long have you employed her? A She has been in my employ about, going on two years. 30

Q Widow? A Yes.

Q Divorced? A Divorced.

Further cross examination by Mr. Davis.

Q Now, when you left your house you left a house that stood in your wife's name, didn't you? A I did not; I built the house and paid for it.

Q Wasn't it in the wife's name? A Well, of course, according to law I imagine my wife was entitled to a certain amount of it. 40

Charles J. Wille, cross.

Q Was it in her name? A It was in both of our names, I should judge, the way the law is; I built the house.

Q (*By the Court.*) Do you know whose name was in the deed? A Both were on the deed.

10 Q That was a new house, wasn't it? A I built the house, yes.

Q She continued to bring up her children for several months after you left her, didn't she? A She did, yes.

Mr. Kalisch. I object to that question "after you left her."

The Court. After the separation. We are not before a jury.

20 Q And isn't it true that you sold the house and in order to induce her to sign the deed you promised to come back and live with them? A No, I did not.

Q Did she sign the deed? A She signed the deed, yes.

Q Didn't you promise her \$500 and also to come back and live with her? A No, I did not.

Q Did you promise her anything to sign the deed? A No, I didn't see it was my place to promise her anything, it was my money and I needed it for my business.

30 Q (*By the Court.*) How did she come to sign it? A I asked her to sign it; she couldn't get along with any of the neighbors; they all had her bound over to keep the peace; she didn't want to live in a nigger neighborhood; after I built the house I had an awful time to get her up there; I built this house thinking she would be contented there and she was not; there was not a neighbor in the street, next door or across the street, that she did not have a quarrel with and
40 they all had her bound over to keep the peace.

Charles J. Wille, re-direct.

Q (*By the Court.*) When did she sign off the house? A She signed off the house I should judge around August.

Q (*By the Court.*) 1915, after the separation? A Yes, sir.

Q Will you please state the names of all the neighbors that had her bound over to keep the peace? A Well, my mother, I guess there was Shearer, I don't just recollect the rest of them, my brother Freddie. 10

Q Shearer?

The Court. He was the man that went with you and caught her ?

A Yes.

Q (*By the Court.*) Anybody else? A My brother Freddie Wille, and I think there was some more. 20

Q (*By the Court.*) Can't you recollect one that was not connected with you in any way? A Well, Mrs. Grimes, I don't believe she is here, and also Mrs. George Shearer, I don't know whether she went to court, but she was one of the instigators that had her bound to the peace.

Q Anyone else? A That is all I know.

Re-direct examination by Mr. Kalisch. 30

Q I show you this card and ask you whether you ever saw that card before? A Whether I ever saw it, yes.

Q Whose writing is that? A This is my wife's writing.

Q Do you recognize that as her writing? A I do.

Q And when did you get that card? A I got them on different occasions while I left them.

Q During your separation? A Yes. 40

Charles J. Wille, re-direct.

Q I show you this and ask you if you ever saw that before? A Yes, I have.

Q Whose handwriting is that? A It is also her writing.

Q When did you get that? A In the separation.

10 Q During the separation? A Yes.

Q I show you that; whose writing is that? A This is all her writing.

Q And when did you get them? A Got them all during the separation; there is a whole lot more, I believe.

Postal card marked Exhibit P. 1.

Letter marked Exhibit P. 2.

Letter marked Exhibit P. 3.

20 Q At what intervals would you get these letters from your wife while you were living apart? A I don't know, I haven't the least idea.

Q And did she ever come to you while you were living apart, did she ever come to your garage and make trouble for you? A She has more than once, she has been bound over to the peace by Judge McClellan on the same occasion.

30 Q What did she say to you? A She called me a son-of-a-bitch, bastard, whoremaster, I was dosed, diseased, &c.

Q Did you try to reason with her? A I couldn't reason with her, it was impossible; she tried to scratch me, did everything to try and get me to hit her, which I wouldn't do.

40 Q Did she ever say she wanted you to come back and live with her? A No, she said she would rather see me dead than live with me; she passed that remark more than once, also pleaded as I said, for separation.

Charles J. Wille, re-cross.

Re-cross examination by Mr. Davis.

Q Isn't it true that every quarrel at the garage was about Mrs. Newman? A No.

Q What was it about? A Not only at the garage, but on the public thoroughfare.

Q We are talking now of the garage; isn't it true every time you had a quarrel at the garage it was about Mrs. Newman? A No. 10

Q Isn't it true on two occasions when your wife came there Mrs. Newman ran out of the office? A No, not as I know of.

Q Didn't you see her run out of the office on one occasion? A No.

Q Did your wife ever come and quarrel with you when Mrs. Newman was there? A Yes.

Q How many times did she quarrel with you when Mrs. Newman was there? A No, she claimed she didn't get sufficient money, she claimed she couldn't support herself, her and her children were starving, which remarks she passed to my brother also. 20

Q She never mentioned Mrs. Newman? A She didn't in my presence.

Q (*By the Court.*) When you got those letters from your wife what did you think of her mental condition? A I thought sometimes she was insane; she telephoned me the same way. 30

Q (*By the Court.*) You really thought she was out of her mind when she wrote those letters? A Either that or intoxicated, either one or the other.

Q Did you ever see her intoxicated? A I see her take a drink.

Q Did you ever see her intoxicated? A That I couldn't say.

Q You lived with her nine years? A Yes, I see her intoxicated. 40

Thomas Smith, direct.

Q When? A Shortly after we were married.

Q And that was once? A Once that I know of she was really intoxicated.

Q And that was the only time you ever saw her intoxicated? A That I really could confess she was really intoxicated, yes.

10 Q How long were you married then? A Not long.

Q (*By the Court.*) Had she ever given any evidence of insanity before you and she split up? A No, she had not; she used this same language that she is using now, exactly the same.

Q (*By the Court.*) Have you got any letters from her written in any different strain from those three? A No, I have not; there is a whole lot there, I don't know what condition they are in.

20 Q (*By the Court.*) This is Woodbridge, September 25; what year was that, do you know? A No, I do not.

The Court. Let that be marked as a sample of this woman's writing.

Marked Exhibit P. 4, and Exhibit P. 5.

THOMAS SMITH, sworn.

30 *Direct examination by Mr. Kalisch.*

Q Where do you live? A 140 Fairmount avenue, Montclair.

Q What is your business? A Well, I was formerly connected with the Cosgrove Detective Agency; I am now doing private investigating work.

Q Did Mr. Wille engage you to do some detective work for him? A He did, yes.

40 Q Do you remember when that was? A I can't say detective work, but investigating.

Thomas Smith, direct.

Q Can you say when that was? A My first beginning was in the latter part of August, 1916.

Q As a result of what Mr. Wille told you to do, what did you do? A You mean from the first up to the present time?

Q Just tell the Court just what you did? A In 1916, the latter part of August, I was with a man by the name of Mr. White, who also was connected with the Cosgrove Detective Agency, and we watched his wife on Friday and Saturday. 10

Q Whose wife? A Mr. Wille's wife, Mrs. Wille, that lady sitting there, from across the street, and on Friday night we accomplished nothing because she stayed in the house. On Saturday we shadowed the house all day, and that evening we got up close, White worked in close to the house from the lot, and we saw some gentleman go in, enter by way of the back door. 20

Q What time of night was it? A I should judge about quarter to nine or nine o'clock, to the best of my recollection, so Mr. White who was working with me at the time thought best to get in touch with Mr. Wille and inform him of the conditions, which we did, and had Mr. Wille come over. I finally got hold of Mr. Hanley, who I met during the day, I got him to stay with us; I was not dead certain whether the man was in the home of Mrs. Wille or whether he had gotten out, or what had happened; I really had lost track of him for the time being, for I really did not hear the voice in the house, although I got up right by the door once or twice and took a chance while we were talking, and a few minutes after ten this man came out. 30

Q Which way? A Came out of the back door, came down the side, and I might say about five minutes prior to that a wagon drove up in 40

Thomas Smith, direct.

front of the door as though to meet him and he jumped on the wagon and drove off. Mr. Wille then seemed to become disgusted or excited or something; we couldn't get him to understand why things happened as they did, so he let the matter drop for the time being. We even arranged at that time to talk about breaking in the front door and wanted a messenger boy to go there with a blank message so as to get the door opened and get in.

10 Q (*By the Court.*) Was the light out during the time the man was in the house? A The light was lit when he went in, and I might say a few minutes after the light was out, the entire flat was in darkness, and that is what puzzled us, because I thought he had gone out, I thought perhaps he had got out the front door.

20 Q (*By the Court.*) How long did the entire flat remain in darkness? A I should just from the time we started, three-quarters of an hour or a hour.

Q (*By the Court.*) In absolute darkness? A Yes, sir, absolute darkness; there wasn't any light in the flat.

30 Q Come down to May 18? A May 18, I had been in touch with the home of Mrs. Wille off and on since the middle or the first of January; I was not able to report anything definite to Mr. Wille; he seemed to be getting disgusted with me this particular night, which was May 18; I saw I should think the same man, as far as I am able to identify him, any way there was a man went in there about quarter to nine; that was the same old story; I had seen a man traveling back and forth at least fifteen or twenty times since the first of January. I waited for a while, and of course there was lights in the house when he

40

Thomas Smith, direct.

entered and the lights remained lit when I jumped the car to go and see Mr. Wille; I went over and told him: "Do you want to take a chance tonight? Some one has gone in again." He said, "Smith, I have been over two or three times with you and it hasn't amounted to a row of pins; I am getting so sick and disgusted; if you can't get nothing forget it, I am getting sick and disgusted." I said: "Take some one in and I will work in close tonight." 10

Mr. Davis. I don't want to object, but I think this conversation is entirely irrelevant.

The Court. I am going to let it in over your objection.

A Mr. Wille drove us over in a machine; we got out and Mr. Wille and Mr. Shearer took their position at the back of the lot; I went right up to the side of the front porch; I heard nothing, saw a light in the dining-room; I walked back toward the dining-room and I heard as though there was just a little rumpus of a bottle rattling, but I don't know for sure whether there was one in there; it was dark in there; finally I heard a man's voice as though they were talking in low tones, and I still continued to cover the house, worked in close; they seemed to have left and went up front; I went around by the front porch and stood almost directly in front of the house, I went around to the side of the porch and I heard them talking easy among themselves. I went back to Mr. Wille and said: "He certainly is in there, or somebody that has got a man's voice." He said: "If you say so, we will take a chance, what do you say, go in the front or back?" I said: "If you go in the front door they will hear us come up on the porch if they 20 30 40

Thomas Smith, direct.

are in the front, as they are; we can get in the back way better, if you break in we will see what is doing." Mr. Wille entered first.

Q Was the door unlocked? A The door was unlocked; Mr. Wille went to the middle of the dining-room, where he hesitated; I was the second, had a sort of triangle view into the parlor, and I nudged Mr. Wille to go on and he seemed to have hesitated I don't know what happened to him; he finally picked up courage enough, and the first I saw after that, I saw this man and her in each other's arms standing there.

Q You did not see them lying on the couch? A The first view I had was over Mr. Wille's shoulder, he is a taller man than I am, I could see as if they were getting up from somewhere from the side of the room, I couldn't swear whether it was off a chair or off a tete; afterward I noticed in that particular spot it was a tete or couch.

Q (*By the Court.*) You did not see them lying in each others arms on the couch as described by Mr. Wille? A No, sir; I did not.

Q Go on; what then happened? A Then Mr. Wille walked to the parlor entrance, to this door, and this man, and Mrs. Wille herself went immediately to Mr. Wille, commenced pounding on his stomach and she says: "I don't care if you did catch me, you didn't care for me any how," and mumbled something else, and the fellow of course dropped in a stooping position or crouched position and said: "Oh, my God," and he run for his hat and coat; I don't think he could find them right off the jump, something happened to him and he got twisted up and out he went.

Q Did you notice the condition of his trousers? A When I saw him he had no coat on, he

Thomas Smith, direct.

moved so quick he got us all guessing; his shirt seemed to be light colored; he had dark trousers; I don't know whether he had a collar and tie on or not, I wouldn't want to say that.

Q When he went to leave did he or didn't he arrange his clothes? A He seemed to be trying to get himself together; he had his hands in front of him, he seemed to be covered pretty well. 10

Q You say in front of him, where? A I should say the front of his clothes; I was on the verge of attempting to trip him as he came by me.

Q (*By the Court.*) Don't you think as a detective that was about the proper thing to do? A We always go by instructions; I talked to Mr. Wille about that. 20

Q (*By the Court.*) How long have you been in the detective business, investigating business? A Investigating business I have been off and on about eighteen years.

Q (*By the Court.*) Have you been mixed up in divorce cases before? A No, sir; this is my first divorce case, that is to testify.

Q (*By the Court.*) I don't care about testifying, getting information? A I think I have got information on four or five different ones; this is my first case to testify. 30

Q (*By the Court.*) You know, don't you, the fact that it was within the power of you three men to find out who this man was, and that it is a mighty suspicious circumstance to the Court when you did not do it? A Well, I expressed my own way of thinking for my safety sake and what Mr.—

Q (*By the Court.*) You had the power there to find out who this man was; now you three 40

Thomas Smith, cross.

come here and ask the Court to believe you deliberately let him go without ascertaining who he was? A I positively did let him go; I take no chances in a case like that; if Mr. Wille had made the break himself to hold him I might have helped out, but I take no chances on a man like
 10 that under those conditions.

Q Did Mrs. Wille say anything else in your presence? A No; Mr. Wille turned to me, I should say, after a minute or a minute and a half of conversation and excitement and said: "Try and find out who the fellow is;" I asked Mr. Shearer to go along with me; I thought if we did overtake him he would perhaps help me out; I was not prepared to handle a man of his size.

Q (*By the Court.*) There were three of you there? A Yes, sir.
 20

Q (*By the Court.*) And one man who was caught in a very compromising position? A Yes, sir.

Q (*By the Court.*) And you let him go without finding out who he was? A I did. I feel as though my compensation is not great enough to take chances of that kind, that is the way I felt about it; I wouldn't take any chances with a man who looked much better than I was.

30 *Cross examination by Mr. Davis.*

Q When were you engaged by Mr. Wille first? A I think it was in August, latter part of August or middle of August, 1916.

RECESS.

Letter offered in evidence and marked Exhibit P. 6 and another letter offered and marked Exhibit P. 7.

Thomas Smith, cross.

Q When were you first engaged by Mr. Wille? A The latter part of August or the middle of August last year.

Q 1916? A Yes, sir.

Q And at that time you were connected with the Cosgrove Detective Agency? A I was, yes.

Q Now were you engaged directly by Mr. Wille or through his attorney? A The last time? 10

Q No, in August, 1916? A I was engaged through the Cosgrove Detective Agency, not by Mr. Wille.

Q You did not see Mr. Wille personally? A I was sent to see Mr. Wille at one o'clock.

Q And you went where? A To his garage.

Q At one o'clock in the afternoon? A Yes.

The Court. Judge Davis, before I forget it, let me ask this witness a question. 20

Examined by the Court.

Q How long did you act for Mr. Wille as a representative of the Cosgrove Detective Agency? A Two days.

Q Did you make any written report? A I did—to the Cosgrove—no, sir; I did not, to the Cosgrove Detective Agency; I think I made a statement, but not a report. 30

Q Nothing in writing? A I don't recall whether I did or not, I perhaps did or did not.

Q Isn't it the custom of all operatives to make report in writing to their principals? A If there is any evidence collected of importance.

Q If there is not any evidence don't you make report of what you have done? A Not always, no, sir.

Q Did you keep any notes? A At that particular time? 40

Thomas Smith, cross.

Q Yes. A No, sir; I did not.

Further cross examination by Mr. Davis.

Q You saw Mr. Wille in August, 1916? A Yes, sir.

Q Did you go to work right away? A I went
10 to work that day.

Q How many days did you work? A Two days.

Q You discontinued then, did you? A Yes.

Q For how long? A Up to about the first of January or along the middle of January this year.

Q Of 1917? A This year, yes.

Q Now what time did you go to work the first day, was it one o'clock? A You mean my
20 last during January?

Q The first occasion in July, August? A Why it was along between one and two o'clock.

Q In the afternoon? A Yes.

Q And you stayed at work how long? A I think it was up until ten or eleven o'clock that night.

Q And was that the day you saw Foster go in or out with some beer? A I didn't speak of
30 Foster at all.

Q You didn't see Foster? A No.

Q Did you see any man go in or out with beer? A That day?

Q Yes. A No, sir; I did not.

Q That night? A No, sir; I did not.

Q See any the next day or night? A Any beer go in?

Q Yes. A No, sir; I did not.

Q See any man go in? A I did in the eve-
40 ning.

Thomas Smith, cross.

Q What time? A I should judge around half-past eight or quarter to nine.

Q And where did he go to? A He went around and went in the back door.

Q How long did he stay in? A Why he came out I think around half-past—well, I should say about quarter-past ten, a little after ten. 10

Q Did he come back again? A No, sir; he did not.

Q What kind of a man was that? A Why, he seemed to be a stout, heavy set fellow, fairly well dressed.

Q How close did you get to him? A I should say I was a half block away from him.

Q And you saw him come up the back way, didn't you? A I did, yes.

Q Now, how could you tell whether he was going into Mrs. Wille's place or into the upstairs place? A That particular night I was coming from the lot which lays to the side of the house and I saw him pass through the kitchen, because the kitchen was lit up and the curtain was pulled about half way up; I saw him pass through their kitchen. 20

Q Pass to where? A I don't know where he went to, whether he went to the dining-room or where he went. 30

Q Did you see her there? A Yes, I saw her hanging out clothes during the afternoon.

Q I mean that night? A I didn't see her at all.

Q And then where did you take up your position to watch? A I then got in back of the house; there is an old barn there, stable. I took my position back of that and watched from there.

Q You stayed there until the man came out? A Yes; I didn't stay at that particular spot; I 40

Thomas Smith, cross.

stayed around the house; I think I was almost opposite the house, across in another lot with Mr. White, Mr. Wille and myself and this messenger boy when the man came out.

Q Who was Mr. White? A He was one of the operatives for the Cosgrove Detective Agency, he was with me at the time.

Q He was your partner working with you, was he? A Yes.

Q And how long did Mr. Wille stay there with you? A This particular night?

Q Yes. A I should judge he stayed there about ten minutes after he came out, and talked things over.

Q I mean before the man came out? A He was with us, I should say, at least fifteen or twenty minutes just wondering what to do.

Q Never mind what he was wondering about. And then you saw the man come out, and where did the man go? A Got on a wagon in front of the house.

Q What kind of wagon was it? A Looked to me like a peddler's wagon.

Q Was there anyone else got on the wagon with him, or anyone else on the wagon when he got on? A I couldn't say, because the horse was standing the other way and the front of the wagon was the other way; I don't know whether—top wagon—anyone else was with him or not on the wagon.

Q How long had the wagon been there or by the house when the man came out and got on it? A I should say about two or three minutes; it drove up, and as the wagon drove up it surprised me, because I thought someone was going in, but that man came out and got on the wagon.

Thomas Smith, cross.

Q There was someone on the wagon when the wagon drove up? A There must have been a driver there.

Q Was this man that came out of the house and got on the wagon a young man or an old man? A I couldn't tell whether he was young or old, I wasn't close enough for that. 10

Q Next day when did you go on duty? A About half-past eight or eight o'clock.

Q You stayed on duty until when? A About eleven o'clock that night.

Q What did you see that day? A No, I will take that back; that was the last day.

Q What you are speaking about now took place the first day? A No, took place the second day; I made that very plain from the start.

Q Then the first day that you went on duty between one and two or two and three o'clock and stayed on until about eleven, was it? A About quarter to eleven or eleven o'clock. 20

Q You saw nothing there? A Nothing there, no; that was on Friday.

Q The next day you went on was Saturday, and what you have related now took place on Saturday night? A Yes, Saturday night.

Q And then you went on duty and you did not do any more? A No, sir; was called off the case. 30

Q Did you try to find out at all what name was on the peddler's wagon? A Why, I wasn't in a position to; no, sir.

Q You did not follow it? A I was instructed not to take any chances.

Q Take any chances of what? A We had to do some more work on the case and might be seen in the neighborhood. 40

Thomas Smith, cross.

Q Which way did the wagon go after leaving the house? A It drove over the car tracks leaving her house.

Q You did not follow it? A No, sir; I did not.

10 Q And after you left the Wille house where did you go? A Why, I think I went over to Orange street and stopped in and had a glass of beer with Mr. Wille, Mr. White and myself and took a car and went on home.

Q Now when did you next hear from Mr. Wille? A I think it was along in January this year.

Q You were then working for yourself, were you? A Well, I was taking private investigations in between.

20 Q You were not engaged with the Cosgroves then? A Off and on I was, yes.

Q But at the time Mr. Wille engaged you the second time you were not, were you? A I think I had just finished a case for the Cosgrove people.

Q And how did Mr. Wille get in touch with you the second time? A Over the 'phone.

Q Got you over the 'phone? A Yes.

Q Personally? A Yes, at my home.

30 Q Cosgrove's place? A No, sir; at my home.

Q At your own home? A Yes.

Q Had you and he been in touch with each other before that at all? A No more than the night I left him I gave him my name and address.

40 Q Telephone number? A I gave him my telephone number, told him I supposed we would be called off the case, as there seemed to be nothing doing and he seemed to be so

Thomas Smith, cross.

dissatisfied, and anything I could do for him I would be glad to do it.

Q You say it was in January, 1917, that you next heard from him? A Yes.

Q Do you remember the part of the month?
A I think it was along the first or second week in January.

101

Examined by the Court.

Q I am rather interested—you said you were called off the case, you said you thought you would be called off the case because there was nothing doing; didn't you think there was something doing? A The way Mr. Wille spoke I saw he was very much dissatisfied; he said he thought he would let it go for a while.

Q I understand you and he had both been to this house and he stayed there about an hour, and the house was in total darkness, is that right? A Yes.

202

Q Why do you say then there was nothing doing? It seems to me the natural inference would be there was considerable doing? A He seemed to be dissatisfied the way things were going.

Q Why did he say he was dissatisfied? A I don't know; I saw no condition to say that; he had not accomplished anything.

302

Q Didn't you think you had accomplished something? A Not what I expected.

Q What did you expect? A I expected to close in on them that night and find the man if he was there.

Q You are detective enough to know if a person was doing that thing once they are going to do it again? A The case was only put off temporarily, so Mr. Wille said, for the time being he was going to let it drop.

402

Thomas Smith, cross.

Q Because of what transpired that night?

A Yes, he seemed to be dissatisfied the way things were going.

Further cross examination by Mr. Davis.

10 Q Now, what part of the month of January was it you heard from Mr. Wille? A I think it was the first or second week in January.

20 Q And on hearing from him what did you do? A He asked me if I would come over and have a talk with him, he would like to see me on a personal matter; I did; I went over and had a talk in the garage; he said: "Mr. Smith, I am not in a position to employ detectives, it costs too much money; I wanted to know whether you could not keep tabs on my house over there and see whether you think there is anything doing or there is anything wrong and report to me from time to time and I will pay you for your services rendered, but I am not going to employ two or three men like I did before."

Q You were the only one employed, then, were you? A Yes.

30 Q Did you report to him from time to time? A From time to time, I did, yes.

Q In writing or verbally? A No, sir; not in writing; I went over to see him personally and talked it over.

Examined by the Court.

40 Q Did you tell him this first time in August before anything could actually be done she would have to be caught in a room with a man? A Did I tell him that?

Thomas Smith, cross.

Q Yes. A I think as far as I can recollect that the Agency told him, or we acted on Agency instructions.

Q That you had to catch him? A That we had to get evidence of a man being in the house or get evidence that there was a man in a compromising position.

10

Q You not only had to put the man in the house, but you had to find the man in the house in a compromising position; that is right, isn't it? A I don't understand what you mean when you say put the man in the house.

Q You know what I mean just as well as I do. You did not have to only find the man was in the house, went in the house, but you had to find him in the house in a compromising position? A Yes; in other words, we had to get the evidence.

20

Further cross examination by Mr. Davis.

Q You went to work, then, about the middle of January, 1917? A Yes.

Q And you worked on the case until this night in May, did you? A Yes, I did.

Q How much time did you put in on it? A I think all told was about twenty or twenty-five days.

30

Q And by days, you mean between what hours? A Well, I got a sort of inkling just what night this man would visit there and I cut out the rest of the nights hanging around and standing around and just watched the house on Tuesdays, Fridays and sometimes Saturday night.

Q Now when you say "this man" do you refer to the man that was there in August, 1916? A Well, I am not in a position to

40

Thomas Smith, cross.

identify the man, I couldn't say; I always saw him night time.

Q Then when you say "this man" you do not necessarily relate to the same man you saw in August, 1916? A No, sir; I can't say that.

10 Q When you started on duty, then, in January, 1917, what was the first you observed? A I think it was on Tuesday night.

Q Give the date, if you will? A I think that was the second week in January.

Q What did you see? A Saw a man enter there about half-past eight, quarter to nine, come out again I should say within fifteen or twenty minutes, only very short time.

20 Q Is that all? A I saw him again, I think, the following Friday.

Q The same man? A I couldn't say; it looked to me like the same man; I couldn't get close enough to the house; I was afraid he would come out on me, afraid of taking a chance working too close.

Q On Friday you saw the same man? A I presume so, I won't say positive the same man.

30 Q Did he look like the same man? A Yes.

Q (*By the Court.*) Anything suspicious when he went in and going out? A No, sir; not on those occasions.

Q When did he go in on Friday? A I should imagine nine o'clock.

Q P. M.? A Yes.

Q Came out when? A Came out about half-past ten.

40 Q Just describe this man? A Why, as near as I can describe him he seemed to be a

Thomas Smith, cross.

fellow fairly well dressed, a fellow little bit taller than I am, medium build, a little heavier, wore a slouch hat most of the time.

Q How close did you ever get to him? A Well, I should say about a hundred yards.

Q Now what was the next time you saw him go in or out? A I think it was the following week. 10

Q What day, Tuesday or Friday or Saturday? A No, I didn't see him on Tuesday; I saw him I think on Friday, that is I saw some man enter on Friday.

Q Back way? A Yes, back way.

Q Always back way? A Always back way, with the exception of once or twice.

Q And once or twice was the front way? A Was the front way. 20

Q Was the man that went in on this following Friday the same man you saw the previous week? A He appeared to be.

Q And did that continue until May? A That continued off and on until the 18th of May.

Q How many different men did you detect going in and out? A Well, as near as I can figure it out, to the best of my recollection I can only say two different men. 30

Q One was this man that you describe? A One was this man and the other fellow seemed to be of a different build.

Q Describe the build of the other fellow? A I should say the same height, only was not quite as stout.

Q Did you ever see the huckster come along again? A Yes, saw him different times.

Q That was the third man, was it? A I picked him out to be this man that either 40

Thomas Smith, cross.

called Tuesday or Friday nights, but he didn't have his wagon with him then; he looked to me like it.

Q You think the man that got on the huckster wagon was the fellow that called on Tuesday and Friday? A I think so.

10 Q (*By the Court.*) Did you ever attempt to follow any of these men? A No, sir; I did not.

Q In what way did the appearance of the second man differ from this huckster? A Why as close as I could observe, this fellow had the same height, not quite as stout.

Q Better dressed or not so well? A Well, I don't believe he was as well dressed as the other fellow, didn't seem to be.

20 Q And about how old was he? A I don't know, I couldn't tell you that, I wasn't close enough to him; each visit he made was night time.

Q You put in two or three nights a week there from January until May, didn't you? A Well, I run on an average say two nights a week.

Q At least two nights a week? A Sometimes one, some weeks I would put in three.

30 Q And during all that period of observing these two men, almost every night that you were there, or several times, you are not able to identify either one of them, are you? A I don't think I could.

40 Q Well, now which one of them was it, if it was one, that you saw in there on the 18th of May? A Why the fellow that I saw on the 18th day of May, as near as I am able to describe him, was a fellow short, stout, and either had a high forehead, or a fellow with a slight bald head.

Thomas Smith, cross.

Q Was he either one of these that you have described? A It seemed to me, I really took him to be peddler from what I had seen.

Q Then he looked like the man you described getting off the huckster wagon? A Yes, he did.

Q He looked more like him than he did like the other fellow, did he? A Yes, he did. 10

Q Now what time did you go on duty on the 18th of May? A Why I think it was along half-past eight, quarter-past eight; I had no particular time to get there.

Q That was in the evening? A Because I had a way of telling just about what time he would get in; I would usually get in about eight and watched sometimes until he come out, sometimes stick around to see whether he was coming back any more. 20

Q What way was this you had of telling? A By figuring out what night he called; I found he came on Tuesday night and Friday night and I stopped coming other nights, just went Tuesdays, Fridays and sometimes Saturday.

Q Had you ever seen the huckster wagon again except that first time? A I had, yes; not standing out front, seemed to meet him there. 30

Q The wagon seemed to meet him there nearly every night he called? A On Saturday nights it did.

Q How about Tuesdays and Fridays? A I don't remember seeing the wagon Tuesday and Friday but one Friday night, and I don't really think it was the same wagon that night.

Q Now what time did you see him go in the house on this May 18? A It was about quarter of nine. 40

Thomas Smith, cross.

Q On any of the evenings that you were watching there did you see any of Mrs. Wille's children? A I saw some coming out back of the house, playing around the house in the yard.

10 Q As you would look in the kitchen or look in the front windows would you see the children at any time? As I looked in the front windows?

Q If you ever did, yes. A I never got that close to it.

Q Did you ever see her children playing around the front piazza or front yard or back yard? A Well, in the afternoon, I have, yes; I passed there myself several times in the afternoon.

20 Q And what time on the 18th of May did you see this man enter the house? A I should say between half-past eight and nine, as near as I can tell, about quarter to nine.

Q And you were then located where? A You mean where I was at the house?

Q Yes, in regard to the house where were you? A I was standing in the lot by the side of the house I should say about a hundred yards away.

30 Q A hundred yards? A About a hundred yards.

Q (*By the Court.*) Do you mean that, a hundred yards? A Well, I should say half a block, to be safe.

Examined by the Court.

Q Do you know how much a hundred yards are? A About.

40 Q What distance that is? A I know about, some distance.

Thomas Smith, cross.

Q Ordinary city block, isn't it? A A short city block, yes.

Q How long is this lot? A The lot is, I should say, almost the size of two city blocks; there is quite a big vacant lot there; it takes in two houses next to the railroad, runs down to Kingsley place, Kingsley avenue, wide vacant lot there. 10

Further cross examination.

Q And you saw this fellow enter the kitchen door? A Yes, I did.

Q And then what did you see him do? A Why, after I stayed there for a little while, I should say up to half-past nine or quarter to ten, I went around back of the house and satisfied myself that he was still in, because I could see the light in the dining-room; once in a while I could see a shadow pass back and forth; I came down, walked alongside of the house, I heard talking; I went over to see Mr. Wille and brought him back with me, and Mr. Shearer. 20

Q What time did you bring Mr. Wille and Mr. Shearer back with you? A I should judge about half-past ten, quarter-past ten, something like that, just as soon as we could get back. 30

Q Now, will you describe the man that you saw enter the kitchen? A Well, as I said before, as near as I could tell, he appeared to me like the huckster, was a short stout fellow, as near as I could tell.

