

I N D E X

	PAGE
Petition for Probate and Letters Testamentary	1
Citation	3, 11
Application for Rule to Limit Creditors.....	4
Last Will and Testament of Elizabeth Peterson	5
Petition	8
Order	15
Findings	17
Decree	19
PROPONENT'S TESTIMONY:	
Charles M. Bridge—Direct.....	23
Edith M. Hale—Direct.....	25
APPELLANT'S TESTIMONY:	
Dr. Alfred Gordon—Direct.....	28
Cross	41
Elizabeth Irvin—Direct	62
Cross	70
Recalled—Direct	123
Recalled—Cross	125

	PAGE
Elizabeth Bleyer—Direct	73
Cross	78
Recalled—Direct	88
Recalled—Cross	88
Mrs. Johanna Kreusser—Direct.....	80
Cross	85
Elizabeth Greenwood—Direct	90
Cross	97
Ellen Pitt—Direct	101
Cross	105
Ruth Redding—Direct	106
Cross	108
Ada Tice—Direct	109
Cross	111
Mrs. Mary Guest—Direct.....	112
Cross	115
Charles Pitt—Direct	117
Cross	118
John W. Danielson—Direct.....	119
Cross	122
Mrs. Elizabeth Haggas—Direct.....	133
Cross	137
Lizzie Jones—Direct	139
Cross	143
William C. French, Esq.—Direct.....	146
Cross	148
Mrs. Marian Harris—Direct.....	151
Cross	180

	PAGE
PROPONENT'S REBUTTAL TESTIMONY:	
Joseph H. Murray—Direct.....	210
Cross	218
Charles M. Bridge—Direct.....	220
Cross	242
Re-direct	249
Edith N. Hale—Direct.....	250
Cross	251
Re-direct	252
Dr. Powell K. Fithian—Direct.....	252
Cross	255
Re-direct	259
Maude E. Densten—Direct.....	260
Cross	265
Dr. Thomas S. Brock—Direct.....	267
Cross	270
Re-direct	273
Joseph Daniel Hoyt—Direct.....	274
Cross	280
Richard Wilson—Direct	284
Cross	288
Mrs. Laura Carter—Direct.....	291
Ella G. Carrick—Direct.....	300
Cross	304
Rilla Moore—Direct	305
Mrs. Elizabeth Clark—Direct.....	309
Cross	311
Mrs. Anna Archer—Direct.....	312

	PAGE
Mrs. Margaret Mickle—Direct.....	313
Mrs. Alice Lawrence—Direct.....	315
Elizabeth Tuttle—Direct.....	318
Ida M. Strang—Direct.....	319
Exhibit D1, Deed.....	322
Exhibit D2, Letter.....	325
Exhibit D3, Letter.....	326
Exhibit D4, Letter.....	327
Exhibit D5, Letter.....	328
Exhibit D6, Letter.....	329
Exhibit D7, Letter.....	330
Exhibit D8, Letter.....	331
Exhibit D9, Letter.....	332
Exhibit D10, Letter.....	333
Exhibit D11, Letter.....	333
Exhibit D12, Letter.....	335
Exhibit D13, Letter.....	336
Exhibit D14, Certification.....	337
Exhibit D16, Letter.....	337
Exhibit D17, Letter.....	338
Exhibit D18, Letter.....	339
Exhibit D19, Letter.....	341
Exhibit D20, Letter.....	341
Exhibit D21, Letter.....	342

	PAGE
Exhibit D22, Letter.....	343
Exhibit D23, Letter.....	343
Exhibit D24, Letter.....	344
Exhibit D25, Letter.....	345
Exhibit D26, Letter.....	345
Exhibit D27, Letter.....	346
Exhibit D28, Letter.....	346
Exhibit D29, Letter.....	347
Exhibit D30, Letter.....	347
Exhibit D31, Letter.....	348
Exhibit D32, Letter.....	349
Exhibit D33, Letter.....	349
Exhibit D34, Letter.....	350
Exhibit D35, Letter.....	350
Exhibit D36, Letter.....	351
Exhibit D37, Letter.....	351
Exhibit D38, Letter.....	353
Exhibit D39, Letter.....	354
Exhibit D40, Letter.....	354
Exhibit D41, Letter.....	355
Exhibit D42, Letter.....	355
Exhibit D43, Bequest to Harleigh Cemetery Association	356
Exhibit D45, Last Will and Testament of Eliz- abeth Peterson	357

	PAGE
Notice of Appeal.....	360
Petition of Appeal.....	362
Answer to Petition of Appeal.....	364
Conclusions	365
Decree	370
Notice of Appeal.....	372
Petition of Appeal.....	373
Answer to Petition of Appeal.....	376

PETITION FOR PROBATE AND LETTERS
TESTAMENTARY.

In the matter of the Pro-
bate of the last Will and
Testament of ELIZABETH
PETERSON, dec'd. } Petition for Probate
and Letters
Testamentary. 10

*To George W. Whyte, Esquire, Surrogate of the
County of Camden, New Jersey:*

The petition of Merchants Trust Co., Camden,
N. J., respectfully showeth that it is the executor
named in the last will and testament of Elizabeth
Peterson, dated the 19th day of June, A. D. 1922; 20
that said Elizabeth Peterson, of Camden, departed
this life at Camden, in the County of Camden, and
State of New Jersey, on Sunday, the 31st day of
January, A. D. 1926, at 11.20 o'clock P. M., leaving
her surviving the following heirs at law and next of
kin: Marian Anne Harris; kin, daughter; post-office
address, Philadelphia, Pa.

That said testatrix was possessed of personal
property valued at \$12,300 and \$12,000 realty.
Therefore, the said Merchants Trust Co., does re- 30
spectfully apply for probate of the last will and
testament and for letters testamentary thereon.

Dated March 10, 1926.

MERCHANTS TRUST Co.,
Camden, N. J.,
RAYMOND BRAKER,
Treasurer.

10

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

RAYMOND BRAKER, treasurer of Merchants Trust Co., the petitioner, being duly sworn according to law, did depose and say that the matters and things set forth in the above application are true to the best of his knowledge and belief.

20

RAYMOND BRAKER.

Sworn and subscribed to before me at Camden,
the 10th day of March, 1926.

C. RICHARD ALLEN,
Deputy Surrogate.

30

CITATION.

CAMDEN COUNTY, ss.

*The State of New Jersey, to Associated Charities of
the City and County of Camden:*

You are cited and warned to appear 10
before the Judge of the Orphans' Court,
(L. S.) to be held at Camden, in and for the
County of Camden, on Friday, the eighth
day of October next, at 10 o'clock A. M.,
to answer unto the petition of appeal of Marian
Anne Harris, from an order of the Surrogate ad-
mitting to probate—a paper purporting to be the
last will and testament of Elizabeth Peterson, de-
ceased; and to abide the judgment of the said Court
in the premises. 20

Witness, SAMUEL M. SHAY, ESQUIRE, Judge of the
said Court, at Camden, this twentieth day of Sep-
tember in the year of our Lord one thousand nine
hundred and twenty-six.

GEORGE W. WHYTE,
Clerk.

[ENDORSED.]

A true copy. 30

Thomas W. Jack,

Sheriff,

By James E. Hewitt,
Under-Sheriff.

Associated Charities of the City and
County of Camden, not served, the or-

[ENDORSED.]

(Filed April 19th, 1926.)

Geo. W. Whyte,
Surrogate.

10

LAST WILL AND TESTAMENT
OF
ELIZABETH PETERSON.

I, Elizabeth Peterson, of the City and County of Camden, State of New Jersey, being at this time of sound and disposing mind, memory and understanding, do hereby make and publish this my last Will and Testament, in manner following, hereby revoking any and all other Will or Wills at any time heretofore by me made. 20

FIRST: I hereby authorize and empower my executor hereinafter named to pay all my just debts and funeral expenses as soon as conveniently may be done after my decease.

SECOND: I direct that my executor hereinafter named upon my decease, shall make the necessary arrangements for my funeral and burial, have funeral services conducted by the Pastor of the First Methodist Episcopal Church of Camden, New Jersey, provide an automobile funeral and have my remains interred in my plot, Lot No. 629½, Hillside Lawn, in the Harleigh Cemetery, Camden, New 30

Jersey, by Joseph H. Murray & Son, Undertakers,
now of 629 Market Street, Camden, N. J.

10 THIRD: I direct that my executor, after my de-
cease and burial, shall turn over to the Harleigh
Cemetery Association the deed to my said lot, No.
629½, Hillside Lawn, and I give and devise to Har-
leigh Cemetery Association, a corporation, if it con-
sents to accept the trust hereby created, the ceme-
tery lot owned by me in Harleigh Cemetery and
known as lot No. 629½ in Hillside Lawn, in trust,
but under and subject to the established rules and
regulations of said Association, for the purpose of
the preservation of said lot as a burial place for the
body of myself, alone and a monument to be erected
thereon.

20 FOURTH: All my clothing and wearing apparel,
I give and bequeath to the Associated Charities of
the City and County of Camden, State of New Jer-
sey.

30 FIFTH: All the rest, residue and remainder of
my estate, of whatsoever kind, whether real, per-
sonal or mixed, and wheresoever the same may be, I
give, devise and bequeath unto the Camden County
Chapter of the Red Cross, The Home for the Aged
and Infirm of the Methodist Episcopal Church of
the County of Camden, New Jersey, The Local
Branch of the Salvation Army, The Visiting Nurse
Society of Camden, New Jersey, The Cooper Hos-
pital of Camden, New Jersey, The Homeopathic
Hospital of Camden, New Jersey, and to the First
Methodist Episcopal Church of Camden, New Jer-
sey, of which I am a member (this bequest to said
First Methodist Episcopal Church, however, to be

used only in Foreign Missionary Work) share and share alike, absolutely.

LASTLY: I hereby constitute and appoint the Merchants Trust Company, of Camden, New Jersey, sole executor of this my last Will and Testament, with full power and authority to sell, at either public or private sale, and on such terms as to it may seem best, any and all of my estate, real, personal or mixed, without liability or responsibility on the part of the purchaser or purchasers for the application, mis-application or non-application of the purchase money, and I hereby appoint the firm of Bleakly & Stockwell, 317 Market Street, Camden, N. J., proctors. 10

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this Nineteenth day of June, in the year of our Lord one thousand nine hundred and twenty-two. 20

Elizabeth Peterson. ()

Signed, sealed, published, pronounced and declared by the above named Elizabeth Peterson as and for her last Will and Testament, in our presence, and in the presence of each of us, who, at her request in her presence, and in the presence of each other, have hereunto set our hands as witnesses hereto.

Edith M. Hale 317 Market St., Camden, N. J. 30
Charles M. Bridge " " " " " "

PETITION.

IN THE ORPHANS' COURT OF CAMDEN
COUNTY.

10 In the Matter of the Estate of ELIZABETH PETERSON, Deceased. } On Appeal from Order of Surrogate Admitting Will to Probate.

To the Orphans' Court of the County of Camden:

20 The petition of appeal of Marian Anne Harris respectfully shows that your petitioner is the daughter of Elizabeth Peterson, late of Camden, New Jersey, who died on the thirty-first day of January, 1926, leaving her surviving as her next of kin, your petitioner.

30 Your petitioner further shows that on the tenth day of March, 1926, one Merchants Trust Company, Camden, New Jersey, produced before the Surrogate of the County of Camden for probate a paper writing purporting to be the last will and testament of the said Elizabeth Peterson, deceased, and your petitioner shows that the said Surrogate, thereupon, on the day last mentioned, made and entered an order admitting said instrument to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, and further ordered that Letters Testamentary thereon be issued to Merchants Trust Company, the executor therein named; and

your petitioner shows that Letters Testamentary thereon were, on the last mentioned day, duly issued thereon to the said Merchants Trust Company.

Your petitioner further shows that at the time of the making and of the supposed execution of said paper writing, and for a long time prior thereto, the said Elizabeth Peterson was of unsound mind, and as such incapable of disposing of her estate by will.

And your petitioner further complains and alleges for the above and divers other reasons that the whole and every part of the said order of the said Surrogate admitting the said will to probate and issuing Letters Testamentary thereon to the said Merchants Trust Company as aforesaid, is erroneous, improper and contrary to law, and that your petitioner is aggrieved thereby. 10

Your petitioner further shows that the persons who claim to be interested in the said proceedings before the Surrogate are as follows, to wit:

Associated Charities of the City & County of Camden. 20

Camden County Chapter Red Cross.

Home for the Aged & Infirm of the M. E. Church of Camden, New Jersey.

Local Branch, Salvation Army.

Visiting Nurse Society of Camden.

Cooper Hospital of Camden.

Homeopathic Hospital of Camden.

First M. E. Church (Foreign Missionary Work). 30

Your petitioner, therefore, prays that the above-named persons interested in said proceedings before the said Surrogate as aforesaid, and each of them may be cited to appear in this Court pursuant to the Rules and Practice thereof, and that a day and place may be appointed for the hearing of the parties hereto upon your petitioner's said appeal.

And your petitioner further prays that the aforesaid order of the said Surrogate and the proceedings thereunder may be reversed and set aside by this Court, and that the Letters Testamentary issued to the said Merchants Trust Company as aforesaid may be revoked and that Letters of Administration upon the estate of the said Elizabeth Peterson, deceased, may be granted to her.

And she will ever pray.

10

MARIAN ANNE HARRIS,
MARION E. HARRIS.

STATE OF PENNSYLVANIA, }
COUNTY OF PHILADELPHIA, } ss.

20 MARIAN ANNE HARRIS, being duly sworn upon her oath, according to law, deposes and says that she is the petitioner in the foregoing petition named, and that the matters and things therein contained are true to the best of her knowledge and belief.

MARIAN ANNE HARRIS,
MARION E. HARRIS.

Sworn and subscribed before me August , 1926.

30 (L. S.)

GE— STERNER,
Notary Public.

Commission expires March 10, 1929.

[ENDORSED.]

IN THE ORPHANS' COURT OF
CAMDEN COUNTY.

In the matter of the Estate of
Elizabeth Peterson, Deceased.

PETITION.

On Appeal from Order of Surrogate 10
Admitting Will to Probate.

Filed Sept. 3, 1926.

Geo. W. Whyte,
Surrogate.

Ralph N. Kellam,
Counsellor-at-Law,
522 Market St., Camden.

CITATION.

20

CAMDEN COUNTY, ss.

The State of New Jersey, to Associated Charities
of the City and County of Camden; Camden
County Chapter Red Cross; Home for the Aged
and Infirm of the M. E. Church of Camden, New
Jersey; Local Branch, Salvation Army; Visit-
ing Nurse Society of Camden; Cooper Hospital
of Camden; Homeopathic Hospital of Camden; 30
First M. E. Church; Merchants Trust Co.:

You are cited and warned to appear be-
fore the Judge of the Orphans' Court, to
(L. S.) be held at Camden, in and for the County
of Camden, on Friday, the eighth day of
October next, at 10 o'clock A. M., to an-

swer unto the petition of appeal of Marian Anne Harris, from an order of the Surrogate admitting to probate a paper purporting to be the last will and testament of Elizabeth Peterson, deceased; and to abide the judgment of the said Court in the premises.

Witness, SAMUEL M. SHAY, ESQUIRE, Judge of the said Court, at Camden, this twentieth day of September, in the year of our Lord one thousand nine hundred and twenty-six.

GEO. W. WHYTE,
Clerk.

[ENDORSED.]

20 I hereby depute and appoint U. G. Ford to execute the within writ.

Witness my hand and seal this 7th day of Oct., A. D. 1926.

Thomas W. Jack, (Seal)
Sheriff.

30 Duly served, October 7th, A. D. 1926, on Homeopathic Hospital of Camden, by delivering and leaving with Agnes V. Turner, Office Assistant, a true copy of the within citation, at Hospital, Mt. Ephraim Avenue, City of Camden, County of Camden, New Jersey.

Thomas W. Jack,
Sheriff,

By U. G. Ford,
Special Deputy Sheriff.

Associated Charities of the City and County of Camden, not served, this organization having been out of existence for three years, upon information obtained.

Thomas W. Jack,
Sheriff,
By James E. Hewitt,
Under-Sheriff.

10

Duly served, October 6th, A. D. 1926, on Merchants Trust Company by delivering and leaving with Benjamin Sparks, Assistant Treasurer, a true copy of the within citation, at the Merchants Trust Company Bank, Northeast corner Broadway and Carman Street, City of Camden, County of Camden, New Jersey. On First Methodist Episcopal Church, by delivering and leaving with J. Hartly Bowen, Treasurer, a true copy of the within citation, at the Victory Trust Company, Northeast corner of 3rd and Pine Streets, City of Camden, County of Camden, New Jersey. On Camden County Chapter Red Cross, by delivering and leaving with Milwood Truscott, Secretary, a true copy of the within citation, at his office, Southwest corner 5th and Federal Streets, City of Camden, County of Camden, New Jersey. On Cooper Hospital of Camden, by delivering and leaving with Leroy Ayre, Chief Clerk, a true copy of the within citation, at office, 6th and Steven Streets, City of Camden,

20

30

County of Camden, New Jersey. On Visiting Nurses Society of Camden, by delivering and leaving with Mrs. J. H. Lippincott, Office Secretary, a true copy of the within citation at office, 519 Arch Street, City of Camden, County of Camden, New Jersey.

Thomas W. Jack,
Sheriff,

10

By James E. Hewitt,
Under-Sheriff.

Duly served, October 6th, A. D. 1926, on Home for the Aged and Infirm of M. E. Church of Camden, by delivering and leaving with Ella Buckman, Matron, a true copy of the within citation, at the office of the Home, Had-don Avenue, Collingswood, Camden County, New Jersey.

20

Thomas W. Jack,
Sheriff.

Duly served, October 7th, A. D. 1926, on Local Branch, Salvation Army, by delivering and leaving with Frederick Hoskins, in charge a true copy of the within citation, at the Salvation Army Barracks, 5th Street opposite Columbia Avenue, City of Camden, County of Camden, New Jersey.

30

Thomas W. Jack,
Sheriff,
By James E. Hewitt,
Under-Sheriff.

CAMDEN COUNTY ORPHANS' COURT.

In the matter of the estate of Elizabeth Peterson, Deceased Citation v. Appeal. Filed Oct. 11, 1926. Geo. W. Whyte, Surrogate.

10

ORDER.

CAMDEN COUNTY ORPHANS' COURT.

In the matter of the estate of ELIZABETH PETERSON, Deceased.

On Appeal. Order.

20

The will of the decedent in the above matter having been duly probated and the Merchants Trust Company, the executor therein named, having duly qualified and taken upon itself the burden of the administration of the said estate, and an appeal having been filed alleging lack of testamentary capacity in the testatrix, and the matter having come on for a hearing and testimony having been taken; and it appearing that it is necessary, for the proper decision of said matter, that said testimony be transcribed:

It is, therefore, on this eighteenth day of April, 1927, ordered that a copy of said testimony be furnished to the Court and a copy to Bleakly, Stockwell & Burling, proctors for the proponents, and that the cost of said copies be paid by the said Merchants Trust Company, executor, out of the moneys in its hands belonging to said estate.

HENRY BURT WARE,
Judge.

10

[ENDORSED.]

CAMDEN COUNTY ORPHANS'
COURT.

20

In the matter of the Estate of
Elizabeth Peterson, Deceased.

On Appeal.

ORDER.

Received Apr. 19, 1927, and Recorded in the Surrogate's Office of the County of Camden, in Book "R" of Minutes, page 92.

Geo. W. Whyte,
Surrogate.

30

FINDINGS.

CAMDEN COUNTY ORPHANS' COURT.

In re the Estate of ELIZABETH PETERSON, Deceased.	}	On Appeal from the Probate of Will. Findings.	10
---------------------------------------------------	---	--------------------------------------------------	----

For the Caveatrix, RALPH N. KELLAM, ESQUIRE.
 For the Proponents, BLEAKLY, STOCKWELL AND BURLING, ESQUIRES.

20

The Court finds that the paper writing heretofore admitted to probate by the Surrogate of the County of Camden, as and for the last will and testament of Elizabeth Peterson, deceased, was duly executed by the said Elizabeth Peterson as and for her last will and testament in manner and form prescribed by the statute in such case made and provided; that the said Elizabeth Peterson, at the time of making said will, was of sound and disposing mind, memory and understanding; that said will was not the product of insane delusions on the part of the testatrix, which findings result accordingly in that the appeal is dismissed, and that the order of the Surrogate be affirmed.

30

The Court, however, and further finds that the caveatrix had reasonable cause for contesting the

validity of said will, and, therefore, the cost and expenses of said contest, as well on the part of the caveatrix as on the part of the proponent, including a reasonable counsel to each party, to be fixed by the Court, be paid from out of the estate of the deceased; provided, however, on the authority of Sanderson v. Sanderson, 52 New Jersey Equity, 243, the fees and charges of any expert witness produced by either party without previous authority from the Court, will be disallowed. Dated March 12th, 1928.

HENRY BURT WARE,

Judge.

*(Sitting by designation of the
Honorable Samuel M. Shay,
President Judge, Camden
C. P.)*

[ENDORSED.]

CAMDEN COUNTY ORPHANS'
COURT.

In re the Estate of Elizabeth Peterson,
deceased.

On Appeal from the Probate of Will.
FINDINGS.

Received Mar. 14th, 1928, and Recorded in the Surrogate's Office of the County of Camden, in Book "R" of Minutes, page 216.

Geo. W. Whyte,
Surrogate.

DECREE.

CAMDEN COUNTY ORPHANS' COURT.

In the matter of the estate of ELIZABETH PETERSON, Deceased. } On Appeal from the Probate of Will. Decree. 10

Marian Anne Harris, daughter of Elizabeth Peterson, late of the City and County of Camden, State of New Jersey, having presented her petition of appeal from an order of the Surrogate of the County of Camden made on the tenth day of March, 1926, admitting to probate a certain paper writing purporting to be the last will and testament of said Elizabeth Peterson, deceased, and granting letters testamentary thereon to the Merchants Trust Company, of Camden, New Jersey, the executor therein named, and it appearing that citations were thereupon duly issued to all persons interested in the aforesaid proceeding by the said Surrogate to appear before this Court on the hearing of said appeal, and it further appearing that said citations were returned duly served upon the persons to whom they were respectively directed, and the matter coming on to be heard before this Court, in the presence of Bleakly, Stockwell & Burling, attorneys for the proponents, and Ralph N. Kellam, Esquire, attorney for the appellant, and the Court having taken testimony and heard the allegations of the parties herein: 20 30

It is, thereupon, on this twenty-ninth day of March, 1928, ordered, adjudged and decreed that the aforesaid paper writing was duly executed by the said Elizabeth Peterson as and for her last will and testament, in manner and form prescribed by the statute in such case made and provided, and that said Elizabeth Peterson, at the time of making said will, was of sound and disposing mind, memory and understanding; that said will was not the product of
 10 insane delusions on the part of said testatrix, and that the order made by the said Surrogate on the tenth day of March, 1926, admitting the same to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed.

It is further ordered that a counsel fee of five hundred dollars be allowed to Ralph N. Kellam, counsel for the said Marian Anne Harris, the ap-
 20 pellant herein, and that a counsel fee of five hundred dollars be allowed to Bleakly, Stockwell & Burling, counsel for the respondents (proponents) herein, and that said counsel fees, together with the costs of this appeal, to be taxed be paid from the estate of the said Elizabeth Peterson, deceased, by the said Merchants Trust Company, executor as aforesaid.

HENRY BURT WARE,
Judge.

(*Sitting by Designation*).

30

We approve the foregoing form of decree.

RALPH N. KELLAM,
Counsel for Appellant.

BLEAKLY, STOCKWELL &
 BURLING,
Counsel for Respondents.

[ENDORSED.]

CAMDEN COUNTY ORPHANS'
COURT.

In the matter of the Estate of
Elizabeth Peterson, Deceased.
On Appeal from the Probate of Will.

DECREE.

10

Bleakly, Stockwell & Burling, Counsel
for Proponents, Wilson Building,
Camden, N. J.

Received Apr. 4, 1928, and Re-
corded in the Surrogate's Office of the
County of Camden in Book "R" of
Minutes, page 225.

Geo. W. Whyte,
Surrogate.

20

30

TESTIMONY.

CAMDEN COUNTY ORPHANS' COURT.

10

In the matter of the estate }
of ELIZABETH PETERSON, } On Appeal from
Deceased. } Probate.

20

November 26, 1926.
December 8, 1926.
February 25, 1927.

Before HONORABLE HENRY BURT WARE, Judge.

APPEARANCES:

For the Proponents, BLEAKLY, STOCKWELL & BUR-
LING, ESQS.
30 For the Appellant, RALPH N. KELLAM, ESQ.

Camden, N. J., November 26, 1927.

(Hearing of the matter before HON. H. BURT WARE in the presence of BLEAKLY, STOCKWELL & BURLING, ESQS., representing the proponents, and RALPH N. KELLAM, ESQ., representing the appellant.)

Mr. Stockwell: I assume, your Honor, I should follow the usual practice of putting in the formal 10 proof of the will?

The Court: Yes.

CHARLES M. BRIDGE, SWORN.

By Mr. Stockwell:

20

Q. Where do you live, Mr. Bridge?

A. 4217 Myrtle Avenue, Pensauken Township.

Q. Are you connected with the firm of Bleakly, Stockwell & Burling?

A. Yes, sir.

Q. Were you connected with the firm of Bleakly & Stockwell?

A. Yes.

Q. Before any Burling was added?

A. Yes.

30

Q. Are you a member of the bar?

A. No.

Q. Do you take care of conveyancing and other matters in the office under our supervision?

A. Yes, sir.

Q. I show you what purports to be the last will

and testament of Elizabeth Peterson, and ask you whether it has your name subscribed as a witness?

A. It has.

Q. And were you present when — Was that will signed by Elizabeth Peterson?

A. Yes, sir.

Q. In whose presence?

A. In the presence of Mrs. Hale, the other witness, and myself.

10 Q. What is the full name?

A. Edith M. Hale.

Q. Where were you when that will was signed by the testator?

A. Mr. Stockwell's office.

Q. Where?

A. 317 Market Street, Bleakly, Stockwell & Burling's office at that time.

Q. Camden?

A. Camden.

20 Q. Who were present in the room beside yourself?

A. The testatrix, Mrs. Peterson, and Mrs. Hale.

Q. And just tell us what happened during that interview. Proceed.

A. The will was given to Mrs. Peterson to read over.

Q. By whom?

30 A. By myself, after she and Mrs. Hale went into the room, and after Mrs. Peterson had read it over, I asked her if it was all right. She said it was. I asked her if that was her last will and testament, and if she asked Mrs. Hale and myself to witness it. She said she did. She then signed her name.

Q. Who?

A. Mrs. Peterson, the testatrix, and Mrs. Hale witnessed it, and after Mrs. Hale had witnessed it,

I witnessed it. We were all present at the same time.

Q. That is, by all, you mean whom—you say you were all?

A. Mrs. Peterson, the testatrix, Mrs. Hale and myself.

Q. Did anybody leave the room before the will was executed and witnessed?

A. No.

Q. Were all the parties there during the entire 10 time of the execution and witnessing of the will?

A. All.

Q. I see filled in the last paragraph a date, the 19th; when was that put in there?

A. That was put in just before Mrs. Peterson signed it, by myself.

Q. By the way, Mrs. Hale, where was she employed at that time?

A. By Bleakly & Stockwell.

Q. In what capacity?

20

A. As secretary.

Q. For whom?

A. For Mr. Stockwell.

(No cross-examination.)

EDITH M. HALE, sworn.

30

By Mr. Stockwell:

Q. Are you a married woman?

A. Yes.

Q. What was your name before you were married?

A. Edith M. Hudson.

Q. And were you employed by Bleakly & Stockwell, Camden lawyers?

A. Yes.

Q. How long were you there?

A. Ten years.

Q. I show you what purports to be the last will and testament of Elizabeth Peterson, in which the name of Edith M. Hale appears as a witness. Did you sign that as a witness?