Q And was there a light in the kitchen when he went in? A When he went in?

Q Yes. A I don't think so, there was a light in the dining-room. 40

Thomas Smith, cross.

Q Did you see Mrs. Wille there at all when he went in or at any time afterwards, I mean before you went in? A On May 18th?

Q Yes. A I did not; I didn't see her at all.

Q Did you see any of the children? A
10 No, sir, I did not; not on that evening.

Q Well, now, when you and Shearer and Wille came back where did the three of you go? A Why, Mr. Wille, Mr. Shearer and myself had taken position back of the house, just back of the barn.

Q You came back in the automobile, didn't you? A Yes.

Q Where did you stop the automobile? A
20 Just over the tracks, as you cross the tracks, might say back of her house, I don't know what street that is that goes through.

Q How far away from the house did you stop the automobile? A It was around the corner about half a block.

Q Was it a hundred yards? A I am not going to call yards any more, I am not familiar enough with it.

Q Why not? A I have reasons for it; I
30 can explain it better otherwise; is that satisfactory?

Q Well, it may be to you; I am only asking you now.

The Court. Why, have you changed your method of measurement?

A A hundred yards you seemed to think is too far; I am figuring a hundred yards as long as you did, perhaps.

Q How many yards from the house did you stop the automobile? A I won't say yards;
40 I will say half a block.

Thomas Smith, cross.

Q How many feet, then? A Well, there are different ways to measure that, go up the street corner, around the corner and up the street.

Q You had no difficulty in testifying you stood a hundred yards from the house when the man entered? A Yes.

10

Q Now, was the machine stopped as far away from the house as you stood at that time? A The machine was really in a different neighborhood, it was around the corner, up the street in back of the house, whatever street that is.

Q Can't you say how many yards that machine was stopped away from the house? A Do you want me to say, how many yards the machine was from the house?

20

Q Not unless you know. A I can't answer it; I will say half a block, that is as near as I can get to it.

Q Now, when you three got out of the machine did all three walk around the house? A No, sir; we cut across a lot and come up back of the house.

Q Did you go up on the back stoop? A At that time?

Q Yes. A No, sir; we did not.

30

Q Now, what did you do next after coming up back of the house? A Mr. Wille and Mr. Shearer took a position back of this barn, which is back of the house; I walked up around the house, tiptoed and stayed a half hour, little bit longer than that, and I still could not satisfy myself that anybody was in there, and I came back to Mr. Wille and I said, "Well, there is a light in the dining-room and it sounds like someone as though it was a man's voice, and

40

Thomas Smith, cross.

you stay here in front of the house and I will try it again," so I went to the front of the house by the side of the porch and I heard someone as though it was a man's voice, and after awhile someone laughed and I knew it was a man's voice I heard, and I went back to
 10 Mr. Wille and I said, "Certainly there is a man in there, or some lady has got a man's voice"; he said, "We will take a chance."

Q That was about how long after you had gotten there with Mr. Wille? A I guess a half hour or more.

Q When you went back to the barn and made that report what did you three do? A Why, he said, "Well, what will we do, break in the front door?" I said, "What do you think
 20 best?" He said, "No, I am afraid they will hear us on the porch." He said, "Well, take a chance and break in the back, because I am not going to hang around all night; if this fellow or any other fellow has been coming as you say they have and there is someone in there, there must be something doing."

Q Did you notice there was a door leading from the parlor where you say you heard the voices directly into the hall? A Did I notice?
 30

Q Did you know that there was? A That there was a door where?

Q Leading from the parlor into the hall? A I never noticed any door leading that way. You mean leaving from the parlor?

Q Fom the parlor into the front hall? A I didn't see any door there.

Q Did you go and investigate at all? A You mean when we were on the inside?

Q At any time. A I was only in the
 40 house once.

Thomas Smith, cross.

Examined by the Court.

Q Did you notice you could go from the front room directly into the hall without going into the dining-room? A Did I notice we could go into the front room without going through the hall?

Q Did you notice whether you could go from the front room directly into the hall without going in the dining-room, that is, was there a hall there that opened in the front room as well as in the dining-room? A I noticed that night there was no door leading from the hall to the dining-room unless you came back from the dining-room. 10

Q Not from the dining-room, from the front room. A No, I didn't notice any door leading from the front room to the hall; to the left was the parlor and to the right was a hall; there seemed to be two doors. 20

Further cross examination by Mr. Davis.

Q And in going around the house you found that place where the voices came from was the extreme front of the house? A Yes, I did.

Q And to reach them you decided to enter through the extreme rear? A That was Mr. Wille's suggestion. 30

Q Did you all three go up on the back stoop together? A We did, yes; that is, one followed the other.

Q And you found the door open? A Yes, we did.

Q What did you do after that? A Mr. Wille turned around as though he was going to hesitate, because he found the door open, and thought it best not to go any further, I had made a mistake, and I nudged him to go 40

Thomas Smith, cross.

on and take a chance, because he would give the fellow a chance to get out of the front door or out of the front window, some place; so we went on and went to the dining-room, and he hesitated as though he had lost his nerve, or something happened to him, I don't
 10 know, he stopped still and just looked. I nudged him to go on again, and, of course, he walked out to the parlor door.

Q You entered into the kitchen from the door that faces the rear of the house, didn't you? A Yes.

Q And from the kitchen you could see into the dining-room? A Yes.

Q Now, how long did you stay in the kitchen, you three? A Didn't stay in there only long
 20 enough to walk through, he hesitated only about three or four second.

Q (*By the Court.*) How was the kitchen floor, oil cloth? A I really couldn't tell, because the kitchen was dark.

Q (*By the Court.*) Couldn't you feel in walking over it whether it was oil cloth or carpet or bare floor? A I am not in a position to say whether it was linoleum or bare floor.

30 Q Was it you that opened the kitchen door or Mr. Wille? A Mr. Wille.

Q Did you leave it opened or closed? A I don't know; Mr. Shearer was the last man, I don't know whether he closed it or not.

Q You had no difficulty walking from the kitchen to the dining-room, did you? A No, not a bit.

Q Could you see your way without trouble? A Yes, we could from the kitchen to the dining-
 40 room; there was a small light in the dining-room.

Thomas Smith, cross.

Q Then when you got into the dining-room what did you do there? A Why, Mr. Wille seemed to stop half way of the dining-room as though he was confused, nervous, or lost his nerve or something, and I nudged him to go on, because I could see the figure of two people from a triangle view into the parlor. 10

Q What did Mr. Wille say to you when he hesitated? A Not a word.

Q What did you say to him? A Didn't say a thing, just nudged him, pushed him to go on.

Q Where was Shearer? A Following me, directly behind me; Wille was first, I was second and Shearer was behind me.

Q What was the first thing then that occurred after you nudged Wille? A He walked up to the parlor door and as he did Mrs. Wille and this fellow were standing locked arms, in each other's arms. 20

Q Standing where? A Standing right in the parlor by the tete.

Q (*By the Court.*) What do you mean by locked arms, locked arms how? A You might say hugging each other.

Q (*By the Court.*) Standing up? A Yes, sir, standing up. 30

Q How long did they remain in that position? A Until Mr. Wille stepped to the parlor door.

Q Well, then what was done next? A We simply stood there and Mr. Wille said: "I have caught you at last." She said: "I don't care if you have, you don't care for me," something similar to that, and she made a bounce at him, commenced pounding on his stomach, or commenced just mumbling something, I don't know just what it was. 40

Thomas Smith, cross.

Q How was Mrs. Wille dressed? A Seemed to be all in white.

Q And how was the man dressed? A Why, to the best of my recollection he had dark trousers on and white shirt or light colored shirt.

Q Had his hat off? A Yes.

10 Q Coat off? A Yes.

Q How about his collar and tie? A I can't say whether he had collar and tie off or not because he had taken position, sort of cruching position where I couldn't get a look at his face or collar and tie either.

Q Did you see his face at all? A No, sir; I did not.

Q Can't you describe him now any better than you described him when he entered the house? A No, sir, I cannot.

20 Q Why not? A I am not in position to; I did the best I could.

Q What was there about the position that prevented you from seeing the man so as to describe him? A Take a man that enters a house with his coat and hat on and then see him inside with his coat and hat off, I couldn't hardly swear it was the same man.

30 Q What was his complexion? A I couldn't tell you that.

Q Do you know what his height was about? A The parlor was dark.

Q How tall was he? A I should say a little bit taller than I am.

Q You are what? A Five feet five.

Q He was about five feet six, then, maybe? A I should say he was five feet six or seven.

40 Q And about how heavy was he? A Well, he had the appearance of a man close onto 185, 190 pounds, he looked to be pretty heavy built.

Thomas Smith, cross.

Q Could you tell his apparent age about? A No, sir; I could not.

Q Was he slightly bald or not? A He seemed to be, yes.

Q Well, did you see him pick up his hat and coat? A No, sir, I did not; I didn't even know where he got his hat and coat from. 10

Q When he went out did he have his hat and coat with him? A He had something under his arm, I imagine it was his hat and coat; all I heard him say was "My God"; he stooped over in a crouching position with his hands across his trousers as though he was trying to adjust his trousers; his shirt was part way out; there was so much excitement, I imagined he had something on his arm like a hat and coat going out.

Q It looked like a hat and coat, did it? A As near as I could tell you, sir. 20

Q You couldn't tell whether he had his collar and tie on or not? A No, sir; I could not.

Examined by the Court.

Q Mr. Smith, Mr. Wille has testified when he came into the room—according to your testimony he was the one that first saw the people, they were lying lengthwise on this tete, and that he coming in disturbed them, and he practically gave the inference that he disturbed them in the act of sexual intercourse, that is the inference he wants to make, desires to give this Court. Now, in view of that testimony do you mean to say that when you first saw them they were standing up locked in each others arms, standing up? A When we entered the parlor door? 30

Q Yes. A Yes, sir.

Q In other words, these two people caught in the act of sexual intercourse when they got up in- 40

Thomas Smith, cross.

stead of jumping up as any sane man would, they stood up locked in each others embrace. Now, do you mean to say that? A I can explain myself, I think I can.

10 Q Try to explain it so I can understand? A I could look over Mr. Wille's shoulder and saw two figures, I said they were getting off the tete; he was in a better position at the door almost to see the actual conditions more than I.

Q He has testified distinctly that they saw him when they were lying on this couch, that he interrupted them in this act, and they got up. Now, you mean to tell me they got up and when they got up they remained locked in each other's embrace, standing up? A I couldn't testify to anything like that.

20 Q That is what you said. A That I saw them lying on the couch?

Q No, you didn't. Mr. Wille has put them on the couch in the act of sexual intercourse; Mr. Wille has put them in the position where they were disturbed by your entrance. You want me to believe when they were disturbed that way they continued to stand up with their arms around each other? A I didn't think they were disturbed while in that position, because we were
30 standing in the dining-room at the time.

Further cross examination by Mr. Davis.

Q And when they were standing there as you describe, you and Mr. Wille and Mr. Shearer were about standing in the door between the dining-room and the parlor, weren't you? A Yes.

Q And it was through that door that this man had to come in order to get out? A He
40 did, yes.

Thomas Smith, cross.

Q He brushed by the three of you and made his escape through the kitchen door, did he? A Yes, as far as I know, he went out through the dining-room, I suppose he went out the back door.

Q Have you any doubt about it? A That he went out the back door? 10

Q That he went out the kitchen door? A I didn't see him go out the kitchen door because I stepped inside the parlor when Mrs. Wille commenced pounding on Mr. Wille's chest.

Q Did you do that to protect Mr. Wille? A I didn't know what was going to happen in the time being.

Q You saw the man skip? A I did, yes.

Q What effort did you make to stop him? A None whatever. 20

Q What effort did Mr. Wille make? A None whatever.

Q Or Shearer? A None whatever, as far as I know.

Q And did you look around to see if he left any identification marks behind him by way of coat or hat or collar or tie or anything? A No, sir, I did not; I left Mr. Wille there and went out with Mr. Shearer to see if we could find what direction he went. 30

Q When did that occur to you to find out the direction he went? A I should say within a minute and a half after we were talking, he turned around and said, "See if you can find who that fellow is."

Q Why didn't you with the assistance of Mr. Shearer, or yourself alone, why didn't you attempt to stop this man and find out something about him? A Do you want me to tell you why? 40

Thomas Smith, cross.

Q That is what I am asking you. A During my experience in the last four or five years, I have always received instructions from the office where I formerly worked not to lay your hands on anybody; I didn't know whether he had a gun in his pocket, whether he had a knife in his pocket, whether I was going to take my life in my own hands; I wasn't taking any chances; those are the instructions we follow. What right had I to hold him or attempt to hold him?

10 Q Did he flourish a gun? A No, sir, he did not.

Q Or a knife? A No, sir.

Q Make any move for his back pocket or anything? A No, sir.

Q Do you recollect you say his two hands were occupied trying to adjust his clothing? A Seemed to be, yes.

Q Well, with his two hands occupied you made no effort to impede his progress at all? A I did not.

Q And when you got out on the back stoop you found no trace of him at all? A I didn't look very hard, to tell the truth.

Q Why not? A Well, I had no cause to; what good would it have done me?

30 Q When you went over to Mr. Wille's taxi place or when you went looking for Mr. Wille, did you find him at his taxi garage or the Montrose depot? A At this particular night?

Q Yes. A Montrose garage, as far as I know.

Q Well, where is it? A Corner of Bleecker street, corner of the car tracks.

Q And was Shearer there? A He was not there when I first went in.

Charles H. Shearer, direct.

Q Well, did he come in later? A I think Mr. Wille went out and called him from somewhere.

Q You knew that Shearer was an employee of Wille, didn't you? A I didn't know it, never saw him before in my life.

Q You have never known it from that day to this? A Sure I have known it from that day until this, yes. 10

Q You know he was an employee? A At that time?

Q Yes. A I did not, no, sir.

Q But you found out since he was? A Mr. Wille told me today he was one of his employees and I think he told me a day or so after I saw him; I asked him who this Mr. Shearer was and he said it was one of his drivers. 20

Q And how long did you have to wait there at Mr. Wille's before Shearer turned up? A I should judge five or ten minutes, something like that, talked things over, then he went out and called Shearer.

Q Do you know where he went? A He seemed to step out of the door somewhere.

Q And called him? A Yes; he said, "I will call one of my employees and take him right along with me," that is how I knew he was an employee; I didn't know Mr. Shearer, never saw him before in my life until that day. 30

CHARLES H. SHEARER, sworn.

Direct examination by Mr. Kalisch.

Q Where do you live? A 59 South Orange avenue, South Orange.

Q And by whom are you employed? A Mr. Wille. 40

Charles H. Shearer, direct.

Q How long have you been employed by Mr. Wille? A A little over two years.

Q What is your employment? A Taxi driver.

Q Were you employed by Mr. Wille on the 18th of May, 1917? A Was I?

Q Yes. A Yes, sir.

10 Q Did Mr. Wille ask you to go with him to the house on the night in question? A He did.

Q And did you go? A I did.

Q Who was with you? A Why, Mr. Smith and Mr. Wille.

Q And do you know what time in the night it was you went about? A Why, we left the garage as I can remember about half-past ten.

20 Q And did it take you very long to get from the garage to the house? A About five minutes, possibly.

Q Was it clear night or rainy? A As I remember it, it was not raining; I should judge clear night.

30 Q Just tell the Court what you did when you got there? A I can only corroborate the same story that has been told; I went with Mr. Wille there and after waiting there for awhile we entered the house from the rear door; Mr. Wille went first, Mr. Smith followed and I followed Mr. Smith, and we went through the kitchen, through the dining-room to the parlor, and I suppose I was about half way in the dining-room and I found there, I noticed there a lady and man, or woman and man about I should judge partly arising from some position.

40 Q Partly arising from what kind of position? A Well, might have been a sitting position, that I can't say, whether it was sitting, I can't say.

Charles H. Shearer, direct.

Q Go ahead. A And Mr. Wille went forward then and said, "At last I have caught you," and Mrs. Wille exclaimed, "I am glad you did, you don't care for me any how."

Q Did you hear the man say anything? A The man made some remark, I don't remember just what he said, but he got together and got out. 10

Q What do you mean by getting together? A He was in his shirt, in an undershirt, I mean to say his top shirt, and no coat on and no hat, whether he had a collar and tie on I am not quite certain.

Q Did you notice whether or not where he held his hand? A I didn't notice that particularly; he came out sort of stooped and rushed by me. 20

Q Stooped was he? A In a stooped position, yes.

Q Did you notice whether he was a tall man or short man? A He apparently seemed in the few seconds we had a chance to see him, he seemed to be a middle-sized man.

Q Did you notice how Mrs. Wille was dressed? A I could see over Mr. Smith and Mr. Wille, I noticed a white waist, I might say; about the skirt I can't tell. 30

Q (*By the Court.*) Did anybody think to turn the lights on in the parlor? A I am sure I didn't.

Q (*By the Court.*) Did anybody? A Not that I know of.

Q And the lights were not turned on? A I don't know whether after she went out or not, after he went out whether lights were turned on or not, I can't say. 40

Charles H. Shearer, cross.

Q Was there a light when you went in? A Dim light in the dining-room.

Q How did that reflect in the front room?

A It threw a little light in the front room.

Q Did you notice any beer bottles on the table? A I noticed beer bottles on the table,
10 whether they were empty or full I can't say, and some glasses.

Q (*By the Court.*) When they were getting up from this position, as you say, how were their arms, what were they doing? A They seemed apparently to be together, they were in close proximity.

Cross examination by Mr. Davis.

Q How long did you wait on the outside
20 before you three entered? A I should judge from twenty minutes to half an hour.

Q And while you were waiting there what did you do? A Stood right there with Mr. Wille at the rear of the house.

Q Was it in a barn you stood? A Near a barn, not in a barn, no.

Q From where you stood could you look into the back windows? A You couldn't very well.

30 Q And when you went up on the back stoop to enter did you stop on the back stoop any length of time? A Why, no, we did not; Mr. Smith informed us what time to go up; he had been around the front of the house and could plainly see there was something wrong, and he came back and says, "I think it would be a good time now to see."

Q And does this kitchen door open right into the back stoop, facing the back yard? A
40 It does, yes.

Charles H. Shearer, cross.

Q You had no trouble getting in there? A Why, the door was unlocked.

Q (*By the Court.*) How many steps were there? A About three, I should judge, possibly four.

Q And did you all three get in the kitchen before the door was shut? A I am not quite certain as to whether we shut the door or not; I can't say I shut the door. 10

Q From where you were standing in the kitchen you could see right through the dining-room into the front room, couldn't you? A Not from the kitchen I don't think, not clearly.

Q Did you try to? A Didn't try to, kept on going, followed Mr. Wille.

Q And you were the last, I believe? A Yes. 20

Q Was the door open between the kitchen and dining-room? A It was.

Q And the door was open between the dining-room and front room, parlor? A Yes.

Q And this couple of people that you afterwards saw were right opposite the door leading from the dining-room into the parlor? A Just a trifle to the left of the door, as I remember. 30

Q Are you familiar with that house at all? A Very unfamiliar, my first visit, sir.

Q There is a vacant piece of land on the two sides of it, isn't there, to the east of it and to the north of it? A I am not sure about that; one side of it is a large lot, the other side it seems to me there is another house.

Q Another house, but to the rear of this house there is a large lot, isn't there? A Yes, there is ample room to the rear. 40

Charles H. Shearer, cross.

Q And when you got in the dining-room you found the light lighted? A Dimly lighted.

Q And did you hear any children crying? A After I heard the cry of one child very distinctly.

10 Q When was that? A That was as we went in and Mrs. Wille made an outcry.

Q An outcry to the child? A No, an outcry as Mr. Wille entered the room between the dining-room and the parlor.

Q And then the child began to cry? A One child.

Q After that outcry? A After that outcry.

Q Did you ever see this man before? A Which man do you mean?

20 Q The man that went out of the house that night? A No, sir; I couldn't tell the man from Adam if I seen him today.

Q You made no effort to stop him? A I certainly did not.

Q And you did not get any sort of a look at him at all? A He just seemed to be a medium built man.

30 Q Can't you describe him any better than that? A I cannot; his hair was either light or bald headed, I am not quite sure which

Q When he was going out did you notice he had his hat and coat with him? A He had something under his arm, as I can remember.

Q Did he have his hat on? A I think he did.

Q Going out? A I don't think so.

40 Q Did he have his collar and tie on? A I can't remember that, as I told you before I wasn't sure whether he had his collar and tie on or not.

Joseph W. Hanley, direct.

Q And you wouldn't be able to recognize him if you saw him now? A I would not.

Q Are you still working for Mr. Wille? A I am still in Mr. Wille's employ.

THOMAS SMITH, recalled.

Direct examination by Mr. Kalisch.

10

Q Did you notice the condition of Mrs. Wille's hair at the time? A I did, yes.

Q How was it? A Seemed to be quite disarranged, halfway down her back, you might say, as though it had been torn up with her hands or something.

Cross examination by Mr. Davis.

Q What did you say, torn up with her hands? A Looked as though she might have run her fingers through it, or something, it was hanging down her back.

20

Q When did you notice that? A While she was standing there and talking with Mr. Wille.

JOSEPH W. HANLEY, sworn.

Direct examination by Mr. Kalisch.

30

Q Where do you live? A My present address?

Q Yes. A 198 George street, New Brunswick.

Q Where did you live the 18th of May last? A I was living at Bayonne, 15 East Twenty-eighth street.

Q What business were you in? A I worked for the Prudential Life Insurance Company.

40

Joseph W. Hanley, direct.

Q Did you live up by Mrs. Wille during the months of April and May of this year?

A No.

Q When did you live there? A 1915.

Q 1915? A 1916, no, just a moment—1916.

10 Q Where was that? It was across the street from my home.

Q What street? A Valley road.

Q Did you know Mrs. Wille? A I know her to see her.

Q Is that the lady? A That is the lady, yes.

Q Now, will you state whether or not you saw anybody going in her home at various times while you were living there? A Yes, I have.

20 Q Now, just give us the times? A At different times; I had a tenant that lived downstairs under me by the name of Foster; he went over there different times during the night.

Q Went over where? A To Mrs. Wille's house.

Q How do you know that? A I seen him.

30 Q What time of the night did he go in? A He would go in about quarter to eight and sometimes he would come out between half-past eleven and twelve.

Q Quarter of eight at night? A Yes.

Q And were the lights lit in the house when he went in? A Lights were lit in the house in the kitchen.

Q And after he was in were the lights lit? A Yes, in the kitchen, but not in the other part of the house.

40 Q There was always a light in the kitchen, was there? A Yes.

Joseph W. Hanley, direct.

Q And you say that he would stay in there about an hour or hour and a half, from quarter to eight until half-past eleven or quarter to twelve? A I guess about three hours, three hours and a half, something like that.

Q Did you ever see Mrs. Wille there when he was there? A Yes, I have. 10

Q Where would you see her? A I would see her washing the dishes and see Mr. Foster drying the dishes for her.

Q Have you seen that more than once? A Only the once.

Q What do you mean only once, drying the dishes only once? A Only once drying the dishes.

Q How many times did you see Foster go in the house? A I think about three or four times if I remember rightly. 20

Q And how long would he stay in the house? A Well, sometimes he would come out half-past ten, more times he come out at eleven.

Q Did you ever have any conversation with him about it, with Mr. Foster about his going over there? A No.

Q Did you ever see anybody else go in there at night? A Yes, I see several people go in there at night. 30

Q Who? A Well, I don't know.

Q Did you ever see a peddler wagon? A On Saturday nights I have seen peddler wagon.

Q What time would he go in? A He would get there about quarter to nine, would stay sometimes until five minutes after ten.

Q Did he do that often? A Every Saturday night come there at the same time and would leave around the same time. 40

Joseph W. Hanley, direct.

Q Anybody else? A Not as I know.

Q Were you present when Mrs. Wille made this trouble out there at the garage for her husband? A No, I was not.

10 Q Did you ever hear Mrs. Wille swear at her husband? A No, I never heard Mrs. Wille or Mr. Wille in conversation; I never seen Mr. Wille at the house at all during the time Mrs. Wille lived there.

Q (*By the Court.*) How long did she live there that you were there? A I noticed her about six months, the last six months I lived there.

20 Q During that last six months how many times did you see these various men on an average in the house? A The peddler would go there every Saturday night, he would go in there five minutes to nine and leave around ten.

Q How about the other man? A Foster?

Q Yes. A Foster didn't stay very long, he only stayed about a month and a half.

Q During that month and a half did he go over to Mrs. Wille's? A Yes.

Examined by the Court.

30 Q Did he live right opposite? A No.

Q Did you live opposite her? A On an angle.

Q How far on an angle? A I should judge between seventy and seventy-five feet, as near as I could judge.

Q Was Foster married? A Foster is married, yes, sir.

40 Q Was his wife home? A His wife lived downstairs; she knew he went to Wille's; they

Joseph W. Hanley, direct.

had disagreements over it; he said, "You mind your own business."

Q She knew he went over there? A Yes, sir.

Q Did she go over there and visit Mrs. Wille? A I never seen her.

Further direct examination by Mr. Kalisch.

10

Q You say they had a little difference? A Had a little disagreement over it.

Q What did he say? A He told her it was none of her business, he would go whenever he liked.

Q She objected to his going? A Yes.

Q What did she tell you? A She told me he ought to get in.

Q (*By the Court.*) The objection was not to going there, but the lateness of the hour? A Yes, sir; she said he should stay home with her.

20

Q (*By the Court.*) At the time this party went in did the lights go out, anything like that? A No, I can't say that; the lights were always lit in the kitchen of the house, not in the rest of the house.

Q (*By the Court.*) You did not observe any change in the lighting system when he went in? A No, I couldn't say that.

30

Q (*By the Court.*) Or when Foster went in? A No.

Q How could you see the light in the kitchen? A You see my house was on an angle, I could see from sitting on my porch, I could see Mrs. Wille's kitchen window, I could see her through the dining-room window through a door at her sink.

40

Joseph W. Hanley, cross.

Q How did the parlor look, light or dark?

A No, always dark; I never seen a light in Mrs. Wille's parlor only once when she lived there, I think that was on Christmas eve when she was trimming a Christmas tree.

Cross examination by Mr. Davis.

10

Q Facing the Wille house, did you live to the right or left of it? A That all depends which way you are coming, if you are coming up Valley road—

Q I mean as you were looking from your house over to Wille's? A I was on the left.

Q And looking from your piazza? A My house sits here (indicating) and Wille's house is over here on an angle from my house.

20

Q You were more west, more towards the trolley line? A No, Mrs. Wille was more towards the trolley line.

Q You were more east? A Toward Main street.

Q You say looking from your house you could look through her side dining-room window and see her in the kitchen at the sink? A It was a door or something, you could look right over from my porch right through.

30

Q Could you look through her dining-room? A When the light was lit you could see the reflection.

Q You could see her in the kitchen? A I could see her in the kitchen going around doing her work and washing her dishes.

Q From where you were sitting on your piazza you could see her through her dining-room window through into the kitchen? A Yes.

40

Joseph W. Hanley, cross.

Q Now, what door would he go in? A He would always go around the back door, around the side way and in the back door.

Q Did you see him go in the back door? A I did, yes; I would hear the door slam and would see him when he come in from the hall into the kitchen, but I didn't see him go in the door. 10

Q Could you see this peddler go in? A Yes, I could see the peddler go in.

Q And you knew who the peddler was, didn't you? A No, I never interested myself to find out.

Q Didn't you see the name on the wagon? A No, the only thing, the light he had on his wagon, he had a top wagon, he used to swing a lantern on the top over the barrels. 20

Q He got there usually at night? A Around five minutes to nine.

Q There were two of them, father and son? A I couldn't say whether it was his father.

Q There were two? A Yes, there was two men; there was a boy on the wagon when the man would go in.

Q Didn't they serve Mrs. Chambers, the woman upstairs? A I couldn't say. 30

Mr. Kalisch. I object.

The Court. You can ask him if he knows.

Q Do you know? A I don't know.

Q Where is Foster living now? A I couldn't say.

Q What is his business? A Why, the last I heard of him he was working in the Crucible Steel.

Q In Harrison? A In Harrison. 40

William T. Coleman, direct.

Q How long were you living opposite Mrs. Wille? A I think about—I lived there this last fifteen or eighteen years, but I just can't remember when Mrs. Wille moved in there.

Q When did you move away? A I moved away in September.

10 Q Of 1916? A 1916, yes.

Q And from the time she moved there until the time you moved away did you ever see her husband come around there? A No, I never seen her husband around there.

WILLIAM T. COLEMAN, sworn.

Direct examination by Mr. Kalisch.

Q Where do you reside? A 13 Meeker street, West Orange.

20 Q Do you know Mrs. Wille, the lady there? A Yes.

Q Do you know Mr. Wille? A Yes.

Q Did you see this lady, Mrs. Wille, come to Mr. Wille's garage one day and have an argument with him? A Yes, I did.

Q Can you tell us when that was? A I don't know exactly the date, it was around February 28th.

30 Q What year? A 1917.

Q Will you please tell the Court what you heard Mrs. Wille say? A Well, I think it ought to be private, the words I heard her express, and have it kind of slow; it is awful for ladies to listen to. I came about quarter after twelve, about the 28th of February to my lunch; just as I got there I saw a lady going down into the garage, that was Mrs. Wille, and as I got in, I was kind of wet, it was snowy and rainy together, as I got there I heard a

40

William T. Coleman, cross.

woman hollering at the top of her voice, "Open that door, you son-of-a-bitch, open that door"; I went to the back room to take off my clothes; as I got to the back window on the north side I heard her exclaim, "You son-of-a-bitch, you put your dirty black cock in my mouth." I moved the chairs around and walked away, I wouldn't listen to it. 10

Cross examination by Mr. Davis.

Q What time of day was this? A Fifteen minutes after twelve.

Q Noontime? A Yes.

Q What door was it that Mrs. Wille was trying to get into? A Garage door, double door.

Q Was it to the office or the garage itself? A Big double door. 20

Q And did you notice who was in there? A I didn't see anybody in there at all.

Q Did you hear Mr. Wille's voice there? A No, I did not.

Q The only one you saw then was Mrs. Wille? A Mrs. Wille.

Q You heard no one replying to her at all? A No. 30

Q Did you notice who was in the office? A I couldn't say, no. I was in my own house.

Q And how far were you away? A About twenty feet, twenty-five.

Q Was that alongside of the garage? A Right along, mine is thirteen, theirs is 13½.

Q And she was out in front trying to get in? A She was in front of the garage back of my house.

Q That was back of your house? A Yes. 40

Elizabeth Shearer, direct.

Q So you saw nobody at all excepting her?

A Nobody at all.

Q See anybody come out of the garage? A
No, sir, I did not.

10 Q Did you go around to the front to see what
was going on there? A No, I did not; as I said,
I wanted to make a little bit of noise so my
family wouldn't listen to that kind of stuff.

ELIZABETH SHEARER, sworn.

Direct examination by Mr. Kalisch.

Q Where do you live? A 49 South Orange
avenue.

Q Newark? A South Orange.

20 Q Did you live in the house with Mrs. Wille
in South Orange? A I did.

Q When was that? A Well, that was when
they were living together, I don't just exactly
remember the dates.

Q Can you give us an idea how many years
ago it was? A I guess it wasn't more than
three or three and a half years.

Q And what part of the house did Mr. and
Mrs. Wille occupy? A Bottom floor.

Q And you occupied the top floor? A Yes.

30 Q Were you very intimate with Mr. and Mrs.
Wille? A Well, no; we were on friendly terms.

Q Did you use to call upon them? A No,
we just would speak back and forth as we passed.

Q Did you ever hear any quarrels between
Mr. Wille and his wife while you were living
there? A No; I can't say that I did hear many
hard quarrels; I only know that Mrs. Wille had
a pretty high temper, I can say that.

40 Q In what way did she display it? A At
her husband.

Elizabeth Shearer, cross.

The Court. I don't know whether I want to hear this or not; it is outside of the issue.

Mr. Kalisch. Judge Davis intimated there was desertion here.

The Court. There is no question of desertion in the case.

A I know that Mrs. Wille frequently quarrelled with her husband. 10

Q Did Mrs. Wille ever complain to you of the treatment she received from her husband? A No, she couldn't, because she got the best treatment from her husband; she told me on several occasions, two separate occasions I can positively say, she had a good husband, but didn't know how to appreciate it; I said, "Perhaps sometime you will when it is too late."

20

Cross examination by Mr. Davis.

Q Was that before the last child was born or after? A I think that was before the last child was born.

Q How many children did she have at that time when she made that remark? A I think about four.

Q She has only got four now. A I think there is one lost. 30

Q Wasn't it only three children at the time she made that statement to you? A Three children?

Q Yes. A Well, I couldn't exactly say, I think it was, I think she had that other one after that.

Q And were you living in the same house with her when the last child was born? A No.

Q And up to the time these three children were born the Wille's apparently lived quite hap- 40

Catherine Wille, direct.

pily, didn't they? A They seemed to that first time, yes.

Mr. Kalisch. That is our case.

CATHERINE WILLE, sworn.

10 *Direct examination by Mr. Davis.*

Q Mrs. Wille, are you the mother of Charles Wille? A Yes, sir.

Q And does Charles live with you? A Yes.

Q How long has he lived with you? A About two years.

Q Living with you now? A Yes, sir.

Q You remember when he and his wife were living together before they separated, don't you?

A Yes, sir.

20 Q And do you know what they quarrelled about before they separated? A They had so many quarrels that I don't.

Q Do you know whether they quarrelled about a woman named Alice Newman?

Mr. Kalisch. I object to that on the ground that it is leading.

The Court. This is the petitioner's mother, is she not?

30

Mr. Davis. Yes, sir.

The Court. I will permit leading questions.

Q Did they quarrel about a woman named Alice Newman? A I never heard that.

Q Did Alice Newman come to your house when your son was there? A I telephoned to Mrs. Newman to come over and have some lunch.

40 Q And your son, Charles, since he went away from the home of his wife and children has he

Catherine Wille, direct.

not been keeping company with Alice Newman?

A I don't know nothing about it.

Mr. Kalisch. I object to that as incompetent and immaterial.

The Court. The answer is she don't know anything about it; let the answer stand. 10

Q You have a sister named Mrs. Coder? A Yes.

Q Now, do you say, do you still say that you don't know anything about Charles keeping company with Alice Newman? A Nothing at all.

Mr. Kalisch. I object. It is immaterial whether she does know.

The Court. I will permit it.

Q And isn't it true that you told your sister, Mrs. Coder, that Charles was going to marry Alice Newman when he got his divorce? 20

Mr. Kalisch. I make the same objection.

The Court. The same ruling.

A Never said anything like that.

Q Did you, with Alice Newman, make a trip to Woodbridge one night to get one of Charles' children and bring the child home from Woodbridge about eleven or twelve o'clock at night? 30

Mr. Kalisch. I object.

The Court. I admit it.

A Yes, sir.

Q And Alice Newman was with you? A My daughter-in-law was with me, Alice Newman, my daughter-in-law.

Q She is not your daughter-in-law? A Her sister is married to my son.

Q Your other son? A Yes, sir. 40

Catherine Wille, direct.

Q You don't mean that Alice Newman is your daughter-in-law, do you? A Well, I can't speak plain, I am German, I can't understand it right.

Q Who went with you besides Alice Newman, anybody? A Myself.

10 Q Yourself and Alice Newman? A And my son.

Q What son? A Charles Wille.

Q How long ago was that? A Last summer.

Q That was while Charlie was living away from his wife and children, wasn't it? A Yes.

20 Q And did you visit your daughter-in-law at any time, that is, Charles' wife, at any time since Charles has been away? A She come to see me, but I didn't go in her house; I have been in her house; I lived across the way from them and I moved away from there.

Q That was where? A Meeker street; I lived about seventy-five feet, I judge, away from my daughter-in-law, just across the street.

Q That was when Charles and her were living together? A When they were living together? They were not living together, he was with me, too; that was the first separation, they had separated before.

30 Q When was the first separation? A Well, I think it is about three years ago or four.

Q And then she came to live with you? A Who is that?

Q Your daughter-in-law? A No, sir, she lived across the street.

Q And that was on Meeker street? A On Meeker street, I think it is 360.

Q Now, have you visited your daughter-in-law at all since Charles ceased to live with her?

40 A Yes, I have been there several times.

Catherine Wille, direct.

Q How many times have you gone there? A I couldn't tell that.

Q I mean to Charles' wife's house? A She lived across the street and I used to be over there—went every day.

Q After Charlie left the house? A Charlie lived with her at that time. 10

Q Now, I am talking of the time after he left in 1915, the summer, did you ever go to see Charles' wife and children? A The children come up occasionally to me and I have seen her, but not on Meeker street; she had come up one time to see me, I guess, but she got so excited and she raised such disturbance that I kept distant.

Q Did you know that she objected to Alice Newman being in the garage? A She never mentioned that to me, I don't know nothing about that at all. 20

Q Did you at any time while Charlie was living with her, did you ever see her under the influence of liquor? A No, sir, I can't say that; I think she has a temper.

Q And you have seen outbursts of her temper, have you? A Yes, I have seen it.

Q And what was it about when you saw it? A Well, temper, the two would get in an argument; of course, she gets excited; she certainly would use bad language. 30

Q What two would get in the argument? A Both of them.

Q Charlie and herself? A Both of them got in argument; I am mother-in-law, I kept distant.

Q That was when they were living together, wasn't it? A Yes. Was almost continually fighting. 40

Catherine Wille; direct.

Q Up to the time the last child was born they did not have much trouble, did they? A I was there when the last child was born; I was with every child she had.

10 Q But up to the time when the last child was born there was not much trouble between her and Charlie was there? A There was no trouble as I know of.

Q What was the trouble about after the last child was born, if you know?

Mr. Kalisch. I object.

A The trouble was that there was no talk over the child at all, there was nothing in it, but he came in one time late and a fight started, she got a very jealous disposition.

20 Q You say she has got a jealous disposition? A Yes.

30 Q And in the talks that you have heard between her and Charlie what did you hear her say that made you conclude she had a jealous disposition? A Whenever the little fellow was sick, little Harry, I went into the house, and the barn where he had a few horses in was across the way; I had the child in my lap, it was sick with pneumonia, and set by the window, and another girl talked to my son and she come to me and kept raising the shade up and down; I said, "What is that for?" She said, "I don't want him to talk to them" and they know him since he is a baby.

Q That is the wife told you that she did not want him to talk to her? A She did not want my son to talk to Mary Boyle, and Mary Boyle is a decent girl.

40 Q Did she tell you she didn't want Charlie to go around with Alice Newman? A Alice

Catherine Wille, direct.

Newman's name was never mentioned to me; I don't know my son ever went around with her; she worked in that garage; occasionally I called up to bring Mrs. Newman up to have something to eat.

Q Up to your house? A Yes.

Q How far from the garage do you live? A 10
How far I live from the garage now? Now, I live 380 Meeker street and the garage is West Orange, Meeker street, and I live in South Orange, but that time we were across the way from each other; we have moved; I have moved away from there; I couldn't stand the fights; I wanted to be by myself, that is what I moved for.

Q You were here this morning, weren't you?
A Yes.

Q And after this morning's session, after 20
Charlie got off the witness stand you made the statement, did you not, in the corridor that everything he said was lies? A Oh, I don't remember anything like that.

Q Didn't you make that statement to Mrs. Boyle? A I said so many lies is told sometimes.

Q Didn't you say out in the corridor to Mrs. Boyle and her daughter-in-law right after the session closed at one o'clock, did you say that 30
all that Charlie said on the stand was lies, and didn't you cry when you said it? A I cried all morning and cried all day yesterday, and I don't say that; I don't remember anything like that; I said in cases like that so many lies are told, in cases like that.

Q What were you referring to when you said there was so much lies told? A So many people have something else to say and the truth is sometimes not always there. 40

Loretta Wille, direct.

Q And didn't you take hold of Charlie's wife out in the corridor and didn't you say that Charlie on the witness stand told lies, didn't you tell his wife that? A No, I didn't say that.

Q You did not say it? A No, sir.

10 LORETTA WILLE, sworn.

Direct examination by Mr. Davis.

Q Mrs. Wille, are you the wife of Fred Wille? A Yes.

Q And is he the brother of Charles Wille? A Yes.

Q And how long have you been married to Fred? A A year ago last April.

20 Q Where have you lived? A I lived first at No. 9 Meeker street, West Orange, and April 9th moved to 15 Meeker street, West Orange.

Q And have you been in conversation with Charles Wille at any time with regard to a young woman named Alice Newman?

Mr. Kalisch. I object. This is leading and calling her attention to a specific conversation between a party who is not in this suit.

30 *The Court.* I will permit it.

Q Have you talked with Charlie about Alice Newman? A Well, in what way do you mean?

The Court. Any way.

40 Q Any way has her name come up in conversation between you and Charlie? A Well, I can't say come up in conversation in any way, but, of course, I know she is there in the garage with him.

Loretta Wille, direct.

Q And to what extent have you seen her with him?

Mr. Kalisch. Do you say you saw Mr. Wille with this woman?

A Yes, I did.

Q When and where? A Why several times; I live, my house, the back stoop faces the garage and of course every time I go out I can see them. 10

Q Have you seen him and her go out together? A Yes.

Q How frequently?

Mr. Kalisch. It is very leading.

The Court. I will permit it. I will stop it when it gets harmful; it has not got harmful yet. 20

Q (Question read.) A Well, every few days, I guess.

Q Covering a period of how long? A Well, she has been in the garage I think a year ago last January, I think; I am not positive.

Q And she is there now, is she? A She was up to yesterday, she was back and forth.

Q Now what do you mean by going out together? How have they gone out together?

A In the machine. 30

Examined by the Court.

Q Alone or with others? A Both.

Q About how often alone? A Well, I can't just say how often alone; I was not with them; I only see them drive from the garage.

Q Did you notice about what time they went out alone? A All times.

Q Well, how late at night? A Between half-past ten— 40

Loretta Wille, direct.

Q Coming back or going out? A Both.

Q How late have you seen them come back?

A Well, of course, I didn't sit up, I can't just say, because I didn't stay up.

10 Q How late has it been that you did see them come back? A I guess about eleven or twelve, something like that; I am not sure. He stayed in the garage last winter mostly every night, so of course they came back to the garage.

Q Did you ever remonstrate with your brother about his going out with Mrs. Newman? A Well, yes, I have had several little arguments; they didn't amount to very much.

20 Q When did you start to remonstrate with him about it? A Well, I think, it was about, oh, about a year ago, around June, I think a year ago last June.

Q What caused you to do that? A Well, because I knew that he was a married man and he had children and I said he should stick to his wife and children, he should not go around with her.

Further direct examination by Mr. Davis.

30 Q How often did you talk with Mr. Wille in that strain? A Well, every time when any little thing would come up when I use to go to the garage when anything come up I always took his wife's part; I don't know her, but, as I said, he should stay with the children and not go around with my sister.

Q What did he say to you when you made that statement to him? A He didn't say very much; he just merely put his head down.

40 Q How frequently have you seen Mr. Wille and Mrs. Newman out together at night? A

Loretta Wille, direct.

Well, lately I haven't been down near the garage; I haven't been on good terms with him and don't know much about the business now, but before I never use to go out.

Q Was there anything said by him to you or by her in your presence, I mean in his presence, about whether or not they were engaged to be married? A Well, about engagement, of course they could not consider it an engagement, they could not consider it an engagement very well, I never heard them say they were engaged. 10

Q What did they say about marriage, if anything?

Mr. Kalisch. She said she never heard them say they were engaged.

The Court. I suppose the Judge's idea is that this man had no right to do what he did. 20

Mr. Kalisch. He has got to prove it.

The Court. He is proving it now rather effectively.

Q In your presence what did either of them say, or in the presence of each other, about marriage? A The things are too numerous to tell.

Q Suppose you make a start and say what you can remember? A Well, all I knew they thought they were going to be so happy when they got married, and things like that. 30

Q Who said that? A Why Mrs. Newman.

Q And what did Mr. Wille say about that? A Mr. Wille never had much to say when I was there; he always hung his head.

Q Was this statement made by Mrs. Newman in the garage? A Yes. I haven't gone there now in about five or six months, I guess. 40

Loretta Wille, direct.

Q Was this five or six months ago that the talk of marriage took place? A Longer than that ago; just about how they were going to be happy; I can't say what they were going to do, they were going to get married.

10 Q How long have you heard the talk of marriage between Mrs. Newman and Mr. Charles Wille? A I don't know exactly.

Examined by the Court.

Q Did you hear it before the separation between Charles Wille and his wife, did you hear it during the time Charles Wille and his wife were living together? A Well, I will tell you, I didn't know Mr. Wille only a few months while he was living with his wife, I only met him, so I didn't know him.

20 Q They separated in July, 1915. Did you hear this talk about him marrying Mrs. Newman before July, 1915? A I can't say about marrying; he was going around with her.

Q Then he was going around with her before July, 1915, while he was still living with his wife, and it was before that time that you objected to it? A Yes, sir.

30 Q When was Mrs. Newman divorced? A I believe it was two years last July.

Q Who obtained the divorce, she or her husband? A She did, and he did not defend it.

Further direct examination by Mr. Davis.

Q Where did you first meet Charles Wille? A Well, about three years ago, I think three or four years, I am not positive as to the date, he came with my brother-in-law, Mr. McChesney, to the house one evening; they only stayed a few minutes and went out again; that was the first I
40 knew him.

Loretta Wille, direct.

Q When did you first learn or first ascertain that Charles Wille while still living with his wife was going around with Mrs. Newman, how was that first brought to your attention? A Why, Mr. Wille came over and took us out for an automobile ride; I didn't know, I thought, of course, he was a friend of my brother-in-law's; I went out in the automobile ride with them. 10

Examination by the Court.

Q Was there anything during that automobile ride or at any other time that indicated any affection between the two to you? A Well—

Q Now tell us; all we want is the truth; tell us exactly what the truth is, no matter who it hurts? A Well, of course, I don't know what you mean? 20

Q I mean anything to your mind that indicated they had an affectionate feeling between them? A Yes.

Q What did they do to indicate that to you? A Well, the names he used to call her.

Q What did he call her? A Dearie and things like that.

Q During the first ride as soon as you met her? A No, about the third time I was out with them. 30

Q He called her dearie? A Yes, sir.

Q Any other names that he called her? A I don't know; he had several pet names.

Q Let me hear some of the pet names; did he call her, as suggested here this morning, bunny? A Yes, I heard him call her that.

Q What else? A I don't know; I didn't pay much attention to them because I never bothered.

Q Did she call him any pet names? A She called both kinds. 40

Loretta Wille, direct.

Q She called him both kind of names, what?

A I don't know; when they were on terms it was dearie, when they were not, it was something else.

10 Q What did she call him when they were on good terms, was that an habitual thing for them to call each other dear and dearie? A Sure, yes.

Q General thing? A Yes, sir.

Further direct examination by Mr. Davis.

Q Did he call her bun for short? A Yes, I heard him call her that.

20 Q Now, how long did that continue before Charles Wille left the house that his wife was living in? A I couldn't say; I wasn't home, I was working, and only certain evenings he would come and take us out for a ride, and my sister, Mrs. McChesney has been out with him too, but I didn't see him lately, I can't say.

Q While he was still living with his wife did you speak to him about the propriety of the way he was acting toward Mrs. Newman? A No, I don't believe I did while he was living with his wife, I don't know.

30 Q When did you first speak to him about the way he was acting toward Mrs. Newman? A I think about, I won't say, about two years ago, I think.

Q And when was it you first heard that Charlie Wille and Mrs. Newman intended to get married? A I don't know.

Q Was it before or after this divorce suit was started? A Well, I don't just know when this divorce thing came up.

40 Q Well, it was started about May or June of 1917; now was it before that or after that that

Loretta Wille, cross.

you heard this talk about marriage between Wille and Mrs. Newman? A It was before, before June or May.

The Court. She has already testified on my examination it was sometime during 1915 and 1916.

Q Now, Mrs. Wille, do you know where Mrs. Newman lives now? A Yes, she lives at Central place, I am not positive, I think the number is 30. 10

Q That is in West Orange? A Yes, sir.

Q Do you know who it was that bought that house? A Well, I was not there when the arrangement was made, although I knew my sister had no money, only what she earned in the garage, and I could not see how she could buy the house, that is all I know. 20

Q Did Charlie Wille tell you anything about the purchase of that house? A No, I was not speaking with Charlie Wille because I am not on good terms with him.

Cross examination by Mr. Kalisch.

Q Where do you say you live? A 15 Meeker street, West Orange.

Q And how far away from your mother? A From whose mother? 30

Q From Mr. Wille's mother? A She lives in South Orange, Montrose, and I live in West Orange.

Q Isn't it a fact that Mr. Wille use to take all of you out riding on Sundays, you and your husband and Mrs. Newman and Mrs. McChesney? A He did in the first beginning, yes.

Q And did this up until a year ago, less than a year ago, take you out riding? A Yes, I have been out with them. 40

Loretta Wille, cross.

Q And he did not show any extra affection toward Mrs. Newman any more than he did to his mother, did he? A His mother wasn't with us; I don't know what affection he showed for his mother.

10 Q You mean to say he did not take his mother out riding? A Not with me, no.

Q Mr. Wille never told you he was engaged to Mrs. Newman, did he? A Not engaged, no.

Q And Mrs. Newman never told you she was engaged to Mr. Wille? A How could she be engaged to a married man?

20 *The Court.* She is drawing a distinction between the technical term "engagement" and understanding that they would get married, but the law would not permit them to get married.

Q Mr. Wille never told you there was an understanding that he and Mrs. Newman were going to get married, did he? A No, I guess he didn't or I would have told him something.

Q Did he? A No.

30 Q Mrs. Newman never told you there was an understanding between them that they were going to get married? A Yes, after he got divorced.

Q When did she tell you that? A Often times.

The Court. Exactly what the witness testified to on direct examination.

Q Mrs. Newman is your sister, isn't she? A Yes, she is.

40 Q And Mrs. Wille up to two months ago, your husband was employed by Mr. Wille in the garage? A Yes.

Fred Wille, direct.

Q And Mr. Wille discharged him two months ago? A No, my husband left.

Q He left? A Yes, sir.

Q How long had he been working for his brother up to the time that he left? A Well, I think it will be two years around this time; I think it is two years around this time. **10**

Q And where is he working now? A He is working over in Harrison for the Hyatt Roller Bearing Company.

FRED WILLE, sworn.

Direct examination by Mr. Davis.

Q Are you the brother of Charles Wille?
A Yes.

Q And did you work for him? A Yes. **20**

Q In what capacity? A Why driving taxi.

Q How long did you work for him the last time? A I worked for him about three times; the last time I worked I should judge about two years ago, the last of August, that was the last time I have worked with him within the last ten years.

Q What was the last time you worked for him, how long ago? A About two years last July or August. **30**

Q And you have not worked for him since July, 1915? A No; I worked for him, I went to work for him around July, 1915, and worked up until about a month and a half ago.

Q And before July, 1915, were you working for him at any time? A I was with the Adams Express for about nine months, then I worked for Connet & Company for about nine months and before that I was working for him.

Q Driving a car or taxi? A Yes. **40**

Fred Wille, direct.

Q How old are you? A Will be twenty-five next July.

Q How old is your brother Charles? A About 32 or 33, I guess.

10 Q While you were working for your brother and up to, we will say a month and a half ago, did he at any time ask you to watch his wife?
A Yes, sir.

Q When? A Once, I don't know the date, perhaps his wife knows.

Q How long ago was it? A Oh, last summer, I guess; I really to tell the truth, don't know when it was; I know his wife saw me doing it and she knows the date better than I do.

20 Q Was it the present summer just past? A I think it was in the spring of the year.

Q Was it within the last year? A I think it was, yes.

Q (*By the Court.*) Was it before Christmas, or after Christmas, do you know that? A I think it was after Christmas.

Q And how long did you watch his wife? A About two hours and a half I guess.

30 Q Whereabouts? A I stood in the saloon around noon time, I guess, and looked over the door of the saloon, and half of the time I guess I was downing schooners.

Q That was the only time you watched her at his request? A Yes.

Q Was that in the day time or night time? A Day time.

Q Do you remember the time or about the time that Charlie and his wife separated? A Yes.

40 Q And did you know what they quarrelled about that time? A I really don't know what

Fred Wille, direct.

the quarrels were because I wasn't in the house with them.

Q Did you and Charlie have a disagreement about that time in which he beat you? A That was before that.

Q How long before? A I don't exactly know; to tell you the truth, I tried to forget it the best way I could because I forgive that, and everything else. 10

Q What was the date? A I didn't know at that time whether it was worth me telling his wife anything or not; I really don't know what the fight was over.

Q What did he say it was over? A Because he was in an intoxicated condition and I happened to be doing something and he happened to say I was doing it wrong and I said I was doing it right; one word lead to another; I started firing something at him and he got back at me. 20

Q Did you and he have an altercation on the lawn in front of his house? A You mean a fight?

Q Yes. A Yes, sir.

Q Is that the one you are referring to now? A Yes. 30

Q What did he say, if anything, to you at that time regarding any trouble with his wife?

Mr. Kalisch. There is no evidence here that he said anything.

A I don't remember him saying anything.

Q How long have you been in the garage there while Alice Newman has been working in the office? A I have been working there before she came to the garage.

Q Do you know when she came? A Yes. 40

Fred Wille, direct.

Q When? A The first of January a year ago, the first of last January.

Q That was January 1st, 1916? A I think it was, that was when they started with the garage.

10 Q What duties did she perform there? A Why, bookkeeper.

Q And were you there at any time when Charles' wife came to the garage? A I was there one time when she came and wanted her little boy, was up to the house, I took her up in the car to get him; I told her it was too late the little boy was in bed, and asked her to come around next day and get him.

20 Q Were you at the garage any time that Alice Newman was there that the wife came up? A No.

Q Have you ever seen your brother Charlie and Mrs. Newman go out together? A Only in the machine, sometimes I did when I was at the garage.

Q That is what I mean? A Yes.

30 Q Alone or with other people? A Sometimes they went out alone, sometimes they had friends go with them and sometimes I was with them myself.

Q And did you ever hear any manner in which your brother addressed Alice Newman? A Well, they sometimes called each other mushy names.

Q (*By the Court.*) Let us hear the mushy names? A He used to call her bun.

Q Used to call her bun? A Yes.

Q What else? A Dear.

40 Q (*By the Court.*) What did she call him? A Hun.

Fred Wille, direct.

Q (*By the Court.*) Hun or hon? A I don't know which one.

Q She called him hun and he called her bun, is that right? A Yes.

Q How long has that been going on? A Ever since I was at the garage, I guess.

Q (*By the Court.*) Ever since she came there practically? A Yes, sir. 10

Q (*By the Court.*) Did they ever talk of getting married when you were around? A No; I suppose they would if they got divorced.

Q (*By the Court.*) We don't want any supposition. Did they ever talk of any marriage? A (No answer.)

Q (*By the Court.*) How late would they come in? A I don't know; I use to be one of the last ones in at night myself. 20

Q (*By the Court.*) Would they be there? A They always would be there when I got home nights; I didn't work; I was off at seven.

Q (*By the Court.*) What time would they go out? A Sometimes they would go out half-past seven or eight o'clock.

Q (*By the Court.*) Come back about when? A I don't know when they would come back; they would be back when I come in.

Q (*By the Court.*) Ever say anything about getting dinner anywhere when they were out on these trips? A No; I suppose they could do it without me knowing it; I wasn't with them. 30

Q Did you ever hear any talk between them, between Charlie and Mrs. Newman about marriage or about getting married? A Well, if they got their divorce they would.

Q Now, just describe more in detail, please, to the Court what was said on these occasions 40

Fred Wille, direct.

and who said it? A It was always said in a joke, I use to take it up because I never thought about it at all.

Q Who said it? A I used to hear Mrs. Newman say it.

10 Q To whom? A She used to say it to whoever happened to be there.

Q (*By the Court.*) Did you at any time tell Mrs. Wille about what was going on? A Well, I don't remember.

20 Q (*By the Court.*) Now, young man, do you mean to tell me you don't remember whether you ever told Mrs. Wille anything about this? A Not about Mrs. Newman, no sir, I don't because I wasn't speaking with Mrs. Wille there for awhile, because I used to keep away from her just to keep in with my brother; if I went near her he naturally thought I was telling her everything, so I stayed away as much as I could; when she come up to see him and they had arguments if it happened to be in the public street I used to go out and be quiet about it; the trouble with Mrs. Wille was she used to act as though she was insane; I used to feel sorry for her because I know if she was in her right senses she wouldn't act that way.

30 Q What would she quarrel about with her husband? A She used to want more wages; sometimes she used to get me and used to tell me about this Mrs. Newman; I used to say I wouldn't do anything about it, I said "It isn't my fault, I am married and settled down and what anybody else does it is none of my business."

40 Q How often did she complain to you about her husband and Mrs. Newman? A Every time she come up and started wrangling she used to listen to me if I spoke to her.

Fred Wille, cross.

Q When you say "Come up," do you mean come up to the garage? A When we were at the stable that was.

Q Now do you remember before Charlie left home whether or not he was going around with Mrs. Newman? A I think he was.

Q Well, just tell what you know about it? A I used to answer the telephone; she would call up for him for a car to go from one case to another; she was a trained nurse at that time and she would go from one case to another and call up the garage for a car. 10

Q Do you know anything about a red Ford car? A Yes.

Q Is there a red Ford car up in the garage? A It is maroon car.

Q Whose is it? A I don't know whose name it is in at all; it might be in his or in hers. 20

Q Who runs it? A She runs it and whoever is in the garage runs it; when I was there if he told me to go out with it I would go out with it.

Q Did your brother say anything to you about the purchase of a house on Central Place? A No.

Q Was that done since you left the place? A Yes.

Cross examination by Mr. Kalisch. 30

Q You say Mrs. Wille would complain to you about Mrs. Newman? A Yes, sir.

Q And when was the first that she complained to you about it? A Oh, ever since she moved away from her house on Meeker street and moved down to Orange.

Q As far back as 1915? A It was around two years and a half ago when she moved away from there. 40

Fred Wille, cross.

Q Two years and a half ago from now? A Yes.

Q That was when she first complained? A Not quite two years and a half.

Q Two years ago she used to complain to you about Mrs. Newman? A Yes.

10 Q What would she say? A She would say "Why don't he stay away from her?"

Q You knew Mrs. Newman was employed as bookkeeper. A Certainly.

Q Why didn't you tell Mrs. Wille she was employed in the garage? A She knew that.

Q Did you tell Mrs. Newman that? A She was working there.

The Court. Don't ask questions of that kind.

20 Q When was the first you heard Mr. Wille call Mrs. Newman bunny? A First time I ever got in a talk with them when she was working in the garage.

Q Was that two years ago? A That was a year ago the first of last January when we opened up the garage.

30 Q He immediately began to call her endearing names? A When I was in there that was their name, bunny and honey, they didn't have any other names than that, it was bun and hun.

Q In the garage when he wanted to dictate a letter he called her bun? A I never heard him dictating any letters.

Q If he wanted her to telephone he use to call her bun? A He was outside and she inside, he would say "Bun."

40 Q Right in front of all the taxi drivers? A Yes; if a stranger came in there they would naturally think her name was bun.

Fred Wille, cross.

Q The drivers there used to call her bun, too, didn't they? A I don't know; I used to call her Alice; I am her own brother-in-law.

Q Didn't you hear the other drivers call her bun? A Once in awhile fooling they might have.

Q And they would laugh about it, wouldn't she? A Certainly, I don't know whether she would be laughing at their calling her bun or not. 10

Q Would she smile? A Naturally anybody would smile. They used to call me kid; when they called me kid I would smile, too.

Q Your brother used to take you and your mother and Mrs. Newman? A Not my mother; I was never out with my mother in the car.

Q Who would he take out? A My wife and I was out with them together a couple of trips. 20

Q Mrs. Newman with you? A Yes.

Q Your children? A Sometimes.

Q How often would you take the children out? A I haven't been out with them on many trips.

Q You say when he went out with Mrs. Newman he was always home before you were? A If I was working.

Q I say if they went out alone when you were working there they were always home first? A Oh, yes. 30

Q You knew they returned together and saw the car there, did you? A Yes.

Q Didn't you have an argument about a month and a half ago with your brother and he said he didn't want you? A Didn't have any argument, only Mrs. Newman tried to boss me around over a little quarrel they had up there between sisters and I told her to leave me out of it, and I said "I will quit the job if you don't 40

John S. Chambers, direct.

leave me out of your troubles" and he said "If you want to quit you can quit," my brother did; so I drove the trip I was on and came back and walked out.

Adjourned to Friday, October 5th, 1917.

10

October 5, 1917.

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,
Petitioner,

and

20

LENA WILLE,
Defendant.

Continuation of examination pursuant to adjournment on October 5, 1917, at the place and in the presence of the Court and counsel as before.

JOHN S. CHAMBERS, sworn.

30

Direct examination by Mr. Davis.

Q What is your business? A Newsdealer.

Q How long have you been in that business?

A About twenty-five years.

Q Married man? A Yes, sir.

Q Where do you live? A 477 Valley road, West Orange.

Q And is that in the same house where Mrs. Wille and her children lived? A Yes, on the second floor.

40

John S. Chambers, direct.

Q How long have you lived in that house? A Ten years next January.

Q And how long has Mrs. Wille lived there? A I think two years the first of October.

Q And during all that time were the children living there with her? A Yes, only when she was home.

10

Q And that is where? A Woodbridge.

Q That is her parents' home? A Yes.

Q Now, do you recall an evening last summer or last month of May when Mr. Wille and two men came around there? A Yes, I do.