10 A. I did.

Q. Is that your signature?

A. Yes.

Q. At the bottom of the attestation clause?

A. Yes.

Q. Did you see Elizabeth Peterson sign this will?

A. I did.

Q. Who were present when she signed it?

A. Mr. Bridge and I.

Q. And in whose office?

20 A. In Mr. Stockwell's private office.

Q. Was I present?

A. No.

Q. And who signed first?

A. Mrs. Peterson.

Q. Do you know whether or not she was given the will to read over before she signed it?

A. Yes, Mr. Bridge called me in the office and we waited while she read over the will.

Q. Then was any question asked by Mr. Bridge?

30 A. He asked her if that will was all right, and if it was her last will and testament, and she said it was.

Q. Then what happened?

A. Then he asked her if she wanted us to witness the will; she said she did, and we both signed it as witnesses.

Q. Who signed it first, the witnesses or Mrs. Peterson?

A. Mrs. Peterson.

Q. Who were present when the will was signed?

A. Mrs. Peterson, Mr. Bridge and myself.

Q. Did anybody leave the room before the execution and witnessing of the will?

A. No.

Q. You are not employed by Bleakly, Stockwell & Burling now, are you? 10

A. No.

Q. How long have you been away from there?

A. Since April, 1923.

(No cross-examination.)

Mr. Stockwell: We rest and offer the will in evidence.

PROPONENTS REST.

20

THE CASE FOR THE APPELLANT.

Mr. Kellam: If it please your Honor, I would like to introduce to you Mr. George Sterner, of the Philadelphia bar, who is associated with me in this case.

The Court: I am very glad to admit him for this case. 30

Mr. Kellam: So you may understand, our appeal is based on what we believe we can prove, that this lady, at the time of making her will, had not proper testamentary capacity.

The Court: So I understand.

Mr. Kellam: And that is based on the fact that, as we will show, she was suffering at that time from hallucinations as to her daughter, who was her only child and only heir at law, and who without any will being made would have been entitled to the entire estate.

10 The Court: Is that your sole ground?

Mr. Kellam: Yes, that is our sole ground. In other words, I do not attack the execution of this will; I have no doubt the will was properly executed without any question.

20 DR. ALFRED GORDON, SWORN.

By Mr. Kellam:

Q. Dr. Gordon, you are a practicing physician?

A. I am.

Q. How long have you been a practicing physician?

A. About twenty-five years.

Q. You are a graduate of what institutions?

30 A. University of Paris, France; University of Berne, Switzerland, and licensed in Pennsylvania.

Q. What institutions are you connected with at the present time?

A. Well, I was connected with the Jefferson Medical College for ten years in the capacity of lecturer on nervous and mental diseases and neuropathy. I was also examiner of the insane at the Philadelphia

General Hospital, and presently I am connected with four hospitals as neurologist and consultant, neurologist of the Shriners' Hospital —

Q. You say you are connected with four hospitals?

A. Yes.

Q. What are they?

A. Mt. Sinai Hospital, Northwest General Hospital, Mercy and Douglas Memorial Hospital.

Q. Doctor, have you made any specialty in the 10 medical profession?

A. In nervous and mental diseases.

Q. Have you on any occasion ever testified in court before?

A. Oh, yes.

Q. As an expert?

A. As an expert, yes.

Q. You spoke of neurology?

A. Yes.

Q. As an expert in neurology, will you explain to 20 the Court and ourselves just what that means?

A. Nervous diseases.

Q. Has or has not that to do with the question of the sanity or insanity of a person?

A. Yes.

Q. Have you ever testified in the New Jersey Courts before?

A. Oh, yes, a number of times.

Q. On what special occasion?

A. I don't remember on what special occasion, 30 but I can mention the names of the Judges before whom I appeared—Judge Carrow and then Judge Garrison—I think that is the proper name, the correct name—Judge Lloyd —

Q. I presume you mean Justice Garrison?

A. Yes.

By the Court:

Q. You haven't ever appeared in Bergen County, have you?

A. In which county?

Q. The County of Bergen?

A. I don't remember.

Mr. Kellam: If it please your Honor, he means
10 Justice Garrison.

The Court: Yes, at the same time there was a Justice of the Supreme Court, Abraham Q. Garretson, who sat for the Circuit in Bergen County.

The Witness: And in Trenton I appeared several times.

By Mr. Kellam:

20

Q. And do you or do you not appear as an expert in the Courts of Philadelphia?

A. Oh, yes.

Q. Now, Doctor, did you ever have any occasion to examine this lady, Mrs. Peterson, during her lifetime?

A. I did.

Q. When?

A. The first time I examined her was in May,
30 1918, at my office.

Q. At your office?

A. Yes.

Q. Where was your office located then?

A. 1812 Spruce Street.

Q. And what was the occasion of that examination?

A. Her daughter, Mrs. Harris, brought her to my

office with the request to make an examination and give an opinion.

Q. And did you make such an examination?

A. Yes, I did.

Q. Now, what did you do in that examination?

A. Well, I made a physical and mental examination, as I always do. Now, physically she — Shall I go on?

Q. Yes.

A. Physically I found in that elderly lady what 10
we call technically arteriosclerosis—that means hardening of the blood-vessels.

Q. How old was she at that time?

A. In the sixties, I forget, sixty-five or sixty-seven, something on that order; and I found her—now, this arteriosclerosis or hardening of the blood-vessels was quite pronounced.

The Court: That means high blood pressure?

The Witness: Yes, it did, high blood pressure, 20
and then she had a condition of the heart which corroborated the arteriosclerosis. Now, the technical points—do you want me to tell you about her heart murmurs and sounds? I think she had a condition of the heart, and she had, generally speaking, what we call a myocarditis; that means a chronic deteriorative condition of the muscles of the heart. Now, her reflexes were increased, exaggerated. Now, from a mental standpoint I found —

30

Q. Hold on, Doctor. Now, you say her reflexes were exaggerated?

A. Increased, yes, above normal.

Q. Now, will you explain to us what reflexes are.

A. Well, the reflexes—now, if you cross your leg in the manner I am doing now and strike a sharp

blow beneath the kneecap you get a certain response of the leg, a jerk forward. Now, there is a certain standard which we call normal, and above that we call it increased and below that we call it diminished. In her case it was exaggerated, that means, very much increased, showing an irritation of the nervous system. Those are about all the physical symptoms I found about her. But from a mental standpoint the symptoms were most conspicuous, most striking. First of all, she made errors, she could not tell exactly the date; not so much that, as the day of the week; she made an error of the day of the week; she made an error in the month; she made an error in the year she was living. Now, I tested her for ordinary, plain, uncomplicated mathematical problems, such as simple additions. An individual at that age, having such a large experience, should certainly know how to add small figures. She made gross errors; so did she make in subtraction and multiplication.

Q. Now, will you give us a sample of those errors that she made at that time?

A. I recall, I asked her how much is twelve and five; now, she made it twenty-three. I asked her, "How much is seventy-five minus fifty?" and she made an error; she says, "Ten." In the date she made a gross error, I mean not so much the date as the day of the week; she figured out at that time it was Sunday when it was in the middle of the week.

Now, then, proceeding further, I noticed at once that there was an enfeebled mental state. I had to repeat my questions a number of times before she could comprehend them. I asked her to repeat several times simple questions and she could not do it; she simply hesitated, could not find the exact question, could not recall the exact question. I asked her to perform simple acts in the office, say, for in-

stance, take an object off the desk and place it in a certain place in the room. She hesitated, looked around, and asked over again. I noticed consequently that I was dealing at that time with a weakened mind in an adult individual, an individual who was full of experience. Now, I went further, and I asked her about her personal life, about whether she is contented or satisfied or happy. She says no. I said, "Why?" She said, "Because I have enemies; I am surrounded by enemies," and particularly she mentioned her own daughter that brought her to my office. 10

Q. Was her daughter present at that time?

A. She was present at that time.

Q. Was her daughter present through the entire examination?

A. Through the entire examination.

Q. And was present, as I understand you, at the time she made these statements?

A. Yes, undoubtedly. 20

Q. What did she say about her daughter?

A. She said particularly, right in her presence, she said that her daughter was after her, she is her enemy, she is her worst enemy; she tried to rob her, deprive her of everything she ever possessed. Then I went further and questioned her for the motives of that idea, and there was no logical connection, and when I pointed out to her that her daughter took care of her, had been taking care of her, her best friend, and brought her right here for the purpose of helping her out, she could not understand that; she kept on repeating that her daughter was against her, she was her worst enemy, she was trying to deprive her of anything, so much so, she says, that at night, in the evening, early in the evening, she had to lock herself in her own room and close the windows so that the daughter could not get in 30

and rob her. Now, this, what we call technically delusion of persecution, was fixed and confirmed; you could not dislodge it.

Q. Doctor, are these delusions also called hallucinations?

A. No, a delusion is different from an hallucination. A delusion is an idea, a faulty idea, that cannot be removed by everyday evidence, such as in this case, but an hallucination means the perception of a sensation that is not in existence. For instance, sitting here, I would suddenly figure out that I heard sounds from outside talking to me, whispering in my ear; this would be an hallucination. Or, for instance, I would figure out that I see an animal right in front of me; this is an hallucination. Now, this lady, Mrs. Peterson, kept on telling me—in answer to my questions, of course — Let me digress a moment; I kept on questioning her further, and asked her, “Are you quite sure that your daughter is against you, is working against you?” She said, “Certainly, even at night when I lock myself in the room, sometimes I hear her whispering and talking about me.” This is an hallucination, what we call an auditory hallucination, an hallucination of hearing. Now, this is about all. Now, the diagnosis, if you want that —

Q. Yes, what was your diagnosis at that time?

A. The diagnosis—I was dealing with a senile individual, a morbidly senile individual, with a senile dementia of a paranoiac type; that means the type of senile mental derangement in which delusions of persecution predominate and are fixed and conspicuous.

Q. And what was your prognosis of the case, Doctor?

A. The daughter asked me, and I told her it is very unfavorable; that means to say, “Judging

from general experience in cases of this kind, they usually grow worse and worse, but they may have periods of improvement and, for instance, in this improvement a certain amount of lucidity of mind, in which they can do certain kinds of automatic actions, things which they are accustomed to do, for instance, placing a dish in a certain place, putting on a certain dress, signing, for instance, the name to a check or to a paper. However, the fundamental condition, the underlying condition, remains im- 10
mutable, and it grows usually from worse to worse, except at periods of improvement.”

Q. Now, Doctor, this was in 1918?

A. Yes, sir.

Q. That you had this examination of the lady?

A. Yes.

Q. Did you see her after that?

A. I saw her twice, on two different occasions, the following two or three weeks; twice I saw her.

Q. This will that has been presented here in court 20
is dated the 19th day of June, 1922. In your opinion as an expert, was that lady at the time she made this will still suffering from these hallucinations and delusions that you have testified to?

Mr. Stockwell: I object to that; there has been no testimony to date that he saw this lady except in 1918, except that he saw her twice thereafter without indicating where he saw her.

The Court: I will sustain the objection. 30

Mr. Kellam: Will your Honor hear me before you rule on it?

The Court: Well, I can hardly conceive how the existence of something in 1918 could be decisive of

what took place in 1922, unless there is some proof of what happened, unless the witness testifies that the conditions were progressive.

Mr. Kellam: Well, that is what has been testified to.

The Court: I do not understand that it has. I do not understand he has testified as to the condition in 1918 being progressive or to what its effect
10 would be in the future. He has testified that she was a paranoiac, I think, of the type in which delusions of persecution exist. Now, if that is the condition he found in 1918, without any testimony as to the course, one suffering from paranoia at the time of the examination follows —

Mr. Kellam: You are entirely correct, your Honor; I had presumed that we had presented that
20 to the Court.

(The testimony of the witness in this regard was then read by the reporter.)

Mr. Stockwell: Now, if the Court please, I understand that if the condition of insanity is shown in 1918, the presumption would carry until probably 1922, and we might have to put in evidence to rebut that presumption, but the question here was not as
30 to what was her condition in 1922, but what was her condition in 1918, when he saw her.

Mr. Kellam (After argument): I will withdraw that question. I will ask him, if your Honor permits me, the question as to whether in his opinion this lady's sufferings from hallucinations and delusions would in the course of four years be overcome,

or whether in his opinion they would continue to exist?

The Court: I think you should.

Mr. Stockwell: If you ask that question, I will not object to it.

Mr. Kellam: Now, the question that we have hanging in the air—may we just have that so I can get myself straightened out? 10

(Question repeated.)

Mr. Kellam: I will withdraw that question.

Q. Now, Doctor, you state or testify that at the time you examined Mrs. Peterson she was suffering from delusions and hallucinations as to her daughter and as to their relationship. In your opinion would those hallucinations and delusions continue as she grew older or would they be set aside? 20

A. No, Mr. Kellam, will you allow me just to qualify this question, which is not entirely so, not entirely the way I present it?

Mr. Kellam: May I ask you, Doctor, will you answer my questions to the best of your ability? Don't reframe the question.

The Witness: No, I don't want to frame it; I don't want to disturb it. 30

The Court: He may answer it, not in the sense of a yea or no answer, but in the way that it best fits him to answer, as his experience suggests.

The Witness: This particular question I can answer immediately, but I have to make some qualifications.

The Court: Well, do so.

10 The Witness: Now, these delusions and hallucinations in an individual of the type I described persist; they may be somewhat milder in character, they may break up in part at times, but the fundamental condition, that is, underlying, namely, the senile dementia, the mental enfeeblement, remains unchangeable; that goes on progressively. I dwell particularly upon this underlying enfeeblement of the mind; the other delusions are superimposed; they may improve, as I said, may become not so strong, not so powerful, not so intense, but the underlying condition goes on with age, unchangeable, until the patient dies.

20 By the Court:

Q. Do I understand that these hallucinations and delusions are predicated on a state of mind that you term senile dementia?

A. Yes, in this case.

Q. And that senile dementia manifests itself in the form of delusions and hallucinations?

A. Yes.

30 Q. Which manifestations in the course of time may scatter, break up or become disintegrated, yet the foundation of these mental peculiarities never changes, but still exists?

A. Still exists.

Q. Which is senile dementia, is that what you mean?

A. Still exists unchangeable; it goes on progres-

sively, that is to say, the patient's mentality is in such a state the discrimination, the distinction between right and wrong, for instance, between proper action and improper action, remains the same and goes on from worse to worse.

By Mr. Kellam:

Q. Now, Doctor, you have used two terms; you say the condition remains the same and goes on from worse to worse. Will you explain just what you mean by that. 10

A. I mean the senility, the senile mind, the morbid senile mind remains; it cannot come back; it cannot improve, and quite to the contrary, those intense manifestations of a weakened mind become more and more intense as age advances.

Q. So that the condition could not in your opinion improve to any marked extent, but would, from your experience, grow worse as the years pass? 20

A. Yes, sir.

Q. And in your opinion, would this lady in June of 1922—would her senile dementia that you have testified to have improved, stayed stationary or grown worse?

A. As I said before, it is bound to grow worse, it is worse.

Q. So that four years after your examination in your opinion this lady's state of mind, as far as her hallucinations and delusions were concerned, would not have been any better and would probably have been worse? 30

A. Yes, sir.

Q. Doctor, the will presented here of Elizabeth Peterson, executed on June 19, 1922, leaves all her estate to charity, and makes no mention of her daughter who, I understand, you know to have been

her heir at law. Now, with that fact before you, would it have any bearing upon your testimony at this time as to whether the hallucinations and delusions which you found the lady suffering from in 1918 had continued until the execution of the will?

Mr. Stockwell: Now, if the Court please, we are supposed to be, I take it, presenting evidence of insanity to show the invalidity of the will, not presenting the will to show the presence of hallucinations and delusions. There has been no testimony offered whatever to show any fact upon which you could base a charge of delusions. This gentleman, of course, professedly does not know anything except that this woman was brought to his office by the daughter. He does not know whether the facts stated by the lady were true or not, and whether she has left anything by will. That is for the Court to determine, whether that in any way prejudices the legatee and devisee under that will. I do not think that this is competent in any sense of the term.

The Court (After argument): Well, those facts are contained in the question asked as to the content of the will. I will permit him to answer.

(Exception noted for the proponent.)

(Question repeated.)

30 A. I will answer that an act of this kind is the result of a diseased mind.

Cross-examination.

By Mr. Stockwell:

Q. You are very positive about that, aren't you, Doctor, that the making of the will in the form you see it is the act of a diseased mind?

A. From what I know of the case?

Q. From what you know of the case?

A. Surely.

10

Q. Now, I notice that you speak rather broken English, Doctor; what is your nationality?

A. What has that got to do with the present situation? I have been in this country —

Q. You will please answer my question, and we will determine that later.

A. French; yes, I have been in this country twenty-six years.

Q. I just asked you what is your nationality?

A. French.

20

Q. Are you French?

A. Yes.

Q. Now, you do speak rather broken English, don't you?

A. I don't think so.

Q. I mean, your English is good —

A. I might have some accent.

Q. You have a French accent?

A. I don't use broken English.

Q. I did not mean in the sense that you did not use grammatical English.

30

A. I should hope so.

Q. It is very good; I compliment you upon it.

A. Thank you.

Q. Where is your office now?

A. 1812 Spruce.

Q. Philadelphia?

A. Philadelphia, yes.

Q. You have been there for how many years?

A. In that locality, I have been there, I think, about thirteen or fourteen years, approximately.

Q. Did you say you were on the staff of any hospital at the present time?

A. Yes.

Q. What hospital?

A. Four hospitals.

10 Q. Four—what are they?

A. I have mentioned the Mt. Sinai Hospital, Northwest General Hospital, Mercy Hospital, Douglas Memorial Hospital, and consultant neurologist of the Shriners' Hospital.

Q. You do considerable testifying in cases, do you, before Courts?

A. Yes, quite a little.

Q. In will cases?

A. All kinds of cases; yes, I have had some in my
20 experience.

Q. You are consulted by lawyers, are you?

A. Yes.

Q. In will cases?

A. Yes.

Q. To see whether they have a case?

A. Yes.

Q. Worthy of trial?

A. All kinds of cases.

Q. Now, in 1918, I understand you were visited
30 by Mrs. Peterson?

A. Yes, sir.

Q. Did you have any visits after that?

A. One visit in 1918; I made two more examinations.

Q. When were they?

A. Within the following two or three weeks.

Q. What are the dates? What is the date of the first visit?

A. As I mentioned, I recall distinctly it was May 12, 1918.

Q. Do you have your notes here, your office docket?

A. I have a memorandum copied from my docket.

Q. When did you make that memorandum?

A. Several days ago, knowing that I had to come here, I refreshed my memory. 10

Q. Why didn't you bring your book with you, your office book?

A. My book —

Q. Your office book—every doctor keeps a book showing when patients come and what he treats them for.

A. Yes.

Q. Do you have that here?

A. No. 20

Q. Why didn't you bring it?

A. Well, I am under oath here.

Q. Well, you can bring your book and still be under oath.

A. I never thought to bring the book; if I am under oath, that is sufficient, my word I think should be considered.

By the Court:

30

Q. What was the reason you didn't bring your book?

A. I didn't give it any thought. It is voluminous, a big book, and I have the diagnosis made in the book and I copied it and brought it here.

By Mr. Stockwell:

Q. Oh, I see.

A. I do that frequently.

Q. Do you?

A. Yes, nobody ever objected.

Q. I am sorry to be the first person to object to it.

A. I am very sorry, too.

10 Q. Now, how much of a note did you make of this first visit in your book—how long a note?

A. Well, it is about the diagnosis of senile dementia; I will enumerate to you the paranoid manifestations and the examples that I presented here to show the enfeeblement of the mentality.

Q. You mean you put everything down that you have told us?

A. Surely, no doubt about it.

Q. You must have had one book, then, filled with this case?

20 A. No, I lecture here, so to speak, but there I made brief notes to remind me what I know the trouble was.

Q. Pardon me; did I misunderstand you, or did you say you lectured here?

A. Well, it is only a figurative expression.

Q. Just answer my question—did you?

A. Yes, but it was a figurative expression; I did not find at that moment the word applicable.

30 Q. You mean applicable to a testifier in will cases?

A. Applicable to your understanding.

Q. Thank you. I think I can better understand it if I had your notes here.

A. I doubt it very much.

Q. Don't you think so?

A. I doubt it. If I speak of senile dementia and paranoia, what do you know about it?

Q. Now, Doctor, suppose we find out what you know about it. Senile dementia is what?

A. Senile dementia is a mental disease characterized by a gradual enfeeblement of the mental faculties, with a gradual loss and actual poverty of emotional power, inability to discriminate or distinguish between right and wrong, inability to converse, difficulty in memorizing facts, and, in fact, the memory becomes more and more enteebled, more and more weakened as the disease advances. 10

Q. Now, a person who is ——

A. Pardon me, I haven't finished; you want me to explain to you what senile dementia is; let me finish.

Q. Go ahead, but make it brief.

A. Yes, but you see I have to put it in such terms that you can understand it.

Q. I understand it; I need no assistance from you.

A. Oh, excuse me. Then on the surface of this enfeebled mind all kinds of other disturbances may take place, excitement, depression and paranoid states. 20

The Court: Not what may take place, but what does take place, please.

The Witness: Not every case, your Honor, is exactly the same way, not every patient.

Q. Now, tell us what actually took place here; I want the symptoms of senile dementia in this particular case in 1918. 30

A. I have said it; everything was taken down in the direct examination; everything was mentioned here; shall I repeat it?

Q. Now, a person who has senile dementia, I take

it, would be a person of unsound mind, is that correct?

A. All kinds of dementia is unsound mind, insane.

Q. Is that true?

A. Yes.

Q. Very well, would that person be incapable of any intelligent act?

A. There might be some little thing that they are able to do, for instance, an automatic action, for instance, eating and drinking and dressing and undressing.

Q. I am talking about matters of intelligence now, intellect.

A. They might have the ability at the time, the lucidity to do a thing right, that might be.

Q. Would a person in such a condition be incapable of executing a paper of any kind, in your judgment?

A. They are able as far as the writing is concerned, but the discrimination is poor, is diseased.

Q. Would such a person know their relatives—do they know whether they are relatives?

A. They might recognize people, yes; they might say, "This is my father," or this is my mother or sister, but at the same time when it comes to a question of judgment —

Q. These evidences of insanity —

A. I haven't finished.

Q. I know you haven't, but I am going to ask a question.

The Witness: You are interrupting me now.

Mr. Stockwell: You just wait; we will get along better if you answer my questions and do not make it so prolix.

The Witness: Yes, but I would like you to ask me questions in the same way I am answering you, please, and don't be so aggressive and attacking me.

Mr. Stockwell: Then you make your answers a little more gentlemanly, and you will get the same kind of treatment.

A. Gentlemanly?

Q. Yes.

10

A. I don't think I insulted you.

The Court: Now, just stop here; don't interchange remarks like that. Your place is to answer the questions put to you and try to put them in as concise a form as possible for the sake of brevity and speed.

Q. Now, would these evidences of insanity manifest themselves to persons whom this person might meet from day to day? 20

A. They might or might not; you are speaking in general —

Q. Do you mean to say a person with senile dementia could go about their personal affairs from day to day and not have these symptoms manifested to the people whom this insane person met?

A. Oh, manifested to people from day to day?

Q. Yes.

A. I tell you —

Q. Would they manifest themselves? 30

A. Oh, surely.

Q. No question about that?

A. No question about that.

Q. So that anybody who met that woman—I don't mean just casually, but from day to day, certainly must know that that person had an insane mind?

A. Well, yes.

Q. Any question about that?

A. Now, wait a minute, no, I can't answer that the way you put the question, because there are so many varieties of cases.

Q. No, I am talking about senile dementia?

A. Yes.

Q. You have said that the person was of unsound mind.

10 A. Yes.

Q. And had certain symptoms, and I ask you whether those symptoms would not manifest themselves to the people with whom this person associated from day to day?

A. Some of the symptoms may be evident to them and some of them would not.

Q. I say, wouldn't they, not maybe, but wouldn't they?

A. Surely, if they know how to discriminate, if
20 they know what to look for.

Q. You mean it would take an insanity expert to find it?

A. Not an insanity expert, no.

Q. What would it take—what kind of person?

A. As I said, there are different kinds of cases, different varieties of cases.

Q. But to take this one particular case.

A. Oh, yes.

Q. Let's confine ourselves to actualities, this particular case.
30

A. When I examined the woman, she was full of the symptoms I mentioned.

Q. And wouldn't she have manifested those symptoms to other people with whom she would have come in contact or did come in contact from day to day?

A. She would manifest some of the symptoms.

Q. Which ones?

A. For instance, to detect the delusions of persecution and hallucinations, it requires questioning, going deep into the thing. A layman may not be able to do it. But to make an error in the date, I mean the day of the week, that is a question of memory, to make an error in the month or the year and making errors in addition, everybody can see them.

Q. Are those the only symptoms that you saw? 10

A. That I saw in that patient?

Q. Yes; they are not the only ones, are they?

A. Those are the chief symptoms that I saw.

Q. Now, a person afflicted with senile dementia is a person whose mind has degenerated to a point where unquestionably the person is not capable of an intelligent act—isn't that correct?

A. It depends upon the degree. If you take it at early stages, they may be able to give some clear answers. 20

Q. Well, was this person in an early stage or middle or late stage?

A. No, this case was quite advanced.

Q. This was an advanced stage?

A. Yes.

Q. So that these symptoms would have manifested themselves, wouldn't they?

A. Yes.

Q. To people with whom she came in contact from day to day? 30

A. I said some of the symptoms. The delusions, perhaps, would not be understood properly by a layman.

Q. But some of them, you say, would?

A. I say some of them, yes.

Q. So that the people with whom she came in con-

tact from day to day would have known that she was suffering from this mental disease?

A. That is right.

Q. No question about that, is there?

A. No.

Q. Now, had you ever met this Mrs. Peterson before this one visit in May, 1918?

A. Never.

Q. Who arranged the appointment for that day?

10 A. The daughter came to me.

Q. Came to you first?

A. No, she came to me with her mother.

Q. Oh, had you met the daughter before?

A. No, I had never met her.

Q. Had you met the daughter before that time?

A. I never met the daughter before that time.

Q. Was this appointment arranged by telephone?

A. Telephone; she wanted to bring her mother for an examination.

20 Q. All right; now, she brought her?

A. She brought her.

Q. How long was she there?

A. Oh, fully three-quarters of an hour.

Q. And did you administer any treatment?

A. No, it was only a question of opinion as to her nervous condition.

Q. Oh, you were asked simply for an opinion?

A. Yes, an opinion.

Q. Very well; now, then, you did not undertake to administer any treatment at all?

30 A. I was not requested to treat her.

Q. Did Mrs. Peterson request you to do anything for her?

A. Yes, I remember she, on the second visit, when I saw her the second time, she asked me—I was called to her house on Sylvan Street, Camden—she asked me to re-examine her mother, and after the

examination she asked me whether I would not prescribe anything. I told the lady a prescription alone would not be sufficient; however, I left a prescription for bromides to quiet her down, because the lady was in an agitated state.

Q. Now, you say the daughter arranged to have you come over and see the mother?

A. Yes.

Q. Now, the third visit, when was that?

A. The same way; the daughter asked me to 10 come.

Q. Who arranged for that interview?

A. The daughter, the same daughter.

Q. Did the daughter tell you that she had not been getting along very well with her mother?

A. I don't remember exactly the words that she used, but she asked me to examine her and give her an opinion.

Q. You knew nothing of the history of this woman, did you, except as it was given to you by the 20 daughter at the time of the first interview?

A. Now, might I —

Q. Please answer that yes or no.

A. I knew something about her history.

Q. You said you had never met the woman before that date.

A. No, but let me finish, please.

Q. No, please answer.

A. I answered it.

Q. Then it is no—that is the answer? 30

A. I never knew anything about her before —

Q. Now, wait; you have answered. You can talk your head off, as far as I am concerned, when your own counsel takes you in hand.

A. Why do you use such language? I don't use it to you.

The Court: Now, let's go ahead and eliminate this feeling between witness and counsel.

Q. I understand you examined her physically on your first visit?

A. Yes.

Q. You examined her heart?

A. Yes.

10 Q. And you found the reflexes were a little abnormal or a good deal abnormal?

A. Yes.

Q. Did you examine her physically on the second and third visit?

A. The same way, the same examination was made.

20 Q. Doctor, you say you did not get just the answers you wished or thought ought to have been given to some of the questions you put to her about the days of the month, days of the week and the year and so forth?

A. Yes, sir.

Q. There were mistakes made?

A. Gross mistakes.

Q. You say there were gross mistakes?

A. Yes.

Q. You haven't a very loud voice, have you, rather moderate?

A. It is for you to judge.

Q. A moderately modulated voice, is that right?

30 A. Listen, I can't talk about my personal qualifications; it is for you to judge. If you want me to talk louder, I will talk louder.

Q. No, not at all; I am asking you whether or not you do not have a rather —

The Court: Well, is that necessary?

Mr. Kellam: If it please your Honor, what his voice is is not relevant.

Mr. Stockwell: Well, you will find it is in just about five seconds, if you let me alone; I would like to have that question answered.