Q Now, earlier in the evening had you seen any man go into the house, into the Wille house? A Yes, I did.

Q Do you know what his name was? A I think his name was Mr. Price.

20

Q Is he here? A Yes, I have seen him in the hall.

Q Mr. Price, stand up, please; is that the man? A That is the man.

Q And what time of the night was it that you saw him come in? A It must have been between half-past eight and a quarter to nine, I know it was before nine.

Q Where were you coming from or where were you going to at the time? A I was coming from the store on the corner of Columbia Place and Valley road.

30

Q How far is that away from 477? A Just about 200 feet, just on the opposite corner.

Q Where were you when you saw Mr. Price? A Why, I seen the person turn in the corner of the house as I come around the front, as he went in the door, I heard some one say, "Mr. Price."

Q And in what door did he go? A In the back door.

40

John S. Chambers, direct.

Q Whose back door? A Mrs. Wille's back door.

Q That is the kitchen? A Yes.

Q And where did you go? A I went upstairs.

10 Q Now, in going in how many back doors are there to this house? A Why, there is only one back door, there is door outside of the vestibule, the back entrance, and door going into her house.

Q And in order to get up to your house on the second floor do you or do you not have to use the same back door that Mrs. Wille used? A Yes, we do.

Q And the same back stoop? A The same back stoop.

20 Q Now, did you see Mr. Price again that same night? A I seen him when he was going home.

Q Where were you when you saw him when he was going home? A I was at the kitchen sink drawing water for my horse.

Q The kitchen sink is on what side of the house? Right-hand side.

Q Is that the side toward the open lot? A Yes, toward the open lot.

30 Q And when you were there at the kitchen sink drawing water for your horse where was it you saw Mr. Price? A Saw him pass under the electric light just in front of the saloon.

Q Was he running or walking? A No, walking at a pretty good gait.

Q How was he dressed? A He had soft hat and long overcoat, not really long overcoat, about three-quarter coat.

Q Did he have his coat on or off? A Yes, he had his coat on.

40 Q What direction was he going in? A He was going toward Main street.

John S. Chambers, cross.

Q Is there a trolley line on Main street? A Yes.

Q Now, you say that you were drawing water for your horse; where did you keep your horse?

A In the barn which is in the rear of the house.

Q There is a barn in the rear? A Yes, about fifteen feet from the back stoop. 10

Q Did you bring that water down to the horse? A I did, yes.

Q And when you came down did you see any persons at all? A No, I didn't see anybody, only Mrs. Wille ran out of the house and told me what had happened.

Q How was Mrs. Wille dressed? A Why, she had a light waist with stripes in it, candy stripe, and dark skirt, I don't know whether it was blue or black. 20

Q Was she fully dressed? A Yes.

Q And did you notice whether her hair was hanging down her back? A It was the same as it always was, just hangs loose.

Cross examination by Mr. Kalisch.

Q What was the date of this? A I don't remember the date, it didn't concern me so I don't remember. 30

Q Now, we want to know when this was that you saw Mr. Price going from Mrs. Wille's house? A Well, the only way I can remember, it was the night Mrs. Wille ran out, and I remember the occurrence, that is all, I don't remember the date; why should I remember the date?

Q What do you mean by Mrs. Wille ran out? A She came out when I went down with the pail of water, when I went out she come 40

John S. Chambers, cross.

out of the door and told me what had happened.

Q What did she tell you? A She told me her husband and two other men come there and caught her in the house with Price.

10 Q Told you that they caught her in the house with Price? A That is all.

Q And you don't know whether this was April or May or June? A No, I don't know what month it was.

Q What time in the night was it? A Why, it must have been about quarter to eleven.

Q Mrs. Wille occupied the ground floor of this house? A The ground floor, yes.

20 Q How many rooms did she have, do you know? A She had five, the same as we did.

Q You occupied upstairs? A Second floor.

Q Have you seen anyone come into her house on previous nights? A No man but Mr. Price.

Q Have you seen him come there often? A Yes.

30 Q How often? A Well, sometimes, well, I haven't seen him come in the evenings often; I have seen him come in the daytime maybe twice a week, once a week; this is I guess about twice in the evening, that is about all.

Q Twice in the evening, what time in the evening? A Well, generally about half-past eight, quarter to nine.

Q Do you know how long he would stay? A No, I do not.

40 Q Now, you are sure that this man Price was there the night that Mrs. Wille told you that her husband had caught her with Mr. Price? A Positively.

John S. Chambers, re-direct.

Q And did you hear any commotion downstairs? A No, sir; I did not.

Q Where were you that evening? A Where was I? Out in the store, out in the drug store.

Q Didn't you go home? A Certainly, it is only two doors from my house. 10

Q What time did you get home? A Why, I got home just before this happened, because I was just upstairs drawing the water and seen the person go down under the light, and I know him by his walk as I have known him a good many years.

Q How long were you home before Mrs. Wille ran out? A I had just drawn the water and come downstairs.

Q Didn't you hear any commotion in the front room? A Not a thing, or didn't see anybody, because when she come down I took the lantern and said, "Maybe they are in the barn," I looked in both barns, went around to the front window with the lantern and everything. 20

Q Was there a light lit in the room downstairs? A Light in the dining-room.

Q You didn't pay any attention? A No, sir; it was none of my business. 30

Re-direct examination by Mr. Davis.

Q Before this occurrence had Mrs. Wille ever complained to you and your wife about Price coming around to the house? A Yes.

Q And how many times did she do that to your recollection? A There was one Saturday Mrs. Wille was in and told my wife to go down to the front door and tell him she wasn't in. Another time she come running upstairs to 40

Emanuel Greenberg, direct.

us and said, "Here comes that Price again," and the children come upstairs and told Price she was home, and she went down.

Q That was up in your house? A She ran up to ask us to tell him she wasn't home, and the children told him she was home.

10

EMANUEL GREENBERG, sworn.

Direct examination by Mr. Davis.

Q Your business is what? A Fruit and vegetable business.

Q Do you go around with a wagon as a huckster? A Yes.

Q Where is your place of business? A We live in Newark, 377 South Sixth street, but we work in the Oranges.

20

Q Who worked with you or who do you work with? A My father, we both work together.

Q Is he here? A Yes, sir.

Q Do you serve goods to any people in the house 477 Valley road, West Orange? A Chambers upstairs is the only one.

30

Q Do you know the family of Mrs. Wille downstairs? A No, sir. Only know her, once she was up in Mrs. Chambers only once, she bought a head of cauliflower when Mrs. Chambers was home.

Q Have you ever been in the rooms of Mrs. Wille? A Never.

Q Have you gone there, do you go to the Chambers house at night with your wagon? A Yes.

Q And your father, too? A No, my father never goes up, he is with me on the wagon, he has never been in the house.

40

Emanuel Greenberg, cross.

Q Is your name on the wagon? A Greenberg & Son, yes.

Q How long has the name been on the wagon? A It has been on the wagon now for the last five years.

Q Have you ever or were you in Mrs. Wille's rooms on one occasion when her husband and two men came in there? A Never, never seen anything like that. 10

Cross examination by Mr. Kalisch.

Q You did not serve Mrs. Wille then with vegetables? What were your provisions? A Why, fruit and vegetables; I served Mrs. Chambers for years; one night Mrs. Wille was up there and I had a nice head of cauliflower left and Mrs. Wille asked me how much I wanted, I said twenty cents, I gave her the head of cauliflower, had nothing else to say. 20

Q Do you know whether she bought her provisions from some other huckster? A I couldn't tell you, that is something I don't know.

Q Did you ever see any other huckster there? A No, never, not while I was there.

Q Do you know of any other huckster that served that route? A No, sir. 30

Q You always went alone on that wagon or with your father? A My father, both together, but he has never been in the house.

Q What did you have your father with you for? A We both worked together; you see he has his own customers and I have my own customers.

Q What time do you get to Mrs. Chambers' house? A Saturday nights we get there late in the evening. 40

Emanuel Greenberg, cross.

Q About how late? A Eleven o'clock.

Q Eleven o'clock at night? A Yes, and I work until twelve, too.

Q And you get there every Saturday night at eleven o'clock at night? A Eleven, half-past ten; that is the end of my route.

10 Q Half-past eleven? A No, about half-past ten or eleven o'clock; that is the end of my route.

Q Sometimes later than eleven? A Very seldom.

Q How often would you get there a little later than eleven? A I haven't been to Mrs. Chambers' home for the last four or five weeks.

20 Q How often would you get there after eleven o'clock? A If it was too late I wouldn't go to the house.

Q What do you mean by too late? A If it was too late in the evening, or it was dark in the kitchen I never went in the house.

Q Didn't you consider eleven o'clock at night late? A I generally work until twelve o'clock some nights.

30 Q When you went there eleven o'clock at night and there was a light in Mrs. Chambers' kitchen would you go in? A Yes; she would be waiting for her husband; he worked for papers or something.

Q Sometimes you got there a little after eleven, and there was a light in Mrs. Chambers? A Would you knock at the door and if there was no answer would walk down.

Q And if there was you would go in Mrs. Chambers? A Yes.

40 Q How often would that happen that you got there after eleven o'clock?

Benjamin Greenberg, direct.

The Court. I overrule that; it has been asked several times and he says he can't answer it.

Q How long did you stay there? A Stay there fifteen minutes; some nights make a big sale; some nights didn't stay five minutes or two minutes or a second if no one was there.

10

Q What do you mean by big sales? A Make sale, want to clean up my goods, two dollar sale, dollar and a half sale, take a little longer to make people buy the stuff.

Q Only on one occasion you met Mrs. Wille when you served Mrs. Chambers? A Once.

Q When was that? A Two or three years ago.

Q Was it in the night? A Yes.

20

Q About how late? A Half-past ten, quarter to eleven, something like that.

Q And Mrs. Wille was in Mrs. Chambers' apartment? A Yes.

Q And she bought something from you and you left? A Yes.

BENJAMIN GREENBERG, sworn.

Direct examination by Mr. Davis.

30

Q Are you the father of the last witness?
A Yes, sir.

Q And you are a huckster? A Yes, sir.

Q You have got a wagon and travel up through the Oranges? A Yes.

Q Now do you serve anybody at 477 Valley road, West Orange? A Yes.

Q Who is it, who did you serve or do you serve now at 477 Valley road? Do you know where Mrs. Chambers lives? A Yes.

40

John S. Chambers, cross.

Q Did you go into the Chambers house to serve her? A Never.

Q Have you ever gone into Mrs. Wille's apartment? A Never; I don't know the people at all.

10 *Cross examination by Mr. Kalisch.*

Q Is Mrs. Chambers a regular customer of yours? A Yes.

Q And what time of night did you get there? A Twelve o'clock; I am a customer peddler, not street peddler; my last stop is quarter to twelve; I am a customer peddler; I am not a street peddler.

20 Q You used to get around to the Chambers house at twelve o'clock? A My boy go there and I go across the street.

Q Around twelve o'clock? A Yes, eleven something, sometimes half-past eleven; for four or five weeks I am too late, I didn't go at all, across the street I sold potatoes last Saturday, and it was quarter to twelve.

JOHN S. CHAMBERS, recalled.

Cross examination by Mr. Kalisch.

30 Q What is your business? A Newsdealer.

Q For the Newark Evening News? A Everything in the newspaper line.

Q Were you home every night? A Every night, yes.

Q Never went out? A Never go out after I got home unless just to the corner.

40 Q What time would you get home nights? A Oh, about half-past six or seven o'clock, half-past seven the latest.

John S. Chambers, cross.

Q And you never had occasion to go out?

A Sometimes Saturday nights go out and get home at half-past eleven or quarter to twelve.

Q You never went out during the middle of the week? A No, sir.

Q Belong to any lodges or associations? A No, sir; nothing at all. 10

Q And the only time you went out was Saturday night? A That is about all, maybe go out in the store and stand in the drug store until half-past ten or eleven o'clock.

Q That is out? A Yes, that is out.

Q How often would you do that? A Maybe once or twice a week, get out there and chewing the rag and stay until they close up.

Q You stay there until half-past ten or eleven o'clock? A Yes, some nights. 20

Q That would occur twice a week? A Some weeks it would not occur at all.

Q That was beside your Saturday night? A Yes, it isn't every Saturday night either.

Q Are you subpoenaed here today? A Yes, sir.

Q Who asked you to come here? A Nobody asked me, just got the notice to come and I had to come.

Q Didn't Mrs. Wille ask you to come? A No, sir. 30

Q Didn't Mrs. Wille speak to you about this case? A Speak to me about it? Just told me it was coming up and I didn't know anything about it until my wife got notice Monday and went and got excused Monday and told me to be sure and get here today.

Q Your wife got the notice? A Yes.

Q And on your wife getting notice— A It was for both. 40

Thomas J. McLaughlin, direct-cross.

The Court. Is there any use going into this? I overrule it.

THOMAS J. McLAUGHLIN, sworn.

Direct examination by Mr. Davis.

10 Q Are you the police recorder in the town of West Orange? A Yes.

Q How long have you been police recorder?
A Six years.

Q And your court is held where? A In the Town Hall.

Q Do you know Charles Wille and his wife Lena? A Yes.

Q And have they ever appeared before you in the last couple of years? A About twice,
20 yes.

Q Do you know in connection with what, Judge? A A little family trouble.

Q Well, what was it about?

Mr. Kalisch. I object.

Q Never mind. Did you ever bind Mrs. Wille over to keep the peace? A No.

Q Did you ever try her on any complaint for disorderly conduct, anything of that sort?
30 A No.

Cross examination by Mr. Kalisch.

Q Wasn't there a complaint made before you about Mrs. Wille bothering her husband at the garage? A No, no written complaint.

Q Well, verbal complaint? A No.

Q No verbal complaint by anybody to you that Mrs. Wille was creating a disturbance in front of Mr. Wille's garage? A Wouldn't
40 call it complaint the way it was made.

Louis A. Becker, direct.

Q What did they say? A Had both of them there and gave them a talking to, that is all.

Q Why did you give them a talking to? A According to my duty there.

Q Was it because there was complaint made? A There was no written complaint. 10

Q I don't care whether it was written complaint or verbal complaint? A Yes.

Q There was verbal complaint? A Yes.

Q Who made it? A Mr. Wille.

Q Why did you answer Mr. Davis there was no complaint? A No written complaint.

The Court. Overruled.

Q Didn't you tell Mrs. Wille she should keep away from the place? A Yes. 20

Q (*By Mr. Davis.*) What did you tell Mr. Wille? A To behave himself, too.

Q (*By Mr. Davis.*) In what way?

Objected to.

Q (*By Mr. Davis.*) What did he say to you and what did you say to him? A I tried to get the two of them together.

LOUIS A. BECKER, sworn.

Direct examination by Mr. Davis. 30

Q Your business is what? A Grocer and butcher.

Q And where do you carry on your business? A 2 Argyle avenue, Orange.

Q Is that in the neighborhood of Wille's Taxi Garage? A No, it is about three blocks from the place.

Q And how long have you been there? A Three years. 40

Louis A. Becker, direct.

Q Now, do you know Mrs. Alice Newman and her sister, Mrs. McChesney? A I do.

Q How close to your place do they live? A Well, three blocks.

Q Three blocks away? A Yes.

10 Q And were you called in there for any purpose when I ear there within the past two months? A No, sir; was not called in.

Q Did you go in? A Yes.

Q And who did you see there? A Why, I came in for an order there one day, I believe Mrs. Newman was having a quarrel with her sisters, and I came in for an order, and the only one I found was Mrs. Newman, and with that she says "Becker, I am going to end it all."

20 Q Never mind what she said; what did she do.

Mr. Kalisch. I object to what Mrs. Newman did.

The Court. I will admit it.

Q What did she do? A Well, she says, with that she says "Becker, I am going to end it all."

The Court. That will be stricken out.

30 Q Don't say what she said; what did she do? A She didn't do anything.

Q What did you do? A What did I do?

Q Yes. A You don't want to know what she done?

40 Q I do want to know what she did, but not what she said. A Well, she had something in one hand which I did not see, and she put it to her mouth; at the time I was there I tried to prevent it, and she wanted to take a drink of water, which I wouldn't let her, after which

Louis A. Becker, cross.

she took it, and with that I went out and called assistance and went about my business.

The Court. What has that got to do with it?

Mr. Davis. I am going to connect it up; I don't want to state now; if it is not connected up it can be stricken out. 10

The Court. If it is not connected up it will be stricken out.

Q Do you know if she went to the hospital after that? A I don't know.

Q Now did you see Mr. Wille— A No, I did not.

Q One minute. Did you see Mr. Wille between the last session of this court on Monday and today? A No. 20

Q Didn't he call to see you? A No, sir.

Q Did you meet him on the street? A I have seen him.

Q Did you talk with him between that time and now? A No.

Q Had no conversation at all? A We had no conversation at all, no, don't remember seeing him at all.

Cross examination by Mr. Kalisch. 30

Q Do you know Mrs. Wille? A Yes.

Q Did you ever hear of a quarrel which took place between Mrs. Wille and Mr. Wille in front of his garage? A No, not in front of the garage.

Q In front of your store? A It was not in front of the store.

Q (*By the Court.*) Was there a quarrel? A There was a quarrel but it was not in front of the store. 40

Louis A. Becker, re-direct.

Q Where was it? A It was upstairs.

Q Did you hear it? A I heard it, yes.

Q Did you see Mrs. Wille do anything to Mr. Wille? A Why no, I didn't see her do anything, but I heard her call him names and things like that.

10 Q What did she call him? A Son-of-a-bitch, something like that.

Q Anything else? A That is all I can remember just now.

Q Did you ever see her throw her child in front of the automobile? Well, please answer. A I haven't seen her really throw the child, but Mr. Wille was coming along Valley street at the time and she was standing behind a tree and with him coming there she kind of had the child and was just about ready to throw it.

20 Q In front of Mr. Wille's machine? A In front of Mr. Wille's machine; she was there at the time and I was standing in the store at the time.

Q Can you tell how long ago that was? A I can't tell.

Q About, give us some idea. A I don't remember how long that was.

30 Q Was it three months ago? A Oh, no, it was longer than that.

Q A year ago? A I don't know; it was a year or two.

Q Was it two years? A It was about that anyhow.

Q About two years? A Yes.

Re-direct examination by Mr. Davis.

Q Did you hear this quarrel? That when Mrs. Wille and Mr. Wille's mother lived in the same house? A I did.

Emma Riley, direct.

Q Was that before the Willes separated or afterwards? A I really think it was after they separated.

Q Did you hear anything that Mr. Wille said to his wife on that occasion? A No, not a thing; I don't think he answered her; he must have been up in his room.

10

Q Did you see him? A No, I did not.

Q Did you hear his voice? A Did I hear his voice? No.

Q Now, on this automobile matter, that happened on Valley road, didn't it? A On Valley street.

Q And isn't it so that on that occasion Mr. Wille was coming along in his automobile and Mrs. Wille called to him and he did not stop? A That I couldn't say because I was in the store at the time.

20

Q Did he stop his automobile? A Why, I don't know; no, I don't think he did.

Q He went right on, didn't he? A He went right on.

Q Didn't you hear Mrs. Wille at that time call to him that she wanted to talk to him? A I didn't hear because I was in the store.

Q How far away were you from Mrs. Wille at the time? A She was there by the tree, well, it is about fifty feet, but I was in the store looking out from the corner.

30

Q (*By Mr. Kalisch.*) Mrs. Wille was behind the tree, wasn't she? A She was standing right behind the tree like.

EMMA RILEY, sworn.

Direct examination by Mr. Davis.

Q You live where? A 27 Taylor street.

Q You are a married woman? A Yes.

40

Emma Riley, direct.

Q And are you any relation to Charles Wille? A His sister.

Q And how long have you known his wife Lena? A Ever since their marriage.

Q Do you recall the time of their separation? A Yes, I do.

10 Q Where were you living then? A On Dey street, 27 Dey street, in Orange.

Q And they were living where? A On Meeker street, South Orange.

Q That would be how far from where you were living? A Well, I don't know just about.

Q A couple of miles? A I should judge about two miles.

20 Q Now, while they were living up there on Meeker street, South Orange, did you ever visit them? A Yes, quite often.

Q And how frequently did you visit them before the separation took place? A Well, not as often as I visited her, after they separated.

Q Now, did you hear any quarrels at any time between Mr. Wille and his wife? A They were not exactly quarrels, they were just little disputes.

30 Q And do you remember what the subjects of the disputes were? A No, I never paid much attention to the family affairs.

Q Now, since Mrs. Wille lived with her children alone how often have you visited her? A At least two or three times a week all last winter.

Q And she was living then on Valley road, was she? A Yes.

40 Q How frequently have you visited her since she moved to Valley road? A Well, two

Emma Riley, direct.

or three times a week up until the time her baby was born.

Q And that is how long ago? A Up until last April.

Q Now, do you know a man named Foster?
A I do.

Q And do you remember or were you present in Mrs. Wille's house one night that Foster came there? A I was. 10

Q Who was with you? A I was alone.

Q Was Mrs. Wille there? A Mrs. Wille was with me.

Mr. Kalisch. I object. This lady says she was alone.

A I meant I went alone; I meant I didn't have company when I went there. 20

Q What time did you get there? A Before eight o'clock, and my husband left home about seven, I went out with him.

Q Your husband's occupation is what? A Policeman in the city of Orange.

Q How long did you stay at Mrs. Wille's on that particular night? A Until after he left.

Q Until who left? A Mr. Foster left.

Q Will you describe to the Court fully just what time Foster came in and what he did when he came in? A Yes; he came in I should say between eight and after; he had a pail; he went out and got beer and brought it in; he sat on one side of the table, I sat on the other side and Mrs. Wille sat in the rocker in front of the stove on the opposite side of me, but Mrs. Wille did not drink anything. 30

Q What did Foster do with the beer? A He drank it himself. 40

Emma Riley, direct.

Q And what did he do towards trying to get Mrs. Wille to drink it? A He simply asked her, and she said no, she was not in the habit of drinking with other men outside of her husband.

10 Q And who drank the pail of beer or whatever beer was in it? A Mr. Foster did.

Q How long did he stay there? A Well, I don't just about know, but I know I was in the house, I had walked all the way from up there and I was in the house before twelve, and I stayed quite awhile after Mr. Foster left.

Q After he left? A Yes.

Q What room was he in? A All the time he was there we sat in the kitchen.

20 Q What room was Mrs. Wille in? A In the kitchen with us.

Q When Foster came in the first time did he have the pail with him? A Yes, he did.

Q Did he go out subsequently and get any more beer? A No, just the once.

Q Were you present at any talk that Mr. and Mrs. Wille had about the sale of that new house that she moved out of? A No, I was not.

30 Q Were you present at any time when there was any talk between her and her husband about her signing the deed? A No, sir; I was not, but I had different people say to me—

Q Never mind what they said. Did you ever talk with your brother Charles after his wife and he separated about the relations between him and his wife? A No, I only met him once, and that was in the hospital, and I said, "How do you do," and that is all.

40

Emma Riley, cross.

Cross examination by Mr. Kalisch.

Q Can you remember when this night was that you and Mrs. Wille and Mr. Foster were there, how long ago? A Well, I think it was in the fall.

Q What year? A Last year.

Q 1916? A Yes, because the boy was hurt in July and it was after that.

Q October or September? A I don't just remember what month, but I know it was after July.

Q And did you get there first? A I was there first.

Q What time did you get there about? A I left home about seven o'clock, shortly after, and it takes me about a half hour to walk up there.

Q How long do you suppose you were there before Mr. Foster got there? A Well, I should say about a half hour.

Q And do you remember Mr. Foster come and knocked at the door or rung the bell? A He knocked at the door.

Q Who opened it? A Mrs. Wille opened the door.

Q You didn't go in the hall with Mrs. Wille, did you? A There was no need to go in the hall.

Q Please answer my question? A No, I didn't go in the hall.

Q Where were you at the time? A Sitting in the kitchen.

Q How far is the front door from the kitchen? A He came to the back door.

Q Knocked at the back door? A Yes.

Q Well, is the back door right by the kitchen? A Yes, opens on it, well, there is a

10

20

30

40

Emma Riley, cross.

little vestibule; he knocked on the door right at the kitchen.

Q Did you have to go through the vestibule to open the door? A No, we went through the vestibule and knocked at her door and when she opened the door you step right in the kitchen.

10 Q Was the door locked? A She most always had it locked.

Q Was the door locked on this night? A I don't remember, on account of me coming in there it might have been open.

Q You say he had a can of beer when he came in? A No, he went out and brought it.

Q He came in first then? A Yes.

Q How long did he stay before he went out to get the beer? A I don't just remember, not very long.

20 Q Where did he get the can from? A I suppose from his home.

Q Did he come in with the can? A Yes.

Q Empty can? A Yes.

Q And put the can on the table? A I don't remember, I didn't watch.

Q You say he came in with empty can, did he? A Yes.

30 Q Was it a large can or small one? A Regular pail, what you would call pail.

Q Large pail or small pail? A Regular beer pail.

Q And after he came in with pail he talked awhile, did he talk awhile? A Certainly he talked.

Q And how long did he talk before he went out to get the beer? A Not very long.

Q And he came back with the pail full of beer? A Yes, with a pint.

40

Sarah Grimes, direct.

Q And he drank all the beer? A Yes, he drank the beer.

Q You didn't drink any of it? A Well, I should say not.

Q And Mrs. Wille didn't drink any of it? A No, she did not.

Q How long did he stay there? A Well, I think that was about eleven o'clock when he went, or shortly after, but I know it was quite awhile before I left. 10

Q And did anybody go to the door with him to bid him good night? A No, we sat where we were.

Q Was the pail empty when he left? A I don't remember; I never took any interest in the pail.

Q And he got up and he walked out, did he? A Yes. 20

Q Said good night? A Said good night and went.

Q And then about half an hour later you went? A Yes; then we sat and talked among ourselves, then I left and went home, went out and got the trolley and went home.

Q Wasn't that in the month of July or August? A I know it was after the boy was hurt; the boy was hurt the fourth of July and this happened after that, but just what month I can't say. 30

SARAH GRIMES, sworn.

Direct examination by Mr. Davis.

Q You live where? A 351 Meeker street.

Q South Orange? A South Orange.

Q And you have lived there how long? A Four years. 40

Josie Shearer, direct.

Q Were you living there when Charles Wille and his wife and family lived on Meeker street? A Yes.

Q How far from your house did they live? A Next house.

10 Q On the same side of the street? A Same side of the street.

Q Now at any time that you were living there along side of Mrs. Wille did you ever have her bound over to keep the peace? A No, never had her bound for the peace.

Q Did you ever while you were there hear her and her husband quarrelling? A Yes, heard them quarrelling.

20 Q What was the subject of the quarrels as a usual thing? A Mrs. Wille told me it was over a woman; of course, I didn't know.

Cross examination by Mr. Kalisch.

Q Didn't you and Mrs. Wille make complaint against Mrs. Charles Wille? A I and Mrs. Wille, no, I never made complaint against Mrs. Wille.

Q Did you go to the Police Court? A No, never been in the Police Court.

30 Q Do you know Recorder NeLaughlin? A No, I don't know him, I have never been in the Police Court.

JOSIE SHEARER, sworn.

Direct examination by Mr. Davis.

Q Where do you live? A Meeker street, South Orange.

Q And you have lived there how long? A Since 1915.

Benjamin Atchison, direct.

Q Did you live there during any of the time that Charles Wille and his wife and family lived there? A Yes, sir.

Q How long did you live there while they lived there? A I should judge maybe six months.

Q And how far away from the Wille's house did you live? A Across the street. 10

Q Did you observe anything as to whether the Willes quarrelled or not? A No.

Q Do you know whether they did quarrel? A No.

Q Did you ever have Mrs. Wille bound over to keep the peace? A No.

Q Were you living there after Charles Wille left his house and went to live with his mother? A Yes. 20

Q And what did you observe if anything as to the manner in which Mrs. Wille took care of the children? A It was a fine household.

Q Were the children all small? A Yes.

No cross examination.

BENJAMIN ATCHISON, sworn.

Direct examination by Mr. Davis. 30

Q You live where? A 41 Argyle avenue, Orange.

Q How long have you lived in Orange? A All my life.

Q What is your business? A Newspaper business.

Q And where is your place of business? A Mountain Station Depot.

Q That is in Montrose? A South Orange. 40

Mary Chambers, direct.

Q Have you ever in the last few years had occasion to come out from New York on what they call the milk train? A No, sir.

Q On late trains, have you ever come out on late trains from New York? A Oh, yes.

Q Do you know Charles Wille? A Yes.

10 Q Do you know Mrs. Newman, Alice Newman? A Well, I only know of her, I don't know her.

Q Know her by sight? A Yes, know her by sight.

Q Have you ever seen her and Charles Wille together on a train? A No, sir.

Q Have you ever seen them together any place else? A No, sir.

20 Q In the last few years? A Never in my life.

Q Never in your life? A No.

Q Sure of that? A Positive.

MARY CHAMBERS, sworn.

Direct examination by Mr. Davis.

Q Are you the wife of Mr. Chambers who was on the stand this afternoon? A Yes.

Q And you live up over Mrs. Wille at 477 Valley road, West Orange? A Yes.

30 Q And she has lived there for how long? A Two years the first of this month.

Q You have lived there for how long? A Ten years the first of January.

Q During all the time that Mrs. Wille has lived there who else have composed her household? A Why just herself and the four children.

40 Q And has she lived there with the four children all the time? A For the last two years she lived there, yes.

Mary Chambers, direct.

Q Do you know a Mr. Greenberg? A Yes.

Q Who is he? A He is my huckster.

Q Was he the young man that was on the stand this afternoon? A Yes.

Q How often does he come to your house?

A Well, sometimes three times a week and sometimes twice.

10

Q And for what purpose? A Why to sell me goods.

Q Green groceries? A Vegetables.

Q And do you know whether or not he served Mrs. Wille with vegetables? A He never sold Mrs. Wille anything only once when she was up in my kitchen.

Q How long ago was that about? A That will be a year this December before the holidays.

20

Q And do you remember what time in the day it was, or night? A Why it was in the evening half-past ten or quarter to eleven.

Q What time in the day or night does Greenberg usually reach your place? A The latest is eleven o'clock.

Q And does he usually come in the day or night? A He always comes in the evening on Saturdays.

Q Who is it that comes into your place, the father or the son? A The son.

30

Q Do you know a man named Harry Price?

A Well, I know of him by coming to the house there.

Q Do you know him by sight? A Yes.

Q What is his business, do you know? A He works for the Griffin Piano Company.

Q They are a Newark concern? A Yes.

Q Did Mrs. Wille ever go up to you and complain about his coming there?

40

Mary Chambers, direct.

Mr. Kalisch. I object to that.

The Court. I will admit it.

10 A One Saturday morning I was in my bath-
room window and he got off the car corner of
Kinsley street and Ridge place. I seen him com-
ing and I called to Mrs. Wille, because she didn't
care to see him, she didn't care to have him
call at the house; I called to Mrs. Wille down
my back stairs; she came up and said: "What
will I ever do? You go down and tell the man
I am not in." I went to the door and told the
man Mrs. Wille was not home; he wanted to
know when she went out; I said: "She went out
with her mother"; he wanted to know what time
she would be back; I said: "I couldn't say," that
is all; he thanked me and went off.

20 Q Do you know of any other occasion when
he came? A One Friday morning he came and
she ran up my stairs again and said she didn't
want to see him, didn't know what to do; mean-
time the boys were in the lot and they came in
and told him Mrs. Wille was in; the oldest boy
came up and told her Mr. Price was downstairs;
she said: "What will I do;" I said, "The only
thing for you to do is to go down and tell the
30 man you don't want him calling any more.

Q How long ago was that? A I should
judge that would be about in February.

Q Do you remember the occasion when Mr.
Wille and two men came to the house? A
Well, no I can't remember that at all, I can
remember it, but I don't know of it, I don't
know nothing of it.

40 Q The way of getting up to your place from
the back, do you and Mrs. Wille use the same
back door? A The same door.

Mary Chambers, cross.

Cross examination by Mr. Kalisch.

Q Your huckster used to deliver to you three times a week? A Three times a week.

Q Can you tell us what days they were? A Yes, Tuesdays and Thursdays and Saturdays.

Q And when would he come? A Well, he would come between the hours of half-past ten and eleven o'clock on Saturday and between the hours of six and seven on the other days. 10

Q Always between six and seven? A Between six and seven on Tuesdays and Thursdays.

Q And between half-past ten and eleven on Saturday? A Yes.

Q Did he ever come any later than eleven on Saturday? A No, he never did.

Q Did he ever come any later than seven week days? A Sometimes nearly eight in the summer, never in the winter. 20

Q Sometimes nearer nine? A No, I won't say nine.

Q The young man used to come up? A The young man comes to me.

Q And he used to come upstairs to your apartment? A Yes, come right up to my place.

Q Did you ever play any cards with Mr. Greenberg? A Never. 30

Q Did Mrs. Wille ever play cards with him? A Never.

Q Were you home the night that Mr. Wille came with these two men? A Yes.

Q Did you see them? A No.

Q Did you know they were there? A Why I didn't know until my husband told me; I was in bed.

Q What time of night was it, do you know? A Well, between ten and eleven o'clock. 40

Mary McMahon, direct.

MARY McMAHON, sworn.

Direct examination by Mr. Davis.

Q Where do you live? A 16 Duane street, Orange.

10 Q Did you ever live in South Orange? A Yes, sir.

Q Whereabouts? A 425 Scotland road.

Q And how near was that to the place on Meeker street that Mrs. Wille and her husband lived? A Well, about two or three blocks I should think.

Q And how near was it to Mr. Wille's taxi garage? A I just can't tell the distance, it is not very far.

20 Q Was your place of residence in Orange or South Orange? A South Orange.

Q And did you ever see Mr. Wille and Mrs. Newman riding in an automobile together? A I have seen them go by.

Q Go by your place? A I can't say, it was on Valley street I seen them go by, I can't remember when it was or anything.

Q Do you remember how frequently? A No; I have never seen them more than once or twice.

30 Q And how long ago was that? A It was less than two years ago.

Q Did you ever see them in New York together? A No, sir.

Q Have you a sister? A Yes, I have several.

Q What is her name? A I have several sisters.

Q Have you a sister Catherine? A Yes.

40 Q Where does she live? A Her place is in Washington, D. C., but she is on now.

Peter Boyle, direct.

Q Where is she living now? A Hutton Park.

(No cross examination.)

PETER BOYLE, sworn.

Direct examination by Mr. Davis.

10

Q Where do you live? A 223 Valley road, Orange.

Q How long have you lived there? A Three years.

Q Where did you live before that? A 382 Meeker street, South Orange.

Q What is your business? A Why, I am working for Finneran & Merken in the plumbing business.

20

Q Are you married? A Yes.

Q And for whom did you work before you worked for Finneran & Merken? A Worked for Thomas A. Edison & Company.

Q Did you ever work for Charles A. Wille? A Yes.

Q For how long? A I worked different times for him; this last time I think was about seven months.

Q How long did you work before that for him? A Well, on two other occasions when he was in the livery business I worked for a year at one time and about seven months another.

30

Q And your occupation with him was what? A Driver, and I stored with him when I had my own business for awhile.

Q You say you stored with him when you were in business for yourself? A Yes.

Q Do you know a Mrs. Alice Newman? A I do.

40

Peter Boyle, direct.

Q And was she a bookkeeper for Mr. Wille at the time you were working there? A Yes.

Q Did you during that period hear how, in what manner they addressed each other, by what names? A Well, different names.

Q Well, can you name any of them? A
10 Why, Bunny and Hon. and Dearie.

Q Now, who used to work Bunny? A Why, Wille used the word Bunny.

Q Concerning whom? A Concerning Wille.

Q You say Mr. Wille used the word Bunny to whom? A To Mrs. Newman.

Q What did she call him? A Why, Dearie and Dear.

Q And who used the word Hon. or Honey. A She often called him Hon.

Q Now, do you know anything about any
20 present that Mr. Wille, whether Mr. Wille ever made a present to Mrs. Newman or not? A I do.

Q How long ago was it? A It will be four years this coming December, around the holidays.

Q And that was while he was living with his wife and children, was it? A Yes.

30 *Mr. Kalisch.* Judge Davis is testifying, not the witness.

The Court. Go ahead.

Q And do you personally know about the making of the present? A I do.

Q And what was the present that Mr. Wille gave to Mrs. Newman? A It was a lavalier.

Q What do you know about the purchase of it, if anything? A I was there when it was purchased.

40 Q Where? A Frank Holt & Company in Broad street.

Peter Boyle, direct.

Q In Newark? A Yes.

Q And who bought it? A Mr. Wille.

Q You were with him? A I was.

Q What did he say to you if anything about it? A Why, he said he was buying this to make a present to Mrs. Newman.

Q Now, how do you know that Mrs. Newman ever received it? A Well, I went with him from there to Ridge street, West Orange, and he met her down on Ridge street; I think he said she was on a case. 10

Q Case on what? A Trained nurse, I think she was at that time.

Q What did he do with the lavalier? A He walked down, said he was going down to give it to her.

Q He said that? A Yes. 20

Q Did they walk off together? A He walked down and met her and talked awhile and he came back and we went home together.

Q What were you in, any vehicle, or walking? A We were walking.

Q Do you know a young man named Foster? A Yes.

Q What is his first name, do you know? A I don't know his first name.

Q Is he here today? A Yes. 30

Q Is he in the room? A Yes.

Q Please stand up. Is this the young man? A Yes.

Q And where was he living when you knew him? A Why, as near as I could understand, on Valley road.

Q West Orange? A West Orange.

Q And how near to where Mrs. Wille is living at 477 Valley road? A He said he lived right across the street. 40

Peter Boyle, direct.

Q From her? A From her.

Q Now, did you have any talk with Mr. Wille since Mr. Wille left his family concerning Foster? A I did.

Q Where did the talk take place? A Why, in the car one night over to meet Foster.

10 Q Where? A In the automobile one night over to meet Foster.

Q Who was with you? A Wille and I.

Q Where did you start from? A Started from the garage.

Q His garage? A Yes.

Q Did you have any talk before you started from the garage as to where you were going? A No, sir; he called me up at the station; I didn't know where I was going.

20 Q What did he say to you? A He called me up and told me to come to the garage right away.

Q And did you go? A I went down, put my car up; he was there in a touring car.

Q Did he drive the car or you? A He drove the car.

Q Where did you drive to that night? A Drove over Valley road.

30 Q To where? A I think the first stop was corner of Glebe street and Valley road.

Q And how many blocks from Glebe street is Mrs. Wille's house, 477 Valley road? A There is one block, it is long block, that is the only block; no, two blocks on the right.

Q And from the corner of Glebe street and Valley road to where Mrs. Wille's house is on the right-hand side, how many buildings are there? A Why, there is no buildings you can see, it is vacant lots.

40

Peter Boyle, direct.

Q Now, where was it you had a talk with Mr. Wille that night in which the name of Foster was used? A On the way over.

Q Now, what did he say? A Why, Wille told me that he had offered Foster some money if he could get the best of his wife.

Q Whose wife? A His own wife, and that he was on his way over to see him and meet him. 10

Q To see who? A To meet Foster.

Q Well, did you meet Foster? A Why, we sat on the stoop quite awhile before we met Foster.

Q What stoop was it? A It is across the way from Redster's grocery store.

Q With regard to the corner of Glebe street and Valley road, where is the stoop? A Where is the stoop? 20

Q Yes. A Where is the stoop we were sitting on?

Q Yes. A That is right across the way from the grocery store on the right-hand corner going over.

Q Did you meet Foster that night with Wille? A I met him when he came out with the can. 30

Q I mean the night you talked about the money? A That is the same night.

Q Where did you first meet Foster that night? A Foster came out to get a can of beer.

Q Come out of where? A Out of Mrs. Wille's house, and before he went into the saloon he come down to where Wille and I was sitting and Wille went up and spoke to him and he told him— 40

Peter Boyle, direct.

Q Who told him? A Foster told him; Foster didn't say that; Wille told me when he came back that Foster said when the back door—

Mr. Kalisch. I object to what Foster said to Mr. Wille.

10 *The Court.* I will permit it; it is perfectly proper, what Mr. Wille said, and whatever Mr. Wille said is evidence against him.

Mr. Kalisch. What Mr. Foster said to Mr. Wille?

The Court. He said Mr. Wille came back to him and said Wille said Foster said such and so.

20 A That when he went in with the beer he would probably have to stay in there probably fifteen or twenty minutes before he could do anything, but he would give a signal, he would open the back door just a couple of seconds so they could see the light, then we were to go over.

Q Who were to go over? A Wille and I.

Q Overe where? A Over to the house.

30 Q How long did you wait there for the signal? A I think we waited there about thirty-five or forty minutes.

Q Well, what transpired, what took place? A Well, we thought Wille said it looked kind of suspicious around here waiting, "I think we better get out, beat it away from here," so we went down to the Coleman house and had a couple of drinks.

Q Did you see Foster again that night? A No.

40 Q Did you and Wille go there any other night in which Foster was to do anything? A

Peter Boyle, cross.

No, that was the only night I went there with Mr. Wille.

Q How many night in all did you see Foster with Mr. Wille? A I don't believe I saw him—that was the only night I saw Foster with Wille.

Q Did you see anyone else? A No.

10

Cross examination by Mr. Kalisch.

Q Mr. Boyle, where are you working now?
A Finneran & Merken.

Q Where is that? A Valley street, Orange.

Q What are you doing? A I am supposed to be a plumber.

Q Are you a plumber? A Well, I served a little time at it, yes.

20

Q When did you commence working for Mr. Wille? A For Mr. Wille?

Q Yes. A I couldn't tell you the exact date.

Q When about, what year? A I worked for him different times which time do you mean?

Q The last time you commenced to work for him, what was the last time? A The last time I commenced to work for him, I think it was in August or probably earlier.

30

Q Of this year? A Yes.

Q And you were driving one of his taxicabs in the month of August and had an accident with it, didn't you? A Not in August.

Q When was it? A Around about February.

Q February? A Yes.

Q Did you have one in East Orange in August? A East Orange, no.

40

Peter Boyle, cross.

Q Ever in East Orange? A Not in August, no.

Q What month did you have it in East Orange? A In East Orange?

Q Yes. A In February.

10 Q February? A Yes.

Q Mr. Wille claimed you were drunk, didn't he? A That is what he said.

Q And he made a charge against you before Recorder Nott, didn't he? A He did.

Q And he discharged you, didn't he? A Judge Nott discharged me.

Q Mr. Wille discharged you? A Mr. Wille did not; I discharged myself; I quit.

20 Q When did you discharge yourself? A Right at the door that night.

Q What night? A That same night of the accident.

Q Didn't you two weeks before that get in another smashup with Mr. Wille's car and wasn't you arrested and put in jail? A Two or three weeks before that? No, sir.

Q When was it? A It might have been possibly a month or six weeks before that.

30 Q You were arrested for smashing one of Mr. Wille's cars? A No, sir; I was not arrested for smashing one of Mr. Wille's cars.

Q What were you arrested for? A I was taken in in an accident in Newark probably six weeks before that.

Q Were you driving one of Mr. Wille's cars? A Yes.

Q Mr. Wille got you out, didn't he? A I was paroled.

40 Q Mr. Wille got you out, didn't he? A Mr. Wille didn't get me out.

Peter Boyle, cross.

Q Didn't Mr. Wille pay \$185 to get you out? A No, sir; Mr. Wille settled for the damages between the two cars; they come to an agreement; it was a Studebaker and a Ford.

Q (*By the Court.*) Who was running the Ford? A I was running the Ford.

Q And didn't Mr. Wille tell you if you were involved in another accident he was going to discharge you? A No, sir. 10

Q Sure of that? A Sure of it, he didn't mention any accident.

Q This accident you had up in East Orange, when that happened Mr. Wille said, "We are through, you are discharged?" A No.

Q He made complaint against you? A He made complaint and I was found not guilty before Judge Nott. 20

Q You are not working for Mr. Wille now? A No.

The Court. Don't ask questions which we all know about.

Q You have not worked for Mr. Wille since the date of this last accident, have you? A Last accident?

Q You haven't worked for Mr. Wille since the date of this last accident? A I have not, no. 30

Q Do you know a man by the name of Jim Shields? A Yes.

Q Didn't you ask Jim Shields two or three weeks ago to try and get you back in Mr. Wille's employ? A No, sir.

Q Sure of that? A No, sir; Jim Shields came to me and told me he would go down and speak to Wille and try to get me back, but I told Shields that I would like for Wille to come up 40

Peter Boyle, cross.

and ask me would I come back to take that back, I told him—

10 Q And didn't Jim Shields come back to you and tell you that Mr. Wille would not take you back, and then didn't you say, "I am going to get square on Wille; this thing is coming on, "I am going to take his life away?" A No, sir, one day Shields come to me and said: "Why don't you go back to your old job?" I said, "No."

Q I have asked you whether you did not say to Jim Shields, "I am going to get square with Mr. Wille," you heard this case was coming on, "I am going to take his life away?" A I didn't say any such thing.

20 Q What did you say to him? A Nothing concerning the case at all; I didn't mention the case to Shields.

Q Didn't all the chauffeurs in this garage call Mrs. Newman Bun.? A No, sir.

Q Wasn't it a nickname she had got there? A No, sir.

30 Q When was this night you said Mr. Wille told you he was going to get Mr. Foster to go over to Mrs. Wille's house? A I think it was around the first part of November or the latter part of November, it was in the fall.

Q What year? A 1917.

Q 1917? A Yes.

Q (*By the Court.*) 1916 you mean? A 1916.

40 Q How did he come to tell you that? A I was up at the station, happened to be on that night, he called me up, told me to come down to the garage right away.

Peter Boyle, cross.

Q How did he come to tell you what he was going to do with Mr. Foster? A That is what he had him down there for.

Q Did you go with Mr. Wille? A Yes.

Q Where did you go? A Over to the Valley road.

Q Where? A Valley road and Glebe street. 10

Q What did you do there? A Sat there on the stoop?

Q What stoop? A A stoop on the corner of Glebe street and Valley road.

Q What did you do? A Sat there waiting for Mr. Foster.

Q And Mr. Foster come along? A Finally, yes. 20

Q And Mr. Wille had a conversation with Mr. Foster in your presence? A Yes, I couldn't just hear what they said.

Q You did not hear what they said? A I didn't just hear what they said.

Q You were there? A I did not hear what they said.

Q Why didn't you? A Why didn't I?

Q Yes. A Well, I didn't, that is all, I didn't hear it. 30

Q When did Mr. Wille tell you what he was going to do with Mr. Foster, before he met Mr. Foster or after? A Tell me that again.

Q When did Mr. Wille tell you what he was going to do with Mr. Foster, before he met Mr. Foster or after? A Before.

Q Before he had left the garage? A On the way over.

Q And you don't know what the conversation was between Mr. Foster— 40

Mrs. Bridget Boyle, direct.

The Court. I overrule that. Don't waste time on it.

Q How long was Mr. Wille engaged in conversation with Mr. Foster? A Well, five or six minutes.

Q Then they parted, did they? A Yes.

10 Q And you went home with Mr. Wille? A No.

Q What did you do? A Went over to the Coleman house and had a few drinks.

Q Coleman house in Orange? A West Orange.

Q Did you ever meet Mr. Wille and Mr. Foster again? A Not that I can remember.

MRS. BRIDGET BOYLE, sworn.

20 *Direct examination by Mr. Davis.*

Q Where do you live? A 382 Meeker street, South Orange.

Q How far did you live, is your house from where Mr. and Mrs. Wille lives on Meeker street?

A Well, they lived in the same block with me but on the opposite side of the street.

Q And how far is that from Mr. Wille's garage? A Well, his garage is in West Orange, I should say about perhaps a mile.

30 Q Do you know Mr. Wille by sight? A Yes.

Q And his wife? A Yes.

Q And do you know Mrs. Alice Newman by sight? A I know her, yes, by sight.

Q Have you at any time seen Mr. Wille and Mrs. Newman together in automobiles? Yes.

Q How frequently? A Well, sometimes every day and sometimes twice a day, they used to go for lunch, and sometimes in the evening make a call.

40

Freda Koder, direct.

Q When did you notice that, beginning about how long ago? A Well, of course, gossip got around about a year ago, and it is all of a year ago since they made frequent visits to his mother, next door to me.

Q Since what? A His mother lives next door to me and he lives with his mother and of course they come there very often. 10

Q Who? A Charlie Wille and Mrs. Newman.

Q Together to Mr. Wille's mother's house? A Yes; he lives with his mother next door.

Q Does she live there? A Mrs. Newman? No.

Q And how frequently would she come there with Charlie Wille? A Well, she comes alone sometimes and takes his mother out shopping, and then perhaps they come in the afternoon again. 20

Q Who? A I presume for lunch, Charlie Wille and this Mrs. Newman.

Cross examination by Mr. Kalisch.

Q Mrs. Newman has got a little daughter, hasn't she? A I believe so, I heard she had.

Q And she lives with her little daughter in Orange, doesn't she? A I don't know where she lives. 30

FREDA KODER, sworn.

Direct examination by Mr. Davis.

Q Are you the aunt of Charlie Wille? A Yes.

Q His mother's sister? A Yes.

Q Where do you live? A 63 Valley street, Orange. 40

Freda Koder, direct.

Q And how far do you live from Mrs. Wille's? A She lives in West Orange.

Q Now did you visit Mr. and Mrs. Wille's house when they were living together? A Yes.

10 Q And do you remember when the last baby was born? A Yes,—not the last baby, I wasn't there, no, I wasn't there; the one that is dead, the little girl, when they lived in Central avenue.

Q Do you know of any quarrels between Charles Wille and his wife? A Well, a little, not very much.

Q When was that? A He didn't used to come home, he used to be out late nights.

Q Who did? A Charlie Wille; one time he come home, he was intoxicated, very intoxicated, he couldn't take off his shoes, his wife had to take off his shoes.

20 Q How long was that before they separated? A That is about two years, three years.

Q Do you remember when they did separate? A I do.

Q And do you know of your own knowledge or did you hear through Charles Wille or his wife in Charlie's presence talk about the reason of their separating? A I never heard it.

Q You never heard it? A No, sir.

30 Q Did you ever talk to Charlie about not living with his family? A I never did.

Q Never yourself? A No.

No cross examination.

Mr. Davis. If your Honor please, I have a couch here I would like to carry in for your inspection.

The Court. Is it the settee we have been talking about?

40 *Mr. Davis.* Yes; it is in the hall; if your Honor cares to step to the door.

Thomas A. Davis, direct.

THOMAS A. DAVIS, sworn.

I am the solicitor for the defendant in this case and yesterday afternoon in company with Richard J. FitzMaurise, from my office, I attended at the apartment of Mrs. Wille at 477 Valley road, West Orange, and made a sketch of the arrangement of the rooms; the sketch is not drawn to a scale but it shows the arrangement of the rooms and the doors opening from all of the rooms; the only thing it does not show so far as the windows and doors are concerned are the windows on the west side of the house which apparently do not figure in the testimony at all. With Richard J. FitzMaurise I measured the dining-room and found it to be twelve feet wide and fourteen feet long; I measured the opening from the dining-room to the parlor and found it to be sliding doors six feet wide; I measured the distance between the dining-room and the opening, the last mentioned opening to the east side of the house and found it to be four feet eight inches, and from the same opening to the west division between the hall and parlor and found it to be three feet and six inches. Then I made a sketch of the arrangement of the rooms, and the paper which I hold in my hand shows the arrangement of the entire apartment from front to back with all of the rooms and all of the doors and windows and subdivisions of that floor with that exception of the windows on the west side of the house. I offer it in evidence.

Cross examination by Mr. Kalisch.

Q Did you place where the gas jets were? A No; these marks on the side of the house, the

10

20

30

40

Thomas A. Davis, cross.

east side, indicate windows; it don't indicate gas fixtures.

Q Did you notice where the gas jets were in the house? A No, I did not.

10 Q You cannot see from looking at this sketch where the gas jet was in the dining-room? A No.

Q Or where the gas jet was in the parlor? A No.

Q Or is there a door leading from the parlor into the hall? A There is a door from the parlor to the hall which was closed when I was there and apparently locked, and we got in through the front door, came through the hall and came to the door from the hall to the dining-room and knocked and we were ad-
20 mitted through that door.

Q And was the place fully furnished? A Fully furnished, yes.

Mr. Kalisch. I can't object to it except subject to show, which he failed to put upon the paper, which are gas jets, which are very important.

The Court. You may get a sketch of it yourself.

30 *Mr. Kalisch.* I would like to have the opportunity of doing that.

Sketch marked Exhibit D. 1.

Mr. Davis. I offer in evidence the settee, green bluish, apparently mahogany settee, which your Honor and counsel viewed in the corridor.

The Court. Any objection to that?

Mr. Kalisch. Only this, we don't know—

The Court. Call Mrs. Wille.

Lena Wille, direct.

LENA WILLE, sworn.

Direct examination by Mr. Davis.

Q You are the defendant in this case? A Yes, Mr. Davis.

Q Now, the settee that is in the corridor of this building at the present time outside of the court room, where did it come from? A From my house, Mr. Davis. 10

Q From what room? A From my parlor, Mr. Davis.

Q And how long have you had it? A Well, I had it before my second last child was born, when I lived in the house on Central avenue my husband bought it for me for a Christmas present.

Q Did you have it in the months of April, May and June, 1917, of the present year? A Yes, Mr. Davis, I did. 20

Q (*By the Court.*) Is it the settee we have been talking about? A Yes, Judge, it is.

The Court. Do you offer it?

Mr. Davis. I offer it.

Exhibit D. 2, but not marked.

Q The furniture in your dining-room at the present time, how does it compare with number of pieces to the furniture that was in your dining-room in the months of May and June, May of this year? A Side board, a round dining-room table, four chairs, a Morris chair, and one other small table. 30

Q And is that the way the place was furnished the night that your husband came in? A Yes, Mr. Davis.

Q The same number of pieces? A Yes. 40

Lena Wille, direct.

10 *Mr. Davis.* I have subpoenaed both Price and Foster and they are both here and I think they should be put on the stand. I think that they should be put on the stand probably and examined by your Honor. They are here under subpoena from me; we had difficulty in getting them, but we got them.

The Court. I am interested in Mrs. Wille's version of the story of what happened on that night. Won't you tell me in your own language what happened that night, May 18.

20 A Yes, Judge; Mr. Price came in my house that night between half-past eight and quarter to nine and came in fixing the piano; he was to fix the pedal on my piano, and when he came in he said he didn't have a screw driver and asked me if I had a screw driver; I said, "I haven't got an ordinary regular screw driver, but I have one that belongs to my machine;" he said, "That will do;" he went in the parlor and asked me if I had any objection to his taking off his coat; I said "No;" so he took out the front of the piano and he started to fuss
30 around; I don't know whether he fixed it or not; any way he made out he was fixing it; I was sitting down in the arm chair and he asked me to get down on the floor and he would show me what he was doing; I wouldn't do it; I told him no, I could see from where I was sitting. Then after awhile I walked out into the dining-room; he walked out, he had a package in the kitchen on the stationary tubs, and he opened it, and he had some bottled beer; then he took a jelly glass off my stationary tubs
40

Lena Wille, direct.

and filled the glass of beer for me to drink, which I wouldn't drink. Then we went back into the dining-room; then he took the bottles and put them on the table and took several glasses off my side board and then he poured another glass of beer for me and one for himself; then he started coaxing me and made out he wanted me to drink it; he said, "Won't you take a glass of beer with me, just drink this with me;" I said, "No, Mr. Price, I never drink with any man, that is something I never done;" he said, "Why don't you want to drink it?" I said, "Because I won't drink it." He said, "Why not;" I said, "How do I know what might be in that beer?" He said, "You saw me open the bottle." I said "That don't make any difference if I did see you open the bottle; how do I know what might have been put in the beer before you brought it into my house," and he said "there wasn't anything like that." Then he got talking to me and wanted to know if I ever went out nights, if I couldn't get someone to mind the children; I said, "Yes, I can get some one to mind my children, I could go out in the evenings, but not with you, I wouldn't be seen walking across the street with a man;" he said, "Isn't it funny, you are built that way; if you would ask another woman she would be just delighted to go;" I said, "I am not a woman like that," I said, "I am not that kind of woman; I wouldn't be seen going across the street with a man." I said, "Well," then he said, "Do I ever go to New York?" I said, "No," I said, "I haven't been to New York, in years, not in years." I said, "I never go to New York for the evening." He said, "Don't you ever go to

10

20

30

40

Lena Wille, direct.

a show?" I said, "No, Mr. Price, I never do." He said, "Why not?" I said, "How can I go out? Haven't I got small children here? I can't be running out nights." He said, "Couldn't you get some little girl in, to give the girl a quarter or so and stay with the children?" I said, "I am not going to do it, no." He also mentioned cabaret, if I had been in a cabaret, he was telling me about what lovely music they had and he had been over there; I said, "I will not go."

Q Go on with the rest of the story.

The Court. Where were you sitting when your husband broke in?

A I was not sitting; I was standing by the rocker.

20 Q (*By the Court.*) Where was he, this man Price? A He was sitting over on one side of the settee; he had been sitting in the arm chair before, and he said to me, "I think two of us could sit in there;" I said, "Not I," I said, "It is getting pretty late." I thought I would give him a hint, and he took his watch out and looked at his watch; then in the meantime I heard an automobile and he said, "Could that be someone looking for you?" I said, "I don't know;" then he pushed up the shade and looked out; then right after that he looked at his watch, and my husband and one man come in the house and another man stood on the back porch.

Ross Foster, direct.

ROSS FOSTER, sworn.

Examined by the Court.

The Court. This witness is called on behalf of the State.

Q You heard the testimony given here by a man named Boyle, did you not? A Yes, sir. 10

Q Did you hear all of it? A Yes, every word.

Q Is what he said true or false? A No, that is a lie.

Q All of it? A Every bit.

Q How did you happen to go into Mrs. Wille's apartment? A Do you want the whole story?

Q I want to know just why it was you happened to go there? A I was invited there. 20

Q By whom? A Mrs. Wille.

Q When? A Right after her boy's accident on the fourth of July.

Q Did you meet Mr. Wille and Mr. Boyle on this night that they talk about your taking beer in the place? A No, sir, I did not.

Q Did not meet them? A No, sir.

Q Did you ever meet Mr. Wille? A I met him on three occasions? 30

Q Did you ever have any talk with him with respect to his wife? A No, sir; not a word.

Q Did you ever commit adultery with Mrs. Wille? A I don't care to answer that question, Judge.

Q What do you plead, privilege? A No, but I don't think I want to incriminate myself, that is all.

Q Don't want to incriminate yourself? A No, sir; I am a married man and got a child. 40

John H. Price, direct.

Q Why didn't you think of that before? A I haven't said I have or have not; I said I didn't like to answer the question; I don't want to answer the question.

10 *The Court.* You be here tomorrow morning at half-past nine. Is Price in the Court? Let Price come forward.

JOHN H. PRICE, sworn.

Examined by the Court.

Q How did you happen to come in this apartment, to be in the apartment on the night you were caught there, May 18? A I was in Caldwell, N. J., on the 18th of May.

20 Q You were in Mrs. Wille's apartment, were you not, when they broke in? A No, sir.

Q You were not there at all? A No, sir.

Q You are not the mysterious stranger? A I don't think so.

Q Do you mean to tell me that? You know just what I mean, don't you? A Yes, sir.

Q On this night when Mr. Wille and these detectives broke in you were not in that apartment? A No, sir.

30 Q And all these other witnesses that swore that you were are simply lying? A They certainly are.

The Court. You be here tomorrow morning at half-past nine.

Adjourned until half-past nine, October 6, 1917.

Richard J. Fitzmaurise, direct.

October 6th, 1917.

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,
Petitioner,

and

LENA WILLE,
Defendant.

10

Continuation of examination pursuant to adjournment on October 6th, 1917, at the place and in the presence of the Court and counsel as before.

20

RICHARD J. FITZMAURISE, sworn.

Direct examination by Mr. Davis.

Q What is your occupation? A Employed by Howe & Davis, lawyers in Orange.

Q And on Thursday of this week did you attend with me at the apartment of Mrs. Wille?

A I did.

Q And the sketch which was handed to the Court yesterday, did you have any part in the making of that? A I assisted in the measurements.

30

Q Was your attention called to the Hanley house across the street from the Wille house?

A It was.

Q And from the piazza of the Hanley house a straight line drawn through the windows of the dining room of the Wille house looking toward the Hanley house would encounter what?

40

Richard J. Fitzmaurise, direct.

Mr. Kalisch. I object.

The Court. Why?

Mr. Kalisch. I object because there is no proof that the physical conditions were the same at the time he made this observation.

10 *The Court.* I will permit it.

A Why in looking from the Hanley house across the street through windows of the dining-room of the Wille house you would encounter a wall intervening between the dining-room and the kitchen.

The Court. What is the Hanley house, to the right or left of this?

Mr. Davis. It is, looking to the front it is slightly to the left.

20 Q Now when you were at the Wille house on Thursday did you particularly observe the furniture in the dining-room? A I did.

Q And the furniture in the dining-room consisted of what? A Well, there was the ordinary sized round dining-room table in the center of the room, there was a buffet, four dining-room chairs, a Morris chair, a small table and a fireplace that took up a corner of the room, and between these—well, right to the right of the door leading from the kitchen to the dining-room was a radiator, took up about a foot of the door space.

30 Q And to what extent did the furniture that you have enumerated fill the dining-room? A Well, if you were moving around you would have difficulty in moving freely without hitting a chair or table.

40

Mrs. Lena Wille, direct.

Cross examination by Mr. Kalisch.

Q Did you go over to the Hanley house and make this observation? A I stood in front of it.

Q Did you go inside? A No.