Q. You have a rather soft, modulated voice, haven't you?

A. Thank you for the compliment.

10

Q. Now, Mrs. Peterson was very deaf, wasn't she?

A. Yes, she was quite deaf.

Q. Very deaf, wasn't she?

A. I don't remember the degree, but I had to talk to her loud.

Q. What?

A. I had to talk to her loudly.

Q. Did you just talk to her in the way you talk to any other person?

20

A. It was a small room, you know, the office.

Q. Did you have to talk through any instrument to make her hear?

A. No, no indeed.

Q. Did she have any instrument on her to make her hear or not?

A. I don't remember whether she had any instrument on her to make her hear, but I stood very close to her and talked to her, tried to make her understand.

30

Q. Well, I asked you now whether she had on any instrument which would increase the sound of your voice?

A. I don't remember; I don't recall.

Q. Now, you have a very good memory on most things, as you have indicated here this morning, ac-

ording to your story; now, won't you kindly fix your memory on that?

A. I can't remember; I told you I did not remember whether she had any instrument or not. I have so many patients, that we don't pay very much attention to it.

Q. Yes, and that is why I examined you rather fully about your story. You do have a lot of patients, don't you?

10 A. Why, yes.

Q. You have them coming in about nervous diseases?

A. Exclusively.

Q. How many patients do you have a day, do you suppose?

A. That is a personal remark.

Q. Well, I know.

A. Do you want to know how my practice is—you are interested in it? All right.

20 Q. No, the witness can answer the question.

The Court: The question is perfectly proper.

A. Well, this morning I saw already before coming here, five.

Q. I asked, how many patients do you have a day?

A. They vary from day to day, sometimes twelve, sometimes seventeen, sometimes nine.

30 Q. Now, since that first visit in 1918 you have had six years going with patients, haven't you?

A. Yes.

Q. In nervous and mental diseases?

A. Yes.

Q. Of varying degrees and with different symptoms?

A. Yes.

Q. You did not have any difficulty at all in getting

those symptoms all down very clear in your mind from the testimony this morning, did you?

A. Very clear, yes, sure.

Q. There is no question about that?

A. No.

Q. You don't think it is possible that Mrs. Peterson might have misunderstood you when you were talking to her, do you?

A. Out of the question; she did not.

Q. Why was it out of the question?

10

A. Because I kept her repeating again and again and again, made her understand it, and she certainly heard my talk to her, but her mentality was such that frequently she could not understand, was in a state of amazement.

Q. Now, I wish to be fair with you here, and I want to get your best judgment on this, Doctor, and I am going to ask you this question again; I want to know whether a woman like Mrs. Peterson, with the symptoms you say she had, was capable either in 1918, or up to the time of her death, of executing any valid paper, legal document?

20

A. I say she was not, strictly speaking, scientifically speaking, capable of doing it; she was not to be relied upon, her discrimination and judgment were profoundly affected.

Q. Did you ask her when she was there what property she owned?

A. No, I did not.

Q. Why didn't you ask her that?

30

A. I didn't ask any question—it was none of my affairs to ask what they possess; I am interested only in the medical side of it.

Q. Yes, I know, but don't you think that would have tested her memory to find out what she owned, whether she knew what she owned?

A. I didn't think so; I don't think I questioned her.

Q. Now, this insanity you speak of—of a paranoid type—of course, that is subject to lucid intervals, isn't it?

A. They might have remissions.

Q. That particular type of insanity especially?

A. Not only this type, all kinds are subject to what we call remissions, a slight improvement; 10 some lucidity of mind returns at a certain time, but it is not complete anyhow.

Q. Now, you did not know just what the relations between the daughter and mother had been before they came to your office except as the daughter told them to you?

A. Yes, she told it. I did not know anything about her before, I never met her before.

Q. In other words, when the mother said her daughter was her enemy, you did not know what 20 was back of that history, did you?

A. Oh, I questioned her; I questioned closely. I do not go by what people tell me.

Q. But you did not question anybody else?

A. No, no one else.

Q. You had not known the woman; you didn't know how she lived or what they had done, did you?

A. No, I questioned the patient; I make my diagnosis upon what I find in the patient.

Q. Didn't Mrs. Peterson say she had had differ- 30 ences with her daughter?

A. She simply said she does not care for her daughter, she is her enemy, kept bombarding me with that, she is her enemy, she wants to take everything away from her, she hates her.

Q. She thought so, too, didn't she?

A. Of course.

Q. She apparently thought so?

A. The insane mind thinks so; that is the reason they are insane.

Q. Didn't you ever see a sane mind that thought they had enemies?

A. Oh, undoubtedly; you and I have enemies undoubtedly.

Q. I don't know; we are perfectly capable of having them, aren't we?

A. Yes.

Q. And still be sane?

10

A. Yes, but there is quite a difference between the normal conception of an enemy and the pathological conception.

Q. I understand, especially in the mind of an insanity expert. Now, you are looking at the theory, aren't you, Doctor?

A. Oh, no, no, indeed; we look at the facts, not theory.

Q. Then why didn't you ask other people to be brought in if you wanted to give an opinion based on the delusions, why didn't you ask that other people be brought in other than the daughter to give you the facts regarding the differences between the daughter and the mother?

20

A. There was absolutely no necessity of questioning anybody else. The character of the woman's conviction, the manner in which she described it, and when I pointed out to her that her daughter took care of her, and is taking care of her, does everything in the world for her, brings her here to help her, the woman still persisted in saying she is her enemy. Is that normal?

30

Q. Wait; what right do you have to say that the daughter was taking care of her; how did you know that?

A. She told me.

Q. Oh, the daughter told you?

A. Yes.

Q. What right do you have to say that the daughter was her best friend—how did you know that?

A. Just from general contact; if a person takes care of me continuously, they are my best friend.

Q. That is your presumption, isn't it?

A. Isn't the presumption solidly based?

Q. You consider that solidly based, then?

10 A. On normal life, normal actions.

Q. Then you go into a will case and testify to relations about which you apparently know nothing except from the person who brings the patient to you, and on the basis of those statements you give absolute conclusions?

A. No, sir.

Q. Is that your general method?

A. I draw conclusions from my diagnosis.

20 Q. Then I take it, is your diagnosis that the daughter was the best friend? That is your diagnosis, is it?

A. My diagnosis with regard to the patient, even if she is not the best friend, a woman who makes sacrifices to keep on taking care of her —

Q. Wait a minute; how do you know she made any sacrifices?

A. I mean sacrifices in the sense that she took care of her.

Q. How do you know she took care of her?

30 A. She told me that; of course, I don't know whether she takes care of her or not.

Q. Then why did you say so?

A. All we have to go on in our experience, we can tell who is friendly and who inimical. Now, here is a history which was not contradicted, and the patient herself confirmed the fact that her daughter took care of her.

Q. You say it was not contradicted; well, was this poor woman given a chance to bring her witnesses to show whether she was of sound mind or not?

A. No, I mean contradicted with regard to the contention that the daughter had been giving her care.

Q. Well, whose business was it to contradict it?

A. That shows, if she did not contradict and accepted and agreed to that fact, and still persisted that she is her enemy, that is certainly abnormal. 10

Q. Now, suppose that the mother had executed a paper favorable to the daughter within this period, would you consider that that paper was executed, properly executed?

A. I would say from the general standpoint properly, but the woman nevertheless would continue suffering from senile dementia.

By the Court:

20

Q. What do you mean by properly?

A. I mean normally.

By Mr. Stockwell:

Q. You mean to say she was normal when she did it?

A. I say, these insane people sometimes carry out normal acts.

Q. Suppose the daughter had the mother with herself execute a deed for real estate in 1922, for properties owned jointly by them, would you consider that a legally executed paper? 30

A. I would consider it illegal because the woman was insane.

Q. Well, then, if the daughter joined with the mother in the execution of such a paper, would you

consider that the daughter had treated her mother properly, or had acted in good faith with the purchaser?

A. If she did right. In speaking generally from what human beings know of right, I would consider it proper.

Q. You say it was improper?

A. I would say it was proper; it may not be legally technical from you gentlemen's standpoint,
10 but medically I would consider it proper.

Q. You had not been told about that paper?

A. About what?

Q. About the execution of the deed for the property since 1918?

A. I don't remember, really.

Q. Now, just get your mind on that.

A. I don't remember.

Q. Well, if you had been told it, would that have altered your diagnosis?

20 A. Not in the least.

Q. Or your opinion?

A. Not in the least.

Q. Or your lecture?

A. Not in the least with regard to the medical side of it, not in the least.

Q. Now, when does the medical side join up with the legal side when it comes to the execution of a deed for real estate?

30 A. I would say simply this, that if the act is carried out by an insane individual, an act which is contrary to our human conception—which is contrary to normal actions, I would consider it should be illegal, but when an act is done, when an act is carried out normally, I would consider it medically normal; that particular act was medically normal; it might be illegal from your standpoint.

By the Court:

Q. You mean taking the act in the abstract sense, don't you, without regard to any extraneous facts or knowledge on your part, looking at the act standing alone?

A. The act itself, without knowing anything about it; I would certainly consider it was a normal act if it was done humanely.

10

By Mr. Stockwell:

Q. You imparted to the daughter your diagnosis, didn't you?

A. Oh, undoubtedly.

Q. And you did it promptly?

A. She asked me about it.

Q. So that the daughter knew what you considered to be the state of mind of this woman?

A. Yes.

20

Q. Would you say, then, the daughter had any right to have the mother execute a deed for real estate afterward?

Mr. Kellam: I object; I don't see how this witness can testify to the daughter's capacity or lack of capacity.

The Court: I will sustain the objection.

Mr. Stockwell: Well, I will withdraw the question.

30

ELIZABETH IRVIN, SWORN.

By Mr. Kellam:

- Q. Now, Mrs. Irvin, where do you live?
 A. 944 Fairview Street, Camden, New Jersey.
- Q. And you are employed?
 10 A. Yes.
 Q. Where?
 A. As bookkeeper and stenographer at the Clementon National Bank, Clementon, New Jersey.
- Q. How long have you been employed at the Clementon National Bank?
 A. Two years and a half.
- Q. Now, Mrs. Irvin, did you know Mrs. Peterson in her lifetime?
 A. Yes, I have known her from my earliest recollection, about thirty years.
 20 Q. And did you know her daughter, Mrs. Harris?
 A. At the same time, the same length of time.
- Q. When you first met Mrs. Peterson, where were they living?
 A. When I first knew Mrs. Peterson? n
 Q. Yes.
 A. Thirty years ago, you are referring to?
 Q. Yes.
 A. She was living on Sylvan Street; I believe the number was 804, about that number, on Sylvan Street, Camden.
 30 Q. And was her daughter then living with her?
 A. Yes, sir. No, not at that time. She came shortly afterward, shortly after that time, about a year or so afterward.
- Q. And how long did they live together on Sylvan Street?

A. Well, of course, I was a child at that time, but I should say ten years.

Q. Ten years?

A. Yes.

Q. And then did they move away from there?

A. They moved up to 5th Street, in Camden.

Q. And did you visit them there?

A. Occasionally, yes.

Q. Do you know how long they remained there?

A. About five years, I should say.

10

Q. Then where did they move?

A. Mrs. Harris, Mrs. Peterson's daughter—Mrs. Harris about that time, I believe, married and went to live in Chicago, and Mrs. Peterson went shortly after her daughter moved to Chicago to live with her in Chicago.

Q. And did they return from Chicago?

A. They returned from Chicago in 1911, I believe.

Q. What was the cause of their return, do you know?

20

A. Yes, they were dissatisfied with their life there, and Mrs. Harris had divorced her husband, I believe, and wished to make her home in Camden. They liked Camden much better.

Q. Did she and her mother live together, then, beginning with 1911?

A. Yes.

Q. Where?

A. They came to my mother's home, to my home at that time.

30

Q. Where was that?

A. We lived at 1813 South 6th Street, Camden. They stayed with us about a day or two while they were getting their own home on Sylvan Street in condition to live in, and then they went to live there on Sylvan Street and lived there continuously together until about 1918 or 1919.

Q. Then what happened that you know of?

A. Well, I visited them, and I knew that Mrs. Peterson was having worries; she was worrying about her daughter; she said she was troubling her and taking her money, and also her grandson, she claimed the grandson was stealing money from her and making her a lot of trouble in many ways.

Q. Now, did you have many conversations with Mrs. Peterson about this matter?

10 A. Yes, I visited her about once a week or she came to our house in that time, and she always had the same story; she always told us that Polly, as she called her, was stealing her money, was trying to rob her.

Q. Who was Polly?

A. Polly was Mrs. Harris.

Q. Now, during this time, from 1911 on, was Mrs. Peterson employed?

20 A. From 1911? Oh, no, she never worked from 1911 until she left her daughter in 1918, she was never employed,

Q. During that time was the daughter employed?

A. Yes, the daughter was employed at Wana-maker's.

Q. Now, do you know anything of their financial arrangements during that period?

30 A. In 1911, when Mrs. Peterson came to our home, she told me that she and her daughter Polly were putting their money together in one pot, and that they were going to invest that money and what money they could save, and they were both of them making a will, each in favor of the other, and that when one died the other should have whatever was left, irrespective of what the amount should be.

Q. Now, do you know after that, of your own knowledge, what was done with the money that Polly made?

A. Polly brought her money home to her mother—her mother told me that—and she ran the house; they put it in an account in both names, and it was to be used for the household expenses.

Q. And in the period from 1911 until 1918 Mrs. Peterson was not employed?

A. No, sir, was not employed.

Q. Did she do anything around the house to earn money?

A. No, she didn't even clean the house. She 10 worked a little in the garden, potted around the garden a little bit, but she did not clean the house.

Q. And during all that time the daughter was working?

A. Yes, was working and taking care of the home also.

Q. What was the daughter's treatment of the mother during that period that you saw?

A. Mrs. Harris has always been irreproachably kind. I never saw her use one cross word or mean 20 action to her mother; she was always good to her.

Q. What would she do?

A. Well, she would come home and prepare the evening meal, clean up the house.

Q. This means Polly, you refer to?

A. Yes.

Q. Polly is Mrs. Harris?

A. Yes; she would come home, prepare their meals, wash the clothing, take care of her mother's apparel, sew them, any repairs that were necessary; 30 Mrs. Harris always did everything that was connected with the home and with their wearing apparel, and when she was ill she waited on her just as though she were a child.

Q. When who was ill?

A. When Mrs. Peterson was ill, Mrs. Harris al-

ways waited on her and did everything that any dutiful daughter could do for her mother.

Q. Did that course of treatment continue from 1911 until 1918, or was there a break in it anywhere?

A. Never any break that I ever saw.

Q. And were you ever present when Mrs. Peterson complained about Polly stealing her money, in front of her daughter?

A. Yes, once or twice she mentioned it, and I
10 would say, "Why, you must not talk that way," and Mrs. Harris would say, "Don't irritate her, don't bother her; she doesn't quite understand."

Q. Now, do you recall an occasion when you went with Mrs. Harris and Mrs. Peterson to Judge French's office?

A. Yes.

Q. What was said there at that time by Mrs. Peterson and Mrs. Harris?

A. Mrs. Peterson was not there—yes, Mrs. Peter-
20 son was there at that time.

Q. She was there?

A. Yes, she was there.

Q. Now, what was the occasion of that visit?

A. She told ——

Q. Now, who is she?

A. Mrs. Peterson told Judge French, Judge Wil-
liam C. French, that her daughter was stealing her
money and was abusing her and neglecting her, and
did not give her the proper treatment that she
30 should have.

Q. When was this?

A. In 1918.

Q. What happened at that interview—what else was said that you heard?

A. Mrs. Harris told Judge French that she had done everything that she felt she could do as a

daughter, and Judge French refused to take the case.

Q. Well, what was the case?

A. Mrs. Peterson seemed to feel that she should make Mrs. Harris give her money that she had taken from her, but we didn't seem—I could not gather where that money was or what money it was.

Q. Well, did you know, of your own knowledge, whether, at that time, Mrs. Peterson had a mortgage on a house belonging to Mrs. Harris? 10

A. Yes, she had.

Q. And was it or was it not about that mortgage that this talk was held?

A. Yes, I believed it was connected with that mortgage.

Q. Mrs. Peterson wanted that mortgage paid to her?

A. Wanted the mortgage paid.

Q. Do you, of your own knowledge, know whether the money was paid to Mrs. Peterson by Mrs. Harris, of your own knowledge? 20

A. No, I wouldn't say I did, no.

Q. Now, did you see Mrs. Peterson after she left her daughter?

A. Yes, sir, I saw her several times, a number of times.

Q. Now, where?

A. I usually saw her on Federal Street or Broadway, in Camden.

Q. In Camden? 30

A. Yes.

Q. Now, tell us about the first time you saw her after she left her daughter.

A. I saw her a number of times, and every time I saw her she would complain about her daughter. The first time that I can remember that I talked with her any length of time was in 1921; I talked to

her considerable that time. Before that I had just passed her and spoken and gone on; this time I saw her and she was garbed in a very unusual manner for a woman of her age.

Q. What do you mean—how was she garbed?

A. Well, she had a dress, very, very short, up to her knees, in fact, and a very odd-looking coat and queer little hat, and her face was painted, and she asked me if I didn't think she was nice enough to
10 get a husband.

Q. This was when?

A. 1921.

Q. How old was she then, do you know?

A. Well, she was about seventy, I should say.

Q. Now, did you have any conversation at that time with her about her money?

A. No, not at that time, excepting that I told her I thought that she was foolish; she had had one very unhappy experience, and that man had married her for her money, I thought, and I thought
20 she had better leave the men alone and keep her money; that if she could get anybody now, I should think they were after her money.

Q. What did she say to that?

A. She got angry at me; she said I did not know what I was talking about.

Q. Now, did you meet her on any other occasion in Camden?

A. Yes, I met her in 1922, shortly after I met her
30 in 1921, when she asked me about —

Q. How was she garbed that day?

A. Well, that day she was very, very dirty; her dress was trailing on the ground and torn and bed-raggled, and she was quite unclean.

Q. Did you have any conversation with her about money then?

A. Yes, I spoke to her and said, "Why, what is

your trouble—haven't you your money? Have you lost your money, or what is the trouble—why don't you clean yourself up a little bit?" "Oh," she said, "I have got my money and I am taking care of it, too; I am not letting the banks have it any more; I am hiding it, I am; taking care of it. I have got it right with me all the time." I said, "A woman of your age should not go on the street carrying a large sum of money with you." She said, "Oh, I have it safe." I said, "The first thing you know, 10 somebody is going to pick your pocket and you won't have any," and she picked up her dress to her nips, slapped herself on the hip, and she had a large black pocket under her dress; she said, "This is where I carry my money now, this is my bank," and apparently she had a large roll of money in it, and I tried to advise her to put that money in a bank somewhere for fear she would lose it.

Q. Now, was this, do you recall, early in 1922, or late in 1922, that you had this interview with her? 20

A. In the spring of 1922.

Q. Now, did you see her after that occasion?

A. I just saw her passing on the street; I saw her about six months before her death; that was the last I saw her.

Q. Did you have any conversation with her then?

A. No, I never had any conversation with her then.

Q. How was she dressed at that time?

A. She was dressed very reasonably for a woman 30 of her age, in very moderate sort of clothes, nothing unusual, at that time.

Q. Now, when Mrs. Peterson left her daughter's home, that was, you say, in 1918?

A. Yes, sir.

Q. Did she come to visit you and your mother after that?

A. After she left? No.

Q. Did she go to visit any of her old friends that you know of?

A. Not of my own knowledge, no.

Q. She, before that, had been in the habit of coming to your house?

A. Yes, she visited us regularly almost every week before that.

10 Q. And after she left, did you see her at your house at all?

A. No, she didn't come to our house at all after that, as far as I know.

Cross-examination.

By Mr. Stockwell:

Q. When did she first speak to you about her daughter taking her money?

20 A. That began in 1917 and 1918; she started then.

Q. 1917?

A. Yes; as early as—well, around Christmas, I should say, beginning about Christmas of 1917, and on into 1918.

Q. Do you know whether, at that time, they had a joint account?

A. Yes.

Q. Did they have a joint account?

30 A. Yes, she told me so, that they had a joint account.

Q. And were their properties held jointly at that time?

A. According to her word; I don't know otherwise.

Q. That is, Mrs. Peterson told you?

A. Yes, Mrs. Peterson told me herself.

- Q. That the properties were in their joint names?
A. Yes.
Q. She had that done?
A. They had those put that way; they had not been changed as far as I knew.
Q. Did she say the bank account was in their joint names?
A. So she told me.
Q. Now, later on she was dissatisfied, was she?
A. At that time she seemed to be dissatisfied. 10
Q. Dissatisfied then?
A. Yes.
Q. Did she say she wanted to get the bank account separated?
A. She said she wanted her money, that is all.
Q. What was hers, she wanted hers?
A. She wanted it all; she claimed it was all hers.
Q. You mean all of the real estate she claimed?
A. All of the real estate and money excepting the house on Elm Street, I believe that she figured that Mrs. Harris owned part of that, but she thought she owned everything else, apparently. 20
Q. Well, did you know what the facts were about the ownership, how much, in fact, Mrs. Harris did own?
A. When they came from Chicago, Mrs. Harris told me that she —
Q. Not what she told you.
A. Well, Mrs. Harris and her mother were together, and Mrs. Harris told me that she had put in \$1200.00 and Mrs. Peterson had about \$3000.00, I think was the amount, and they were going to buy property with this money. 30
Q. Now, there was no question in later years but Mrs. Peterson wanted the property separated?
A. Yes, she wanted it separated.
Q. That was the burden of her song, wasn't it?

- A. Yes, always.
- Q. She wanted that real estate separated, didn't she?
- A. Yes.
- Q. And she told you so?
- A. Yes.
- Q. And she told you several times so?
- A. That is what she told me.
- Q. And she wanted the bank account separated?
- 10 A. So she said.
- Q. Well, you have mentioned an incident here when, in 1921, you thought she was improperly dressed.
- A. I thought so; of course, everyone has a right to their own opinion.
- Q. She had on short skirts, I believe?
- A. Yes; they were not wearing them at that time.
- Q. You did not think that was hardly correct attire for a woman of her age?
- 20 A. Not entirely correct attire for a woman of her age; they were not wearing them at that time; if it had been the style it might have been different.
- Q. You know now and know, then, it is not always possible for a man walking up the sidewalk to know whether it is a man or woman in front of him?
- A. Well, you know, people's ideas change with the styles.
- Q. On the third occasion, your advice, apparently, had carried weight?
- 30 A. Well, she was very dirty at that time.
- Q. And after that she was both clean and properly attired?
- A. She seemed to be taken care of, yes, a little better.

ELIZABETH BLEYER, SWORN.

By Mr. Kellam:

Q. Mrs. Bleyer, where do you live?

A. Merchantville.

Q. How long have you lived there?

A. Six years.

Q. Prior to that, where did you live?

A. 630 Stevens Street, Camden.

Q. And that house was a house that belonged to Mrs. Peterson?

A. Yes.

Q. You rented a house from her?

A. Yes.

Q. Now, when was the first that you saw Mrs. Peterson?

A. Why, I saw Mrs. Peterson just a short while after I rented the house; I rented it from the agent. 20

Q. That was when?

A. I rented it in 1914.

Q. You were married then?

A. Yes.

Q. And living with your husband and family?

A. Yes.

Q. And did Mrs. Peterson come to visit you there, talk to you?

A. Yes, she came to see me about some repairs. 30

Q. And did she at that time say anything about her money and her daughter?

A. Not the first time, no.

Q. Well, then, after that, did you have a conversation with her?

A. Well, the daughter collected the rent; after the second month, I think, it was taken away from

the agent, and the daughter collected the rent, and she did not come very often.

Q. That is, who didn't?

A. Mrs. Peterson didn't come very often the first year.

Q. During that time, Mrs. Harris collected the rent?

A. Mrs. Harris collected the rent.

Q. Then what happened?

10 A. But occasionally Mrs. Peterson came after the first year; I don't think I saw her for a year after I took the house excepting just the next month or two as she came on her first visit; then I didn't see her for about a year; then she used to come occasionally to look after repairs, and I complained about anything that needed repairing, because she always talked about her poverty-stricken state, you know, that she could not afford repairing.

20 Q. What did she say about her poverty-stricken state?

A. Well, she said she didn't have any money but just those few little houses, and they were very deeply mortgaged, and she just had that little bit of income that was left after all the expenses had been paid, and she could not afford to pay for repairs. We said we were perfectly willing to do the work if she would pay for the material. She said that was perfectly all right, but, nevertheless, whenever there was anything to be done she always complained
30 about her poverty, she couldn't do it.

Q. Did she ever do any repairs herself?

A. Yes, she did repairing; my husband offered to paint the roof for her, but she wouldn't let him do it and came out and painted the roof herself.

Q. When was that?

A. That was late, I think it was in the fall of

1921, or early in 1922. Oh, pardon me, it was—I moved there in 1914—it was 1915 or 1916.

Q. 1915 or 1916?

A. Yes.

Q. Now, what was there about her painting the roof—where was this roof?

A. Well, it was over a big, open shed that crosses the two houses in the back, and she climbed out the bathroom window and made her grandson stand at the window and tell her when she got near the edge so she wouldn't fall off, and she started at the wrong end of the roof and she painted from the window out, and when she got out to the end she did not know how to get down unless she got across the paint, so she went down a pole down back. 10

Q. Went down a pole?

A. Yes.

Q. Now, you talked to Mrs. Peterson a number of times, didn't you?

A. Yes. 20

Q. Did she hold a connected conversation with you?

A. Well, at the time, but then when I referred to anything that had been talked about the next time I saw her, it was all forgotten.

Q. Did she complain about her daughter in any way to you?

A. Not at that time.

Q. Did she later?

A. Yes, later. 30

Q. When was that?

A. After I moved away, when she came to visit me.

Q. She came to visit you in Merchantville?

A. No, where I was employed.

Q. Where was that?

A. In Lit Brothers.

- Q. You are still employed in Lit Brothers?
 A. Yes.
- Q. And she came there and saw you?
 A. Yes, she saw me and asked me to sell her a coat.
- Q. What did she say then?
 A. Well, she wanted the very cheapest coat I had.
- Q. Just one moment. What year was that?
 A. Let me see—it was between 1921 and '22,
 10 that winter.
- Q. What did she say to you then?
 A. Well, she wanted the very cheapest coat that I had. I said, "Well, surely, Mrs. Peterson, you can afford a better coat." I had known in the meantime, or had found out that she did own more property—"Why, you can afford a better coat than that cheap little coat; you want something to keep you nice and warm." She said, "No, my daughter has
 20 robbed me of everything I have; I will have to go out and earn my living; I have nothing at all; you must sell me a cheap coat." I said, "Here is a very cheap, little coat," and while I was selling it, she stood in front of the glass and posed in the coat, just like flappers do, not usually like the old ladies do, and she made quite a commotion, quite a scene, in fact, she had everyone in the department there standing, looking.
- Q. Did she ever make any other complaint about her daughter to you?
 30 A. Yes, she came to see me several times at the store and each time the complaints became worse.
- Q. Was this after the selling to her of the cheap coat or before?
 A. Yes, that was the first time that I had seen her in the store, when I had sold her the coat.
- Q. Now, what was the last time that you saw her in the store?

A. The last time I saw her in the store was about two years after that.

Q. That was in 1924?

A. About that time.

Q. And at that time did she make any complaint about her daughter?

A. Yes, she said that she had been working some time before that, she said, but her hand was hurt and she couldn't work any more, and she did not know how she would get along, because she had no money, and she said, "Polly has robbed me of every cent I had." I said, "Now, Mrs. Peterson, you know that is not so," and she complained, and, of course, I did not agree with a single thing that she said, so she soon left me. 10

Q. When you said, "You know that is not so," what did she say?

A. She said I didn't know anything about it.

Q. Did you see her in Camden after that?

A. Yes, I saw her that same winter. 20

Q. What winter is that?

A. About 1924.

Q. Where did you see her?

A. I saw her at the Market Street ferry.

Q. And what was she doing then?

A. Well, she was attracting quite a lot of attention. It was about six o'clock in the evening, just when the business rush comes home, and she was dressed in that same little coat I had sold her a few years before, and had a very short red skirt on and a ridiculous little hat, and her face was rouged, painted and powdered, and she was just walking up and down there with a big bag in her hand as though she had a big date, but she attracted so much attention, by the way she walked back and forth, there was quite a crowd, there must have been at least a hundred people around there, waiting there; I 30

thought there was an automobile accident, that is why I walked up there—it was just outside of the ferry—and then I saw Mrs. Peterson.