Q And what part of the Hanley house did you stand in front of to make the observation? A I stood to the right hand side of the entrance to the front porch. 10

Q And what time of day was it? A This was in mid afternoon.

Q And what obstructed your view of seeing the Wille house? A Of seeing the Wille house?

Q Yes. A Absolutely nothing.

The Court. He didn't say that.

Q You said something about a wall? A No; I said in looking from the Wille house to the Hanley— 20

The Court. Through the windows of the Wille house he saw a wall.

Q Where was the wall? A The wall was between the kitchen and dining-room, it was the wall between the kitchen and dining-room.

Q Of what house? A The Wille house. 30

MRS LENA WILLE recalled.

Further direct examination by Mr. Davis.

Q Slightly before Court adjourned last night you had partly finished your narrative of what took place the night that Price was there. Now when your husband and the two men came into the house where was Price and where were you? A Price was sitting on the tete in the parlor and I was standing by the rocking chair. 40

Mrs. Lena Wille, direct.

Q In the parlor or the dining-room or where?

A In the parlor opposite my piano.

Q Now who came into the house? A My husband came in first.

The Court. Confine yourself to something in this examination where she disagrees with the witnesses of the other side. Don't repeat.

Q This is the point. How far did your husband come into the dining-room? A As far as the radiator.

Q And that is where? A Right in the corner where the door is between the dining-room and the kitchen.

Q And who else came there with him? A Some other man which looked like that man that was on the witness stand, Smith.

Q Where was Smith? A In the kitchen.

Q Did Smith advance further than the kitchen? A When my husband called him he did, he just merely looked into the dining-room door, gave a glance in.

Q When your husband came there how far beyond the door or the dining-room where you have indicated did your husband go at any time that night? A Just that one place.

Q And what did he say to you? A He said "Catch that fellow," he said to this other man.

Q What did he say to you? A He didn't say anything to me.

Q And what did you say to him? A I put my hand on his shoulder and I said "This is what you do, but not I," I said.

Q Where was Shearer? A Out on the back porch.

Q When did you see Shearer? A When I walked out, after this other man and my husband walked out I walked out in back of them.

Mrs. Lena Wille, direct.

Q Now what did Price do when your husband came in? A He got up and picked up his hat and coat and ran out.

Q He ran out the back way, did he? A Out the back way.

Q Did you at any time that night sit on the couch with Price or did you sit in any chair with Price? A I did not. 10

Q Did you have any sexual intercourse with Price either that night or any other night? A I did not.

Q Now when Price came into the house that night did he see anybody beside yourself? A My little daughter.

Q How old is she? A Eleven years old.

Q Is she the oldest of the children? A Yes. 20

Q And where was she? A She was sitting up in bed cutting paper dolls.

Q And what bed-room was she in, the one off the dining-room or the one off the kitchen? A Off the dining-room.

Q Do you know Foster? A Yes, sir.

Q How many times has Foster been in your house? A Two times.

Q Will you state what two times they were? A One evening with his wife and one evening when my sister-in-law was there. 30

Q Now you say he came one evening with his wife? A With his wife, yes.

Q Was that the first time or the second time? A First time.

Q You say that Foster was in there with his wife? A Yes.

Q Was that the first time he called or the second time he called? A First time. 40

Mrs. Lena Wille, direct.

Q And what was the occasion of that visit?

A He came over to make a call on me.

Q Was he the man that accidentally hurt your boy? A Yes, sir.

Q Now the second time that he called, when was that? A When my sister-in-law was there with me.

Q That is Mrs. Riley? A Yes, sir.

Q You heard Mrs. Riley's testimony, did you? A Yes, sir.

Q And on that occasion or on any other occasion did you have any sexual intercourse with this man Foster? A No, sir.

Q Did he call at your place any other times than those two occasions? A No, sir.

Q Now do you know Mr. Greenberg? A Yes, sir.

Q You saw the young man on the stand yesterday? A Yes, sir.

Q Did you ever have Mr. Greenberg in your house or did he ever come into your apartment? A He never did.

Q Did you buy anything from him at all? A Yes, one evening at Mrs. Chambers. I bought a cauliflower of him.

Q Is that the only time you traded with Greenberg? A Yes, sir.

Q Was Greenberg in your house on the 18th day of May, on the evening of the 18th of May?

A No, sir.

Q Was Foster there? A No, sir.

Q Was there any other man excepting Price there on that night? A No, sir.

Q Now, Mrs. Wille, has Price ever come to your house since the 18th of May? A Never.

Q Was that the last time he was there? A That was the last time.

Mrs. Lena Wille, direct.

Q Price was I think a piano salesman? A Yes, sir.

Q Do you have a piano there? A Yes, sir.

Q Who bought it for you? A Mr. Wille.

Q And from whom did he buy it? A My little daughter. 10

Q From whom? A From the Griffin Piano Company, Broad street, Newark.

Q Through what man did he buy it? A Through Mr. Price.

Q Was Price the man that sold it to your husband? A Yes, sir.

Q How long ago was it that this piano was put in your house? A Well, I think it was just around before the 21st of December.

Q 1916? A 1916. 20

Q Last December, was it? A Yes, for the little girl for her birthday.

Q And on this occasion, this May 18, in the evening, what did Price say he came there for? A To fix the pedal on my piano.

Q And you say that he brought no tools with him to fix it? A No, he didn't.

Q And no oil? A No, he did not.

Mr. Davis. I have in mind, if your Honor please, to cover as briefly as I can the married life of these people, if your Honor wishes to hear it. 30

Q Now, Mrs. Wille, the time that your husband left you where were you? A Home at my mother's in Woodbridge.

Q And that was in the summer time, was it? A Yes, sir.

Q Now, did he ever come back to you after leaving you? A No, he didn't. 40

Mrs. Lena Wille, direct.

Q Did he ever ask you to come back and live with him? A No, he didn't.

Q Did you ever ask him to come back and live with you and the children? A Yes, I asked him home.

10 Q How many times did you ask him? A Several times.

Q And this occasion that this grocer testified to of the automobile on Valley road, will you state to the Court what that was? A Yes, sir.

20 Q What was it? A I was going up Valley road and had my baby on my arm when I saw my husband coming about half a block away; I put my hand up for him to stop, I said "Stop, Charlie, I want to speak to you," and I came out and walked out and he wouldn't stop, he almost ran over me, if I hadn't got out of the way.

Q He didn't stop? A No, he wouldn't.

Q Was it the baby you had in your arms? A My little baby.

30 Q And how long after your husband moved out of your house on Meeker street was it that the house was sold? A I couldn't just exactly remember, Mr. Davis.

Q Now at the time your husband was selling that house did you ask him at that time to come back and live with you? A I did.

Q Tell the Court anything you know about the conversation between you and your husband at the time he asked you to sign the deed?

The Court. Is that important?

40 *Mr. Davis.* Only as to her desire to get him back, that is all.

Mrs. Lena Wille, cross.

Q That night that Price was there first where was the light in the dining-room? A Right in the middle over the table.

Q And what kind of a light is it? A One of those E Z lights.

Q It is inverted light? A Yes, sir.

Q How many mantles has it? A Four little mantles. 10

Q Is it gas or electricity? A Gas.

Q How is the light operated? A It has two chains.

Q You pull one to put it on and the other to put it off? A Yes, put it off.

Q Now what other light was lighted if any the night that Price was there? A A large oil lamp on my kitchen table. 20

Q And how close—where is the piano, where was the piano at that time in the parlor? A Right in that corner where the folding door is, cross wise.

Q The folding door going from the dining room into the parlor? A Yes, sir.

Q And was the piano on the side of the parlor towards the hall or the outside side? A Toward the hall.

Q Toward the hall? A Yes, sir. 30

Q Was it set square or cata-cornered? A Cata-cornered.

Q Was it in the same position that it is now? A Yes, sir.

Q And was that light lighted when your husband came in that night? A Yes, sir.

Cross examination by Mr. Kalisch.

Q Mrs. Wille, who bought that parlor suit?

A My husband. 40

Mrs. Lena Wille, cross.

Q And how long ago did he buy it? A I can't just exactly remember.

Q About? I don't want to pin you down to exact day, three years ago, four years ago, five or six years ago? A I should judge about six years ago.

10 Q And it was a green color? A It certainly was.

Q That is the settee? A That is the settee.

Q That is the settee bought six years ago? A Yes, sir.

Q And how many children did you have with you? A When?

Q At the time you were living in this house alone?

20 *The Court.* I overrule that.

Mr. Kalisch. I think I can show—

The Court. We know how many children she had; there is no dispute about that, is there?

Q Did you occupy the parlor very often with the children? A Never very often.

30 Q You never sat in the parlor? A The children have lately, since I have lately used the piano, used the parlor all the time.

Q How long have they been using the parlor? A Ever since last year, going on a year.

Q When you received company didn't you receive company in the parlor? A Why, certainly, not always.

Q Well, some of the time? A Sometimes, and sometimes not; sometimes not; sometimes we sit in the kitchen.

Q And they would sit upon this couch that is outside, wouldn't they? A I can't remem-

Mrs. Lena Wille, cross.

ber where they sat; they sat down on some chairs in the parlor.

Q You would use the couch to sit down on, wouldn't you? A I suppose the children would, or anyone else.

Q And one of your children slept on the couch? A My children always slept in the bed. **10**

Q Did not one night one of your girls sleep on that couch, on that sofa that is outside? A One night my little girl slept on it?

Q (*By the Court.*) Did your little girl one night sleep on that couch or settee, or whatever you want to call it? A She did not.

Q Did she sleep part of the time on that couch? A She did not. **20**

Q Now, coming down to the night in question, when did Mr. Price come to your house? A What is that, please?

Q (*By the Court.*) What time did he come to the house? A Between the hour of half-past eight and nine o'clock.

Q And did he come to the front door? A He came to the back door.

Q Did he knock? A I don't remember whether he did or not; my door was partly open. **30**

Q Did he walk right in? A I suppose he knocked; I didn't hear him; he just come in and said, "Good evening, Mrs. Wille."

Q What did you say? A I said, "Good evening."

Q Then what did he say? A He said, "I come in to fix the piano."

Q What did you say? A I said, "All right." **40**

Mrs. Lena Wille, cross.

Q What time of night was that? A Between half-past eight and nine o'clock.

Q And what did you do then? A I went in and lit the lights for him so he could see.

Q In the parlor? A Yes, sir.

10 Q Did he have anything with him? A He did not.

Q What did he do when he got in the parlor? A He asked me if I had a screw driver; I said I didn't, I didn't have a screw driver, I had a small ordinary screw driver which belonged to my machine; he said that would do nicely.

Q Did you get the screw driver for him? A I did.

20 Q Bring it to him? A Yes, sir.

Q What did he do then? A Then he took out the front of the piano.

Q Go on. What did he do? A He was fussing around the pedal, trying to fix the pedal, so he said.

Q Was your piano out of order? A The pedal, there was something the matter with the pedal, yes, sir.

30 Q When did you discover that? A Quite some time ago.

Q Well, how long before this night? A Well, the pedal was never in right condition from the very first time the piano was brought.

Q Did you inform anybody that the pedal was out of order? A Mr. Price came in and showed me how to run the piano, that was the way he discovered it, and said he would come in sometime and he would fix that for me.

40 Q When did he show you how to run the piano, before the night he came there to fix it?

Mrs. Lena Wille, cross.

A He showed me a few days after it was put in the house.

Q And when was that before this night? A I told you right after the piano was brought in, the child got the piano for a birthday present, and I just don't remember, it was about three days after that he came in to show me how to work the piano. 10

Q How long before this night that he came to fix it was it that you got the piano? A I got the piano in December.

Q Of what year? A 1916.

Q (*By the Court.*) Last year? A It will be a year this coming Christmas.

Q And then you say two or three days after you got the piano he came in to show you how to play it? A Yes, certainly. 20

Q And then he discovered that the pedal was not working properly? A Hard working.

Q Hard working? A Yes, sir.

Q And he said then he would come in sometime and fix it? A Certainly.

Q So that from December 1916 he did not come in to fix that piano until May 1917, is that right? A 1917?

The Court. Until the next May, until this time, did he come to your house between December 1916 when the piano was sold, and May 1917? A Only those two days that I refused to see him. 30

Q Why did you refuse to see him those two days? A Because I didn't like the way he acted and the way he looked; I didn't think it was his place to be coming in there.

Q You said he said he wanted to be fixing the piano? A Even so I didn't want him to come 40

Mrs. Lena Wille, cross.

in; if I wanted the piano fixed I could telephone to Mr. Griffin.

10 Q Then why did you let him in on this night in May when he came to fix the piano? A He deliberately walked in; the door was open, he just knocked and walked deliberately in; I couldn't take the man and push him out.

Q Why didn't you tell him to go out? A I did give him a hint to go out; he kept looking at his watch, he didn't know enough to take it because he was waiting for them.

Q What did you say to Mr. Price when he came in? A I said "Good evening."

Q He said he came in to fix the piano? A Yes, sir.

20 Q You said "All right" and let him in the parlor? A Yes, sir.

Q Then you didn't tell him to get out, did you? A I did after that; he kept hanging around; I gave him a hint; I said "It is getting late," but he didn't go.

Q What do you mean he kept hanging around? A Sitting down, talking.

Q I thought he was fixing the piano? A He did before; after he had fixed the piano.

30 Q How long did it take to fix the piano? A About twenty minutes or half hour he fussed around.

Q Did he take off his coat? A He did.

Q Did he ask you whether he could take his coat off? A He did, he asked me if I had any objections. "Have you any objections if I take off my coat while I am doing this work?" I said "No."

Q Did he ask you to lean down? A He did.

40 Q What did he say to you, why did he want you to lean down? A Lean down and show me where—what was the trouble with the pedals?

Mrs. Lena Willz, cross.

Q You say it took him about twenty minutes to fix it? A I should judge so, half an hour.

Q After he fixed it what did he do, sit down in the chair? A I guess so.

Q What? A Certainly he sat down in the chair.

Q Did he have any beer with him? A He had a package out on my stationary tubs. 10

Q Well what was in the package, do you know? A He opened it and there was beer bottles in it.

Q When did he get the beer bottles? A He brought them in with him.

Q He left the package on the table when he entered, in the kitchen? A Yes, sir.

Q When did he get the beer bottles? A After a while, after he had finished fixing the piano, about ten or fifteen minutes after that. 20

Q Then he went in the kitchen and got the beer bottles and brought the beer bottles in, is that right? A Not in the parlor.

Q Where did he bring them? A On the dining-room table.

Q Did he get the glasses? A He did.

Q How many glasses did he get? A Two.

Q And how many bottles of beer was there? A Well, I can't just remember, I think there was five or six. 30

Q Did you drink any beer? A I did not.

Q Did he drink the whole five bottles of beer? A I don't remember, no, what he done with the beer; he kept emptying it out in the sink and filling fresh glass for me and I wouldn't touch it.

Q Then he would empty the beer out in the sink? A Yes, and fill up another fresh glass thinking he could catch me to drink it. 40

Mrs. Lena Wille, cross.

Q What did you talk about? A What did we talk about?

Q Yes. A About pianos and phonograph, different things like that.

10 Q Didn't you say he said something about wanting to take you to New York to dinner? A He asked me if I ever went to New York; I said "No, I never went to New York in years."

Q And where were you sitting while he was talking with you? A I was standing most of the time.

Q Well, where was he sitting? A He was standing up by the table.

Q And you were standing up? A Yes, I was.

20 Q In the dining-room or kitchen or parlor? A Between the dining-room and the kitchen.

Q Well, how long did you have this conversation with Mr. Price? A I don't just exactly remember.

Q How long did he stand talking there to you? A For quite some time.

Q Was it an hour, two hours or three hours? Well, what do you say? A What is that?

30 Q Was it an hour, two hours, or three hours, that he was talking? A Perhaps it was an hour, I can't quite remember how long.

Q It may have been two hours? A I don't think it was, no.

Q Hour and a half? A Well, probably between fixing the piano and all.

Q All you said during that hour and a half was about phonographs and about the piano and about going to New York to dinner? A Certainly.

Q That is all you said? A Certainly.

40 Q Did you say anything else? A I did not.

Mrs. Lena Wille, cross.

Q Did Mr. Price say anything else to you?
A He asked me if I ever went out, I said "No."

Q What else did he say to you? A Could I get anyone to come in and attend to my children while I went out; I said "No."

Q What else?

The Court. You may think this is making some impression on my mind, but it is not, Mr. Kalisch. I know when a man and woman are in a room for an hour and a half they are talking about things that they cannot repeat now. The question is whether they talked about anything that was not proper to be talked about.

10^L

Q Well, did he say anything about taking you out for a good time? A He didn't just exactly say go out with him, but he kind of tried to see if he couldn't work his way in, which he couldn't do.

20^L

Q Why do you say he tried to work his way in, why do you say that? What did he do that lead you to believe he was trying to work his way in? A I could tell the way the man was acting.

Q How did he act, what did he do? A Didn't he ask me if I didn't go to New York, ever go to New York, and tell me about some cabaret, where they had just beautiful string music, and tell me if he ever asked other women to go out they would go; I said "Well, I am not that kind of woman, I wouldn't be seen going across the street with you or any other man."

30

Q And that is all that he said that lead you to believe that he was trying to work his way in, is that right, or did he say anything else that lead you to believe that he was trying to work his way in? A I don't just remember.

40

Mrs. Lena Wille, cross.

Q Now just think, see if you can remember anything else which Mr. Price said to you that lead you to believe that he was trying to work his way in? A I don't remember.

10 Q You don't remember what else he said which lead you to believe that. Now do you remember what time of night it was that your husband got to your house? A Around the hour of half past ten I should judge.

Q And where were you then, in the parlor, or in the dining-room? A In the dining-room.

Q And where was Mr. Price? A Sitting on the end of the tete.

Q In the dining-room? A Parlor.

20 Q Mr. Price was in the parlor sitting on the end of the tete and you were in the dining-room? A That is where I was when my husband walked in.

Q Where was you just immediately before he walked in? A As I said before, standing right by the rocker opposite the piano by the folding door.

Q In the parlor? A Yes, sir.

30 Q Did you hear your husband coming in? A I heard something, but I don't know whether it was my husband or not.

Q You heard some man walking in, is that right, you heard somebody coming in? A I heard something, yes.

Q And then when you heard somebody come in you walked from the parlor into the dining-room, is that right? A Yes.

40 Q And who did you see in the dining-room? A When I got by the table I saw my husband standing right by the radiator near the dining-room door, as I said before.

Mrs. Lena Wille, cross.

Q And who else? A That was all, until he called to another man that was standing in the kitchen near the table.

Q The man that testified on the stand here?

A Yes.

Q And did you see Mr. Shearer? A Yes, out on the back porch. 10

Q He was not in the dining-room? A He was not.

Q Was the light lit in the dining-room? A Certainly it was.

Q Light lit in the parlor? A No.

Q What did you say to your husband when he came in? A Just what I said before.

Q Where did you put your hand? A Right here on his shoulder; I said, "This is what you do, but not I." 20

Q Did you gently lay your hand on his breast? A I certainly did.

Q Why did you lay your hand on his breast? A I just put my hand there and touched him.

Q Why did you touch him? A I don't know why I touched him, just because—

Q Did you hit him? A I never hit him.

Q Did you strike him with your hand? A I never did.

Q (*By the Court.*) Suppose she had; she would have been justified in doing it if her story is true. 30

Q If her story is true.

The Court. Well, what difference does it make whether she hit him or not?

Q Did he leave the place when you put your hand on his chest? A He walked out very quietly.

Q And did the man that was with him walk out? A The man walked out, the detective 40

Mrs. Lena Wille, cross.

man, and the other man ran, first he picked up his coat and ran out, then my husband and the other man walked out in back, he and I walked right out in back, my husband.

Q What did Mr. Price do? A He took his hat and coat and walked out.

10 Q Didn't you say a moment ago that he ran out? A Well, either ran or run, he was on a pretty good gait.

Q Mr. Price was on a pretty good gait? A Yes.

Q When did he get that gait? Did he run out as soon as your husband got in the room? A Just as I said before.

Q Did Mr. Price run out of the house, of the parlor? A Picked up his hat and coat and deliberately left, and the rest left right in back of him, and I went right in back of my husband.

20 Q Did Mr. Price pick up his hat and coat and run out as soon as your husband got in the dining-room? A Yes.

Q And at that time his coat was off, was it, Mr. Price's coat? A Yes.

Q Now, Mrs. Wille, didn't you send Mr. Price up to Mr. Wille's garage to ask Mr. Wille to buy a piano for your little girl? A I did not.

30 Q You are sure about that? A I didn't send him, I didn't say he had to go there to tell my husband to buy a piano.

Q Now, just say what you did? A He called at my house one afternoon and said he was canvassing to sell pianos for the Griffith Company. I said, "I don't care to buy a piano," and my little girl just came in, came home from school, she said, "Oh, yes, my daddy is thinking about buying me a piano for my

40

Mrs. Lena Willz, cross.

birthday or Christmas present;" then he asked me what time my husband came home and if he could see him here; I said, "My husband don't live here, he lives 280 Meeker street, South Orange, with his mother, you will have to go over to his place of business."

Q Then you did tell him?

10

Overruled.

Q As a result of Mr. Price going to see your husband you got a piano?

The Court. Overruled: That is apparent.

Q How soon after Mr. Price came to see you about the piano was it that you got a piano? A I can't just exactly remember.

Q Give us some time, was it a week or two?

A I don't know whether it was a week or two weeks, I can't tell.

20

Q Who brought the piano up to your house?

A The Griffith Piano Company.

Q Was Mr. Price there? A No, he was not; Mrs. Chambers was there with me when the piano was delivered at my door and into my parlor.

Q Were you always with your children? A I was always with my children.

Q You never went anywheres and left your children? A Not unless my children were with me.

30

Q You always took your children with you?

A I certainly always took my children with me, always had them in good care.

Q Never went out of town? A Never, always with me.

Q I show you a paper? A Yes, that is my writing.

Q Is that your writing? A Yes, sir.

Paper offered in evidence and marked Exhibit P 5.

40

Florence Wille, direct.

The Court. How is that important?

Mr. Kalisch. To show that she did leave her children.

The Court. With her mother.

Mr. Kalisch. She said she never left them.

10 *The Court.* Am I going to condemn a woman for adultery because she goes out for an afternoon or evening and leaves her children with her mother?

Mr. Kalisch. All I ask your Honor is to show whether she speaks the truth.

The Court. She has just said she never left her children unless they were in good care; she don't say she never left them. You are wasting time. There isn't a mother living, I suppose, that don't leave her children some time or other.

20 *Mr. Davis.* I would like to call for your Honor's inspection to see whether she is competent to testify, the little girl. Florence, come up here.

The Court. I will take her testimony without being sworn.

30 FLORENCE WILLE, called.

Direct examination by Mr. Davis.

Q How old are you? A Eleven years old.

Q And are you the oldest of the children? A Yes.

Q (*By the Court.*) Do you go to school? A Yes.

Q (*By the Court.*) How long have you been going to school? A Nearly two years.

40 Q (*By the Court.*) Do you know you must not lie? A Yes.

Florence Wille, cross.

Q Do you remember the night your father came with some man to the house? A Yes.

Q Was there a man come in there that night before your father came? A Yes.

Q Who was it? A Mr. Price.

Q (*By the Court.*) Stand up, Mr. Price. Is that the man? A Yes.

10

Q (*By the Court.*) Sure of that now? A Yes.

Q (*By the Court.*) Couldn't have been any other one? A No.

Q Where were you at the time? A I was in bed cutting paper dolls out.

Q When Mr. Price came in did he say anything to you or did you say anything to him? A He said, "Hello" to me, he shook hands with me.

Q Shook hands with you? A Yes.

20

Q Were you sitting in bed or what, lying in bed? A I was sitting up in bed cutting paper dolls.

Q What room was your bed in? A The room off the dining-room.

Q And anyone else sleep in that room with you? A Yes, my brother.

Q Who is he? A Charles.

Q How old is Charlie? A Ten.

30

Q Now, Florence, has Mr. Price come around to the house since then at all? A Not that I remember.

Cross examination by Mr. Kalisch.

Q How often has Mr. Price been to the house before this last time? A Twice or once.

Q And did you see Mr. Foster at the house? A Yes, twice.

40

Florence Wille, re-direct.

Q And night time or day time? A Night time.

Q Do you know the peddler, Mr. Greenberg?

A Yes, I do.

Q Did you see him at the house? A Mrs. Chambers' house, yes.

10 Q Did you ever see him down at your mother's house? A No, never.

Examined by the Court.

Q How long do you say you have been going to school? A Two years.

Q Do you know what will happen to you if you tell a lie? A Yes.

Q What? A Be punished.

20 Q Price, stand up. Do you say now you were not at that house that night?

Mr. Price. Yes, sir.

Further cross examination by Mr. Kalisch.

Q How many times do you say you saw Mr. Foster there? A Twice.

Q That is all? A Yes.

Re-direct examination by Mr. Davis.

30 Q Florence, what two occasions were they, was he alone or with someone else? A He was alone.

Q And who was there in the house with your mother, anybody? A I was there sometimes.

Q Do you remember your aunt, what is her name, Mrs. Riley? A Yes, sir.

Q Was she there any time? A Not while Mr. Price was there.

Q I don't mean Price, I say Foster? A Yes, sir.

Florence Wille, re-cross.

Q Was she there one night when Foster was there? A Yes.

Q What was the other time that Foster was there? A She wasn't there.

Q And who was there? A My mother and I was there.

Q And anybody else? A And the boys. 10

Q The boys? A Yes.

Q Did Mr. Foster come alone that night? A No, his wife was with him.

Q Now, was he there any other time excepting those two times? A Not that I remember.

Re-cross examination by Mr. Kalisch.

Q Did he come the first time without his wife? A No.

Q His wife was with him twice then? A Only once. 20

Q Then the first time he came alone? A Yes.

Q And was it night time? A Yes, it was.

Q And who was in the house then? A My mother and I was.

Q And did you stay up while Mr. Foster and your mother stayed up? A I was doing my lessons.

Q Were you in the dining-room? A No, I was in the kitchen. 30

Q You were in the kitchen; where was your mother and Mr. Foster? A They were in the kitchen, too.

Q All the time? A Yes.

Examined by the Court.

Q Are you telling the truth now or are you telling me something your mother told you to say? A I am telling the truth. 40

Ross H. Foster, direct.

Q Your mother did not tell you to say that?
A No.

MARY CHAMBERS, re-called.

Direct examination by Mr. Davis.

10 Q Do you know whether or not Mr. Price has called at the Wille house since this particular night we have been talking about? A I do not.

Q Have you ever seen him there since? A No, sir.

MRS. LENA WILLE, recalled.

Direct examination by Mr. Davis.

20 Q Mrs. Wille, have you got any huckster or peddler that served you other than Greenberg? A I have not.

Q Where do you buy your stuff? A Mr. Selden, my grocer, across the street.

Q Do you have any milkman that came to your house? A Mr. Kent.

Q What time of the day does Kent come? A Very early in the morning, before five o'clock.

30 *The Court.* You are wasting time, Mr. Davis. Greenberg is the man that has been identified by everybody.

Mr. Davis. I rest.

ROSS H. FOSTER, recalled.

Direct examination by Mr. Kalisch.

Q Mr. Foster, whom are you employed by? A Newark Spring Mattress Company.

40 Q How long have you been employed by them? A Well, at a rough guess, about five months.

Ross H. Foster, direct.

Q Where were you employed before that? A Thomas A. Edison Company, Orange.

Q And how long were you working for Thomas A. Edison & Company? A Three months.

Q Where were you employed before that?

The Court. What do I care about that? 10

Mr. Kalisch. I want to show the man's character.

The Court. I can tell his character by his looks.

Q Are you married? A Yes.

Q Did you live in the house of Mr. Hanley?

A I did.

Q And when did you live there? A June and July.

Q Of what year? A 1916. 20

Q And did Mrs. Wille live opposite you? A Yes.

Q Did you call over at Mrs. Wille's home?

A When?

Q (*By the Court.*) Any time? A Yes, sir.

Q Give me the first time that you called over there? A Why, next day after the Fourth of July.

Q What year? A 1916. 30

Q And did you call by invitation or how did you come to get over there? A No, I went myself.

Q What for? A In regards to her boy.

Q And are you the man that shot her boy? A Yes, I am sorry to say I was, yes.

Q And did Mrs. Wille invite you in? A No, not the first time; I talked to her through the screen at the front stoop, and I told her—she was wild, I said, "Mrs. Wille," I can't exactly 40

Ross H. Foster, direct.

say what I did say, but anyhow, it was in reference to the boy, telling her not to worry, that he was well provided for, and that Mr. Wille had him in a very nice room and he had all comforts.

The Court. This is very interesting, but how is it material to the cause?

10 *Mr. Kalisch.* It may be.

The Court. It must be more than may be.

Mr. Kalisch. Well, it will be.

Q When did you call there again? A Why, I called there, well, every other day, I should judge.

Q And were you ever in the parlor with Mrs. Wille? A After I became better acquainted, yes.

20 Q How often were you in the parlor with Mrs. Wille? A Must I answer this?

The Court. I will overrule all this testimony. If this man wants to say he had sexual intercourse with Mrs. Wille let him say so.

Mr. Kalisch. I don't suppose he is bound to incriminate himself.

The Court. What are you going to show?

30 *Mr. Kalisch.* I want to show the character of this woman.

The Court. He either did have sexual intercourse or did not.

Mr. Kalisch. Mrs. Wille swore she never drank beer with anybody.

The Court. I don't care whether she drank beer with anybody; the question is whether she had sexual intercourse.

Ross H. Foster, direct.

Q Did you have sexual intercourse with Mrs. Wille? Say yes or no or you refuse to answer?

A I refuse to answer that question.

Q Did you ever drink beer with her? A Yes.

Q How often? A On several occasions.

Q Who got the beer, you or she? A I did. 10

Q And did she drink beer? A Yes.

Q How late at night would you stay there with Mrs. Wille? A Several times after eleven o'clock.

Q Were the children in the room when you stayed there until eleven o'clock at night? A Generally Mrs. Wille generally told them to go to bed.

Q How early would she tell the children to go to bed? A She would tell them all but that little girl Florence, she would keep her up until the last. 20

Q How late would she keep the little girl Florence up? A She would be the last one, until half-past ten.

Q Did you ever see the little girl sleep on the sofa outside? A On one particular occasion I did, yes.

Q Did you look at that sofa outside? A I seen it. 30

Q Did I ask you to look at that sofa this morning? A I seen it there.

Q Was that the sofa you saw in the house when you came there? A I wouldn't swear to it.

Q Did you go to the hospital with Mrs. Wille? A With Mrs. Wille?

Q Yes. A Yes, one night.

Q Mr. Foster, did Mr. Wille ever ask you to get beer at the house and get the best of 40

Ross H. Foster, direct.

Mrs. Wille? A No, sir, he did not; I will swear to that.

Q (*By the Court.*) Is that the only thing you will swear to or are you swearing to all you said? A I mean I will swear to that.

10 Q (*By the Court.*) You are swearing to everything you say on this stand? A I am, yes.

The Court. Remember that.

Q How long have you known Mr. Wille, if you knew him at all? A I met him on three different occasions.

20 Q When was that? A Why, the day of the accident, Fourth of July, I took the boy over to the hospital and Mr. Wille and I came face to face with each other in the operating room, and I never spoke to him; he said, "The man who did this I would like to get hold of, I would kill him," and I was afraid, and I wouldn't speak to him because I knew he was in an awful rage; I didn't say nothing to him. The next morning, 5:30, Mr. Grassenway came over to my house and said, "Mr. Foster, there is somebody wants you on the 'phone"; I went over, and it happened to be Mr. Wille, he says, "Hello, are you Foster?" I said, "Yes." He says, "Well, this is 30 the father of that boy that you almost killed yesterday." He says, "I want you to come up to my office and have a talk with me," and he told me where it was, on Meeker street, I think it is Meeker street, I am not sure, but to Montrose Taxi, and I was really afraid, so I took my wife along with me and I went up there and in his little office, and when I went in with my wife he shut the door and locked it, and I was more afraid because I didn't know what he was going 40 to do, I didn't know what kind of a man he was.

Ross H. Foster, direct.

Q (*By the Court.*) What did he do? A He sat down and told me he didn't care what the expense was or nothing, so long as I told him the truth, if it was me, and I told him it was me.

Examined by the Court.

Q Then what did he do? A Then he just said he was sorry and he wouldn't hold any malice against me, that is all, he just wanted to see if I did it. 10

Q Just to satisfy himself that you did it? A Yes, sir.

Q And after he satisfied himself, that you did it, he didn't do anything at all; you knowing the man was afraid he would do something? A I thought he would, I didn't know the man previous. 20

Q Did he at this conference make some bargain with you? A No, sir, no bargain at all, because he had a charge against me.

Q He withdrew the charge, didn't he? A On one condition, that the boy turned for the better, and that was all.

Q Was it on condition that the boy turn for the better or that you get his wife? A No, sir, it was not on any condition at all, there wasn't any bargain in it whatsoever. 30

Further direct examination by Mr. Kalisch.

Q What do you mean, if the boy turned for the better? A If the boy didn't die through the injury.

Q Now, when was the next time you met him? That was the second time. A The next time I met Mr. Wille was over at the hospital one afternoon, he had a whole lot of stuff for the little fel- 40

Ross H. Foster, direct.

low, toys, books, candy, cake, oranges and stuff like that.

Examined by the Court.

Q By the way, before you go into that, it was after that, after this first talk that you had anything to do with Mrs. Wille, that you went over to Mrs. Wille's house? A No, I had been—I hadn't been to Mrs. Wille's house.

Q You had not been to Mrs. Wille's house up to the time you had your first talk with Mr. Wille? A No, sir.

Q You thought Mr. Wille was rather a violent man? A Yes, sir.

Q You thought he would be rather violent if you interfered with his domestic relations, too, didn't you? A I don't know.

Q Well, didn't you? He was a violent man; you have already said that you thought he was a violent man, you were afraid of your life? A I was afraid, yes.

Q Then after that, after your talk with Wille, you deliberately went over with his wife, didn't you? A To tell her how the boy was, yes.

Q Not only to tell her how the boy was, but to wash dishes in the kitchen, you did that, didn't you? A No, sir.

Q Oh, you didn't do that? A No, sir.

Further direct examination by Mr. Kalisch.

Q On the other occasion you went with his wife, did you go by invitation or did you go yourself? A Why, I went both ways, by invitation and by my own self, too.

Ross H. Foster, direct.

Examined by the Court.

Q How did you dare go there when you thought Wille was the violent man he was, that he would hurt you? A Why, I knew Wille didn't live with her. I told you, Judge, how that happened, that I know all this.

10

Q You will have to do a lot of explaining. You have already testified, you have already said you thought Wille was a violent man? A Yes, sir.

Q You were afraid of him? A In my own mind.

Q Yes, in your own mind; that you had this talk with him, and then you deliberately go and put his wife in a compromising position? A I can explain that.

20

Q Well, explain it. A After the boy was hurt I was afraid to carry him over to his house; she was not around; I took him in my home and tried to care for him; I thought it was only a small wound, and Mrs. Wille came screaming over to the house, so my wife and a few other neighbors, I don't know who they were now, took care of Mrs. Wille and kept her in the house, and from there we rushed over to her house with the boy and got a taxi cab and brought the boy to the hospital. After that Mrs. Wille came over to my house and got very intimate with my wife, and through the intimacy between my wife and her, of course, took friendship between us two; she confided in my wife and I and told us her whole family life, told us everything, and that is how our friendship grew; I used to go over and sympathize with her lot and say how sorry I felt for her, and so on.

30

40

Ross H. Foster, direct.

Q Then had sexual intercourse with her, or rather you refuse to answer that question, which, of course, conveys to my mind the idea that you are willing to say that you did; you know that as well as I do, don't you? You know that your refusal to answer as to whether you had sexual
 10 intercourse with this woman or not induces me to believe that you would be willing to say you did, you realize that, don't you? Do you or don't you? A I don't wish to answer that question, that is all.

Q You realize the fact that your refusal to answer the question as to whether you had sexual intercourse with this woman induces me to believe that you are willing to say you did? A Am I forced to answer that question?

20 Q Yes, you are forced to answer that question. A Yes.

Q And you did this, whatever relations you had with this woman you had after the first conference with her husband and after she had confided to yourself and wife her troubles? A Yes.

Q And with the knowledge of your wife? A Yes.

30 Q And after the time that you were so afraid that this man might violently treat you? A Yes, it was after that.

The Court. Anything further from this witness.

Mr. Davis. No question.

Witness. May I go?

The Court. Yes, you may go. I never want to see you again.

John Price, direct.

JOHN PRICE, recalled.

Direct examination by Mr. Kalisch.

Q Who are you employed by? A Griffith Piano Company.

Q How long have you been in their employ?
A About ten years. 10

Q How did you come to sell a piano to Mrs. Wille? A Why, through canvassing in that section.

Q Did you see Mrs. Wille? A Yes, I saw her.

Q How long ago was this? A Oh, first part of December.

Q 1916? A 1916.

Q And did you ask her to buy a piano? A Yes, sir. 20

Q And what did she say to you? A Well, she said he was thinking about buying a piano, for her little daughter and the daughter said, "Yes, my papa is going to buy me a piano;" with that I asked Mrs. Wille where I could see Mr. Wille, and she says, "Out in Meeker street, out in the garage;" I said, "Can't I see him this evening?" She said, "No, he is pretty busy evenings, you would have to see him up there;" so I went up there and saw Mr. Wille. 30

Q And what did you say to Mr. Wille? A I asked Mr. Wille about a piano, I met his daughter and wife and they was very anxious to have the piano.

Q Was that the first time you ever saw Mr. Wille? A That is the first time.

Q What did Mr. Wille say? A Mr. Wille said, "Well give me time to think it over," he said, "and come up some other time." 40

John Price, direct.

Q Did you come up some other time? A Yes, a few days after I went back and told Mrs. Wille what he had said; she said, "You keep after him, he will buy one all right."

Q He said he would buy the piano, did he? A Yes.

10 Q How much did he pay for it? A \$385.

Q Now, after the piano was bought did you call at Mrs. Wille's home? A Several times, yes, sir.

Q For what purpose? A Well, in selling a piano, player piano, we call occasionally to show them how to operate the piano.

Q (*By the Court.*) What was this, a player piano? A Player piano; then in the meantime we look for customers.

20 Q How often do you think you called at Mrs. Wille's house? A Oh, I should judge four or five times.

Q Did you ever drink beer up there with Mrs. Wille? A Yes.

Q Who got the beer, you or she? A I got the beer.

Q Did she drink beer? A Yes.

30 Q When was the last time previous to this 18th of May that you was there? A Well, I was not there on the 18th of May.

The Court. He has already denied he was there on that date, although I don't believe him.

A It is true.

The Court. It may be true, but I don't believe it.

A I can prove it.

The Court. If you can prove it—

40 A Yes, I can prove it, Judge, I certainly can.

John Price, direct.

The Court. I would rather take the word of that little girl against yours.

Q How long before the 18th of May were you there? A I was there the first week in May.

Q Were you there in the night or daytime? A In the evening. 10

Q What time about? A About eight o'clock.

Q And how long did you stay? A I stayed there a couple of hours, I guess.

Q Did you have any beer to drink? A Yes.

Q Did Mrs. Wille drink any beer? A Yes.

Q Where were you all the time? A Sitting in the dining-room.

Q Are you a married man? A Yes.

Q Family live in Newark? A Yes. 20

Q Have you a family? A Yes.

The Court. The circumstances—let me understand, now, you were there, and almost the same thing happened as happened on the 18th of May, except the husband breaking in?

A Yes, sir.

Q (*By the Court.*) Mrs. Wille's story as to your being there on a certain time as to what you did was true, but it was different night from this 18th of May? A Yes, sir; first week in May. 30

Q Now, on the 18th of May where were you?

A I was in Parlin, New Jersey.

Q All day? A Yes, all day.

Q And all night? A No, sir.

Q What time of night did you get back? A Back in Newark about ten o'clock.

Q Was anybody with you? A Yes.

Q Who? A Another man.

Q Is he here? A No, sir. 40

John Price, cross.

Q (*By the Court.*) Where does he live? A He lives in Fairmount avenue here in Newark.

Q (*By the Court.*) What is his number? A I don't know.

Q What is his name? A Mr. Hedden.

Q Could you get him here? A Sure.

10 Q What were you doing down there that day?
A Had some people to see down through there, South Amboy and Perth Amboy.

Cross examination by Mr. Davis.

Q Mr. Price, how long did you talk with Mr. Wille the first time you saw him about a piano?

A How long I talked with Mr. Wille?

Q Yes. A The first time?

Q The first time you saw him about a piano?

20 A I never met Mr. Wille before that day.

Q How long were you talking to him? A How long was I talking to him the first time?

Q Yes. A Oh, about half an hour.

Q And then you went back to see him again?

A Yes.

Q How long did you talk with him the second time? A I don't just remember.

30 Q Well, half an hour? A I wouldn't wonder, yes.

Q You talked with him on both occasions about selling him a piano, didn't you? A Yes.

Q When did you see him after that? A I never seen him since until right here; I see him in the automobile occasionally, riding around.

Q When he was passing in the street in the automobile you knew him well enough to recognize him, didn't you? A Yes, sure.

40 Q He knew you by sight? A I don't know whether he did or not.

John Price, cross.

Q Didn't he bow to you when you bowed to him? A Yes.

Q He saluted you and you saluted him? A Yes.

Q And you had no doubt in your mind you were saluting Mr. Wille? A Yes, I know the man, doing business with the man you know him. 10

Q He knew you, didn't he? A Yes.

Q Now, everything that Mrs. Wille said about your visit on a certain night that you came to repair the piano is true, isn't it? A No, sir.

Q (*By the Court.*) What part of it is not true? A I didn't have any coat off.

Q (*By the Court.*) You did not have your coat off? A No.

Q (*By the Court.*) Did you ever have sexual intercourse with Mrs. Wille? A I should say not. 20

Q Did you ever lie on that couch with her? A No, sir.

The Court. I will take judicial notice that nobody could lie on that couch.

Q How many bottles of beer did you drink, any? A Half dozen.

Q You brought them in, did you? A Yes.

Q Is that the usual thing for you to call on a married woman living apart from their husband and bringing beer? A Well, I told you how that happened. 30

Q (*By the Court.*) I would like to know how it happened? A I will tell you, Judge; we call on a customer occasionally and, of course, she, I promised her some music rolls; first off I wanted her to go down to the store and pick them out; she said she didn't have time on account of the children, &c.; I said, "I will bring up some 40

John Price, cross.

catalogues and you can look them over"; she looked them over; then I went down, not this same week, little later on I went back; I brought the music rolls to her.

Examined by the Court.

10 Q I am not talking about that; I am talking about the beer; why did you take the beer? In order to sell pianos do you go to your customers and take beer? A No; she made the remark she would like, said she didn't have anything in the house to treat me, I said, "I will go out and get some; she went out on the front porch and pointed out the saloon and I went down and got it.

20 Q You did not bring it with you, you went out afterwards? A Yes, sir.

Q Ever done that with anybody else before? A No, sir.

Q Ever done it since? A No, I have not, not that I know of.

Q Have you ever in all your experience in selling pianos bought beer and taken it in a house? A Oh, yes; sure.

Q You have? A Six bottles; yes.

30 Q Married woman? A Well, married or single.

Further cross examination by Mr. Davis.

Q That night that you called you fixed the piano, didn't you? A Well, I just screwed up a couple of—did a little with the pedal, that is all.

Q Some squeak in the pedal? A Yes, I tightened it up.

40 Q You came here under subpoena—served by us, didn't you? A Yes.

Florence Wille, direct.

Q And you have been living in East Orange ever since, for the last couple of years? A Living there eight years.

Q You have got a telephone? A Yes.

Q And your name is in the directory? A Yes.

Q And you are still connected with this piano company? A Yes. 10

Q You came here subpoenaed by us on Monday, didn't you? A Yes.

Q And didn't I tell you on Monday in this court room that Mrs. Wille would state that you were the man that was there that night? A Yes, you certainly did.

Q And didn't I tell you that yesterday? A Yes, sir.

Q You have known that since Monday, haven't you? A Yes. 20

Q And you haven't got this witness here to prove that you were some place else? A I could have him here, yes.

Q But you haven't, have you? A No, I haven't, no; I can have him here.

Q (*By Mr. Kalisch.*) When can you get him here? Could you get him here Monday morning?

A Yes, by all means.

The Court. You won't; I won't give you time to do it. Let this little girl come forward. 30

FLORENCE WILLE, called.

Examined by the Court.

Q How do you know that it was the night that your father broke in that Mr. Price was there? A Because, after awhile, when they went out mother went out and told Mr. Cham- 40

Florence Wille, cross.

bers that Daddy was in the house and I heard it and I heard Mr. Price coming in.

Q Did you hear your father come in? A I heard a noise.

10 Q And then after was there anything happened after that, after your father come in that showed it was the same night? A Well, Mr. Price took up his hat and coat and ran out.

Q Did you see that? A No, but I heard it.

Q Did your mother talk about it the next day? A She told Mr. Chambers.

Q Did you hear her tell him? A Yes, I heard her, but I couldn't hardly understand her much.

Cross examination by Mr. Kalisch.

20 Q Are you sure it was Mr. Price that night? A Yes, it was.

Q How was he dressed? A He had brown suit on, like reddish color.

Q Did you see his face or did you hear him talk, which? A I saw his face.

Q Did you hear your mother ask your father to forgive her, that she had done wrong? A No, I didn't hear her.

30 Q Didn't you hear that? A No.

Q Just think.

The Court. Now, don't look at counsel, look at me; I want the truth; just tell the truth, no matter who it hurts, because if you don't tell the truth you will be punished.

A No.

The Court. Tell the truth.

40 Q Didn't you hear your mother that night ask your father to forgive her, that she had done

John Price, direct-cross.

wrong? A The night they came in the house?

Q Yes. A No; I was asleep then.

Q You were asleep then? A Yes.

Q Did you ever hear it any other night? A No.

Q You never heard your mother ask him to forgive her? A Not that I can remember. 10

Q Now, what do you mean, not that you can remember, are you sure about it? A (No answer).

JOHN PRICE, recalled.

Direct examination by Mr. Kalisch.

Q Have you any record with you showing where you were on the 18th of May? A Yes, I have got some here. 20

Q Just produce it. A Some memorandums here scribbled off.

Q When was that memorandum made? A On May 18th.

Q Is that your writing? A That is my writing.

Mr. Kalisch. I offer them in evidence.

Marked Exhibits D. 6 and D. 7.

A I have some others.

Q Have you them with you? A No. 30

Cross examination by Mr. Davis.

Q Where were you on the 1st of May? A I was right here the first week.

Q Have you your records where you were on the 1st of May? A Yes.

Q Do you keep records every day? A Yes; that is how I come to look them up.

Q This is an address, isn't it? A Yes, those are prospects, put on prospect cards; this Mr. 40

James Shields, direct.

Crew, he gave me an order for a piano on a particular day.

Q (*By Mr. Kalisch.*) Can you give the name of the man you visited at this place on the 18th day of May? A Mr. Crew.

10

Examined by Mr. Kalisch.

Q What did you see him for? A About a piano.

Q (*By the Court.*) To sell a piano, I suppose? A Yes, he ordered a piano.

Q Does he still live down there yet? A Yes.

Q (*By Mr. Davis.*) Where is this place? A Parlin, you go down to South Amboy and take a car from South Amboy.

20

JAMES SHIELDS, sworn.

Direct examination by Mr. Kalisch.

Q Are you employed by Mr. Wille now? A Yes.

Q What do you do there? A Automobile washer.

Q How long have you been working there? A The past two months.

30

Q Do you know Peter Boyle? A Yes, particular friend of mine.

Q How long has he been a friend of yours? A All my life, might say.

Q And did you have a conversation with Mr. Boyle with reference to him getting back to work for Mr. Wille? A I did.

Q When? A Well, about three weeks ago.

Q And where? A At the corner of Beech and Valley.

40

Q Orange? A Orange Valley.

Charles Wille, direct.

Q Will you just state what the conversation was? A I met Mr. Boyle and he says, "Hello, Jim." We had a conversation; he asked me where I was working; I said, "I am down with Wille"; he says, "He is the best skate in the world to work for"; he said, "I would like to get back with him"; I said, "Will I ask him to take you back again?" he said, "Yes," I said, "I will do it"; in the meantime I didn't do it and the following week I met him again and I says to Mr. Boyle, or Pete, I said, "Pete, Wille is going away for sometime," I said, "and if you want to go down and see him now is your chance"; he said, "I wouldn't go near Wille, I am going to get square with that guy if I have to swear his life away." 10

Cross examination by Mr. Davis. 20

Q He made that second statement after he met you a short time before and said, Wille was the best skate in the world to work for? A Yes.

CHARLES WILLE, recalled.

Direct examination by Mr. Kalisch.

Q Mr. Wille, do you know Mr. Price? A I do. 30

Q When is the first time you met him? A The day he came over to my office trying to sell me a piano.

Q Did you ever ask Mr. Price to go to your wife's house and make calls upon her? A No, I did not.

Q Did you ever have any arrangement with him whatever as to what he should do? A I did not. 40

Charles Wille, direct.

Q Make any calls upon your wife? A No, I did not.

Q How many times did he call upon you to sell this piano? A Called upon me twice.

Q The second time you bought it? A The second time I bought the piano.

10 Q Have you seen Mr. Price and talked with Mr. Price from that time? A Only to meet him on the street and bid him the time of the day as I went by.

Q Do you know Mr. Foster? A I know of him, yes.

Q Did you ever have any arrangement with Mr. Foster— A By no means, no.

Q That he should go to your wife and try to involve her in any? A No.

20 Q —trouble? A No, I did not.

Q Did you ever tell him to? A No, I did not.

Q Did you ever tell him that you would give him some money to do a thing like that? A No, sir; I did not.

Q When was the first time you met Mr. Foster? A The first time I met Mr. Foster was at the hospital, I didn't know who he was; the next morning he come up and identified himself to me.

30 Q What was the conversation you had with him? A When he came with his wife, he came up to my office with his wife and told me he was the man that shot the boy; I told him I heard so; I wanted to know how it happened; he told me, he said he would have told me at the hospital but my wife told him I had a very vicious temper, not to go near and tell me he done it at the hospital, and my boy at the hospital refused also at the hospital to tell me who it was that shot him, he knew at the same time, but wouldn't tell me.

40

Charles Wille, direct.

Q That is all the conversation you had with him? A That is all the conversation I had with him; he said he was afraid I was going to have him arrested, told me he was out of work, and couldn't afford it; I told him I would make no charge if everything was all right.

Q (*By the Court.*) You did? A I did, but I found out he was back in the rent and his wife in bad condition. 10

Q (*By the Court.*) You withdrew it afterward? A Yes, I did.

Q Did you ever make a present to Mrs. Newman of a lavalier? A No, I have not.

Q (*By the Court.*) Ever make any other present to her? A No, I have not.

Q (*By the Court.*) And you never called her Bunny? A This Bun. stuff, all the chauffeurs in the garage called her Bun. for pastime; I don't remember if I did call her Bun., I might have. 20

Q (*By the Court.*) You never called her Dearie? A I haven't, no; I would be foolish to call her Dearie in the presence of a lot of people.

Q (*By the Court.*) Sometimes people are foolish? A I happen at this time not to be foolish; I respect my children too much to get in any mistake to call her Dearie. 30

Q (*By the Court.*) You did not call her Dearie? A I did not, no.

Q (*By the Court.*) Did she call you Dearie? A No.

Q (*By the Court.*) She never called you Hon? A She hasn't called me Hon; she might have called Mr. Boyle down there Dearie more than she did me. 40

Charles Wille, cross.

Q (*By the Court.*) I didn't ask that. Just confine yourself to answering my question. You swear now that she never called you Hon. and you never called her Dearie? A I haven't called her Dearie.

10 Q (*By the Court.*) And all the witnesses who have testified that you did have been committing perjury? A They must have committed perjury; I never called her Hon. or Dearie; as far as Bun. goes, it is a password in the garage with all the chauffeurs, everybody working in the garage.

Q Mr. Boyle says that you went with him down to meet Mr. Foster.

20 *The Court.* Never mind. Let me ask that question; put it on the record straight. Did you ever go with Mr. Boyle and meet Mr. Foster?

A I went with Mr. Boyle to watch this house one night; I asked him to go with me.

Q (*By the Court.*) Did you meet Mr. Foster on that night? A I didn't meet Mr. Foster. I seen Mr. Foster go in the house.

Q (*By the Court.*) Listen to my question. Did you meet him and talk with him? A I did not.

30 *The Court.* That answers it. If he did not meet him and did not talk to him of course he could not have had the conversation Mr. Boyle testifies about. That is a clear cut denial.

Cross examination by Mr. Davis.

40 Q You saw Foster go in the house the night that you and Boyle were watching from a stoop at the corner of Glebe street? A Yes, Mr. Hanley had called me up.

Charles Wille, re-direct.

Q Then everything that Boyle said about that evening is correct excepting that you did not meet Foster that night? A I never had any conversation he says I had with Boyle, no.

Q You saw Foster go in that house that night? A I saw Foster go in that house with my own eyes and I also told her about it. 10

Q Answer the question. Hanley called you up, didn't he? A Yes.

Q And told you that Foster was going there? A He posted me on Foster making visits back and forth.

Q Did you ever afterwards go to Foster and tell him not to go and see your wife? A No, but I went to my wife and told her he was calling on her.

Q When was that? A Several occasions I called her up and she was speaking to me and I called her attention to it. 20

Q You never said anything to Foster after that? A I didn't see him except the night he went in the house, he kept out of my way and moved away recently; I think I made a threat if I had caught him I would have broke his damned neck.

Q Did you say that to him? A I passed that threat to several other people, if I caught him, and even told her the same remark over the wire. 30

Re-direct examination by Mr. Kalisch.

Q Your brother, I think, testified that you asked him to watch your wife's house one night?

A When she was asking for two checks a week, she wanted her payments twice a week, she wanted to get away this very afternoon, I said, "Fred, I don't see why she wants those two checks a week, go down and see if she is going 40

John Hartwick, direct-cross.

away"; that is why he went down there, because she had me pestered calling me up ten times a week calling for her check twice a week.

JOHN HARTWICK, sworn.

10 *Direct examination by Mr. Kalisch.*

Q Where do you live? A 40 Forest street, Orange, New Jersey.

Q Are you the father of Mrs. Newman? A Yes.

Q Did you give your daughter, Mrs. Newman, any money to buy a house? A I did.

Q When? A Middle of August, I am not sure, about the middle of August.

20 Q Can you state how that happened? A I can; they had a family fight, might as well call it a fight, I guess it was a fight; then she had no place to go; she came over to my house and she asked me could she board there and take rooms there; I said, "No, we have no room for you," and she said, "Then what am I going to do?" I said, "I don't know what you are going to do, you will have to find a place to board."

The Court. Why all this conversation?

30 Q Just come down to the point? A Anyway, she said she would buy this place and pay a small amount down, she told me \$450; I said, "Have you got any money?" She said, "I got \$200." I said, "I will give you \$250." Then she said, "You can take my interest on the Nassau street place." Then I said, "All right"; that is the end of it, I gave it to her.

Cross examination by Mr. Davis.

Q You gave her \$200? A \$250.

40 Q In cash or check? A Cash.

Lowell Markwith, direct.

Q And where did you get it out of? A I had it in my pocket.

Q You had \$250 in your pocket? A Yes.

Q What do you work at? A Box maker by trade.

Q Who do you work for? A D. V. Connett Company.

10

The Court. You are wasting an awful lot of time.

A I often had \$500 in my pocket and got it at the present time, a thousand, if you want to see it.

LOWELL MARKWITH, sworn.

Direct examination by Mr. Kalisch.

Q Where do you live? A Work for Mr. Wille, Meeker street, West Orange.

20

Q How long have you worked for him? A I should judge about three months.

Q Chauffeur, are you? A Yes.

Q Have you heard this Hon. name that they have been talking about here at the garage? A I never heard anything of it all as long as I have been there.

Q Did you call Mrs. Newman Hon.? A Yes.

30

The Court. You are saying yes too quickly.

Q Did you call her Hon. or Bun. A Bun.

Q How often did you call Mrs. Newman Bun.? A Why, it is a nickname.

Q Are you the only one that calls Mrs. Newman Bun.? A No.

Q Who else did it? A Why, several.

Q (*By the Court.*) Who originated this nickname, do you know? A They called her Bun,

40

Arthur Haefner, direct.

I don't know who originated it; I have heard that ever since I have been there.

The Court. Is Mrs. Newman in court?

Mr. Kalisch. No, she is not.

10 Q (*By Mr. Davis.*) Are you still working for Mr. Wille? A Yes.

Q (*By the Court.*) You don't call her dearie, do you? A No, sir.

Q (*By the Court.*) Have you ever heard Mr. Wille call her dearie? A No, sir.

ARTHUR HAEFNER, sworn.

Direct examination by Mr. Kalisch.

20 Q Now, do you know Mrs. Newman? A Yes.

Q How long have you known her? A About a year.

Q And what do you say about this Hon. or Bun. business? A I called her Hon. myself.

Q (*By the Court.*) Hon. or Bun.? A Bun. I called her.

Q (*By the Court.*) When was the term Hon. used? A It seems to be a password.

30 Q (*By the Court.*) Hon. now? A When was it used?

Q (*By the Court.*) Yes. A She called me that.

Q (*By the Court.*) You called her Bun.? A Yes.

Q How long have you been calling her Bun.? A About six or eight months.

40 Q (*By the Court.*) Who did you first hear call her that? A Some of the boys in the garage.

Arthur Haefner, cross.

Q (*By the Court.*) Have you ever heard Mr. Wille call her dearie or dear? A No, your Honor, never.

Q (*By the Court.*) Did you ever see Mr. Wille go out automobile riding with her? A No.

Q (*By the Court.*) Never went out? A No.

10

The Court. Do you expect me to believe this witness's testimony?

Q How do you know Mr. Wille never went out?

The Court. He admitted he went out riding with her.

A I haven't seen him.

Q (*By the Court.*) What are your hours in that garage? A I don't work in the garage.

20

Q (*By the Court.*) I thought you were employed by Mr. Wille? A No.

Q Where do you work? A Crucible Steel.

Q Where is that, in Harrison? A Yes.

Q Where do you live? A Central avenue.

Q Orange? A Yes, East Orange.

Cross examination by Mr. Davis.

Q Where were you that you met Mr. Wille and Mrs. Newman together? A Where?

30

Q Yes. A At the garage.

Q Where else? A Sir?

Q Where else? A East Orange, at a friend's home I met Mrs. Newman.

Q And Mr. Wille? A No, sir.

Q Where was it that you met Mr. Wille and Mrs. Newman together that you heard this exchange of Bun. and Hon.? A At the garage.

Q And how often would you be at the garage?

A About eight or ten times.

40

Catherine Seehusen, direct.

Q In the evening, daytime or what? A Evening.

Q What would you be doing there? A Just went there on business to see Mr. Wille.

Q And you would sit in the office, would you?

A No, sir.

10 Q Where would you sit? A Just move around, stay there a short time.

Q How late would you stay there? A Half an hour or so.

Q How late would you stay there? A It all depends on what time I got there.

Q Ordinarily how late would you stay there? A About an hour or half hour, something like that.

20 Q What time would you leave? A Before nine.

Q And then you met Mrs. Newman at a friend's house in East Orange? A Yes.

Q How often? A About twenty times I presume.

Q Was she alone? A Mrs. Newman?

Q Yes. A Yes.

Q And you alone? A No, I was at this friend's home.

30 Q Are you married? A Yes.

Q Was your wife along? A No.

CATHERINE SEEHUSEN, sworn.

Direct examination by Mr. Kalisch.

Q Do you know Mrs. Newman? A Yes.

Q And have you heard the Hon. and Bun. story? A It originated from Mrs. Wille's son, when they used to come up they used to call him Hon. and after that everyone was called the
40 same way.

Florence Wille, privately examined.

Q Have you heard Mrs. Newman called Bun.?

A Yes, everybody in the garage.

Q How long have you been hearing that? A
About a year and a half.

Mr. Kalisch. I would like to verify Mr. Price's statement and find out whether he was down there on that day where he sold the piano.

101

The Court. If the case goes to the Court of Appeals you may put it in for the Court of Appeals. I am going to determine it now.

Have the counsel any objection to my privately interviewing that little girl, Florence Wille?

Mr. Kalisch. I have none.

202

Mr. Davis. No.

FLORENCE WILLE, called.

Examined by Vice-Chancellor Lane in his private room in the presence of counsel on both sides.

Q Just tell me as you told me a few moments ago how you told me that you know the same night your father came in Mr. Price was there?

30

A Because I remember Mr. Price coming in, and he told mother, I remember the night Mr. Price came in the house and I was in bed making paper dolls and I peaked through the crack of the door and he shook hands with me and said, "Hello, Florence," and I said, "Hello, Mr. Price," and that is all, and I was cutting paper dolls; then he was in the room, and my mother; I don't know if the light was lit in the parlor; the light was lit in the dining-room and in the kitchen a little

40

Florence Wille, privately examined.

bit; and then after awhile, about an hour, I think, dad walked in, and I knew there was two men, but I didn't see those two men, I couldn't just see them; when daddy walked in he stood by the radiator; then the next morning I heard mother telling Mrs. Chambers and Mr. Chambers

10 about it.

Q How much did you hear your mother say to Mrs. Chambers? A I just heard a couple of words that daddy was in there, that was all I heard.

Q You didn't see your father come in? A No, I didn't see him come in. I heard that that he was in there that is all.

Q You heard that when? A The next morning.

20 Q You know what it is to lie? A Yes.

Q What will happen to you if you lie? A God will punish and so will the law.

Q How will God punish you? A Because I told a lie.