Q. Now, did you ever visit Mrs. Peterson and Mrs. Harris while they were living together?

A. No.

Q. Did you see her after this occasion at Market Street ferry?

10 A. Yes, I saw her the summer following, just the summer before she died.

Q. Where was that?

A. Out here at Broadway and Federal.

Q. How was she dressed then?

A. She was dressed—she was very dirty; she had an old soiled white dress on and it was in tatters.

Cross-examination.

20 By Mr. Stockwell:

Q. I think you told us about talking to her and she always forgot what she said before, the trip before?

A. Yes.

Q. Now, were these talks you had on repairs?

A. Yes.

Q. Repairs to the house?

A. Yes.

30 Q. When she came the second time she forgot what she had promised the first time?

A. Then she stalled about the bills, and said she had never promised to have the repairing done.

Q. Did you ever meet with a landlord who forgot about a promise to make repairs before?

A. Not when they promised and said the work should be done, and they would pay for it, for just

the material, and there were times when Mrs. Peterson had sent material and complained about the work being done.

Q. She knew you, didn't she—called you by name?

A. She knew me.

Q. She knew you, didn't she?

A. She didn't know me on the street, only in my house or in the store.

Q. When was this?

10

A. Well, she knew me when she came to my house and when she visited me in Lit Brothers.

Q. Called you by name?

A. I don't remember whether she called me by name.

Q. Now, this coat—she had decided ideas of the kind of coat and what she wanted to pay for it, didn't she?

A. No, just merely the price, that it must be a cheap coat.

20

Q. I see, that it must be a cheap coat?

A. A cheap coat.

Q. Did she pick it out?

A. I showed her all I had in her size and price and let her do the rest.

Q. And she told you what her income was?

A. No, she said that she hadn't anything, that she had to go to work.

Q. She didn't tell you what her income was from her property that she had, did she?

30

A. No.

Q. You don't know whether it was adequate for her support and proper clothing or not, do you?

A. Well, no, naturally, I formed my own conclusions.

MRS. JOHANNA KREUSSER, SWORN.

By Mr. Kellam:

Q. Now, Mrs. Kreusser, where do you live?

A. I live 873 Fairview Street.

Q. Camden?

A. Camden.

10 Q. How long have you lived there?

A. I have lived there forty years.

Q. Now, did you know Mrs. Peterson in her lifetime?

A. Yes, sir.

Q. Do you know her daughter?

A. I know her daughter and the mother from the time she started to buy the lots and build the house.

Q. And where were the lots located?

20 A. The lots were located on Sylvan Street, I think it is 817 Sylvan Street.

Q. Now, did you know them when they came back from Chicago?

A. Yes, sir.

Q. Did you visit them in the house at that time?

A. I visited them in the house.

Q. Now, how often did you visit them in the house?

A. Why, very often, because the old lady always used to come over and tell me to come over.

30 Q. Once a week?

A. Once a week.

Q. More than once a week?

A. Sometimes more than once a month.

Q. And during that time did you notice how the mother and daughter got along together?

A. Why, they got—before she was sick they got along fine.

Q. Now, when was she sick?

A. She was sick, I think—no, I don't want to say right there, but I think it was about 1918.

Q. Well, was it before she left her daughter?

A. Yes, it was before she left her daughter.

Q. And how long before she left?

A. Why, it was, I guess, about a year, it was going on.

Q. About a year?

A. Yes.

10

Q. Now, was Mrs. Peterson very sick?

A. Well, I asked Dr. Hollingshead, I went over, and I said, "Mrs. Hollingshead, what ails Mrs. Peterson?" She said—I can't think of the name, but it is —

Q. Was it this fancy name that the doctor said?

A. Yes, dementia, senile dementia. I don't know, of course, I did not know the meaning of it. I said, "Doctor, what is it?" and she says, "She is out of her mind and she never will be better."

20

The Court: She is testifying to what some doctor told her.

Mr. Kellam: I got this without knowing I was going to get it, may it please the Court; it just dropped on me out of the sky. My friend here let it go in.

Mr. Stockwell: I was talking here and I didn't hear what it was. Of course, I object to that and move it be stricken out.

30

The Court: It may be stricken out.

Q. Now, Mrs. Kreusser, don't testify to what somebody told you when Mrs. Peterson was not

there; Mrs. Peterson was not there when the doctor told you this, was she?

A. No, sir, she was not there.

Q. Then don't tell what somebody else said when Mrs. Peterson wasn't there, but what Mrs. Peterson said. Now, how did Mrs. Harris treat Mrs. Peterson when you were there in the house?

A. Why, she treated her fine.

Q. What do you mean by that?

10 A. She was a good girl to her mother.

Q. What did she do?

A. She done everything, she done the housework; Mrs. Peterson herself didn't do nothing, only work in the garden.

Q. Well, did Mrs. Peterson work during the time that they —

A. Not when they came back from Chicago.

Q. She did not?

A. No, sir, she worked before.

20 Q. Did Mrs. Harris work?

A. Mrs. Harris worked.

Q. Then when she would come home from work, what did she do?

A. She would do the housework.

Q. Now, do you know, of your own knowledge, what Mrs. Harris did with her money?

A. Why, she gave it to the mother.

Q. You know that, do you?

A. I know that she gave it to the mother.

30 Q. How do you know that?

A. Because I have seen it; I have seen it when Polly came home with a basket on Saturday and I helped to carry it over, she would hand up the money.

Q. Now, did the relations between the mother and the daughter change?

A. Well, after she was sick, after Mrs. Hollingshead was there.

Q. After this doctor was there?

A. It was different altogether.

Q. Now, what were the relations then?

A. Why, because the mother said that Polly —

Q. Who did she say that to, you?

A. She told me, Mrs. Peterson came over and said that Polly took money and I should come over and she would show me where she had it. Well, I 10
went over, and she said, "Here I had it," and she didn't.

Q. Where was that?

A. Upstairs.

Q. Well, whereabouts was it?

A. On the little table underneath the wall, here, and then she took me to a closet and said, "I had it in here," and then she says, "No, I didn't have it there now, I just had it under this carpet," and she picked up the carpet, and she told me so many 20
stories. Well, that was all right; I know that the doctor told me that and I didn't get mad at Mrs. Peterson. So she came over again after that, a couple of days afterward and said, "Now," she said —

Q. Who said?

A. Mrs. Peterson told me to come over again, and she said, "I lost money again." I said, "You did, Mrs. Peterson?" And she said, "Yes," and she goes to the refrigerator and picks up a cloth and 30
there was the money underneath.

Q. What did she say then?

A. Didn't say nothing, "Oh."

Q. Now, did she say anything about what Polly did with her money to you?

A. No, no, she didn't say, because she said what

one had would belong to the other, it was all in one pot.

Q. Well, was that before or after her sickness she said that?

A. That was before her sickness she told me that.

Q. Before the sickness, what would be one's was the other's? Did she say who was to have the joint property after their death?

A. If the daughter dies, it was supposed to be
10 Mrs. Peterson's, and if Mrs. Peterson dies, it would go to Polly.

Q. This was before or after the sickness?

A. Before the sickness, long before the sickness.

Q. Did she make any complaint to you, Mrs. Peterson, about her grandson?

A. Well, not much, only she said I could come over when he took his lessons, and after he took his lessons, she says, "Now, just look what Will does to tantalize me." She was hard of hearing.

Q. Was this before or after her sickness?
20

A. Oh, before, long before. The child played right, because I had two girls what took music lessons, and I know it was right. You know, she was hard of hearing, awful hard of hearing sometimes and she thought he would devil her, you know.

Q. Did you ever hear any quarrel between Mrs. Peterson and Mrs. Harris?

A. I never did. After she left, she came back—I told her not to leave, but after she left she came
30 back to me, and she handed me a note, and she says —

Q. Who was this?

A. Mrs. Peterson, and Mrs. Peterson says, "Will you give this to my daughter?" and I gave it to the daughter, and the daughter says —

Q. No, wait; Mrs. Peterson was not there.

A. What?

Q. Was Mrs. Peterson there when you gave it to the daughter?

A. No.

Q. Well, never mind then. Did Mrs. Peterson talk to you about leaving her daughter?

A. Yes, sir.

Q. What did she say?

A. She said she would go because Polly took the money.

Q. Did you talk to her then?

10

A. I talked with her then?

Q. What did you say?

A. I told her she oughtn't to do such a thing, because there were other women in the house, too.

Q. What did she say to that—what did she say?

A. Of course, I don't say that this lady might have took it.

Q. No, but what did Mrs. Peterson say when you told her she should not accuse her daughter?

A. Well, she would say, "She did take it," see; 20 that is what she would.

Cross-examination.

By Mr. Stockwell:

Q. Mrs. Peterson was very hard of hearing, wasn't she?

A. She was awful hard of hearing.

Q. She wore an acousticon, didn't she?

30

A. Yes.

Q. And even when she had the acousticon on, you had to talk up pretty well to make her understand, didn't you?

A. Awful loud, yes; sometimes she could hear better even if she didn't have it on than at other times.

- Q. After the daughter left, did you go over to see Mrs. Peterson frequently?
- A. Mrs. Peterson left before the daughter left.
- Q. Let me get this straight, because I don't know.
- A. Well, that is all right.
- Q. Where were they living at the time they parted?
- A. On Sylvan Street.
- 10 Q. Then did Mrs. Harris remain there?
- A. Mrs. Harris lived there, yes, maybe a couple of weeks.
- Q. That is, after Mrs. Peterson went away?
- A. After Mrs. Peterson went away.
- Q. Where did Mrs. Peterson go?
- A. Mrs. Peterson went—now, I couldn't tell you just where first she went, but I called to see her when she lived on Front Street. I couldn't say where she went, you know.
- 20 Q. You found her on Front Street?
- A. What say?
- Q. You went to see her on Front Street?
- A. On Front Street.
- Q. Did you go there very often?
- A. I went there and told her that my daughter was dead and she ought to be a mother and make up with her own daughter, because we don't know when the time comes that we have to pass away.
- Q. Did you talk about affairs generally with her?
- 30 You went in to visit her, didn't you?
- A. I went in to visit her, yes.
- Q. You had known her for some years?
- A. Oh, I know her—we lived there four years.
- Q. Well, did you talk about affairs generally?
- A. Well, we did.
- Q. You had a chat, didn't you—you went in for a chat?

A. No.

Q. You went in to talk?

A. I went in to talk to her.

Q. Yes, you went in to visit and talk?

A. Yes.

Q. Chat together as friends will?

A. Yes.

Q. You considered her a friend of yours, didn't you?

A. Sure, I know her so long.

Q. And what did she call you—did she call you by your first name? 10

A. Mrs. Kreusser.

Q. And you called her Mrs. Peterson?

A. I called her Mrs. Peterson.

Q. Now, did she ever tell you that she wanted to get the real estate separated?

A. No, she never said nothing about that to me.

Q. Didn't say anything about that?

A. No.

Q. Did she say anything about a bank account, she wanted to get the money separated? 20

A. No, but I went up a couple of times to the bank when she took the money away, when Mrs. Peterson took money to the Merchants Bank on Broadway.

Q. The Merchants Trust Company in Camden, wasn't it?

A. Yes, it was in Camden, yes.

Q. Right near here on Broadway, Camden, near Broadway station? 30

A. Yes.

(At this point a recess was taken until 1:35 o'clock P. M.)

(Trial of the cause resumed at 1:35 o'clock P. M., pursuant to adjournment, in the presence of counsel for the respective parties.)

ELIZABETH BLEYER, recalled.

10 By Mr. Kellam:

Q. Mrs. Bleyer, you have been sworn before?

A. Yes.

Q. How many times did you see Mrs. Peterson during the time that you knew her?

A. I wouldn't say exactly how many times. It was several times a year.

Q. Covering a period of how many years?

A. Well, the first year I knew her, I only saw her
20 once, but after that I saw her several times a year from 1915 until about 1924 or early in 1925.

Q. And during that time, did you have opportunity to examine her, notice her actions, her conduct of herself?

A. Oh, yes.

Q. Now, in your opinion, was she a sane woman or not?

A. Well, in my opinion, she was not sane.

Q. In your opinion, was she capable of transacting her own business or not?
30

A. No.

By Mr. Stockwell:

Q. Mrs. Bleyer, she did transact her own business, didn't she?

A. She transacted some of her own business.

Q. She transacted her own business, so far as you know, isn't that correct?

A. She didn't transact all her own business, that is, in regards to her property. Her daughter, at that time, I imagine, from her, transacted most of her business.

Q. But later on did she do it herself?

A. After I moved away, I don't know.

Q. You are judging her for what period?

A. As far as the business is concerned, up until 10 1920, but after that her actions, of course, to me, they didn't seem like the actions of a sane woman.

Q. You considered her rather peculiar, eccentric?

A. More than eccentric. I have a great deal of experience with eccentric people, in my line of business, but I think she was just a little bit more than eccentric.

Q. Did she know you?

A. Sometimes; not always.

Q. Did she ever talk to you on any subjects other 20 than rents?

A. Occasionally; very little.

Q. You are the lady who sold her the coat?

A. Yes.

Mr. Stockwell: I have already examined you about that. We won't go into that again.

The Witness: There was another little incident at one time —

30

Mr. Stockwell: That is all. I am through.

ELIZABETH GREENWOOD, SWORN.

By Mr. Kellam:

- Q. Now, Mrs. Greenwood, where do you live?
A. 1741 Kossuth Street, South Camden.
- Q. Did you know Mrs. Peterson and Mrs. Harris?
A. Yes, sir.
- 10 Q. When did you first meet them?
A. Around 1912, when I first met Mrs. Peterson.
- Q. And did you visit the household?
A. Yes, sir; up in the fields, behind the Camden Forge there. Not where I am at the present time.
- Q. But you visited them in the property on Sylvan Street?
A. Yes, sir.
- Q. How often?
A. Very often, sir.
- 20 Q. Once a week?
A. Oh, more than that.
- Q. More than that?
A. Yes, sir.
- Q. Covering how long a period, did you visit her more than once a week?
A. Well, I should say from on to about six or seven years, right from the beginning, yes, sir.
- Q. Was that from 1912 until Mrs. Peterson left her daughter?
A. Yes, sir.
- 30 Q. Now, did you note what their relations were with each other?
A. Yes, sir; positively that Mrs. Harrison—Mrs. Harris was her own daughter.
- Q. And how did Mrs. Harris treat her mother?
A. She treated her wonderful, as a daughter, couldn't treat a mother better.

Q. What did she do?

A. Well, she—during the day, of course, Mrs. Harris went out to her employment, and when she came home she would advise her mother to sit down and she would do the household work, and she would also bring her dainties from the city, as regards eatables, and she would advise her mother not to work in the house, she would take care of all she could, and, of course, she treated her in every respect —

10

Q. How?

A. Fine, in waiting on her and wanting her to sit down. Sometimes her mother would get a little cross and she would say, “Oh, mother, don’t get that way,” and she would take her breakfast upstairs in the morning, before she left to go to her employment, would Mrs. Harris take her mother’s breakfast upstairs and hand it to her and beg of her to take rest.

Q. Did Mrs. Peterson work during that period? 20

A. No, sir; she was just around the garden.

Q. And Mrs. Harris, did she work?

A. Yes, sir; all the time.

Q. Now, do you know, of your own knowledge, whether Mrs. Harris turned her money over to her mother or not?

A. Well, I never saw it, but Mrs. Peterson used to tell me how good Polly was in bringing her money and really depriving herself both of luxuries and enjoyment.

30

Q. Depriving who of luxuries and enjoyment?

A. Mrs. Harris was depriving herself of luxuries and also enjoyment, for her mother’s sake.

Q. When was the last you heard Mrs. Peterson tell you this?

A. The last time I saw her?

Q. Yes.

A. Oh, that would be around 1920 or it might be a little more or later; I wouldn't positively say.

Q. Was that before or after she left her daughter?

A. Oh, this was a long time after. When I saw her the last, I saw her around Munger and Long's, the last time I saw her.

Q. What did she tell you, then, about her daughter?

10 A. She didn't say anything, only she continually came to my house and I hadn't seen her for quite a while and she came to the house and came to me at Munger and Long's and she said, "Mrs. Greenwood, won't you speak to me!" I said, "Sure, Mrs. Peterson." And she was dressed very girlish, in her girlish clothes.

Q. Tell us how she was dressed.

A. Just a short dress, almost to her knees, and she had a school girl's hat on at that time, with a bow at the end of it, and she said, "How do I look?"
20 "Oh, well, Mrs. Peterson," I said, "All right." Of course, I knew she was eccentric. "Yes," she said, "do you think I will get a beau now?" I said, "Oh, get off that." So then she wanted me to go along with her and I said I had other business to attend.

Q. Now, do you recall Mrs. Peterson ever telling you about Polly taking her money?

A. No, sir; no, sir; she never told me that Polly took money, sir.

30 Q. Did you know about Mrs. Harris, or Polly, paying any of Mrs. Peterson's bills?

A. Yes, Mrs. Peterson used to tell me that Polly had the household to keep. She said, "It's my property, but I have to keep, Polly keeps the expense of the house and I don't know what I would do without her," the table of course, that was meaning, and other things.

Q. Now, did she come to your house at any time in 1920 and talk about money?

A. No, it was before then.

Q. Before then?

A. Yes, sir; quite a while before then, she came to my house and she had a good piece of money with her.

Q. How much, do you know?

A. No, sir, no; but she asked me to take a trip with her to England and she would pay the expense return ways, as we could go to Bristol to visit her friends and then we would go down in Lancashire to visit my friends, and, of course, I objected. She said, "I thought you would be glad to take the trip." I said, "Yes, Mrs. Peterson, I would on my own expense," and, of course, she was a little sore because I wouldn't take the trip. Then she came down two weeks later and wanted me to take a trip to Atlantic City with her, on the same order, by her expense. Of course, I objected to it, and then the second time, the third time, she came about the money. She came one Saturday afternoon, it was, and she threw her pocketbook on my table and some keys, and I says, "Hold on, Mrs. Peterson." She said, "No, I want you to go over to the house," she says, and she pointed at the keys, pointed out the keys for different drawers. 10 20

Q. This was before or after she had left her daughter?

A. This was after she left the daughter. She wanted me to get different articles out of the bureau drawers, table covers and bureau scarfs, and she says, "If there's any clothing belonging to me, bring it along." I said, "No, Mrs. Peterson, I won't." She said, "I thought you were a friend of mine?" I said, "I surely am, but I wouldn't do that unless 30

you promise me you will go along with me and stay with Polly a while; that you ought to do."

Q. What did she say then?

A. "No, but I want to see my Willie," she says. I said, "Well, you go over and I will go with you," but she said she wouldn't. She said Willie was working in the shipyard and she would come down on Monday, and I said to her, "Which shipyard?" and she said she didn't know and she would find
10 out, as we could go together, as she wanted to see her Willie, and, of course, on Monday she didn't come.

Q. Now, you saw Mrs. Peterson quite a little before she left her daughter?

A. Oh, yes, sir, more so than before she left her.

Q. Did she talk to you about her reason for leaving her daughter?

A. I beg pardon.

Q. Did she talk to you about her reason for leaving her daughter?
20

A. No, sir; only she said Willie was devilish, that's the only answer she gave me.

By Mr. Stockwell:

Q. Who was devilish?

A. Willie, the little boy. That was the only thing she said, he was devilish. He was always a good boy, to the best of my knowledge and seeing him.
30

The Court: Who is Willie?

Mr. Kellam: Willie is the grandson.

The Witness: He was only quite a small boy then.

By Mr. Kellam:

Q. Mrs. Greenwood, at the time Mrs. Peterson left her daughter —

A. Yes, sir.

Q. You had seen her a number of times shortly before that?

A. Oh, yes, a good many times.

Q. Talked with her?

A. Talked often with her.

10

Q. Did she seem to be perfectly sane and rational at the time?

A. No, sir; she used to go off one thing on to another all the time.

Q. How?

A. Well, she would talk about one thing and change around all different times and she had very strong ideas. She would ask me how she looked in her dress or waist that she had on and I would tell her, and, on one occasion, she took the waist clean off and turned it inside out and then she thought it would look better if she had it that way.

20

Q. Do you remember about when that was? Was that before she left the daughter?

A. Oh, yes, sir; up at my place up in the fields, she did that.

Q. How long before she left the daughter?

A. I should say about four to five years before then.

Q. Do you remember Mrs. Peterson being ill?

30

A. Yes, sir.

Q. When was that?

A. That was about around 1918, as near as I can call to my knowledge.

Q. Before she left the daughter's house?

A. Yes, that was before she had left the daughter's house.

Q. Did you visit her then?

A. Yes, sir.

Q. And did she tell you anything about her daughter then?

A. One morning, of course, she sent up for me, and I always knew where to find the key—it was under the door mat at the back door—and as I got there to open the door it was already loosened. Of course, being allowed to go in, I went upstairs and
10 Mrs. Peterson was in bed. There was another lady in the room, and as I got in she said, as I got in the room, she says, “Oh, Mrs. Greenwood,” and she beckoned me—she was very, very hard of hearing—so I went to the bedside and she kissed me and she says, “Go over there to the bureau,” she says, “my Polly left me ten dollars this morning for the specialist, and put it under my pillow,” and, of course, I went to look, and, of course, I couldn’t find no ten dollars, and I looked on the floor and around, but
20 Mrs. Peterson still avowed Polly had left the ten dollars there, but this lady said, “Oh, no, nothing of the kind, Polly is trying to send you in the asylum.”

Q. Who is this lady?

A. I am sorry to say she has passed away—Mrs. Hicks. Perhaps I should not have repeated the words, but Mrs. Peterson still avowed she had the money.

Q. Did she say anything at that time about Polly earning a living for both of them?

A. Yes, sir; and she told me she couldn’t afford to let Polly stay at home, but Polly brought her breakfast upstairs every morning and the minute she came home at night she would take her eats upstairs and also she volunteered to pay me to go in and out of the house to see that she didn’t want anything. Of course, I never did.

Q. Who volunteered to pay you?

A. Mrs. Peterson herself.

Cross-examination.

By Mr. Stockwell:

Q. Mrs. Greenwood, after Mrs. Peterson left her daughter's home ——— 10

A. Yes, sir.

Q. Did Mrs. Peterson live all alone?

A. Well, I never went to visit her but she wrote me from some address.

Q. Didn't you go to see her after she left her daughter?

A. Not in her rooms.

Q. Then you don't know?

A. No, sir; but she wrote to me on two different occasions, asking me to go. Well, of course, I was always trying under the influence of getting her back home. 20

Q. Well, you didn't go?

A. No, sir.

Q. And I think you said a remark was made by somebody in your presence that her daughter was trying to put Mrs. Peterson in the insane asylum?

A. That was before she left home.

Q. Where was this remark made?

A. In Sylvan Street. 30

Q. In whose home?

A. Mrs. Peterson's home and Mrs. Harris' also.

Q. Who was present at the time?

A. The lady that passed away.

Q. Who was she?

A. Mrs. Hicks, but she's passed away. Perhaps I should not repeat it.

Q. This lady made that remark?

A. Yes, sir.

Q. She made it to you?

A. No, to the mother. She was always trying to turn the mother against the daughter and she would call her "Mother" and she would pet her and kiss her.

Q. And why was a woman that dirty, to turn the mother against the daughter?

10 A. Yes, sir; you have got it right; yes, sir.

Q. Well, now, you never knew of any such attempt being made by the daughter to put her mother in an insane asylum?

A. Never, sir. She always treated her wonderful.

Q. Did I understand you to say that Mrs. Peterson never told you that her daughter had taken away her money?

A. Never did; no, sir.

20 Q. Well, did Mrs. Peterson tell you about their holding real estate in their joint names?

A. Well, she had told me that on different times about having the property.

Q. In their joint names?

A. Yes, sir; that was the property.

Q. She didn't like that?

A. Oh, yes, she was delighted. She wanted my husband to give her an estimate on the painting of the property at the time and she told me about it.

30 Q. Later on, did she speak to you about the joint holdings of property and whether or not she wanted the property separated?

A. No. She always said it was only the right thing to be in Polly's and her names, as Polly was the only one deserving of what she left if anything happened to her. She told me that in my own home, sir.

Q. How old was Mrs. Peterson at the time of her death, do you know?

A. Well, really, I should say—I might misjudge her, but I should say she would be somewhere around seventy-two or seventy-three years old. That's as near as I can tell.

Q. She was a woman of rather decided opinions?

A. I beg pardon.

Q. Mrs. Peterson, she had a will of her own, didn't she?

10

A. Oh, yes, she had, and other people's, if you would let her take it, very contrary, disagreeable, of course.

Q. What you would call a positive character?

A. No, sir; very disagreeable.

Q. She knew what she wanted, or thought she did anyhow?

A. But I liked her company just the same.

Q. You used to talk together?

A. Yes, sir; go along up the street together. 20
Then she was a great woman for growing vegetables, and, of course, I had never been accustomed to it and we lived up there in the fields and we had the ground and she had a great desire to give me little lessons on planting and growing vegetables.

Q. When was all this?

A. This was around 1914.

Q. How about 1918 to 1920? Did you see her along there and in 1922?

A. No. Well, it would be, I should say around 30
1920 or 1921, when I saw her the last time.

Q. And where was that?

A. That was in front of Munger and Long's, or Steckers, I should say.

Q. And what occurred at that interview?

A. Well, she came and run and grabbed hold of me.

Q. This was the time she had on the short dress, short skirt?

A. Yes, sir; and she said, "Mrs. Greenwood, won't you speak to me?"

Q. Did she call to you or you to her?

A. No, sir; she came to me.

Q. She seemed pleased about her dress, did she?

A. She thought she was stylish, yes, and she thought she was quite the lady, the first lady of the

10 land.

Q. What?

A. She just imagined she was the first lady of the land, at the time being, and, of course, she asked me how she looked and "Oh," I said, "you look all right." Of course, I knowed she was out of place, but I wouldn't upset her, and then she asked me if I didn't think she would get a beau now.

Q. What did you advise her on that?

A. Oh, I laughed and passed it away and I asked
20 her to come down and see me, because I always wanted to see Mrs. Harris and Mrs. Peterson to come together.

Q. You tried to bring them together?

A. Yes, often I did, and one day she would say she would and another day she wouldn't.

Q. You could never get her to come to her daughter?

A. Well, she decided to go if I would go to the shipyard to see Willie and I didn't know whether
30 he was at the south yard or north yard and I said, "It would be hard to locate him; we might stand there and not find him."

Mr. Stockwell: That is all.

The Witness: And then she was going to go back —

Q. How old are you, madam?

A. Sixty-two.

ELLEN PITT, SWORN.

By Mr. Kellam:

Q. Mrs. Pitt, where do you live? 10

A. I live in Barrington, New Jersey.

Q. And did you know Mrs. Peterson and Mrs. Harris?

A. Yes, I knew them for about thirty-five years.

Q. Where did you formerly live?

A. I lived at 944 Fairview Street, South Camden.

Q. And was that near where Mrs. Peterson and Mrs. Harris lived?

A. Just about half a square. 20

Q. This lady, Mrs. Irvin, on the stand this morning, was your daughter?

A. That was my daughter.

Q. And did you visit back and forth between the households of Mrs. Peterson and your own?

A. Yes, I visited quite a number of times.

Q. Were you intimate?

A. Very.

Q. Now, did Mrs. Peterson talk to you about her affairs? 30

A. Yes, she used to talk to me quite a lot.

Q. And you visited the household?

A. Yes.

Q. Did you know how Mrs. Peterson and Mrs. Harris got along together?

A. They got along very good together.

Q. Always?

A. When I lived there and saw them, why, they got along very good together, then we moved away from there to South Sixth Street.

Q. When was that?

A. Why, I can't tell you just the date, but it's about seventeen years since we moved to Sixth Street. We lived there for a while and while we was living there Mrs. Peterson and her daughter
10 came to our house, from Chicago, and they stayed a couple of nights until they got their own home ready to go into, then they went away. Everything seemed all right and I went to see them shortly after and she says, "We have both made our wills." That was Mrs. Peterson said that.

Q. When was this?

A. Why, about a year after they came from Chicago.

Q. Chicago, 1912?

A. Yes. "We both made our wills and we have made it joint, one to have it when the other dies the other one gets it."
20

Q. Now, did she say anything about what they had done with their money?

A. Well, they were both putting it together and buying houses. They had some on Marion Street and they had some on somewhere down below Broadway—I can't tell you just the name.