Q What will he do to you? A Go to purgatory.

Q Are you a Catholic? A Yes.

Q Do you know what purgatory means? A Yes.

30 Q What does it mean? A Got to stay there until some one helps you to get out suffering.

Q And if you tell a lie under oath do you go there? A No.

Q Suppose you tell a lie under oath, what happens? A Go to some other place.

Q What happens to you if you tell a lie? A You don't go to heaven; you go to heaven but you have got to.

40 Q But you have got to what? A You have got to tell the truth.

Florence Wille, privately examined.

Q Your mother didn't tell you to tell this? A No, she didn't; she didn't tell me to say a word, she only say when I go to the witness stand I should be a good little girl.

Examined by Mr. Kalisch.

Q How old are you? A Eleven. 10

Q And you go to the parochial school in Orange? A Orange Valley.

Q Is that parochial school? A It is Catholic school.

Q How long have you been going there? A Well, it is near two years, I think, I don't know if I am sure of that, something like that.

Q And this night in question what time did you go to bed at night? A Why, some nights I go seven o'clock, but on Monday nights I don't go until eight o'clock sometimes, because I have a whole sheet of music to write. 20

Q Monday nights you don't? A Yes.

Q What night was this, what day of the week was this? A What?

Q The night you saw Mr. Price? A Come in?

Q Yes. A Was it the night that my father walked in? 30

Q Yes. A I don't know what day it was, I think it was Monday; no, I think it was Wednesday, I am not sure, I forget that.

Q You don't know whether it was Monday or Wednesday? A It was either one of those days in the week.

Q What time do you have to be at school in the morning? A Nine o'clock.

Q So you go to bed early at night to be up in time, don't you? A Yes. 40

Florence Wille, privately examined.

Q And whatever night this was that your father came in what time did you go to bed that night? A I was in bed already.

Q I say what time did you go to bed that night? A Go to sleep?

10 Q What time did you undress and go to bed?
A I went to bed right after supper; I had my supper six o'clock.

Q You went to bed right after that? A About two hours later; I have my supper at six o'clock and I went to bed around half-past seven; I got undressed and cut paper dolls for a little while.

Q How long did you cut paper dolls? A About fifteen minutes.

20 Q Then you went to sleep? A Yes, I went to sleep.

Q And slept until next morning, I suppose? A Yes.

Q And what time did you wake up? A In the morning I got up around eight o'clock sometimes, because I am never late for school.

Q So you went to bed and cut paper dolls for about fifteen minutes? A Yes, sir.

30 Q That was half-past seven? A Yes.

Q Then you went to sleep and you woke up about eight o'clock the next morning? A Yes.

Q And what room did you sleep in? A I sleep always, I sleep in this room off from the dining-room, that is second bedroom.

Q And of course when you were asleep you did not hear any noise that night, did you? A I only heard Mr. Price, I went right to sleep then.

40 Q And when did Mr. Price come in, while you were cutting paper dolls? A I was cutting

Florence Wille, privately examined.

paper dolls when he came in; he just came in there.

Q You were cutting paper dolls then? A I was just beginning.

Q Beginning what? A To cut paper dolls.

Q And was the door opened between the bedroom? A No, that door is always shut. 10

Q And the bedroom is in the front part of the house, isn't it? A It is on this side (indicating).

Q I mean it is in the front of the house? A Yes.

Q That is the bedroom you were in? A Yes.

Q And you were cutting paper dolls and you heard somebody? A I didn't hear nobody open the door in the kitchen.

Q You did not? A No, because the bedroom door was shut, I couldn't hear that. 20

Q Was your door shut? A My door is always shut.

Q You mean the door leading from your bedroom into the parlor? A In the dining-room.

Q That door shut? A Not the dining-room door, I mean my bedroom door was shut, that is on this side.

Q How many doors do you have in your bedroom? A That has two doors, from the kitchen you go into that, go right straight to the other room, my room where I sleep, and there is two bedrooms, then there is a door on this side close to and open a little bit, right here, this is the bed (indicating), it was shut about like that (indicating). 30

Q So the bed was up against the door, was it? A Yes.

Q About maybe an inch? A Yes. 40

Florence Wille, privately examined.

Q And was the other door shut? A The other bedroom door?

Q That was shut, wasn't it? A Yes, I think that was shut; no, that was not shut, it was half open, you know, a little bit.

10 Q Didn't you just say you always kept that door shut? A Not that one.

Q What is your name, first name? A Florence.

Q Did you ever sleep on that couch? A Never in my life.

Q Did any of your sisters ever sleep on that? A No.

Q Brothers? A Never.

Q Did you ever lie there for a little while? A Only sit on it.

20 Q How often did you sit on it? A I don't know, about three times I guess.

Q (*By the Court.*) Is that the same couch? A Yes, it is out there.

Q (*By the Court.*) Is that the couch? A Yes.

Q How often have you sat on that couch? A I don't know; we are not always sitting on it; when we have company some people that comes in the parlor sits on it.

30 Q How long have you had that couch, do you remember? A I don't know; I know it was about in 1916, I think, I don't know.

Q Have you had it two or three years? A I don't think so, I don't know.

Q As much as five years? A I don't know.

40 Q (*By the Court.*) Let me ask you this; this is an important thing; is that the couch that was there since last Christmas? A Oh, certainly, that has been since we have had it in the new house.

Florence Wille, privately examined.

Q Did your mamma drink beer? A No.

Q Didn't she ever drink beer? A No.

Q Are you sure about that? A She never drank beer that night.

Q I don't mean that night, I mean any other night? A No.

Q Didn't she have a glass of beer? A No, we always had soda water. 10

Q You mean the children had soda water. Didn't your mamma ever drink a glass of beer?

A No, never drank beer.

Q Sure about that? A Only when my father was living home, he brought bottles of beer in.

Q And then did your mother drink beer, too?

A I guess so, yes; she never drank it with any stranger.

Q I didn't ask you whether she drank with strangers, leave the strangers out; I mean when she was home alone with you and the children? 20

A No.

Q Just alone? A No.

Q You say when she was living with your father, your father used to bring home beer and she used to drink it, is that right? A Yes.

Q And after your father left didn't your mother drink beer alone by herself? A No. 30

Q Are you sure about that? A Not that I remember.

Q You were there all the time, weren't you?

A No, I am always over to the playground every afternoon.

Q When you came home did you see any empty bottles around? A No, I never saw any empty bottles.

Q And at night time you used to go to bed at night? A I never was up over ten o'clock 40

Florence Wille, privately examined.

or half-past eight, one night I was up to half-past eight.

Q Did you see Mr. Foster there? A Yes, sir.

Q How often did you see Mr. Foster? A Two times; I was doing my home work the night he brought the beer in, then the other night his wife came in.

Q How much beer did Mr. Foster bring in? A Regular beer can.

Q Pail of beer? A About, well, you know, pint.

Q Your mother drank? A No, my mother never drank a bit.

Q The night that Mr. Foster came alone with the pail of beer who drank the beer? A That was the same night that Aunt Mamie was down, Mrs. Riley, that is what I was telling you about.

Q Didn't you say Mr. Foster came to your house twice? A Yes, he came with his wife one night, he didn't get any beer then.

Q The night he did not come with his wife did he get beer? A Yes.

Q Who drank the beer that night? A He did.

Q All alone? A Yes, my mamma never touched a bit.

Q You don't know how long Mr. Foster stayed? A No.

Q You went to sleep? A Because I was doing home work.

Q And did you ever see Mr. Price there before? A Yes, I saw him there the one night he wanted to make a bargain on some records, that is one night I saw him; another night he brought a box of candy, that is two nights.

Florence Wille, privately examined.

Q Did Mr. Price come up to your house to sell a piano to your mother, and did you say, "Oh, papa will buy me that piano?" A Yes.

Q Did your mamma tell Mr. Price to go down and see your papa? A She said, "I have got nothing to do, I have got nothing to do with it."

Q "If you want to sell it you go see Mr. Wille yourself," is that what she said? A Yes; "I have got nothing to do with it," that is what she said.

10

Examined by Mr. Davis.

Q What door was it that you say was open a little bit, was it the door— A In the dining-room?

Q Yes. A You know that door there.

Q Where did this door lead from that you say you could open a little bit on a crack? A Go from the kitchen into the bedrooms, you open that door into the dining-room.

20

Q Is it the door that goes from your bedroom into the dining-room, is that the door that was open a little bit? A Yes, we never had that open.

Q That is the door you could open a little bit on crack? A Yes.

30

Q What door was it that you spoke to Mr. Price through the night he came in? A That door.

Q That is the door from your bedroom into the dining-room? A Yes, sir.

The Court. This child I think is of sufficient intelligence to be put under oath. I will formally administer the oath if counsel desire; otherwise I will consider her under oath.

40

Florence Wille, privately examined.

Mr. Kalisch. Your Honor sees it is a very important position my client is in, and if this woman has done it he is entitled to a decree, if she has not done it he is not entitled; he insists she has. It is for your Honor to say whether you believe them or believe her.

10 *The Court.* She does realize she is under oath. Florence, come here. You swear that the testimony that you have given, that is, that you have told, is the truth, the whole truth and nothing but the truth, so help you God?

A It is.

Q (*By the Court.*) You know what the penalty is if you lie? I consider the child under oath.

20 *Examined by Mr. Kalisch.*

Q Do you know what the penalty is if you tell a lie? A Yes.

Q What is the punishment? A If you tell a lie you go to purgatory.

Q You have been taught if you tell a lie and you afterwards repent for it you are forgiven? A Yes, and go to heaven.

30 Q So if you have told a lie now and you afterwards repent— A If I tell in the confession—

Q If you go to confession and tell there that you have told a lie the priest will forgive you or what? A God will forgive me. You have got to tell the truth though.

Q So that if you have told a lie today next week or next month— A I go to confession Saturday and I will tell it.

Q Then if you tell the priest there you have told a lie you will be forgiven, is that right? A

40 Yes.

Mary Chambers, direct.

Q (*By the Court.*) Do you know if you tell a lie I will punish you? A Yes.

Mr. Kalisch. I think under the circumstances your Honor ought not to accept this child's statement, because you can see—there is no reflection on any religion—but you can see how her mind has been schooled, that if she does wrong or if she tells a lie but goes to church and confesses to it God will forgive her. 10

The Court. From my private examination of the child—counsel of course were not present—I am inclined to think that the child realizes.

A I could swear that Mr. Price was in there and I can swear that Mr. Foster was in our house. 20

The Court. I think she knows there is some other punishment rather than religious punishment. You know I will punish you if you tell a lie, don't you? Florence, are you telling me the truth or not.

A Yes, sir.

Q (*By the Court.*) Honestly? A Yes, sir.

Q (*By Mr. Kalisch.*) You feel sorry for your mother, don't you? A Yes. 30

MARY CHAMBERS, recalled.

Direct examination by Mr. Davis.

Q Have you seen the couch out in the hall?

A Yes.

Q And do you know where that came from?

A Why it came from Mrs. Wille's parlor.

Q How long have you known that couch to be in the parlor? A For the last two years. 40

Mary Chambers, cross.

Q Where did it set in the parlor? A In between the bay window and side window on the driveway, east side.

Q In the front? A Yes.

Q The bay window, the side window of the parlor, is to the left of the parlor or right of the parlor as you look in from the dining-room?

10 A Why as you look from the dining-room to the front it is on the left.

Q And the bay window has how many windows? A Three.

Cross examination by Mr. Kalisch.

Q Did you used to visit Mrs. Wille very often? A She lives in the same house I do.

Q Did you used to go downstairs and visit her very often? A Of course, mostly every day.

20 Q You paid particular attention every day? A Why shouldn't I when I am going in and out of the house.

Q What made you pay particular attention to this couch above any other? A I didn't pay any more attention to that than I did to anything else she had in the house.

30 Q (*By the Court.*) During the time you were there did she ever have any other couch there that was bigger than this one? A No, sir.

Q You are sure about that? A I certainly am.

Q Why are you so sure about that? A Because I know, I was in her parlor.

TESTIMONY CLOSED.

*Opinion of Vice Chancellor Lane.***Opinion.**

LANE, V. C. (orally).

I have concluded in this case that there is not sufficient to warrant me in finding the defendant guilty of adultery. If an appeal is taken to the Court of Errors and Appeals I will prepare a more formal opinion. 10

Mr. Kalisch. I wish your Honor would prepare an opinion.

The Court. I will say now generally what induces me to arrive at the conclusion that I do.

The parties were married in 1907 and lived together until July, 1916. There are four children, the oldest eleven. The proof indicates beyond question that prior to the separation the petitioner, Mr. Wille, became infatuated with a woman known as Mrs. Newman. The wife has a violent temper; unquestionably before the separation there had been frequent quarrels, some of them having reference to the attentions that Wille was paying to other women. There is a dispute between the parties as to whether the husband left the wife or the wife left the husband, but there is no doubt if the wife left the husband that the husband was acquiescent to her leaving. The other woman who is referred to became a bookkeeper in Wille's establishment. There is no doubt in my mind but that the endearing terms alleged to have been exchanged between the two were in fact exchanged, and there is no doubt but that the husband desired to get a divorce from his wife in order that he might subsequently marry this Mrs. Newman. I refer to these circumstances only because it indicates that the testimony of the husband and detective with respect to what occurred on May 18, 1917, must be scrutinized with great care. 20
30
40

Opinion of Vice Chancellor Lane.

There was not only on the husband's part the motive of getting rid of an unfaithful wife, but there was the further motive of getting rid of her so that he might carry out obligations to another woman. The husband offers testimony to the effect that he had his wife watched in the flat that she was occupying with her children and that upon numerous occasions prior to May, 1917, a man was seen entering about eight or ten o'clock in the evening on, I think, Thursdays and Saturdays; that immediately upon entering the lights would all be put out and that after this man remained there some two hours he would leave and then some light would be lit. The detective testifies that he thought that there was, in his language, "something doing," yet no raid was made upon the house during all this series of months; no attempt was made to actually find out what was taking place; for some reason or other they concluded that it was advisable not at that time to act. I disbelieve the testimony in respect to these occurrences because it is improbable that any such occurrences should have taken place. Furthermore, the testimony now is to the effect, and I believe it, that the man who was seen entering was a grocer who went to the second floor and had no connection whatever with Mrs. Wille. On the 18th of May it is alleged that the detective having ascertained that a certain man had gone into the house, I think about eight o'clock, sent for Mr. Wille. Mr. Wille and a detective and a man named Shearer entered about half-past ten; they went up the back stairs over a wooden porch, up three or four flights of wooden stairs, then through the kitchen into the dining-room. They must have made some noise, yet it is testified, and I

Opinion of Vice Chancellor Lane.

am asked to believe, that, when Mr. Wille approached the entrance between the dining-room and the parlor he found Mrs. Wille and this man lying on a couch, and his testimony is to the effect that they were actually at that time having sexual intercourse. The detective testifies that when he first saw them they were standing up in the dining-room, he saw them over Mr. Wille's shoulder, and I think, using his language, he says "Locked in each other's embrace" something of that kind, arms around each other. I, of course, cannot believe any such story as that; it is against human nature that people caught in the act of sexual intercourse would rise in the manner stated. They would naturally spring apart; there would be no standing up with arms around each other. But the couch that has been referred to has now been offered in evidence, and I believe that the couch is the couch that was there at that time. It is impossible that the parties should have been in the position stated by Mr. Willie; no two people could lie on that couch as he says they did. There is a very peculiar circumstance connected with this episode on May 18th, and that is that no one apparently made any attempt to find out who the man was. He is not even described with any particularity. I think that the three witnesses who attempted to describe him described him in different ways. He was allowed to leave, go out unquestioned. The fact that he was allowed to do this is at least a suspicious circumstance that points somewhat to an indication that it was, to use the vernacular, a "plant." It is almost inconceivable to me that a husband, supported by two friends, finding his wife ravished, in the act, would have permitted the man who did it, there within his

10

20

30

40

Opinion of Vice Chancellor Lane.

power, to leave without ascertaining who he was. Even if he was looking only for evidence against his wife, ordinary intelligence would have conceived that the thing for him to do was to find out who it was, for the sake of his own case.

10 There is evidence of a man named Boyle that Mr. Wille had offered a man named Foster, who has been produced here, money to get his wife in a compromising position. Wille denies this. I have had the opportunity of course of seeing both Wille on the stand and Foster and Boyle. I believe the story of Boyle. I think that Wille made the offer that he testifies to. I have seen Foster and I think he is a man who would probably be an instrument in just such a case. Now
20 the wife says that the man who came on the night of May 18th was a Mr. Price. He has been produced here. Price denies this. Three witnesses testify besides the little girl that it was Price. I think it was.

I do not know as it is necessary to say anything more except that I do not find that the petitioner has borne the burden that of course is on him to satisfy the conscience of the Court, that this woman has committed an act of adultery. The result is that there will be a decree
30 dismissing the petition.

I place considerable dependence upon the testimony of the little girl. She was not only examined in open court; I examined her, with the consent of counsel, privately, and I am convinced the child is telling the truth as she sees it. If her story be true—there are three witnesses I think who testified that Price was the man in the place.

Opinion of Vice Chancellor Lane.

Mr. Kalisch. Assuming her story was not true would your Honor come to the same conclusion?

The Court. Yes, I would come to the same conclusion; there is other testimony. In order to satisfy my own mind I examined the little girl, I want to reach a proper result—and her testimony satisfied me. 10

20

30

40

Exhibit P. 1.

EXHIBIT P. 1.



Exhibit P. 2.

EXHIBIT P. 2

this is ^{an} independent
 firm go to hell
 Jew pack of Pitch
 Pitch Niggers for
 Jew niggers
 kids, But 4 little
 white Pets for our
 firm yes 4 little
 white sums for our
 firm

Exhibit P. 3.

EXHIBIT P. 3.

do 2h the sweet by and
 by Big Bug KSTZE
 PESCH PITS
 Big Mouth Blair
 B. WILLE with RED
 *PEPPER SH + HEM
 MSH Big ALICE
 Suck of S BESCH PZt
 TAKE STRIP OF WILLES
 SSS S S night go to HELL
 to HELL HELL you dog no

[Faint, mostly illegible handwriting]

ONE DRESS, ALICE
 I got 5 DOCE 4 Sst SOMMER
 OF YOOO @ IT BELT
 hot no more PORE ME
 COST to much for to
 get CORE. Oh you PESCH
 PIT how I LOVE you
 FOR SOME SSS, OLD KSTZE
 LOVES it to Big Bugs
 DO TO HELL you
 Pith P to ...

Wish woman
 send woman KSTZE
 STE SR DISTHER
 ST HOME, TREE S
 GO TO BED you dog
 I cant SLEEP onny
 mind to much onny
 onny mind DREAM of
 PEPPER PEST SHIT
 ME O DESR this hot
 SHIT I SM goin
 down ...

Exhibits P. 4 & P. 5.

EXHIBIT P. 4.

Woodbridge Sept. 25.

Mr. C. J. Wille.

Please could you have a car to meet the children at Newark tomorrow, the train arrives 5. (Pleas dont keeping me wating to long as the Baby is not well has been quite sick and if you cant do that please let me know as soon as you get this note, call up 12 R it will be all right just the same. If you dont call up I will know it is all right and if not let me know I hope Harry is all right I will take him as soon as I get back. L. M. W.

10

EXHIBIT P. 5.

20

Sissiee

Dad

Mr Wille

Needs a new coat, so if you will please send me a little extra money I could use it I would like her to have it for next Sunday it is impossible for me to do it all. As baby needs a few things and Bun needs a new pair of shoes this Saterdag and Last week I got Florence a pair tan lace shoes for 2.80 and 3 pair rubbers were 1.95 week befor Buckie a sweeter 2.50 for school I cant keep thi up they have to eat good now Buckie want a pair of Rubber boots and Bun to of course they need them on rain days because I will not keep them home from school Buckie is doing fine he is one smart kid I am proud of my little man he was 9 last 18 Wendys some boy. If you could help me out I would be glad L. W.

30

Of course I would not ask you all the time Florence thinks she is going to get a Piano soon

40

Exhibit P. 5.

A player piano and take lesson allso I hope she will some time

EXHIBIT P. 5.

10 (Please) could you mail the check to morrow so I could get it early on Friday as I want to go away early on Friday after noon, and I need it. My mother will be up to take care of my children, so I am going to take the day of. dont for for get L M. W.

20

30

40

Exhibit P. 6.

EXHIBIT P. 6.

No my per to
 heard. Go to hell
 and take a zero
 for your self. dur
 your ass w/ 3.7
 Meerrad Emma
 go to hell Bid
 Buy Natal. go to hell
 your lip + ur @ will go

vulgar mean low
 looking
 Common person
 vulgarly comndy
 coarse looking
 woman rudeness
 coarse woman
 go to
 hell.

Exhibit P. 7.

EXHIBIT P. 7.

10 Please let me know by Saturday if you could
send what I asked you any way send me 30\$ give
a week ahead jus for this time as I want to go
away with kiddies and you needen give me any
untill I come back I have to a few things for
Brothers shoes and suit before I go I just want
to get a way from heare. I am now in a terrible
state I dont know what will become of the
children I am trying to keep up this place is
all up seat I cant do nothing my nerves are
gone I will run mad with my kiddes poor kids
I stock to them like a mother even took this
Flat to keep a home for them. they have a Dad
that went back on them. Yes and my Florence
is sure as she can be I I will take them 1,000
20 miles from hare so they shall for get it there
good name is ruined for ever every body kows
this scandle if any thing hapens you will take
this on your shoulders. I have taken my share
of it I cant not stand it any longer. A man
to do such a thing. You knew it would be like
this. You dont care a dam how these children
look or you would not do this give it to others
every dollar you make is there bread and water
30 they are your very own and you know in your
own heart and soal but you are wrong push
them away don't take them near, proud yes I
am proud of them. Don't neve see that devel
over there in that cararage.

Mr. C. J. Wille

Thanks for sending me that money.

I dont expect to ever get it back. I am sorry but I can't healp it I telpone to my Mother and Charlie will be up to morrow early she said I could have as much as I want she will healp me out any time if I need any thig to let her know my dear old mother I am glad you send me some as I rather would take from you course I would want to pay it back if I did get it my mother but she owes you some You will get it back some time she said she did en for get it **10**

Thanks for the mony you can make it all right on my next cheeck take it out

L. M. W.

I am not apposing on you **20**

I only want what is right.

My Harry has a terrible cough and he wont stay home from school.

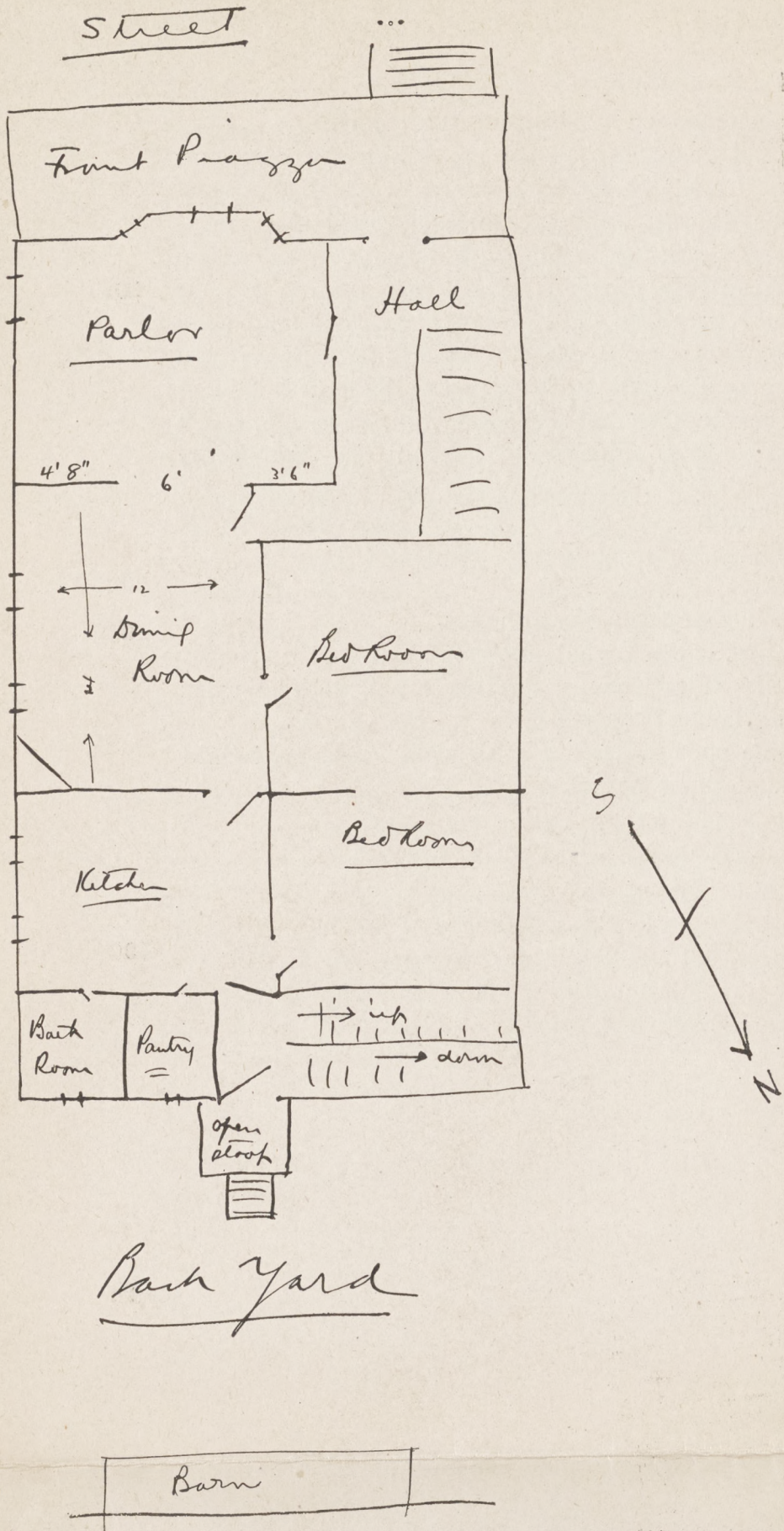
the poor kid is not a bit well, I give that child every thing he want

30

40

Exhibit D. 1.

EXHIBIT D. 1.



*Order Dismissing Petition.***Order Dismissing Petition.**

Filed October 9, 1917.

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,

*Petitioner,**and*

LENA WILLE,

Defendant.

10

*On Bill, etc.**Order.*

This cause coming on to be heard in the presence of Samuel Kalisch, Jr., of counsel with the petitioner and Thomas A. Davis, Esquire (of Howe & Davis), of counsel with the defendant, on petition, answer and oral proofs taken in open court; whereupon and after considering the said pleadings and proofs in hearing and considering the arguments of counsel from all of which it now appears satisfactorily to the Chancellor that the petitioner has not sustained the truth of the allegations of his petition and is not entitled to the relief therein prayed:

20

30

It is thereupon on this 9th day of October, 1917, ordered, adjudged and decreed that the petitioner's petition be and the same is hereby dismissed.

And it is further ordered, adjudged and decreed that the petitioner pay to the defendant or her solicitors the costs of this suit to be taxed and also a counsel fee of \$150.00 and that she

40

Order Dismissing Petition.

have execution therefor according to the practice of this Court.

E. R. WALKER,
C.

Respectfully advised,

10 MERRITT LANE,
V. C.

20

30

40

Notice of Appeal.

Notice of Appeal.

Filed October 14, 1917.

IN CHANCERY OF NEW JERSEY.

Between

CHARLES J. WILLE,

Petitioner,

and

LENA WILLE,

Defendant.

10

*On Petition,
&c.*

*Notice of Ap-
peal.*

The petitioner hereby appeals from that part of the decree entered in the above stated cause, which dismisses the petitioner's petition, and also from that part of the decree which directs the payment of a counsel fee of one hundred and fifty dollars, to be paid to the solicitors of the defendant, to the Court of Errors and Appeals in the last resort in all causes.

20

Dated, October 11th, 1917.

KALISCH & KALISCH,
Solicitors for and of Counsel

with Petitioner.

30

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

SAMUEL KALISCH, JR.
Of Counsel with Petitioner.

40

Petition of Appeal.

Petition of Appeal.

Filed October 22, 1917.

New Jersey Court of Errors and Appeals

10

Between

CHARLES J. WILLE,

Petitioner,

and

LENA WILLE,

Defendant.

*On Appeal
from Chan-
cery.*

*Petition of
Appeal.*

20

*To the Honorable the Court of Errors and Ap-
peals in the last resort in all causes:*

30

The petition of Charles J. Wille, appellant, respectfully shows that your petitioner finds himself aggrieved by a decree final made in the Court of Chancery by his Honor, Edwin Robert Walker, Chancellor of the State of New Jersey, on the ninth day of October, in the year nineteen hundred and seventeen, in that the said decree recites and adjudges that your petitioner has not sustained the allegations of his petition, and is not entitled to the relief therein prayed; and doth decree that your petitioner's said petition be dismissed with costs to the defendant, and that a counsel fee of one hundred and fifty dollars be paid by the petitioner to the solicitors for the defendant.

40

And your petitioner appeals from said decree, and from every part thereof, on the ground that the same is erroneous, and that the Chancellor should have found and adjudged the several alle-

Petition of Appeal.

gations of your petitioner's petition to have been proved, and the respondent, Lena Wille, to have been guilty of adultery, and should have ordered, adjudged and decreed that your petitioner be divorced from the bonds of matrimony with the respondent, for the cause aforesaid, and that your petitioner should have the other relief prayed in and by his said petition. 10

Your petitioner therefore prays that the said decree of the said Chancellor may be reversed and set aside and for nothing holden, and that your petitioner may have such further relief as to this Honorable Court shall seem meet.

KALISCH & KALISCH,
Solicitors of Appellant.

SAMUEL KALISCH, JR.,
Of Counsel with Appellant. 20

30

40

Answer to Petition of Appeal.

Answer to Petition of Appeal.

Filed.

NEW JERSEY COURT OF ERRORS AND AP-
PEALS.

10	<p><i>Between</i></p> <p>CHARLES J. WILLE, <i>Petitioner-Appellant,</i></p> <p style="text-align: center;"><i>and</i></p> <p>LENA WILLE, <i>Defendant-Respondent.</i></p>	<p><i>On Appeal from Chan- cery.</i></p> <p><i>Answer to Petition of Appeal.</i></p>
----	---	--

20 The answer of the above named respondent to the petition of appeal of the above named appellant.

30 This respondent, not acknowledging all or any of the matters which in the said petition of appeal are contained to be true, for answer thereto, nevertheless, says and admits, that a decree was, on the ninth day of October, last past, made and entered in the Court of Chancery, in the cause for that purpose mentioned in the said petition, as is therein stated; but as to the substance and form thereof, this respondent prays to refer thereto when the same shall be produced. And this respondent is advised and believes, that the said decree is agreeable to equity, and he prays that the same may be affirmed, with costs to be adjudged to this respondent.

HOWE & DAVIS,
Solicitors and of Counsel with Respondent.