Q. During this time, did Mrs. Peterson work?

A. No.
30

Q. Did Mrs. Harris work?

A. Yes, she always worked.

Q. And how did Mrs. Harris treat her mother?

A. Very kind. I never heard her say a wrong word to her mother.

Q. What did she do for her?

A. She used to come home at night, do the house-

work, cook the meals. I have been in there and seen her doing it many a time.

Q. Did you ever have any conversation as to Mrs. Peterson having a cancer?

A. Yes. She came to my house one day on Sixth Street.

Q. When was that?

A. It was about fourteen years ago, and she said she had a cancer and I said, "Why don't you go see a doctor?" but she went away and I didn't see her for a while and when I saw her, she came back, I said to her, "Mrs. Peterson, did you get any better of that cancer?" She said, "Yes, I took soap and water and washed the dirty thing off." That was just the words she said to me. 10

Q. After she left Mrs. Harris, did you see her?

A. Once, on Broadway, about Kaighn Avenue.

Q. When was that?

A. About Kaighn Avenue.

Q. Well, when?

A. About five years ago. 20

Q. And did you talk to her?

A. Yes, I spoke to her.

Q. What did she say?

A. She said—I said, "How is it you are not with Mrs. Harris?" "Oh," she said, "I am rooming." She didn't tell me just where. She never would speak to me if she could avoid it, because, I don't know, she was funny, she was always queer.

Q. On this particular occasion, what was queer about her? 30

A. Why, she said, "I have got all my money in my pocket now and carrying it along with me." I said, "You should not do that, you should put it in the bank," I said, "somebody will be knocking you down and taking it from you." She just shook her

head no, she wouldn't listen to me any more, and then my bus came and I had to go.

Q. How was she dressed at that time?

A. Well, I tell you, I didn't pay particular attention to her dress. I didn't notice it much, because she was always peculiar anyway.

Q. Did she say anything at that time about getting a young husband?

A. Not at that time but she has many other times.
 10 She said, "Don't you think I ought to get a man, making so much money?" Them days were getting \$24 was considered good wage, before the war, and she thought she ought to get a man making that amount.

Q. Now, you had occasion to visit her and be with her a number of times?

A. Well, I used to go once in a while. I didn't go very often. We lived too far away to walk over, after that. Before, when she went to Chicago, I
 20 used to go to see her often.

Q. After she came back from Chicago, did she come to your house frequently?

A. Yes, once in a while, but not too often.

Q. Did you talk to her?

A. Yes, I used to speak to her.

Q. Did you form any opinion as to her condition?

A. She was awfully hard to understand. You
 30 would speak to her and she would think you were saying something else. She was deaf. Couldn't understand her.

Q. When you spoke loud enough so she heard you, did she understand you then?

A. Yes, she understood you, but she was queer all the way through. If I would go vsit when they were together home, I would have to speak up for fear she would think I was talking about her.

Q. Was she of a suspicious nature?

A. Yes; she was very funny. You couldn't make her understand right because she was so deaf.

Q. Well, now, do you think the time you saw her at Broadway and Kaighn Avenue, it was near 1921?

A. About that time.

Q. Did she appear to you to be a sane, rational person then?

A. No, she never was very rational, not in my idea. She was always queer.

Q. Did she appear to be sane on that occasion? 10

A. Well, I tell you, I am not a doctor and I wouldn't like to say, but if I had my opinion I might say she wasn't right.

Mr. Kellam: You are entitled to that opinion. Express it if you wish.

Cross-examination.

By Mr. Stockwell:

20

Q. You knew her for how many years? About thirty-five, I think?

A. Thirty-five.

Q. She was always more or less eccentric?

A. Always eccentric.

Q. Queer?

A. Queer.

Q. She had her own peculiarities and they were rather pronounced? 30

A. She got worse as she got older, you couldn't make her understand at all.

Q. She was very deaf, wasn't she?

A. She imagined you were talking about her. If you were talking to anybody else, she would think you were saying something about her.

Q. That is quite characteristic of a deaf person, isn't it?

A. Yes, it is.

Q. You have known other deaf persons to be the same way?

A. Well, I haven't had much to do with deaf people in my time.

Q. You had extreme difficulty in talking loud enough so she would understand what you were talking about, isn't that correct?

A. Yes.

Q. How old are you, Mrs. Pitt?

A. Sixty-five.

RUTH REDDING, SWORN.

20 By Mr. Kellam:

Q. Mrs. Redding, where do you live?

A. 506 Haddon Avenue, now.

Q. Where did you live a year ago?

A. Why, 445 Haddon Avenue.

Q. Did you know Mrs. Peterson?

A. She had a room with me.

Q. How long did you know her?

A. Well, I have known her about four years.

Q. How long did she live with you?

30 A. From June until January.

Q. That was from June until her death?

A. Until her death, yes.

Q. She was a boarder or a lodger?

A. Only rented a room.

Q. Rented a room?

A. Yes; did her own cooking.

Q. Did you talk to her at that time, have any conversation with her?

A. Oh, yes, every day.

Q. Did she talk to you about her affairs?

A. No, no.

Q. Did she tell you about her family affairs?

A. No; she said she was entirely alone, she had no one at all except herself.

Q. Did you ask her whether she had any children?

A. No, I don't think I ever asked her. She told me she had two babies in England but she didn't tell me where they were or anything, which I supposed they were dead, always, before she came to this country. 10

Q. Did she talk about Mrs. Harris, her daughter?

A. No, I didn't know she had a daughter.

Q. Did you observe her coming in and out of the house and how she acted?

A. Well, she was very peculiar.

Q. What did she do? 20

A. Well, she was of a very jealous nature, for one thing, and full of imagination.

Q. Tell us some instances.

A. Well, she would meet a person on the street and if they didn't just look at her the way she thought they ought to, she would come home and be very angry over it, and I used to talk to her—the church people—and I used to talk to her and tell her I didn't think they even saw her.

Q. Did she say anything about the church people to you? 30

A. Yes, she used to even often talk about them.

Q. What did she say?

A. Well, there was some she liked and some she didn't.

Q. Did she say anything for or against the church?

A. Well, she didn't care very much for Dr. Brock.

Q. Who was Dr. Brock?

A. Our pastor, First M. E. Church. She liked Dr. Hahn, but she didn't care for Dr. Brock.

Q. Now, was she reasonable in her conversations with you?

A. Well, sometimes she was and sometimes I thought she was very unreasonable.

Q. You saw quite a lot of her, did you?

10 A. Oh, yes. Every day I came in contact with her.

Q. Did you see enough of her and the way she acted, to arrive at an opinion as to whether she was sane or not?

A. Well, I couldn't say she was insane but she had very peculiar ways and I don't think she was capable of managing business of any kind.

Cross-examination.

20

By Mr. Stockwell:

Q. Did she tell you what property she owned?

A. She told me when she came to my house she owned two small houses. I charged her six dollars for the room and she told me she wasn't able to pay that, that she was very poor and that she only owned, I think, three small houses and she said, "You know when the taxes are paid and the water
30 rent and things, there's not much left for me to live on," and, of course, through sympathy, I reduced the amount of the room one dollar a week.

Q. She was a pretty good bargainer?

A. Yes, I considered her so, but my sympathy went out to her and, of course, I felt sorry for her.

Q. She was very much alone?

A. Yes, she had no one to visit her at all.

Q. She was very deaf, wasn't she?

A. Yes.

Q. And rather sensitive about that?

A. Very sensitive.

Q. And she didn't always know what people were saying, whether they were talking to her or talking against her? When they were talking, she couldn't hear them?

A. No.

Q. And when she came home to you and spoke 10 about meeting people on the street, did she give you the names of the people she met?

A. Yes, Mrs. Muir was one, and two sisters, I don't know what their names are, two sisters of our church, and she said she met them one day and neither of them spoke to her and she went around another side street and she met them again and they still evaded her, and she goes around—she was a member of the Sunshine Circle—and Mrs. Muir was president of the Sunshine, and she resigned right 20 away because these people hadn't spoken to her.

Q. Her spunk was up, wasn't it? How old are you madam?

A. Sixty-five.

Mr. Stockwell: That is all.

ADA TICE, SWORN.

30

By Mr. Kellam:

Q. Now, Miss Tice, where do you live?

A. 1361 Park Boulevard, Camden.

Q. Did you know Mrs. Peterson?

A. Yes, sir; I knew Mrs. Peterson about thirty years.

Q. Will you keep your voice up? I can't hear you.

A. I knew Mrs. Peterson about thirty years.

Q. Did you know Mrs. Harris?

A. Yes, sir.

Q. Did you visit them?

10 A. Yes, sir.

Q. Did you visit them on Sylvan Street?

A. Yes, sir.

Q. What were the relations between Mrs. Harris and Mrs. Peterson that you saw?

A. Well, they was always very good, as far as I ever saw. Mrs. Harris was always very good and kind to her mother, went to work every day and give her her money to provide for the house, always done the housework, washing and ironing and everything.

20 Q. And did you visit them in the household up until the time Mrs. Peterson left Mrs. Harris?

A. Yes, sir.

Q. After Mrs. Peterson left Mrs Harris, did you see her?

A. I saw her once, about five years ago.

Q. And where was that?

A. That was to my sister's.

Q. Who was your sister?

30 A. Mrs. Peterson visited my sister. She was hurt, and that was about five years ago.

Q. Who was your sister?

A. Mrs. Annie Thropp. I saw Mrs. Peterson on the street but she wouldn't speak to me. She wanted to come to our house to board and we refused to take her and she never spoke to us after that. That was after she visited my sister and she wanted to come to our house and board and we

wouldn't take her, and from then on she never spoke to me.

Q. Did you ever hear any quarreling or contention between Mrs. Peterson and Mrs. Harris?

A. No, sir.

Q. You saw quite a little of Mrs. Peterson?

A. Yes, sir; we lived about two squares from her. Well, before 1915, before we left, we used to be there two and three nights a week and generally every Sunday.

10

Q. After that, did you see very much of them?

A. No, sir; not after she came back from Chicago, but quite a bit before they went away.

Q. Did you see enough of Mrs. Peterson to enable you to say whether, in your opinion, or not, she was a sane woman?

A. I never thought she was, by the way she acted.

Q. What did she do that made you think she wasn't sane?

A. She never would say the same thing twice and she would change her mind and she never thought the way anyone else did. Her opinion was always different from anybody else's.

20

Q. You don't know anything about her after she left Mrs. Harris?

A. No.

Cross-examination.

By Mr. Stockwell:

30

Q. She was a woman of very decided opinions, wasn't she?

A. Yes, sir; I think she was.

Q. And she didn't hesitate to make them known?

A. No, sir.

Q. And her views didn't always agree with other people's views?

A. No, sir.

Q. That is the reason for you believing she wasn't of sound mind?

A. Well, that would be one reason, but she always was a very, very funny sort of woman, in every way, shape and form.

Q. As long as you knew her?

10 A. Yes, sir.

Q. And that was how long, thirty years?

A. Every bit of thirty years. It may be longer but I wouldn't say.

Q. She was always the same, so far as you know?

A. Yes, sir.

MRS. MARY GUEST, SWORN.

20

By Mr. Kellam:

Q. Mrs. Guest, where do you live?

A. 506 Haddon Avenue, I have a room.

Q. You have a room there?

A. Yes, sir.

Q. Did you know Mrs. Peterson?

30 A. Well, I don't know that I can just tell how long I have known her. She had been in the church quite a while where I was.

Q. What church was that?

A. First Church.

Q. First Methodist, in Camden?

A. First Methodist, in Camden. I just knew her to speak to her, and then she had a room with Mrs. Redding, where I had a room. I had a front room and she had a back room.

Q. When was that?

A. Well, she came there in June and she was there until January.

Q. From June to January?

A. From June to January. I lived in the house with her.

Q. Did you talk to her?

A. Oh, yes, occasionally.

Mr. Stockwell: What year?

10

Mr. Kellam: Immediately preceding the death.

The Witness: I talked to her occasionally. We never just agreed.

The Court: What year are you speaking of?

Mr. Stockwell: June, 1925, to January, 1926.

Q. How is that?

20

A. We never just agreed because she was very peculiar in her ideas and she wasn't very sympathetic, so that I didn't very often hold with her, and I talked with her generally, according to my opinion, and sometimes I would convince her and sometimes I wouldn't.

Q. Did she say anything to you about having a daughter?

A. Yes; she put her hand on my shoulder one morning. I had been out and I came in and she was standing in the hall and she said, "Mrs. Guest, I have got a grandson this high." She was standing up.

30

Q. Showing a child about three feet and a half high?

A. Yes. She was just standing up and just went

that way with her arm. I said, "Mrs. Peterson, grandson?" "Yes," she said. "Well, then," I said, "you must have children." "Yes," she said. I said, "Well, where are they, in Camden, living here somewheres? Do you ever visit them?" She said, "No, I never see them." And so by that her eyes filled with tears and I said, "Well, well, you have got children right here in Camden, oh, and don't visit them?" She said, "No," and by that

10 she said, "I can't talk about it today. I will tell you more. It makes me nervous. I will tell you more about it some other time." And I left Mrs. Redding's in about, I think, a couple of weeks, and I never stopped nor opened the conversation with her and I never talked with her anything about it, and when I was away she was killed. She used to sit on the porch and she told me about her former life when she was first married in England, you know, where she had lost her baby and lost her husband, but it never bothered me, never interested me

20 any because I didn't care anything about knowing it, and so I never bothered.

Q. Did she tell you anything about her life with her daughter?

A. No, never said a word. That's the first and only time that I knew she had a daughter.

Q. Never mentioned a daughter otherwise?

A. Never mentioned a daughter any other time.

Q. Now, you had opportunity to observe her in the household there. How did she act?

30

A. Oh, well, I don't know as you can always just tell that. She had her own way and her ideas and her will and she generally had her way about everything, so nobody bothered with her. I never bothered very much with her.

Q. You say you talked to her every day?

A. Oh, some. Passed the time of day.

Q. During the time you were in the house ——

A. Yes, went to church with her several times, Sunday morning.

Q. Were you able to form any opinion as to whether she was sane or not?

A. Well, of course, that isn't a very pleasant thing to say. I am no physician. I couldn't say whether she was crazy or not. I never thought she was able to take care of business and people would say she had so much money, I said, "I don't know 10 how she ever got it," and they said, "Oh, why, she earned it, she worked all the time and she earned the money." "No," I said, "no such woman as Mrs. Peterson never earned the money she had."

The Court: What is this, a neighborhood forum?

The Witness: "And invested it to make it accumulate to make up for the money she had." I have said that to several people in Camden. 20

Q. It is your opinion, not what you said to someone else.

A. I didn't think it was capital.

Cross-examination.

By Mr. Stockwell:

Q. She went to the First Methodist Church here 30 in Camden?

A. Oh, yes.

Q. Was she a member there?

A. Oh, yes.

Q. Were you a member there?

A. Yes.

Q. Mrs. Peterson attended church regularly for services?

A. Yes, pretty regularly.

Q. Did she mingle with the people in the church?

A. Well, she tried to. She belonged to some of our societies and she attended prayer meetings and I had an idea of Mrs. Peterson she tried to be a Christian.

Q. Of course, she was laboring under the handicap of this deafness?

10 A. Very deaf. She had to hold something all the time.

Q. Very difficult to make you hear?

A. Yes.

Q. And she was very sensitive?

A. Yes.

Q. About anything said when she was around?

A. Oh, yes.

Q. You noticed that peculiarity?

A. Oh, yes.

20 Q. You belonged to a Bible class there?

A. Yes, sir.

Q. Did she belong to that?

A. Yes.

Q. Attended regularly?

A. Yes.

Q. Mingle with the people in the class?

A. Yes.

Q. Calling them by name?

A. Yes.

30 Q. Never had any trouble calling your name?

A. No, I guess not. She always seemed to know me well enough. I went back and forth to church with her many times.

Q. How old are you?

A. Eighty years old.

CHARLES PITT, SWORN.

By Mr. Kellam:

Q. Mr. Pitt, how old are you?

A. I am sixty-seven in a month.

Q. Now, Mr. Pitt, you are the husband of Mrs. Pitt?

A. Yes, sir.

10

Q. And you knew Mrs. Peterson and Mrs. Harris?

A. Yes.

Q. Did you visit their household?

A. Not much. I didn't visit them. They used to come to our house.

Q. They used to come to your house?

A. Yes, sir.

Q. How did Mrs. Harris treat her mother when you saw them together?

A. Couldn't be better, as far as I know, couldn't 20 be better.

Q. Couldn't be better?

A. No, sir.

Q. Now, you knew Mrs. Peterson pretty well?

A. I certainly did.

Q. Did you form any opinion as to whether she was sane or insane?

A. Yes, I did.

Q. What was your opinion?

A. Well the old saying is, I think she was bugs, 30 that's all.

The Court: Meaning what?

Q. Meaning what? What do you mean by that?

A. Meaning to say that she wasn't capable of

handling any money or taking care of herself; that's bughouse, as the Dutchman calls it.

Q. From your knowledge, who made the money for the family?

A. Mrs. Harris. Polly Harris, we call her.

Cross-examination.

10 By Mr. Stockwell:

Q. You are the husband of Mrs. Pitt?

A. Yes, sir.

Q. And did you consider Mrs. Peterson always rather peculiar as long as you knew her?

A. Yes, very much peculiar.

Q. How long did you know her?

A. Well, I guess about thirty-five years.

20 Q. And you always thought she was a little bit buggy?

A. Yes.

Q. Is that the word you used?

A. Yes.

Q. You always looked upon her in that light?

Mr. Kellam: Mr. Stockwell, he didn't say that. It might have the wrong meaning. There is quite a difference, I understand, between the two.

30 The Court: Yes, the words are understood in their ordinary acceptance.

Mr. Kellam: He said "bugs."

Q. Well, we will change that to "bugs." You considered she was bugs, b-u-g-s?

A. Yes.

The Court: One might be bugs and not buggy, is that it?

Mr. Stockwell: Yes.

Q. Now we understand each other, and you thought she was bugs from the very beginning?

A. Yes.

Q. You didn't see any change in her from the time you first knew her until she died? 10

A. Didn't see it but I heard of it.

Q. As a matter of fact, she did look after her own business, didn't she? Didn't she manage her own properties after she left her daughter?

By Mr. Kellam:

Q. Do you know or don't you know, Mr. Pitt?

A. Well, I couldn't say for that.

By Mr. Stockwell: 20

Q. Well, you don't know?

A. No.

JOHN W. DANIELSON, SWORN.

By Mr. Kellam: 30

Q. Mr. Danielson, where do you live?

A. At the present time, 2805 Tuckahoe Road, Fairview.

Q. Now, did you know Mrs. Peterson in her lifetime?

A. Yes, sir; I knowed her since she came back from Chicago.

Q. Did you do any work for her?

A. Yes, I did use to do a little bit of repair work in spare time.

Q. Carpentry work?

A. Yes, sir.

Q. And how often did you work for Mrs. Peterson?

10 A. Well, I worked either two or three times for her, doing small odd and end jobs around the house.

Q. You were also a neighbor of hers?

A. Yes, sir; I lived about a square. I lived 862 Fairview at that time.

Q. And did you see Mrs. Peterson and Mrs. Harris together?

A. Yes, sir.

Q. Often?

20 A. Not so very often. I used to go there at nights sometimes to find out from the young lady what she wanted to be done, because she was away during the day and I always was working during the day, too, so sometimes I used to go there at night to find out.

Q. What did you see of the treatment by Mrs. Harris of her mother?

A. Well, I couldn't see nothing wrong in the relationship between them two, as far as I could see.

Q. Did she always treat her well?

30 A. Yes, she always treated her well when I saw her and she always talked well of her mother when she spoke of her.

Q. Now, you did some work for Mrs. Peterson, did you?

A. Well, now, I don't know if it was for Mrs. Peterson or whether it was for the young lady, but they were both together.

Q. Did you have some conversation with Mrs. Peterson about the work?

A. Well, very little, because she was hard of hearing and she didn't speak much and while I was working I didn't have much time to speak either. I generally —

Q. Did you ever have any conversation with her about marriages?

A. No, I never had any conversation but I heard her speak about that to herself.

10

Q. To herself?

A. Yes.

Q. She used to talk to herself?

A. Yes, talked to herself.

Q. What did she say to herself about marriages?

A. Why, she was talking about marriages. She seemed to me she was worrying about married life or something more than anything else.

Q. Worrying about married life?

A. Yes.

20

Q. About her lack of married life?

A. About her past life.

Q. Were you able to form any opinion of her as to her mentality?

A. Why, that's a hard question to answer. Old people gets strange and funny when they get old.

Q. Well, was she strange and funny?

A. Well, she wasn't just exactly funny but she used to talk to herself and seemed to be very suspicious of others and she would say that everybody was trying to do her, and one time I told her by saying everybody that would include herself, so I didn't quite agree with her there and she didn't like that, I could see that, because she walked away.

30

Q. Well, did you think she was sane or not?

A. I don't think at that time she formed an opinion, something wrong, she got the head, someone

was near to her, she got, somebody must have been putting that in her head and she carried that right through, but she didn't say nothing about it to me. That was all my own opinion.

Cross-examination.

By Mr. Stockwell:

10 Q. She didn't talk much about her own affairs, did she?

A. No, sir; she didn't say anything.

Q. Very hard of hearing?

A. Yes.

Q. And was she rather exacting about what you did and the way you did it?

A. No, she was never disagreeable about that, she never found no fault with me on that.

Q. She told you to do things?

20 A. Yes, she told me to do things and how she would like to have it done and she wanted my idea about the matter.

Q. Then, did she follow your ideas or did she take —

A. Well, my ideas was to do my work and she thought about some of her work.

Q. She had ideas of her own, didn't she?

A. Yes.

Q. And she expressed them?

30 A. Yes.

Q. Even about your work, what you were doing for her?

A. Well, she didn't find any fault, not with the work.

(Adjourned to December 8, 1926.)

Camden, N. J., December 8, 1926.

Hearing of the matter resumed at 10 o'clock, A. M., on the above date in the presence of counsel for the respective parties.

ELIZABETH IRVIN, recalled.

Mr. Kellam: If your Honor please, this is the 10 second witness we had the other day, and she is being recalled for a particular purpose.

By Mr. Kellam:

Q. Mrs. Irvin, you have been sworn and testified the other day in this case. How long did you know Mrs. Peterson?

A. About thirty years.

Q. And you knew her from the time you were a 20 young girl up until —

A. From the time I was a small child until her death.

Q. Until her death?

A. Yes.

Q. Now, during that time, particularly in later years, had you any opportunity to judge about the question of her sanity or insanity?

A. Yes, I talked with Mrs. Peterson numerous times.

Q. And what, in your opinion, was she in 1920, or 1921, when you saw her, sane, rational, or insane? 30

Mr. Stockwell: I don't recall that this lady has testified to any conversations with the decedent in 1920, '21, or '22. I may be wrong about it, but that is not my recollection.

The Court: (After argument.) Well, we will allow you latitude.

(Question repeated.)

A. You wish me to answer that just as an ordinary person's observation? I don't pretend to be any medical —

Q. We understand the value of your testimony,
10 Miss Irvin.

A. I should say that Mrs. Peterson's mind was failing. I knew Mrs. Peterson when she was a younger woman, and she was very shrewd, but as she became older her speech became rambling, she could not tell a connected story, she would say things that had absolutely no basis in fact; for instance, she told me one time that she was suffering from a terrible cancer and it had eaten away parts of her body, and later I inquired about her condition and
20 she said, "Oh, I took some very strong soap and washed it all off."

The Court: I think that was in the testimony, wasn't it?

Mr. Kellam: That has already been testified to by her mother.

The Witness: She told me also that her daughter
30 was stealing her money.

Mr. Stockwell: Do I understand that the original testimony is to be repeated?

The Court: No, but I am merely drawing to your attention, gentlemen, the fact that I heard that. I won't say I heard this witness say that, but the

peculiar nature of it was such that I could not help remembering it.

Mr. Stockwell: As I understood the question, it was whether or not in her judgment Mrs. Peterson was sane or insane, and that question has not been answered.

The Court: She said she noticed that her mind was failing as she became older. That was the only answer and it is hardly responsive. 10

Mr. Kellam: Just answer the question.

The Court: I suppose what the lady is trying to do is to qualify herself by giving the basis for that.

Mr. Kellam: That is what I understood her to be doing.

The Witness: Her speech was rambling, she told unconnected stories, and her manner was nervous and irritable; she apparently did not know what she was talking about more than half the time. 20

Q. Now, Mrs. Irvin having answered as you have, can you give us a definite answer to the question that I have asked you?

A. I would say that she was insane.

Cross-examination. 30

By Mr. Stockwell:

Q. You just stated that you didn't think she knew what she was talking about more than half of the time; what do you mean by that?

A. Of course, she would have lucid intervals; insane people always have lucid intervals.

Q. Then you think about fifty per cent of the time she knew what she was talking about and was sane?

A. Possibly that, yes.

Q. That would be your judgment?

A. Possibly that.

Q. That is your honest judgment, isn't it?

A. Possibly so.

10 Q. How many times did you see her in the year 1922?

A. Numerous times.

Q. How many?

A. Well, I should say twenty or thirty times?

Q. Where was she when you saw her?

A. Mostly on the street.

Q. Oh, you met her on the street?

A. Yes, I talked with her on the street.

Q. Was she alone or with other people?

20 A. Alone always.

Q. Always alone?

A. Except when I was talking with her.

Q. In what city was she when you met her?

A. Camden.

Q. Where?

A. Camden.

Q. What part of Camden?

A. I would call it South Camden, below Federal, on Federal and Broadway.

30 Q. Around Federal and Broadway, always about the same place?

A. Always about the same place.

Q. Did you know what she was doing there?

A. Well, no, I didn't know what she was doing, except that I believe that numbers of times she —

Q. Not what you believe; I ask you what you knew.

A. No, she apparently was purchasing her food and such things; she had parcels with her very often.

Q. Very well, when you talked, were you standing on the sidewalk?

A. Yes, on the sidewalk.

Q. On all of these occasions?

A. Yes.

Q. You were standing on the sidewalk?

A. Yes.

Q. How long did the conversations last? 10

A. Well, sometimes she would just speak and pass on; other times we talked fifteen or twenty minutes.

Q. Standing on the sidewalk?

A. Yes.

Q. How about in 1923, did you meet her then?

A. No.

Q. 1924?

A. 1924? Not to talk to, no.

Q. 1925? 20

A. No.

Q. 1926?

A. No, she died in January, 1926.

Q. Well, that would leave a short space in 1926?

A. I saw her six months before her death, that was the last I saw her. Then she did not speak to me.

Q. Then, after 1923, you did not see her—you did not speak to her?

A. Not to speak to, no. 30

Q. Now, take the year 1921, where did you see her then?

A. On Broadway near Federal.

Q. About the same place?

A. About the same place, yes.

Q. All of the time you saw her right on Broadway?

A. Yes.

Q. And how many times did you see her there in that year?

A. In that year? Well, I couldn't tell you definitely; I should say five or six times.

Q. And in 1920, where did you see her?

A. About the same place.

Q. And how many times?

A. Possibly ten or twelve, fifteen times.

10 Q. Always about under the same circumstances?

A. Yes. There were reasons for that.

Q. How about 1919?

A. 1919? Yes, I have seen her about the same place.

Q. About the same place, the same way and the same conversation?

A. Well, no, not the same conversation. I always inquired about her health.

Q. What did she tell you about her health?

20 A. Well, she would always say that she was not feeling so well, she was feeling rather badly and that she had been doctoring. Then she would tell me her story about her daughter having been so bad to her.

Q. Now, on all of these occasions, would you say that she was inappropriately dressed for a woman of her age?

A. On all of these occasions?

Q. That was my question.

30 A. No.

Q. Did you see her inappropriately dressed as you considered it more than the one time you have mentioned to us?

A. No, I only saw her the once in that condition, except that I saw her in a bedraggled condition a number of times, her clothing very much disordered and bedraggled.

Q. Where was that, in the same place?

A. Yes.

Q. She always dressed in black, didn't she?

A. I saw her one time, I remember particularly, with a vivid red waist on.

Q. Was that the time on the street she was inappropriately dressed?

A. No, that was another time.

Q. When you said she was not properly dressed, what did she have on, I mean, her outer clothing? 10

A. She had a little coat which I would think fit for a child of sixteen; she had a dress up to her knees, and a queer looking little hat; of course, I can't describe it.

Q. What kind of hat would you call it—a toque, is it?

A. No, it wasn't a toque, just a queer sort of hat; I don't know where you would find it.

Q. Was it small?

A. Small, yes. 20

Q. Was it the color of the hat or the shape of the hat which did not appeal to you?

A. Well, the general appearance of the hat I didn't like.

Q. You didn't just like it on her?

A. I did not think it was appropriate for her.

Q. You are a married woman, are you?

A. Yes.

Q. Did your husband ever criticise the style of your hats? 30

A. My husband never pays any attention to my clothes; he never knows what I wear.

Q. Well, you have a model husband then.

A. I certainly have.

Q. He isn't like me. Did you, in any of these conversations, talk to her about business?

A. Yes, I have talked to her about business.

Q. What business did you talk about?

A. About her affairs.

Q. Did you talk to her about her houses?

A. Not a great deal excepting that she told me about her having a mortgage on her daughter's home and about her house on Cedar Street—oh, several things in that connection, yes.

Q. She told you about that, did she?

A. Yes.

10 Q. And did you ask her questions about it?

A. No, I don't question people's business very closely.

Q. But you say you talked to her about it?

A. Yes, I listened to what she said.

Q. It was a matter of conversation between you?

A. Yes, just a matter of conversation.

Q. Did she tell you what properties she owned?

A. She told me she had a number of small houses. I also knew—she talked to me about the house that
20 my mother had helped collect the rents for years; she talked about that.

Q. Did she tell you about the properties on Locust Street?

A. Locust? No, I don't recall any properties; I think they were Marion Street.

Q. On Marion Street—did she tell you about those?

A. Yes, she spoke of those.

30 Q. And did she talk to you about the condition of the properties and what to be done with them in the way of repairs?

A. Not a great deal, no; she might have mentioned occasionally things of that sort, but I don't recall that she did.

Q. Now, just what was it in these conversations on the street corner at Broadway and Federal that let you to believe that she was insane?

A. She found continual fault with her daughter, whom I know had been very kind and devoted to her.

Q. What else?

A. Also she found fault with her grandson, William.

Q. How young or old was he?

A. About fourteen at that time, fourteen or fifteen.

Q. An active boy?

A. Yes.

10

Q. A real boy?

A. Yes, a real boy.

Q. What was the fault she found with him?

A. She said he was taking her money, and she had seen her money sticking out of his shoes. Of course, she had left her daughter in 1921, and she told me she had seen these things prior to that time.

Q. Do you know as a fact that that was not true?

A. I do not know as a fact, but I have never seen anything of that sort myself.

20

Q. You were not there when he did anything like that? It might have been possible it was true, mightn't it?

A. It might have been possible, but not likely.

Q. Now, what else was said or done by her to indicate that she was insane?

A. Of course, you know of the occasion she told me of a disease which I knew was impossible to wash off.

Q. I heard what you said, yes. What else?

30

A. Just repeat your question—I don't get what you mean.

Q. What else did she say in any of these conversations you had with her at Broadway and Federal or did she do on these occasions to lead you to believe that she was insane?

A. She was very rambling in her speech; she could not tell a connected story.

Q. Is that word "rambling?"

A. Yes, rambling; she could not tell you a connected story on any subject. If you asked her something she rambled around about it and would tell you one thing and then contradict herself.

Q. All in the same conversation, you mean?

A. Yes, while I was talking with her.

10 Q. Did you ever write to her?

A. No, I never wrote to her.

Q. What else did she say or do in any one of these conversations at Broadway and Federal that would lead you to form that opinion?

A. I think I have told you all that I could. Of course, one cannot tell a person's actions exactly and their manner; her manner was wild, queer..

Q. You mean so as to cause criticism by people on the street or attract attention?

20 A. Yes, sir, I do mean that very thing; people would turn and stare at her as they passed on the street.

Q. Why did you stop and speak to her if she attracted notice?

A. She was an old friend of my mother's; I would stop and speak to anyone —

Q. Did she call you or did you attract her notice?

30 A. Usually I would attract her notice, if I saw her. Sometimes she would stop me, but whichever way it was, I always stood and talked to her if she felt in that way.

By Mr. Kellam:

Q. These conversations that you had with Mrs. Peterson as to her properties, did they occur before or after she left her daughter's?

A. Mainly before. I did not have much conversation about her properties after she left her daughter. She mentioned them occasionally, but mainly she spoke about them before she left.

By Mr. Stockwell:

Q. Now, Mrs. Irvin, I asked you what was said by her in these conversations at Broadway and Federal, and I started at 1922, and went back to 1919, 10 and then forward to 1926, didn't I?

A. Yes.

Q. And I didn't say anything about 1918, at all, did I?

A. No.

Q. And you understood that?

A. Yes.

Q. She was not living with her daughter in 1919, or 1920, was she?

A. No, she spoke to me a great deal more about 20 her properties before she left her daughter, but she also spoke to me about them while she was away from her daughter.

MRS. ELIZABETH HAGGAS, SWORN.

By Mr. Kellam:

Q. Now, Mrs. Haggas, where do you live? 30

A. 846 Tulip Street, Camden.

Q. How long have you lived there?

A. Well, I have lived around there for twenty-five years.

Q. Twenty-five years?

A. Yes.

Q. How old are you?

A. Fifty-five.

Q. And you knew Mrs. Peterson?

A. Yes, sir.

Q. How long had you known her?

A. About sixteen years, when they first moved from Chicago.

Q. When they first returned from Chicago the daughter and her?

10 A. Yes.

Q. Did you visit the house?

A. Yes.

Q. How often?

A. Oh, quite often; I used to go in when I was going to the store, when I was passing to go to the little store, I used to go in there; she called me in sometimes.

Q. What house was this that you were passing?

A. There where Mrs. Harris lived.

20 Q. Where was that, on Sylvan Street?

A. On Sylvan Street, yes.

Q. How many times a week do you suppose you stopped at the house?

A. I don't remember how many times.

Q. Well, once?

A. Yes, about once a week.

Q. Now, did you notice the relations between the daughter and mother?

30 A. No, but the mother told me the daughter had been a hard-working girl and helped her, and she had made a will and left everything to her, because she had always stuck by her, been a good girl and worked and brought her money home.

Q. Was that before or after she left the daughter?

A. Before.

Q. How long before?

A. That was about twelve years ago when she told me that.

Q. That is in 1914?

A. I guess about that time.

Q. That was the year that the war broke out?

A. Well, it was before that.

Q. It was before that?

A. Yes.

Q. Did she say anything about what Mrs. Harris had done to help collect this money? 10

A. Yes, she told me she worked and helped and they both worked together.

Q. Did she say anything else about the money?

A. No, she told me she had properties and where she had them, you know, and everything would be for her daughter when anything happened to her.

Q. Now, did you ever notice anything about her actions?

A. Yes, she did act very queer.

Q. Now, what do you mean by that? 20

A. Well, one time I seen her on the roof plastering the chimney and I thought every minute she was going to fall down; I was afraid to look at her.

Q. And what else did you see?

A. Well, she used to talk very queer, too, see; she hadn't her right mind at times, and she told me she was afraid she was going to lose her mind on account of her hearing was so bad and it was getting worse, and it used to prey on her mind, over her being so deaf. 30

Q. When was it about she told you that?

A. Oh, right after she told me she made a will.

Q. Now, did you notice her condition in 1918, before she left her daughter?

A. No, she was not in very good condition.

Q. What did you notice?

A. Well, she used to talk so funny and ramble,

that she was not talking in her right mind, and also why, my boy and her boy used to be boy friends together, and he came in one day and was crying and says ——

Mr. Stockwell: I object to that.

The Court: The objection is sustained.

10 Q. You can't tell what some one said to you when Mrs. Peterson was not present. Now, was there anything that you recall yourself about Mrs. Peterson's actions before she left her daughter?

A. No, I don't say that I could.

Q. Did you see her after she left her daughter?

A. Yes, I seen her a couple of times on the street.

Q. Did you talk to her?

A. Yes.

20 Q. What was her condition then, mental condition, then?

A. Well, she said she was not feeling very well; that is all she said, and told me where she was living ——

Mr. Stockwell: Madam, won't you speak up a little? I can't hear you.

The Witness: She told me the room she was living in, where she was living at.

30 Q. Now, Mrs. Haggas, from what you saw of Mrs. Peterson, were you able to judge, in your opinion, whether she was sane or insane?

Mr. Stockwell: When?

Mr. Kellam: Shortly before she left her daugh-

ter. Now, will you answer that yes or no and then we will go on.

A. Yes, I thought her mind was affected, the way she talked.

Cross-examination.

By Mr. Stockwell:

10

Q. In 1918, did you visit Mrs. Peterson?

A. 1918? Yes, I did.

Q. After she left her daughter's home?

A. No, I never visited her after she left her daughter's home.

Q. I think you said you saw her in 1918.

A. Yes, but I didn't visit her; I seen her on the street.

Q. Just passed her on the street?

A. No, I stopped and talked to her.

20

By Mr. Kellam:

Q. Was there anything in her actions when you stopped and talked to her after she left her daughter that would lead you to change your opinion as to her mental condition?

A. No, she seemed just about the same to me. She did not look any better than she was; she was very deaf.

30

By Mr. Stockwell:

Q. She was very deaf, wasn't she?

A. Yes.

Q. And she had to wear an acousticon, one of those telephone arrangements?

A. Oh, yes.

Q. And even then you had to speak up in order to make her hear, didn't you?

A. Yes.

Q. And she was sensitive on that subject, wasn't she?

A. Yes.

Q. She was sensitive about her hearing?

A. Yes, she was worried over her hearing, because it was getting worse all the time.

Q. Well, that was quite natural, wasn't it?

A. Yes.

Q. When did you last see her on the street in Camden?

A. I couldn't just remember now.

Q. What year?

A. I don't remember; it is about three years ago, I think.

Q. Well, I would like to have your best recollection on it.

A. That is the best I can give you, about three years ago, and she was at a funeral, going to see a lady buried, an old neighbor; that is where I seen her about three years ago.

Q. An old neighbor of hers?

A. Yes.

Q. Where was this funeral?

A. Fairview Street, it was nine hundred and some, Fairview; I don't know the exact number.

LIZZIE JONES, SWORN.

By Mr. Kellam:

- Q. Now, Mrs. Jones, where do you live?
A. I live 434 South 6th Street.
Q. How old are you?
A. I am fifty-eight; I was fifty-eight the third day
of December. 10
Q. Did you know Mrs. Peterson?
A. Yes, sir; she lived with me.
Q. From when to when?
A. She lived with me from August to June.
Q. What year?
A. 1905.
Q. 1905?
A. No, I guess it was 1904.
Q. 1904?
A. 1904. 20
Q. Do you mean twenty some years ago?
A. Oh, no, just a year before she died.
Q. Then you mean 1924?
A. Yes, 1924, that is right; I got my dates twisted.
Q. Now, Mrs. Jones, did you know Mrs. Peterson
before she came to live with you?
A. No, sir, I never saw her before.
Q. Did she board with you or lodge with you or
how?
A. She only lodged with me; she had a room. 30
Q. She was a lodger?
A. Yes.
Q. Did you have any conversation with her?
A. Yes, she told me she didn't have no one here
in America.
Q. Keep your voice up.
A. She had nobody here in America; she buried

her husband and two children in England; she came here to America and got acquainted with a lady that she worked with, and they worked together and put their money together, and they bought a property down at Fairview, and she said after she got disabled from work, this lady started to rob her, and she took all she had, and she said, "I had to leave that lady, Miss Jones," she said, "or I would have killed her." I said, "Why, Mrs. Peterson, a Christian woman like you are and kill anybody?" She said, "Yes, I would have murdered her." I said, "Why, I am surprised at you." She said, "I am not as good a Christian as you think I am." I said, "You are not?" She said, "No." Then, on another occasion, she came in and said that Germans down Fairview pointed her out and said, "There she goes, there she goes, she has got plenty of money," and I said, "Now, Mrs. Peterson, nobody would do like that on the street." She said, "Yes, they do; you don't know." Then, one day she came home from church, and she said she had been pointed out in church and they said the same thing, she had plenty of money, and I said, "Now, Mrs. Peterson, maybe they were not pointing at you." She said, "Yes, they were, they were pointing right at me."

Q. Now, did she say anything about the church or the pastor of the church to you?

A. Well, then she left my home and she left on a Friday when I was not at home—I got out to work on Friday—and she left my front door open, so when I met her one day here on Federal Street—she was looking in Brown's window—I walked up to her and I said to her, "Mrs. Peterson, why did you leave my home the way you did and leave my front door open? Why didn't you wait until I came home?" "Why," she said, "Dr. Brock told me to

leave your home; your home was not fit to live in.” I said, “I shall go to Dr. Brock and ask him what he knows about my home.” She said, “Don’t do it, don’t do it for my sake, Mrs. Jones; he didn’t say it.” I said, “You just said he said it.” She said, “Well, don’t tell him; I won’t go to church any more if you do.” I said, “Now, is it true or isn’t it?” She said—she turned around, and she said, “I don’t know whether it is or not, Mrs. Jones; it was spoken about in the class.” I said, “Is that what they teach you up at First Church, to talk about the other members when they are not there?”

Q. Did she make any reply to that?

A. She said, “Well, I don’t know how it came out about you.” “Well,” I said, “anything you don’t know nothing about you oughtn’t to say,” but she said, “You won’t tell Dr. Brock, will you?” I said, “I will think about it.”

Q. Did you know who Dr. Brock was?

A. Yes, he is my pastor.

20

Q. Pastor of what church?

A. The First M. E.

Q. You are a communicant of the First M. E. Church?

A. Yes, I am a member of the First Church.

Q. Now, Mrs. Jones, did you notice Mrs. Peterson’s way of life when she was living there with you?

A. Yes.

Q. Well, what did you notice that was unusual?

30

A. Well, she wouldn’t change her clothes without I got right after her; you would have to get right after her to make her take her clothes off and wash them.

The Court: Keep your voice up, madam.

The Witness: And she wouldn't let me wash them or she wouldn't let me go in her room without she was there.

Q. And what about her eating?

A. Well, she ate with me on Sundays; then, if she would come in and I was eating, I always invited her to take what I had; I always shared with her, but if she wasn't there I never waited for her.
10 Really, she didn't board with me.

Q. I understand. Do you know anything about the way she fed herself while she was there with you?

A. Well, she never bought very much; she used to buy cheese most of the time, she would melt it and put that on bread. She would say, "You never have nothing; you buy too much butter." Well, she put the cheese on for the butter.

Q. Now, you had an opportunity to see her quite
20 often during this period?

A. Well, yes, she was there in my home and I was home three days a week, and, of course, I saw her every day.

Q. How long was it before her death that she left your house?

A. Well, she left my house in June and she died in January.

Q. Now, from what you saw of her, were you able to arrive at any conclusion as to whether this lady
30 was sane or insane?

A. Well, I didn't think she was altogether right; that was my opinion.

Cross-examination.

By Mr. Stockwell:

- Q. You say she was not altogether right?
A. No, she did not seem to be right.
Q. Well, what percentage of right was she?
A. Well, anybody that would do anything like that would not be right, would they, say a thing and then contradict themselves? 10
Q. I just want to get your judgment; this phrase "altogether right" is not very clear.
A. Well, that is the reason I thought she was not right.
Q. Do you say she was insane?
A. Well, yes, she was insane.
Q. All the time she was with you?
A. All the time she was with me.
Q. Then, why did you keep her there? 20
A. Well, she was an old lady, and I didn't like to put her out in the world with nobody to take care of her.
Q. Why did you take her in when she first came?
A. She was brought to me by Mrs. Lawrence and recommended.
Q. How soon did you discover that she was insane?
A. Well, she was not there very long before I noticed —
Q. Did you discover it right away? 30
A. No, not right away.
Q. Why didn't you discover it right away—didn't these things appear to you right away?
A. No, I did not notice it right away.
Q. How soon did it appear after she arrived at your home?

A. Well, I couldn't tell you; I didn't just notice it right away. Of course, I never knew her.

Q. Well, how soon, a week, a month?

A. Well, she was there a week, maybe a couple of weeks, before I noticed that she was not just in her —

Q. Then, didn't you make your plans to get her out?

A. No, I didn't make any plans to get her out.

10 Q. Why didn't you do it—you did not want to harbor an insane person, did you?

A. Well, she was harmless, she wouldn't harm you, I don't think she would.

Q. How do you know she wouldn't? You say she was insane.

A. Well, I thought she was harmless.

Q. Have you other boarders there, lodgers?

A. Yes, I have got other lodgers.

Q. You have some regard for them, haven't you?

20 A. Yes, sure.

Q. You would not want your place advertised as a place that harbors insane persons, would you, or lodgers?

A. No, if I had known her very well I wouldn't have taken her in.

Q. Now, she spoke to you about leaving your place?

A. Yes.

30 Q. She said Dr. Brock told her to leave—that is the statement you made?

A. Yes, Dr. Brock told her to leave; then she contradicted it.

Q. Then you called her attention to that fact and said you were going to Dr. Brock?

A. Yes, I was going to go to Dr. Brock.

Q. Then she contradicted herself and said Dr. Brock didn't tell her?

A. Yes, it was told in class; she contradicted herself.

Q. Would you consider that evidence of insanity?

A. Why, sure; would you get up and say a thing and then get up and contradict yourself?

Q. I don't know; I have been accused of that probably some time. Now, you say that you are a communicant in this First Methodist Church?

A. Yes.

Q. Do you attend regularly? 10

A. Well, I go on Sunday evenings; I don't go in the morning, because my home requires me home.

Q. Did you attend every Sunday?

A. No.

Q. I am not questioning now the bona fides of your attachment to the church; don't misunderstand me, I just want to find out how regularly you attend.

A. Well, I don't attend regularly; I won't say that I do because I don't. 20

Q. You know Mrs. Peterson attended regularly, don't you?

A. I know she did.

Q. While she was there?

A. Yes.

Q. Did you take her to the church?

A. No, she went by herself.

Q. Didn't she need any assistance?

A. No assistance then.

Q. Did she come home by herself? 30

A. She came home by herself.

Q. Well, did she attend more than once a day?

A. Yes.

Q. Went in the evenings, too?

A. Yes, evenings and afternoon.

Q. And came home herself, did she?

A. Yes.

Q. And went there?

A. Yes.

Q. Now, as a matter of fact, do you know how she met her death?

A. Yes, she was killed by an automobile, wasn't she, knocked down on Broadway?

Q. Yes, you know that to be a fact, don't you?

A. Yes, I know that to be a fact.

Q. She was killed in the street?

10 A. Yes.

Q. She was on her way to church, too, wasn't she?

A. Yes, she was; I don't know whether she was going to church or coming from it, of course, I never heard that part of it.

WILLIAM C. FRENCH, ESQ., SWORN.

20 By Mr. Kellam:

Q. Now, Judge French, you are a member of the New Jersey bar?

A. Yes, sir.

Q. And have been a practicing attorney in the State of New Jersey for how long?

A. I wouldn't know without counting up.

Q. A good while?

A. Over twenty years, I guess, over twenty-five.

30 Q. Over twenty-five years? Now, did you ever have a visit from Mrs. Peterson and Mrs. Harris and Mrs. Irvin?

A. Yes, more than one.

Q. When was the first one that you had?

A. In 1921.

Q. 1921?

A. Yes.

Q. And what was the occasion of that visit to you?

A. A prospective foreclosure of a mortgage.

Q. A mortgage held by whom?

A. By Mrs. Peterson.

Q. On what property?

A. Somewhere in North Camden.

Q. Do you know who owned the property on which this mortgage was held?

A. I suppose I did then. I think it was probably 10
a property that one of the parties who came to see me was living in.

Q. I see. Now, did you have any extended conversation with Mrs. Peterson at that time?

A. Yes.

Q. What was that about?

A. Well, she wanted the mortgage foreclosed, and then there were several conferences between the parties there, and then in a few minutes she decided that she did not want it foreclosed, and then I was 20
at a loss to understand her attitude. I took occasion to ask her several questions, and I said, "Now, you are certain that you want this mortgage foreclosed, do you, against this party?"—a relative. She said, "Yes." I said, "In other words, you decline to have it foreclosed?" and she said, "That is right." I said, "That means you don't want it foreclosed?" She said, "That is right." I said, "Well, shall I start it at once?" she said, "Yes, you can begin at any time." My brother was there at the 30
time. So I decided that I did not want anything to do with it.

Q. Did she come back again to see you?

A. Yes, she came back again afterward in a couple of days; then she wanted the foreclosure started, and I went through the same formula, and as fast as she said she wanted it foreclosed she de-

nied it. That is a way I have when I am in doubt of people's capacity; I had one just before that.

Q. Now, at that time, did you feel you were able to pass on the question of whether she had mental capacity or not?

A. Well, I felt so at that time, and then later it was reinforced; she came in months afterward again, and then she wanted a will drawn.

Q. Yes.

10 A. And I asked her about what disposition she wanted to make and there wasn't anything positive or certain about any of it, and I declined to do it.

Q. Well, in your opinion at that time was she in such a mental state that she was competent to make a will?

A. Well, I declined, because I thought she was not, to either foreclose the mortgage or draw a will for her.

Q. And this was in the year 1921?

20 A. Yes, and then in the early part of 1922 she was there again.

Q. And did you have further conversation with her about matters then?

A. Yes.

Q. What was the nature of that conversation?

A. That was about a will.

Q. Oh, it was early in 1922 that she came to you about a will?

A. Yes.

30

Cross-examination.

By Mr. Stockwell:

Q. What time in 1922, Judge?

A. The early part of it, in some of the early

months; I couldn't specify the month now; I didn't make any note of it.

Q. She wore an acousticon, didn't she?

A. I beg pardon?

Q. One of these acousticons?

A. Wore what?

Q. Did she wear one of these acousticons to aid her hearing?

A. She was quite deaf.

Q. Very difficult to make her hear, wasn't it? 10

A. Not hard; I managed to make her hear.

Q. Do you know whether she had on this acousticon at the time she visited you?

A. My impression was that she had.

Q. That she had?

A. Yes.

Q. Did you see her after this last visit, this visit in 1922, the early part of 1922?

A. I saw her somewhere about March or April, that was about the will. 20

Q. When she came in the first time, was she alone or with other people?

A. She had other people with her.

Q. Who were they?

A. Mrs. James Irvin, for whom I was trying a case at that time, and I think Mrs. Harris; they were introduced to me by Mrs. Irvin.

Q. And who accompanied her the second time, if any one?

A. I don't recall.

Q. Do you know whether she was alone or with somebody else? 30

A. I won't be positive about that. The only graphic picture I have is my declining to do what she wanted, and the impression I got of her condition at that time; that was firmly fixed. When she came in the last time, there was somebody with her,

but I can't say who it was; it was not the parties who had been with her before.

Q. When she was talking to you about the mortgage, did she realize that she had a mortgage—she knew she owned a mortgage, did she?

A. Well, she wanted me to foreclose a mortgage.

Q. And she wanted you to foreclose it?

A. Yes, I didn't ask her whether she knew it or not, because I supposed the paper spoke for itself.

10 Q. She told you she wanted to foreclose the mortgage?

A. Yes.

Q. Did she bring it with her?

A. Yes.

Q. Did she leave it or take it away?

A. She took it away; she wanted that done on three separate occasions, and as often as she wanted it done, then she didn't want it done within a couple of minutes each time, and under those conditions—

20 Q. Was this mortgage on the daughter's property?

A. I think so.

Q. It was on the daughter's property, Mrs. Harris, wasn't it?

A. Yes.

Q. What did the daughter have to say about it during these conversations?

30 A. Nothing, only I spoke to the daughter and asked her what it meant, that this woman did not know what she was about. I had a man only two days before who lived at Watsontown in this county, had been sent to me by Mr. Knight, and he wanted a deed made conveying his property away, and I said, "You want to convey all of this property to these folks?" He said, "Yes." I said, "In other words, you don't want to part with it?" He said, "That is right." He did that several times, and I

said, "I won't make the deed." So, coming right on top of that, this lady came in and took the same course of procedure.

Q. You did not draw any will for her?

A. No, I did not think that it was best.

Q. At the time that she came about the will, was she alone or with some one else?

A. You asked me that a minute ago. I answered the best I knew how. I am not very clear about it. My impression was, I told you I thought some one was with her, but I did not know who. 10

MRS. MARIAN HARRIS, SWORN.

By Mr. Kellam:

Q. Now, Mrs. Harris, you are the daughter of Mrs. Peterson? 20

A. Yes.

Q. And the lady who filed this caveat in this proceeding?

A. Yes.

Q. How many children did your mother have?

A. Well, I only know of two, but some people told me she had a great many more, but I never knew of them.

Q. Where were you born?

A. In England.

Q. And when you came to America, who came with you? 30

A. Well, my mother put me in a home when I was a little girl, and this home sent me to America.

Q. Well, did your father ever come to America?

A. My father died when I was six years old, and I was about seven when I was put in this home, and

then—well, the earliest recollection of my mother after that, I was eleven when my mother came to this country, and at that time I was working, helping out on a farm, doing little things, I suppose, for my food and so forth. The people were very kind to me, I remember that. Then when mother came, she said, "You are able to earn money now," and she took me away from those people and she and I worked.

10 Q. And you lived together from that time?

A. From that time on, forty years I lived with my mother.

Q. How old are you now?

A. Fifty-one.

Q. What did you do with your money from the time you went to live with your mother, that you earned?

A. Well, when I went to live with my mother, I was a child, you know. Well, I worked and made a dollar and a half a week, that is what I earned. My mother was a woman around thirty or thirty-three, something of that sort, or thirty-five; she earned four dollars and a half a week, and we lived on that, and that was every cent we had to live on.

Q. How long did that condition continue?

A. Well, as I got older, of course, I earned more money, a great deal more, and mother earned more later on, but never very much wages; in mother's worktime they didn't make much wages.

30 Q. What wages did your mother make?

A. Six dollars was considered very, very good.

Q. Did your mother make that?

A. Yes.

Q. Now, when you became of age, did you leave your mother?

A. No, I always lived with mother.

Q. And what did you make after you became of age?

A. Oh, well, when I was a girl of eighteen I had a very good position. I learned glove making—I am a glove maker—and glove making is about the best trade open to women even today of all the trades, about the best paying trade. When I was a girl of eighteen I had fifteen dollars a week; when I was twenty I had a steady salary of fifteen dollars a week. That was a great deal more than lots of men 10 who worked in the factory with me made.

Q. Now, you continued to live with your mother?

A. Surely.

Q. Did you use your wages for yourself?

A. Well, my wages had to go to keep house, because between us one could not keep house without the other. Mother at no time made enough money to keep a house over her head. Before I made any kind of wages at all, we had two rooms and one room; I never remember having a home to live in 20 until I was a girl around eighteen years old and was earning enough money to help support it.

Q. How old were you when you were married?

A. Twenty-seven.

Q. And you married—what was the man's name?

A. William Harris.

Q. And did you then go to live in a different place than you lived before?

A. Yes, I went to live at 709 Elm Street, and we lived there, I guess, maybe ten months. 30

Q. Who bought the house at 709 Elm Street?

A. Why, I had a building and loan; I withdrew the money out of this building and loan, and paid, I think it was—I think it was six hundred dollars and something the building and loan amounted to, and I paid the money on this house at 709 Elm. It was a new house, just built at that time.

Q. How was the rest of the money obtained?

A. On a mortgage, and we had to take a second mortgage, and, I don't know, some other woman had the first mortgage, not mother, some other person.

Q. Now, let's finish that up. How long did the other woman hold the first mortgage?

A. Why, she held the first mortgage for, I guess, until about eighteen years ago.

Q. Then what became of the first mortgage?

10 A. Why, mother took it.

Q. Your mother took over the first mortgage?

A. Mother had sold a property and she took it.

Q. Now, when you were married, did you stay here in Camden?

A. Why, for about a year.

Q. Then what happened?

20 A. Then we moved to Chicago; my husband got out of work; it was during 1906, or 1907, when the panic was, and work was very bad. He got a position in Chicago and went to Chicago and rented this house.

Q. Did your mother go with you?

A. Not at that time; she went a year later.

Q. She lived with you then in Chicago?

A. Yes.

Q. Did she work in Chicago?

30 A. She worked just a little. Mother hasn't worked very much for the last twenty-seven years, just spasmodically, here and there a little bit. She did not seem to be able to stick at anything that would amount to very much.

Q. How long did you remain in Chicago?

A. About six years.

Q. Then what did you do?

A. Then we returned to Camden.

Q. In the meantime, what had happened to your husband?

New Jersey State Library

A. Well, he and mother didn't get along. I wasn't going to tell this, but he and mother didn't get along, and, of course, he went away. I couldn't leave mother, and I stuck to mother.

Q. You got a divorce?

A. Yes, sir.

Q. Then you and your mother came back to Camden?

A. Yes.

Q. Together?

10

A. Yes.

Q. Where did you go to live?

A. 907 Sylvan Street.

Q. Where is that?

A. South Camden.

Q. When was it that you came back—what year did you come back from Chicago?

A. 1911, I think 1911.

Q. After you returned from Chicago, did you and your mother live together?

20

A. Yes, sir.

Q. And was your mother employed in any way?

A. No, sir.

Q. Were you employed?

A. Oh, yes.

Q. What did you do?

A. Well, I told you I am a glove maker, and of course I had that kind of work at a department store.

Q. What were you making at that time, a week?

30

A. Eighteen to twenty-five dollars.

Q. And what was done with the money?

A. That was used to run the house and keep things going, and I made a great deal more money than that, because I got work from other stores at home, and did it at night.

Q. What was done with that excess money?

A. It all went into the family money. Of course, it suited mother to have the money and let her think it was hers and have charge of it; it kept peace in the family.

By the Court:

Q. What do you mean by "went into the family"?

A. To run the house, pay expenses.

10 Q. I know, but what became of the physical possession of it? Assuming you made eighteen or twenty-five dollars a week, did you keep the possession of it, or what?

A. No, I did not.

Q. What did you do with it?

20 A. I gave mother so much to run the house with, whatever it was, and then I paid some of the bills and mother paid some of the bills, just as far as this money went, just as far as it would go. On our return from Chicago, mother had sold a house, the property here on 5th Street, and then we invested that, and sometimes we used some of that money, but not very often; that was supposed to accumulate.

By Mr. Kellam:

Q. Well, was that money invested in your name or your mother's name?

30 A. No; I bought properties, but they were joint title; mother never even saw the property; she never bothered about money matters: she didn't care whether it was yours or mine or whose it was. That never was mentioned in our home.

Q. And the title to the properties that the excess money was invested in was put in your joint names?

A. Yes.

By the Court:

Q. What property was that?

A. We bought six properties on Locust Street and three on Marion Street.

Q. And those properties, those nine properties were in your joint names?

A. Yes.

By Mr. Kellam:

10

Q. Mrs. Harris, these properties that were bought on Locust and Marion Street, where did the money come from to buy them?

A. Well, part I had saved in Chicago; you see, in Chicago I kept house and mother lived with me and I made gloves home; my boy was little and I couldn't go out to work then, I had to look after him; I made gloves home, and part of that was money that I had saved, been able to save, and part of it was money that mother got from selling this house, 211 North 5th Street, Camden. 20

Q. How much did she get from that?

A. Three thousand dollars cash on that and the rest was on mortgage.

Q. Now, let's go back to the house on 5th Street in Camden; where was the money obtained to buy that?

A. Well, I had to help buy that, too; of course, I had to help keep that up. Mother was in a building and loan on that, and she thought that if we had this house she could rent rooms and not go out and work any more, it would make it easier for her, and we could get along that way. 30

Q. How large a house was it?

A. It was a very large house, 211 North 5th.

Q. How many rooms?

A. Why, it had fourteen or fifteen rooms.

Q. Fourteen or fifteen rooms?

A. Yes.

Q. How much was paid for that house?

A. I think \$3500.00, but I think there was \$2500.00 on mortgage or \$2800.00 on mortgage, and it was an installment mortgage.

Q. Now, whose money paid off the installments of the mortgage?

10 A. Well, mine mostly, because as the installments came due then I took a lot of work home and did extra work at nights home; from this position I had, I was in a position to do that, and whatever was accumulated when the interest-bearing period came around was paid off on this mortgage to make the expenses of running the house less.

Q. In whose name was the 5th Street house?

A. Mother's.

Q. In your mother's name?

20 A. Of course, I was a girl then when that was purchased.

Q. Were you under age?

A. No, I guess I was twenty-one when that was purchased, twenty or twenty-one.

Q. When you returned from Chicago, then your mother had some money that had been gotten from the sale of the 5th Street house?

A. Yes.

Q. And you were earning money?

30 A. Surely.

Q. And it was the proceeds of those two sums that were invested in these properties?

A. Yes.

Q. Now, did you have any agreement with your mother as to how this money was to be held?

A. Well, I was going to invest on my own account, see, what little bit I had that was my very own, and

mother said, "Don't do that, you take this money we got from the 5th Street house and do it together, because," she said, "it is all one any way and we will need all the income we can get to live on and suppose you do that," and I said, "All right."

Q. Now, on your return from Chicago and after this investment, was there any arrangement made as to what should become of the properties and your money after the death of either one of you?

A. Yes, assuredly; just as soon as we purchased these properties—we purchased them through Burr-Smith Company in Camden—immediately after that mother and I made a will at mother's suggestion in each other's favor, not because we didn't trust each other, but it was for protection in case one passed away and left the other, left my little boy; he was just a little fellow then, about six years old.

Q. And what were the relations between your mother and yourself at that time?

A. My mother was always a very kind, loving mother; she loved me dearly; I don't think any mother ever loved her child better than my mother did me.

Q. Mrs. Harris, did you ever have any difficulties or quarrels with your mother?

A. No, not ever. Mother was peculiar, but I understood her peculiarities and catered to them. I am not a person—I don't think I ever had a quarrel with any one in my life; I don't quarrel.

Q. Now, you continued to live together in the property on Sylvan Street?

A. Yes.

Q. From some time in 1911 until when?

A. Well, I lived there until 1919; mother left me in 1918.

Q. Now, prior to your mother's leaving you, was there any difficulty between the two of you?

A. No, but mother's mind failed and when that went — No trouble if you mean like fussing, nothing like that, you know, but her mind went, you know, and she would accuse me of different things and doing different things that I know no sane person would do, and even my mother wouldn't do it, not to me.

Q. What did she accuse you of, Mrs. Harris?

A. In the first place, she loved my boy very, very
10 dearly, very dearly, and then she would turn against the child so much that she would beg and beg me to send him away, send him away to board; she couldn't stand the sight of him. I knew that that was —

Q. How long prior to her leaving you was it that she turned against your boy?

A. That was in 1917, or 1916.

Q. Well, prior to 1916, what were the relations between you and your mother?

A. Oh, all right, just the same as they had ever
20 been.

Q. Did you notice any of this turning against you?

A. Oh, yes, in 1915 mother got very, very childish; she thought she was the daughter and I was the mother; she used to ask me if I didn't remember this and this one she used to play with when she was a little girl. I said, "No, mother, I don't remember that." She said, "You ought to, I saw them plenty of times." She seemed to think the relationships
30 were reversed, that I was the mother and she was the daughter, and she was so dependent on me for everything, for everything, food for her mouth, clothes for her body and all the comforts; she was so dependent on me.

Q. Now, Mrs. Harris, did this condition improve or grow worse?

A. It grew worse. It was not always money and

it was not always the child and myself; it was just little things at first, then finally it got to the boy and then to myself.

Q. What did you do about your mother's condition?

A. I did not know what to do. I would say sometimes to different people, "I think my mother's mind is going," and they would say, "Oh, no, she is just getting old," but she doctored, and she knew herself there was something wrong. She would say, "If I don't get better, something is going to happen; something will happen if I don't get better." So I said, "Well, mother, it is all your nerves; suppose I take you over to see a nerve specialist? You have seen different doctors and they don't seem to do you any good." I heard of a good nerve specialist from one of the fellow-working girls. She said, "All right, I will go." So I did not know Dr. Gordon was a neurologist when I took her to him; I just thought he was a nerve specialist and could treat her nerves or tell me what to do or possibly give her some treatment that she had not had. That is how she came to go to Dr. Gordon. 10 20

Q. You took her to Dr. Gordon?

A. Yes, I took her.

Q. Were you present during the examination?

A. Yes, I made an appointment over the phone, found out what office hours he had, and I said, "Well, would you see my mother if I took her?" He said, "Certainly, if you bring her between these hours." That is how she came to know him. 30

Q. You were there during the entire examination?

A. Yes, the entire examination.

Q. What did Dr. Gordon do?

A. Well, of course, he asked me about her. First I said mother was very deaf, but if you faced mother she would always understand what you said, because

she could read your lips if you faced her, she could hear you; you could not fool her if she could see your lips move; so I turned away and told him how hard she was of hearing and how she acted, and I told her I had brought her there to see if he could help her. He said, "One minute; I will examine her." So he examined her, and seemed to know how to draw her out and make her say things she had said to him but would not say to every one, you
 10 know, and after a little while he said, "Don't pay any attention —"

Mr. Stockwell: I object.

Q. Don't tell what Dr. Gordon said to you, but what Dr. Gordon said to your mother and what replies your mother made; I would like to have your testimony.

A. He examined her, you know, her head and
 20 forehead and neck and knees, and then he asked her to count. Well, she did not count; she stumbled all over herself; she didn't count right. Then I don't just recall exactly the things he did ask her to say. He asked her if she knew what date it was, but I don't think she did know.

Q. Did he ask about the day of the week?

A. I think he did ask her the day of the week.

Q. And was the answer correct?

A. It was not correct, because it was Sunday I
 30 took her over, and I think she said it was Monday or Saturday; I am not sure about that.

Q. Now, what else do you remember about that examination of your mother's?

A. Well, he told me that the woman was insane. He said, "Take her home and put her to bed and I will come and see her."

Q. Did he come to see her?

A. Yes, but I said mother had just been in bed two weeks previous.

Q. Did he prescribe any treatment?

A. Yes, he prescribed.

Q. Who gave her that treatment?

A. No treatment, just medicine.

Q. Well, who gave her the medicine?

A. I did.

Q. Who bought it, whose money?

A. Well, I guess it was my money.

10

Q. Your mother was not working then?

A. Oh, no.

Q. Now, did your mother collect the rents from her houses?

A. Well, we had an agent who collected them mostly, you know, and then there was not very much coming in some months; some months there was so much to be done, and the people didn't pay, so she said, "Well, suppose you collect them and then we will save that commission, we will have a little more."

20

Q. That is you, meaning yourself?

A. Yes.

Q. When was this?

A. Oh, this was long before; this was 1914, or 1915, I think.

Q. Then did you collect the rents after that?

A. Yes.

Q. For how long?

A. I collected the rents from that time until 1917, 30 I think; I think it was 1917.

Q. Then who collected them after that?

A. Then, of course, she said she wanted an accounting, that I hadn't given her the money; I kept the book so we would know what came in and what went out, you know. Then she went back to Burr-

Smith, who was the man who had this previously, and told him that he must do it.

Q. Do you know whether Burr-Smith collected after that?

A. Surely; I believe he does yet; I believe so.

Q. Now, Mrs. Harris, do you recall going with your mother to Judge French's office?

10 A. Yes, mother was there; I did not go with mother; mother was there. Judge French had wrote me a letter saying something about she wanted to foreclose this mortgage on which the interest and so forth had amounted to — The mortgage originally was for fifteen hundred dollars, and I believe with interest and all and this rent from this house went with the other rents, continued, you know —

Q. Now, just one moment. You rented the house on Elm Street?

A. Yes.

Q. That is the house that stood in your name?

20 A. Yes.

Q. Purchased with your money?

A. Yes.

Q. In which you had lived after you were married?

A. Yes.

Q. Is that the house upon which your mother had taken over a first mortgage?

A. That is the house, yes.

30 Q. Now, after your mother took over the first mortgage, did you pay her any interest on that mortgage?

A. Until we came back from Chicago I did, and after we came back from Chicago and we bought these properties together and the rents were collected, they all went in together. I said, "Mother, do you want me to keep the Elm Street and pay you the interest or let it go in with the other, because,"

I said, "if I do that, I can save the rent and pay off the mortgage eventually." She said, "No, what is the difference; it is all together; what is yours is mine and what is mine is yours, and why bother about the interest? I get the rent; it goes in with the rest of the rents," and, of course, if it was satisfactory to mother it was to me.

Q. Let me get that clear. Was the Elm Street house rented?

A. Yes.

10

Q. To strangers?

A. Yes.

Q. Not to yourself or anything?

A. No.

Q. And the rent that came in, what was done with it?

A. It went in with the rest of the rents that were collected each month altogether.

Q. How were the taxes paid?

A. Altogether, too; we had a joint account at the Camden National—is that Broadway and Sycamore, is that the Camden National? Well, Broadway, anyway, Broadway and Sycamore Street, that bank, I think it is the Camden National; we had a joint account there, and then as rents were collected I went each week and collected what I could —

20

Q. The rent from the Elm Street house went in with all the others?

A. Yes. Well, I didn't ever collect that rent; the man sent a check to the house for that.

30

Q. And you did not pay any interest on this mortgage?

A. Not on this mortgage.

Q. After the rents were put into the common pot?

A. No.

Q. Now, you say you had this letter from Judge

French and in response to that letter, what did you do?

A. Went to see him.

Q. Who did you go with?

A. On my way up to see him I met Mrs. Irvin on the train and showed her the letter.

Q. Was your mother with you?

A. No, my mother was at Judge French's; she had left me, mother had left me before that; that
10 was after mother left me.

Q. After you got to Judge French's office, was your mother there?

A. Yes, once.

Q. Once?

A. Yes.

Q. And was there any conversation between Judge French and your mother at that time that you heard?

A. Well, not that I heard, because I think he had
20 talked to her, had spoken to her previously. As soon as he saw me, he wanted to know what I had been doing to my mother to make her have this attitude.

Q. Then you were not present at the time Judge French talked to your mother about this matter?

A. No, sir.

Q. Now, as a result of that interview at Judge French's office, what did you do?

A. I told him just the facts in the case and Mrs. Irvin was with me, and, of course, he knew Mrs.
30 Irvin, and knew that she vouched that what I said was true.

Q. I see. Now, what did you do?

A. He said he would have no — What did I do?

Q. Yes, what did you do? Judge French has testified here he would have nothing to do with the matter; what did you do after that?

A. About this mortgage?

Q. Yes.

A. Judge French said, "Under the conditions you should have that mortgage paid off, take it away from her, because if you do not, you will have some trouble with it; she will find some one who will foreclose it." I said, "Who will I go to?" —

Q. Well, let's get down to what you did.

A. I went to Mr. David Goff and asked him if he would arrange that mortgage so it could be taken 10 over, see, transferred.

Q. Was that done?

A. That was done.

Q. What was done with the money?

A. I gave it to mother, paid it over to her.

Q. The money for that mortgage was handed over to your mother?

A. And the interest, she made me pay interest for all those years.

Q. How much was that?

A. Twenty-one hundred and some dollars, for a fifteen-hundred-dollar mortgage. 20

Q. In other words, you paid not only principal but the interest?

A. Yes.

Q. Had the rents from the house been paid into a common pot up to that time?

A. Absolutely.

Q. Now, one moment, Mrs. Harris; your mother had left you, hadn't she?

A. Yes. 30

Q. When was that?

A. She left me in 1918, I think November, the early part of November, I think, as nearly as I can remember.

Q. What was the occasion of her leaving?

A. I don't know; when I came home from work one day she was gone.

Q. Had you had any quarrel with her before that?

A. No, absolutely not.

Q. Did she ever accuse you of stealing her money?

A. Yes, she had written on the floor under the rug what I had done to her, on the back of a mirror what I had done to her, so that people who came
10 after her might see.

Q. Now, Mrs. Harris, had you taken any money from your mother?

A. Certainly not, always given her money, not taken it.

Q. Now, after she left your place, what became of the rents for the Elm Street house?

A. Oh, I got that afterward.

Q. After she left you kept the rent for the Elm Street house?

20 A. Yes.

Q. And did you pay any interest on the mortgage afterward?

A. Oh, yes, you see, the mortgage was foreclosed, or not foreclosed—it was transferred. Then I offered her the interest and she would not take it unless I paid all of this back interest .

Q. Now, one moment; she left you in 1918, and it was in 1921, wasn't it, that the mortgage was transferred?

30 A. I don't think so, 1919; I am not quite sure, but it wasn't 1921; 1919, I think, or 1920.

Q. 1919 or 1920?

A. Yes.

Q. Now, from the time she left you in 1918, until the mortgage was transferred, did you pay any interest?

A. She would not accept it. I wanted to, but she would not accept it.

Q. And you collected the rents from your own house and kept them?

A. Well, I moved; I lived up there.

Q. You lived in there in 1919, you say?

A. I lived there myself.

Q. In other words, you stayed in the house on Sylvan Street how long after your mother left you?

A. From November, 1918, until the latter part of 10 August, 1919.

Q. Then where did you go?

A. 709 Elm.

Q. That was the house that you had owned before?

A. Yes.

Q. Now, after your mother left you, did you make any attempt to have her return and live with you?

A. Well, I asked mother if she was happier living that way than she was living with me. 20

Q. Yes.

A. She said she was not happy living with me. "Well," I said, "mother, do you like it better that way, living that way in a room than living with me? No one is so kind with you as I would be." Well, she didn't look for kindness from strangers. "Well," I said "if you ever want to come back home again, mother, the home is always there, just come."

Q. Now, Mrs. Harris, would you visit your mother at these various places? 30

A. I never knew where she lived, I think only once or twice in the whole time she was away from home.

Q. Did she ever come to see you?

A. No.

Q. Did she ever come to see her grandson?

A. Never.

Q. How would you learn where she was?

A. Well, many times I did not know where she was, Mr. Kellam; many times I did not know where she was.

Q. During all this time you were working?

A. Surely.

Q. Now, Mrs. Harris, there was an occasion when your mother demanded that the properties be reconveyed to her, wasn't there? When was that?

A. I just don't know if that was 1922, or not; I
10 rather think it was.

Q. Tell us about that incident.

A. Well, now, all I know about that is that she went to this law firm, Bleakly & Stockwell, and I had a letter from them that these properties were to be re-conveyed back to mother, or I had to show cause why, and immediately they stopped the rents from me anyway; I don't know if mother got any or not, I didn't, but while I got half of the rent, all the repairs were paid from my share, not mother's.

20 Q. Let's get that straight. Now, after your mother left, you still received one-half of the rents?

A. Well, I never had before; yes, after she left; I never had before.

Q. Yes, after she left, the agent who was collecting sent you one-half of the rents?

A. Yes.

Q. And the repairs were paid —

A. All the repairs were paid out of my share, mother wouldn't pay it; she said, "You have that
30 money; I must use mine to live on, you pay the repairs," so, of course, I did.

Q. How long did that condition continue?

A. Until Bleakly & Stockwell stopped me getting rents, I think in 1922, I am not quite sure, but around there.

Q. Then what did you do after that?

A. I didn't do anything; I wrote to Bleakly &

Stockwell. They never asked to see me; I never saw them at all, but I wrote a letter to them and told them I thought it would be better for mother to have the income from all these properties while she was living, that it would be much better for her to have the income from these properties instead of allowing them to be sold and her have the money, if there were some way in which I could be sure of them when she passed on if I were still here.

Q. Then what happened next? 10

A. Then they wrote me a letter that there was no such a way.

Q. Then what did you do?

A. Well, I didn't do anything; they did it.

Q. Well, what did they do then?

A. They sold them, sold nine—no, they sold six of the properties on Locust Street.

Q. Now, who sold, your mother?

A. Well, I am not sure, I think Bleakly & Stockwell sold them for mother's account. 20

Q. In other words, your mother sold them, and the business was transacted through the office of Bleakly & Stockwell?

A. Yes.

Q. Now, these titles were in your joint names, weren't they?

A. Yes.

Q. Were you asked to sign a deed?

A. Yes.

Q. Did you sign a deed? 30

A. Yes.

Q. And at that time did you say anything to anybody in the office of Bleakly & Stockwell about signing that deed?

A. No, you know I would not fight my mother, Mr. Kellam; my mother was not responsible for what she was doing with me, and I could not make

a fuss with the poor thing, and after we sold those nine properties I signed the three over to mother on Marion Street, absolutely, see?

Q. Now, the nine were sold?

A. No, six were sold and three were signed.

Q. Over to your mother?

A. Yes.

Q. That deed was prepared by whom?

A. I think Bleakly & Stockwell; I am not sure; I
10 don't know.

Q. At any rate, a deed was presented by Bleakly & Stockwell to you transferring those three properties to your mother's name, is that correct?

A. Yes, but I don't think the transaction took place in Bleakly & Stockwell's office; I think it was in Mr. Freeman's office; I am not sure.

Q. At any rate, the three properties that had stood in your joint names were conveyed to your mother alone and the other six properties were
20 sold?

A. Yes.

Q. What became of the proceeds from those six properties?

A. I think we each got half?

By the Court:

Q. Who do you mean by "each"?

A. Mother and I.
30

By Mr. Kellam:

Q. In other words, after the mortgages and other encumbrances were paid off, you and your mother divided what was left?

A. Well, a check was given me, what was sup-

posed to come to me, and I suppose mother got the rest, I don't know.

Q. But your understanding was it was divided between you?

A. Yes.

Q. And that left three properties in your mother's name?

A. Yes, and five others that there were —

Q. Five others?

A. Yes.

Q. How did the title to the other five stand?

A. In her name.

Q. When were they bought?

A. Well, they were bought after these, the two on Lawrence Street were bought from money that had accumulated from these rents.

Q. About when were they bought?

A. 1916.

Q. They were bought before your mother left or afterward?

A. Oh, before, 1915 or 1916, I think.

Q. Now, let's get this straight; there were fourteen properties all told, six of them stood in your joint names?

A. Nine stood —

Q. And five stood in your mother's name?

A. Four.

Q. And they were all purchased prior to what date?

A. Oh, they were all purchased prior to 1916, 1915, all of them were.

Q. They were all bought, and where was the money obtained from which they were all bought?

A. The two on Lawrence Street were bought absolutely from money that accumulated from the rent; the two on Cedar Street were purchased with part of that money and part of a mortgage that was

10

20

30

paid in to mother from the proceeds of the 5th Street house.

Q. Now, during all this time, had your mother any income of any kind whatsoever?

A. No, not one dollar.

Q. From what date was that that she had no income that she earned?

A. Mother has not earned — You mean since she earned any income at all?

10 Q. Yes, since she worked?

A. 1910, I think; I don't think she has worked anything since 1910.

Q. So that any money that she got in from 1910 on was either interest on the investments or money that you earned?

A. Yes, absolutely.

Q. Or rents on the properties that the money was invested in?

A. Yes, that was it, surely.

20 Q. Now, who handled the rest, the paying of the taxes and the paying of the interest on the mortgages?

A. I did when I collected the rent, and, of course, the taxes, I paid the taxes every year anyway, that is, not with my own money, but with the money that had accumulated from these properties.

Q. You handled the properties?

A. Surely, I was the business woman, absolutely.

Q. Up until when?

30 A. Until mother left.

Q. Up until your mother left?

A. Yes.

Q. And after that do you know who handled it?

A. I think Burr-Smith collected the rents, to the best of my knowledge.

Q. In other words, you got remittances from Burr-Smith for your share of the rents?

A. Yes.

Q. Up until the time that you signed the deeds?

A. Yes, and he still handles them as far as I know, the remaining ones.

Q. Did you see your mother after she left you?

A. Yes, I saw her several times.

Q. Did you have any conversation with her?

A. Well, just — Most generally if she saw me first, she would run away; she didn't want to see me.

Q. But when you did see her what conversation 10
did you have?

A. Well, sometimes it was very nice and mild, asked how I felt, how I was, and how I was getting along, and generally she would ramble off into, "You know you did this and did that and did the other," and then I would say, "Well, good-bye, mother; we won't stand and talk this way here."

Q. Now, Mrs. Harris, I am going to ask you a question that I want you to answer frankly. Do you want to testify as to what you think your mother's 20
mental condition was?

A. Well, I would like to.

Q. Very good. Now, what do you consider was your mother's mental condition beginning with 1918, when Dr. Gordon examined her, down?

A. You don't want prior?

Q. Well, prior if you wish, only set your dates.

A. Well, Christmas of 1916 I was absolutely certain that mother had lost her mind. I had thought before on different occasions that her mind was going gradually, gradually, but Christmas Day, 1916, 30
I was sure that it was so.

Q. Now, will you tell us the occasion that caused you to think that?

A. Well, I was setting the table for dinner, and mother was crying and going on about this affliction she thought she had.

Q. What was that?

A. This cancer that you have heard Mrs. Irvin speak of, and I was comforting her and telling her not to worry about it—I knew it wasn't true, she just imagined that—and all at once she said, "Polly, look at those cows and horses out that window."

Q. Now, who was Polly, yourself?

A. Yes. I went to the window and there wasn't a thing in sight, not even a chicken. We lived in the
10 suburbs where the houses were not very close together; there was not even a chicken. I said, "Mother, I don't see anything." Then she called my boy, she said, "Willie, don't you see?" and Willie said, "No, I don't see anything," and mother seemed to get so excited because he could not see those things and she could, and I said to Willie, "Willie, you say yes, you saw them," but, of course, he would not say he saw them if he didn't, but I did
20 not want her to get so excited, but I knew from that she did not see those things, only imaginary, because there was nothing to see.

Q. Did that condition continue?

A. Oh, got worse; it wasn't just those things, there were other things from time to time. She was not the same way, I don't think, one week at a time, and she did not show any animosity against my boy or myself until around 1917.

Q. Then what did she —

A. Then she disliked the boy so much she begged
30 me to take him out of her sight, she could not stand it, and I said, "Mother, where will I take him?" She said, "Put him in a reform school, put him out to board anywhere." "Well," I said, "mother, I could not afford to pay his board away from home; no one would have a child like him unless they were well paid," I said, "I can't divide myself in two, you know, mother, how he needs me; can't you just

put up with him for a year or so and he will be older and won't annoy you so much," and she loved the boy dearly; anything that that child wanted that she could give him he had until this affliction came, then it wasn't so very long after that before it was me that did all these things, I was her worst enemy, and a terrible enemy to her, I abused her dreadfully. I said, "Why, mother, you know that is not true." Well, then, she would say, "Well, he did it," as if she wanted to find some expression, you know, that some one did it to her. She said that I kept all the money; she said she saw my handbag sticking full of money and saw money sticking out of my boy's shoes and his pockets and she hadn't any. 10

Q. Well, was there any money sticking out of your boy's shoes and pockets?

A. Certainly not; the boy got ten cents a week for spending money, that is all he had, until he was a big boy.

Q. Was there any occasion that you know of that your boy took any money from her? 20

A. Never; I never knew my boy to take even anything to eat without first asking.

Q. Did your mother have any money around the house?

A. Yes, a lot, and she used to lose her money so much; we used to upset the house hunting for money and different things that she would put away and forgot where she put them.

Q. Now, this condition of mind that you testified to, did it grow better or worse? 30

A. Oh, worse. Then mother would say, "I had a ten-dollar bill, and he took it and put it in your pocketbook." I said, "Why, mother, how could he do that?" "Then you did it; I had a ten-dollar bill and you put it there," or five dollars there; she always thought it was different from what it was.

Q. And what was her condition in 1918?

A. Well, very, very bad; I was afraid; I did not know, nights we slept with one ear and one eye open; I never knew what might happen, I was afraid of her.

Q. Afraid of what?

A. Afraid she would do us injury. I went in her room one day, and there was a piece of fence paling in her bed that she—well, I don't know, she never
10 did use it, but it was in her bed anyway, and I saw it there.

Q. Did she say anything about that?

A. Yes, she said—I went to kiss her good-bye this morning when I was going to work, and I kind of lost my balance leaning over the bed; I went to balance myself and my hand went on top of her hand, and it was on this piece of board. She said, "Now, wait, I will hurt you; I don't want to hurt you, Polly, but I will, Polly, I will." Of course, we were
20 in constant fear, and for the last six months we were home I never let my boy come home from school, I used to make him play outdoors until he saw me coming.

Q. After your mother left, did you make any endeavor to get her back?

A. I never coaxed her to come home, but she came back to the house to see me on several occasions.

Q. When was the last she came to the house?

A. Well, I think it was in the winter of 1919, the
30 early part of the year.

Q. You were still on Sylvan Street?

A. Still on Sylvan Street.

Q. Did she ever come to the house on Elm Street?

A. Oh, no.

Q. Well, in your opinion was your mother sane or insane?

A. Insane, absolutely, because my mother would

never do these things to me if she was not, and if she ever recovered her mind, she would have come home. My mother loved me dearly, and I did her, and she would have come home; she would not have stayed away from home, not one hour.

Q. At the time you signed this deed, conveying your interest in these properties to your mother, did you know that your mother had made a will prior to that leaving all her money to charity?

A. No, not then, no.

10

Q. Had you and your mother made prior wills?

A. Yes, 1911.

Q. And do you know whether your mother had made any other will since that time?

A. I know she made one and destroyed it, because I saw it; I saw her destroy it.

Q. Now, in the wills of 1911—they were mutual wills?

A. Mutual.

Q. The one that died, the survivor received all? 20

A. Yes.

Q. And had you any knowledge that there was any change in those conditions when you signed the deeds to your mother?

A. Absolutely, yes.

Q. You knew there had been a change?

A. I did, yes.

Q. You knew she had made a will cutting you out?

A. I did not know she had made a will, but I knew 30 there was a change in her mind, her opinion.

Q. You knew there was a change in her mind, but you did not know whether —

Mr. Stockwell: She is your witness; please let her state.

The Court: It is pretty leading.

Q. At that time did you or did you not know that your mother had made another will?

A. I did not know.

Q. When did you first learn that your mother had made a will leaving all her property to charity?

A. Absolutely when I first learned was when it was advertised in the paper after her death.

10 Q. After her death?

A. Yes.

Cross-examination.

By Mr. Stockwell:

Q. Now, you knew long before that, didn't you, that she had changed her mind with reference to you?

20 A. I knew her mind had gone, that she was insane, and that caused her to change her mind.

Q. I didn't ask you that, Mrs. Harris.

Mr. Kellam: That is an answer.

Q. I asked you whether her opinion of you had changed—you knew that, didn't you?

A. Her opinion of me would never change if her mind had been right.

30 Q. I understand you to say that, but I want to know whether, prior to the time you heard this will was made, after it had been published on your mother's death, did you not know that your mother's opinion with respect to you had changed?

A. Well, I knew it had changed radically in regard to me.

Q. And changed about her property, hadn't it?

A. Not only property.

Q. But it had changed about her property, hadn't it?

A. Well, that I don't know.

Q. You did not know that?

A. No, not absolutely.

Q. Now, your mother left your home when?

A. 1918.

Q. That was what time in the year?

A. Why, it was nearly Thanksgiving; it must 10
have been early in November.

Q. Then it was a little over, say between seven
and eight years before her death that she left you;
she died in January, 1926, didn't she?

A. Yes.

Q. At the time your mother left was there a joint
account in the Camden National Bank?

A. Yes, but very little money in the account.

Q. Your mother objected to that remaining a
joint account, didn't she?

A. Not to me. 20

Q. When was it changed—when was that account
closed out?

A. Well, after mother left home it was not used.

Q. What became of the money that was in it?

A. There was very little in it; mother left home
in November, and I believe the taxes were paid —

Q. Who drew the check to close the account?

A. I don't know whether it has ever been closed;
I did not. 30

Q. At the time your mother left who was collect-
ing the rents?

A. At the time mother left, Burr-Smith Company
were collecting rents.

Q. And who got the money from Burr-Smith
Company?

A. Mother.

Q. Was it paid direct to her or was it paid to you?

A. When it was in a joint account, the checks were payable —

Q. I am not talking about the joint account; I am asking you to whom the check was made that came from Burr-Smith for rent up to the time your mother left?

A. Up to the time mother left the checks were payable to Peterson and Harris.

10 Q. Made to you jointly?

A. Yes.

Q. And where was that check placed?

A. In the Camden National Bank.

Q. In the joint account?

A. Surely.

Q. And did each one have a right to sign checks on that account?

A. Yes, each one.

Q. Or did it require the joint signature?

20 A. I don't think so, no.

Q. Each one could sign?

A. Yes.

Q. Now, after your mother left there was a change about the collection of the rents, was there not?

A. Prior to when she left?

Q. Burr-Smith continued to collect the rents, but was there a change in the method of payment by Burr-Smith?

30 A. Yes.

Q. And when did that occur?

A. Immediately after she left.

Q. And what was the change?

A. The change was that these properties that were in the joint name, there were two checks; he sent me one check and Burr-Smith sent mother the other.

Q. Did that happen immediately after your mother left?

A. Yes, immediately after.

Q. So that you each took half of the rents?

A. Yes.

Q. And did that continue down to the time you and your mother made an adjustment with respect to your interest in these properties?

A. No, it only continued until Bleakly & Stockwell stopped the rents; I think I had it about a year and a half, maybe two years; I am not quite sure. 10

Q. Then did the settlement between you and your mother — You say the rents were stopped being paid to you jointly?

A. Yes, through Bleakly & Stockwell.

Q. I understand you to say that; my name is Stockwell; I understand the name. Well, after you say Bleakly & Stockwell objected, then how were the rents disposed of?

A. I don't know; I couldn't tell you, I don't know. 20

Q. You don't know?

A. No, I couldn't say.

Q. Was that adjusted at the time of the settlement between you and your mother?

A. I don't think so.

Q. You don't think so?

A. I don't think so, no, sir.

Q. But in any event, you and your mother did have a settlement, did you—you divided your interests in the properties?

A. Well, the properties were sold. 30

Q. Isn't that correct—didn't you and your mother have a settlement?

A. Yes, we had a settlement.

Q. At which you received your interest in the properties and your mother received her interest in the properties?

A. I did not receive all my interest by a long, long way.

Q. Didn't you make a settlement in which you accepted a certain definite amount in settlement of your interest and your mother took an amount in settlement of her interest in these joint properties—isn't that correct?

A. Yes, I took a settlement.

Q. Now, who represented you in that settlement?

10 A. No one.

Q. Didn't you have an agent by the name of Freeman Brothers?

A. No, never.

Q. What?

A. Never, no.

Q. Are you sure about that?

A. I am absolutely positive; Freeman Brothers never represented me, not ever.

Q. Well, they acted as agent, didn't they?

20 A. Not for me, no, sir.

Q. Well, whose agent were they?

A. They may have been mother's; they weren't mine.

Q. Well, they were going to get a commission for the sale of the properties, weren't they?

A. I don't know, not that I know of.

Q. No—don't you know that?

A. No, I could not tell you.

30 Q. You didn't want them to see that you were taken care of?

A. Freeman Brothers?

Q. Yes.

A. No, I had nothing to do with Freeman Brothers.

Q. In any event, Bleakly & Stockwell did not represent you, did they?

A. No.

Q. You are very clear on that?

A. Very clear on that.

Q. You made that clear in the correspondence, didn't you?

A. I don't know, I am not sure about the correspondence.

Q. Now, in this settlement, you and your mother joined in a deed which conveyed the property, certain of these properties, in other words, the premises on Locust Street, the Locust Street houses 10 were sold, weren't they?

A. Yes, sir.

Q. Sold together?

A. Yes.

Q. Is that correct?

A. Yes.

Q. And the purchaser was obtained by Freeman Brothers, wasn't he?

A. I am sure I don't know who obtained the purchaser. 20

Q. You don't know anything about that?

A. No.

Q. You did not know that they were to get a commission for selling them?

A. No, to the best of my recollection it was Burr-Smith.

Q. Do you know the price obtained for those properties?

A. What was it, eighteen hundred and fifty dollars apiece? 30

Q. I am asking you.

A. I am not sure about it; no, I am not.

Q. In any event, you took two-thirds of the proceeds of those six houses, didn't you?

A. Two-thirds?

Q. Two-thirds?

A. I only thought I got a half.

Q. Well, I am asking you your recollection now. Did you take two-thirds?

A. No.

Q. Or one-half?

A. No, sir, not to the best of my recollection, no, sir.

Q. No, sir, what—which is correct?

A. I did not get two-thirds.

Q. Did you get two-thirds or one-half of the proceeds of those six houses?

A. I think one-half, I am not quite clear on that.

Q. In any event, you were to get your share of the Locust Street properties—you were to get a certain amount of cash that came from the proceeds of those properties, and then you were to convey your interest in the Marion Street properties to your mother?

A. Yes.

Q. That was done, wasn't it?

20 A. Yes.

Q. You executed a deed to your mother?

A. Yes.

Q. I want to show you a deed dated the 8th day of February, 1922, from Marion Harris to Elizabeth Peterson; it is recorded book 499, page 276, conveying premises on the east line of Marion Street, and I ask you whether you executed that deed?

A. Yes.

Q. That is correct?

30 A. Yes.

Q. And that was a part of this settlement?

A. That was a part of the settlement.

Q. Do you know your mother's handwriting?

A. Yes.

Mr. Stockwell: I offer that in evidence.

(Said deed is marked Exhibit D1.)

Q. Please look at this letter which is dated March 16, 1921, and tell me whether that is in your mother's handwriting?

A. Yes, that is her handwriting.

Q. That is her signature, isn't it?

A. Yes.

Q. I show you another letter dated April 20, 1921; is that in the handwriting of your mother? 10

A. Yes.

Q. And her signature on the bottom?

A. Yes.

Q. I show you another letter, purporting to be signed by your mother, dated May 10, 1921; is that your mother's handwriting?

A. Yes.

Q. And her signature?

A. Yes.

Q. I show you another letter dated June 3, 1921, 20 signed "Mrs. E. Peterson"; was that your mother's handwriting?

A. Yes.

Q. That is her signature?

A. Yes.

Q. I show you another letter, dated September 19, 1921, two pages to the letter; is that in your mother's handwriting?

A. Mother's handwriting, yes.

Q. And her signature at the end? By the way, 30 there are two separate letters; I said it was two pages of one letter. That letter is only one page with the signature at the bottom, that is correct, isn't it?

A. Yes.

Q. I show you another letter dated September 27,

1921, signed "Mrs. E. Peterson." Is that in your mother's handwriting?

A. Yes.

Q. And her signature at the bottom?

A. Yes.

Q. I want to show you a letter dated October 11—the other date does not appear—signed at the bottom, "Marian Harris." Is that your handwriting?

A. Mine, yes, sir.

10 Q. "709 Elm Street" in the left-hand corner; that is your handwriting, isn't it?

A. Yes.

Q. Addressed to Bleakly & Stockwell?

A. Yes.

Q. I show you another letter signed "Mrs. E. Peterson" dated October 18, 1921; is that in your mother's handwriting?

A. Yes.

Q. And her signature?

20 A. Yes.

Q. I show you a letter dated December 19th, bearing the signature "Marian E. Harris." Was that signed by you?

A. Signed by me.

Q. Was that written by you to Bleakly & Stockwell?

A. Yes.

Q. I show you another letter dated December 27, 1921, addressed to Freeman Brothers, signed "Marian E. Harris." Is that your signature?

30

A. Yes.

Q. You wrote that letter?

A. Yes.

Q. I show you another letter dated June 3, 1922, addressed to Bleakly & Stockwell, signed "Marian E. Harris." Is that your letter to Bleakly & Stockwell?

A. Yes.

Q. I show you letter dated January 4, 1922, signed "Mrs. E. Peterson." Is that in your mother's handwriting?

A. Yes.

Q. And her signature?

A. Yes.

Q. I show you another letter dated February 8, 1922, signed "Mrs. Peterson." Is that your mother's handwriting?

10

A. Yes.

Q. And her signature?

A. Yes.

Q. I show you another letter dated March 20, 1921, signed "Mrs. E. Peterson." Is that in your mother's handwriting?

A. Yes.

Q. And her signature at the bottom?

A. Yes.

Q. I show you another letter which does not seem to bear date, but bears a note in somebody else's handwriting at the top; it looks like "5/11/'22." I am simply calling your attention to that to identify the letter; I will refer to it again. That is addressed to Bleakly & Stockwell and signed Marian Harris; did you write that letter?

20

A. I don't think I wrote this part here.

Q. No, I don't mean the notations on the letter, I mean the body of the letter, the handwriting and signature?

30

A. Yes.

Q. I show you a letter dated June 5, 1922, signed "Mrs. E. Peterson," is that in your mother's handwriting?

A. Yes.

Q. Is that her signature at the bottom?

A. Yes.

Q. I show you what purports to be a carbon copy of a letter addressed to you, dated October 10, 1921, and ask you to read it over and see whether you did not receive that from Bleakly & Stockwell.

A. I believe I did; this was after Bleakly & Stockwell had stopped me receiving the rents, wasn't it? I think so, Mr. Stockwell.

Q. I just want to know.

10 A. That is my recollection.

Mr. Stockwell: I did not ask Mr. Kellam to produce these originals.

Mr. Kellam: Unfortunately I have not been asked until this morning.

Mr. Stockwell: I say, I did not do it; that was an oversight on my part. If necessary, I can get him to produce them at a later hearing.

20 Mr. Kellam: I think, Mrs. Harris, if you can read these carbons carefully and be sure that you did receive these letters, that will be sufficient.

Mr. Stockwell: I suggest that I hand to Mrs. Harris the chronological file between our office and her, letters to her and answers from her, and she can read them along chronologically and then say whether those letters were received.

30 Mr. Kellam: Let me explain to Mrs. Harris, with the Court's permission. The idea is this, Mrs. Harris; you did receive certain letters from Bleakly & Stockwell; you haven't those letters with you because you were not asked to produce them. Now, they wish to show you what they say are carbon copies of the letters they sent you, together with the

letters that you sent to them in response to those letters that they say you received. Now, they ask you to go over the file, reading their copy of their letter to you and your letter back, and when you have finished state if those are the letters that you sent and copies of the letters which you received. Now, be careful; if there is anything you believe you did not receive, be careful to note that. Is that clear?

The Witness: Yes.

10

Mr. Stockwell: Of course, I will ask now Mr. Kellam to produce before this Court the originals of these letters, and if it requires a formal notice, I will give it. I do not wish to mislead the witness, of course. These are taken directly from our files, and I can prove them as being sent in the regular course of business, but I must first give notice.

Mr. Kellam: I don't want to be technical about it; I only want the witness to be careful about it before she answers, that is all. I am willing to let the record go in that you have got there as far as I am concerned.

20

Mr. Stockwell: I wish to show the witness the correspondence to which reference has already been made, that is the letters to Mrs. Harris and letters from Mrs. Harris, and I wish to ask her whether she received the letters the carbon copies of which are with this file I am now handing to her.

30

(At this point a recess was taken until 1.30 o'clock, P. M.)

(Hearing of the matter resumed at 1.30 P. M., pursuant to adjournment, in the presence of counsel for the respective parties.)

MRS. MARIAN HARRIS, resumed.

10

By Mr. Stockwell:

Q. Mrs. Harris, have you during the noon recess looked over the carbon copies of letters which were handed to you before the recess?

A. Yes, sir.

Q. And were they received by you, the originals of those letters received by you?

A. Yes.

20

Q. Have you kept your correspondence?

A. No, I have not.

Q. Where is it?

A. I don't think I saved it.

Q. Are you sure?

A. I am almost sure.

Q. Will you please make sure of that and if you have any of these letters produce them here?

A. Yes, I will, yes, but I hardly think I did keep them, but I will look and see.

30

Mr. Stockwell: I ask that these be marked for identification. I will offer them as part of my case.

(Said file is marked Exhibit D2.)

Mr. Stockwell: Do you require proof from us that we sent them?

Mr. Kellam: No.

Mr. Stockwell: Then I offer them in evidence.

Mr. Kellam: I am agreeable to that, my client says she received the letters of which these are the copies and the other letters she has already identified as being in her own handwriting and they are all in continuity; I have no objection to them.

10

The Court: They may be admitted and marked.

(Said papers are marked Exhibits D2 to D19, both inclusive.)

Q. Did you visit your mother at any time after she left you, I believe you said, in the year of 1918?

A. No, sir.

Q. Why not?

A. Well, my appearance or presence in front of mother seemed to excite her so very much.

Q. You said you loved her very much?

A. Yes, I did, very, very much.

Q. During this time you considered that she was not mentally competent?

A. Most assuredly.

Q. To look after herself?

A. Most assuredly.

Q. You knew where she was, didn't you?

A. Sometimes, not very often; she moved continually.

Q. But you were able to find out at any time where she was, weren't you?

A. No.

Q. Why not—didn't your friends meet her from time to time?

20

30

A. Well, sometimes they met her and sometimes — I did not see my friends very often, Mr. Stockwell; I am employed through the day and it is very rarely —

Q. Did you inquire of anybody?

A. Yes.

Q. To find out where she was?

A. Yes.

Q. Did you know that she was an attendant at
10 church?

A. Most assuredly.

Q. Do you know what church she attended?

A. Yes, I even went there and saw her there.

Q. Why didn't you go to the pastor or some other person in the church and find out where she was living?

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

Q. That was a very easy matter, wasn't it?

A. Certainly, but I don't go around the City of
20 Camden and tell my business to strangers.

Q. No, but she was your mother, wasn't she?

A. Yes.

Q. And how old was she at the time she left you?

A. She was seventy-five at the time she passed away, and when she left me she was about sixty-nine, I think.

Q. She was well along in years?

A. Yes.

Q. And you say you loved her very much?

30 A. Very much, yes.

Q. Did you not consider it was the duty of a daughter to do her utmost to locate her mother?

A. It was my duty to do my utmost to locate her, but under the circumstances, when I only agitated her when I talked to her or she saw me, I didn't think it was my duty, because it would only agitate

her and upset her so dreadfully bad that it made me feel bad for a week afterward.

Q. Well, have you any reason to believe that that would have continued all these seven or eight years?

A. Yes.

Q. That was your reason for keeping away, was it?

A. No, if mother had become normal at any time during that period she would have come home to me; she would not have stayed away from me one hour. 10

Q. I understood you to say that before, but I am speaking of your duty, not of hers, and I wish to know why it was you did not seek out your mother and use every means in your power to locate her and see that she was properly taken care of?

A. Well, she was properly — They said she was able to take care of herself, as far as that went.

Q. How did you know that she was properly taken care of if you did not visit her? 20

A. I didn't know.

Q. And if you didn't see her?

A. I saw her once in a great while.

Q. How did you know then if you didn't —

A. Well, I didn't know absolutely.

Q. You considered that you had fulfilled your duty, did you?

A. Absolutely; no better daughter ever lived.

Q. Now, let's assume for a minute that your mother was mentally competent to look after herself; don't you think it would have been a good ground of ill feeling by her against you, your failure to come and find her and see her? 30

A. Had she been competent?

Q. Yes, I am assuming that for the purpose of my question.

A. Well, had she been competent I surely would

have looked after her and she would have accepted my assistance.

Q. That does not answer my question.

(Question repeated.)

A. Under the circumstances, no.

Q. That does not answer my question.

10 A. Well, I say no, Mr. Stockwell.

Q. You don't think it would?

A. No.

Q. You don't think your mother would have any right whatever to feel badly because you did not seek her out?

A. No, not under the circumstances.

Q. Or go to her?

A. No.

20 Q. You are quite sure, though, that your mother did have a feeling against you, aren't you?

A. Surely.

Q. Now, was it your idea that your mother was insane from the time she left you up to the time of her death?

A. Before that, yes.

Q. Even before that?

A. Yes.

Q. And not competent to transact any business?

A. No, sir.

30 Q. Then why did you consent to join with her in the execution of a deed to a purchaser for real estate?

A. Oh, at this time mother was rational and all right, she was not incompetent at that time.

Q. That was in 1922, wasn't it?

A. Oh, you mean when we sold these properties?

Q. Yes.

A. Well, pardon me, Mr. Stockwell, I didn't understand that.

Q. Yes, 1922?

A. Well, I either had to do that or show cause why I wouldn't do it; I had to take her into a court of law and fight her, and she was my mother, and I could not do that to her.

Q. Was there anybody fighting you?

A. Didn't I either have to do that or show cause why I shouldn't do it? 10

Q. I haven't heard any testimony to date to show that you had been sued.

A. Well, I was not sued, because I didn't fight my poor mother.

Q. You were sued by her?

A. No.

Q. You were not sued, were you?

A. No.

Q. And I have shown you the correspondence between our firm and yourself, haven't I? You have 20 looked over this correspondence between our firm of Bleakly & Stockwell, the firm as it was then, and yourself touching this matter, haven't you—you have read it over?

A. Yes.

Q. And whatever went on between the firm of Bleakly & Stockwell and yourself is here in black and white, isn't it?

A. Yes.

Q. Is there any suggestion in the correspondence 30 that you were being coerced to do something you did not want to do?

A. Well, I didn't say so, did I?

Q. That was the inference I drew from what you said; is there anything like that in the correspondence?

A. I don't think so.

Q. Didn't you voluntarily make this settlement with your mother, dividing the properties?

A. Yes.

Q. And didn't you in fact make the proposition which was carried out fixing the percentage?

A. Well, I made several propositions, but this one was accepted; I am not sure if this was my proposition that was accepted or not; I don't remember.

10 Q. Did you not in fact so state in your letter, one of your letters? Your proposition to her that you took four of the Locust Street properties, wasn't that correct?

A. That was one of them.

Q. Or the proceeds from that? It was not one-half of the proceeds, was it, as you said this morning—it was two-thirds you were to get, isn't that correct?

A. Wasn't that after —

20 Q. Isn't that correct?

A. Yes, but in previous —

Q. Now, wait; I want to know whether it was two-thirds instead of one-half of the proceeds of the Locust Street properties that you were to get and did in fact get?

A. Well, I am not sure, Mr. Stockwell; that letter says so, but I forget; possibly it was, but previous to that I had said mother might have the income of all the properties, and I not to have any while she lived. You wouldn't have that arrangement or mother, I don't know which one.

30 Q. Your mother would not accept that arrangement, would she?

A. I don't know.

Q. You had no direct communication with her respecting that?

A. No direct communication concerning these properties.

Q. But you did receive the cash provided for in that settlement, didn't you?

A. Yes.

Q. You received your share of it?

A. Yes.

Q. And you have had that ever since, haven't you?

A. Most assuredly.

10

Q. And your mother received her share?

A. Yes.

Q. And you made a deed for the Marian Street properties to your mother as a part of the settlement?

A. Yes.

Q. Now, Mrs. Harris, have you looked through this correspondence carefully, the correspondence I showed you this morning?

A. Yes, I think so, Mr. Stockwell.

20

Q. Do you find anywhere in any of these letters you sent to the firm of Bleakly & Stockwell any suggestion that your mother was not competent to carry through this transaction or to execute a deed or to take title to real estate?

A. That I sent to Bleakly & Stockwell, is that the question?

(Question repeated.)

30

A. No, sir, I never suggested that to Bleakly & Stockwell, no.

Q. Why didn't you, if you considered your mother insane and incompetent to perform any business transaction?

A. Well, Mr. Stockwell, I had suggested it to

quite a number and it did not do any good; it only agitated mother further.

Q. That was your reason, was it?

A. That was my reason, the absolute reason.

Q. Did you have any regard to the person who was taking, buying the property from Freeman Brothers as a part of this settlement, to whom you were giving a deed?

- 10 Mr. Kellam: If it please your Honor, that includes a question of law, an inference by Mr. Stockwell that this lady knew as a matter of law that the deed might be invalidated by the fact that her mother was not sane. I don't think this witness can testify to that; I don't think she is competent to testify to it unless some one had so explained to her that such was the case.

- 20 Mr. Stockwell (After argument): Of course, that is to be taken in connection with the question that has gone before it.

The Court: It might be construed as having a sentimental regard. I see no objection to the question if the intention is merely to ascertain the bona fides of the transaction as far as the witness was competent to judge. I will permit it, you may have an exception.

- 30 (Exception noted for the caveator.)

A. I never gave that side of the question any thought; I did not know anything about that, and never considered that side.

Q. You were anxious to get your money out of the property, weren't you?

A. Not overly anxious, no, sir, I would rather have had it remain in, very much rather.

Q. But you knew it was necessary to have a division, didn't you, considering your mother's attitude?

A. Either that or else take it to court and fight her, and I couldn't do that with my mother.

Q. You knew she could legally, if she had desired, have filed a bill of partition of the properties?

A. I didn't know that, but I suppose she could. 10

Q. You are a business woman, aren't you?

A. Yes, but I am not versed in the law.

Q. I didn't ask you that, but you are versed in common sense?

A. I hope so.

Q. And you know that a person who is insane has no right to execute a legal document—you know that, don't you?

A. Well, I never gave that side of the question a thought. Now, that might be true. 20

Q. Why shouldn't you give it a thought?

A. My attention was never called to that, and I did not consider it.

Q. Why should it be called to that if you knew that this woman was insane and were so emphatic about it?

A. Yes, very emphatic, I am.

Q. Don't you think that would occur to any person?

A. Well, it didn't occur to me. 30

Q. Especially a business woman?

A. Well, it did not occur to me; probably I am not that good enough business woman, I don't know.

Q. Well, you seem to be able to — You say you managed the properties yourself, didn't you?

A. Yes, absolutely.

Q. Your mother objected to the properties being held in joint tenancy, didn't she?

A. After 1918, I think, yes.

Q. There is no question about that, is there?

A. No.

Q. She wanted them divided?

A. Yes.

Q. There is no question about that, is there?

A. No, sir.

10 Q. You were not anxious to have them divided, were you?

A. No, I would rather have had them held intact.

Q. And you told your mother that, did you?

A. I never told mother that, no.

Q. She knew it, didn't she?

A. I don't think so, not from me.

Q. She insisted upon the joint bank account being separated, didn't she, so that she would have her own private checking account?

20 A. No, she never said anything after 1918, or any other time; not a word was ever said between us about this joint banking account, but after mother left home, of course, neither one of us used that joint account.

Q. She did, however, object to your getting one-half of the rents every time the rents came in from Burr-Smith Company, didn't she?

30 A. Not to me, not ever; the only objection she made to me was I had to stand all the repairs because she needed what money was coming in to live on. She never objected to me getting it; if she had, she could have had it all.

Q. Now, after you left your mother, you did not correspond, did you?

A. Only once or twice or three or four times, possibly.

Q. When?

A. Well, I judge 1918 and 1919.

Q. Did you ever write to her after that?

A. No, I never knew her address enough to write.

Q. You didn't seek to find it out?

A. I did not, no, sir.

Q. And she did not write to you?

A. No, sir.

Q. How did you learn of your mother's death?

A. Why, a friend of mine was waiting home when I came home from work, she was on my porch; I wondered what she was doing there so early in the evening, because she knew I did not get home from work quite that early, and she had a paper in her hand, and she said, "Polly, do you know your mother has met with an accident?" I said, "No." She said, "Yes, here it is in the paper."

Q. Did you go to the funeral?

A. I went to the undertaker, Mr. Murray, and tried to make arrangements for the funeral. He said he was acting under instructions from my mother's attorney that the daughter was to have nothing to say, nothing to do with the burial whatever. I went to the two ladies who were to buy the burial outfit and asked to be allowed to do that small part for my mother, and they said that under no consideration could they allow me to do such a thing.

Q. Who were those people?

A. Mrs. Carrick and Mrs. Porter were those two ladies, under no consideration could they allow me to do such a thing.

Q. Under no consideration could they allow you to do such a thing?

A. No, my poor mother was buried like some animal, if I must say it.

Q. Buried how?

A. Like an animal, not a pastor followed her to her grave; she was laid down in the ground and not

a word of prayer over the poor soul then. They considered her such a good Christian, and that is the way they buried her.

Q. You mean there was no funeral service?

A. A funeral service at the undertaker's the night before, but she was rushed out to the cemetery and stuck down in a hole like an animal, my dear mother, just because she was unfortunate, not because she did not have any one to do things for her. I was not
10 permitted to have a thing to say in it. When I asked what time the funeral was, they said —

Q. Who said?

A. Mr. Murray, he said it was to be some time in the morning. I said, "Sometime is very indefinite; I want to know the exact time, because I am coming." He said, "We won't have no officer here to keep you away." I was not allowed five minutes' privacy with my mother's dead body, just because she was unfortunate.

20 Q. Who told you that Bleakly & Stockwell —

A. Not Bleakly & Stockwell, my mother's attorneys; the elder Mr. Murray told me those very words, that I had nothing to do with it, that they were under instructions from my mother's attorneys.

Q. Instructions from your mother's attorneys or from your mother?

A. My mother's attorneys.

Q. I heard you.

30 A. Pardon me; I am excited; I did not mean to talk that way.

Q. Now, after reading over this correspondence, are you not willing to change your opinion as to Freeman Brothers having had something to do with this, and acting as agent for you in the sale of this property?

A. Yes, but, Mr. Stockwell, it was Burr-Smith

who had my side of the affair, but I believe now that Freeman Brothers found the purchaser, see, and I think Freeman Brothers —

Q. Don't you say in one of these letters that Freeman and Brother are to look after you?

A. That was after, yes.

Q. And you wanted to make it plain that Bleakly & Stockwell didn't represent you?

A. Yes.

Q. But Freeman Brothers did—you say that, 10
don't you?

A. Yes, but you know it was Burr-Smith handled all our transfers, not Freeman Brothers, previous to this.

Q. And you went out of your way in a letter here to slur Freeman Brothers, didn't you?

A. I don't know—did I?

Q. I will call your attention to the letter; I will just read this with the Court's permission, this one letter; I am not burdening your Honor with the 20
reading of all these now; I assume you will read them over.

The Court: You had better incorporate in your question the date of the letter.

Q. This is letter Exhibit D8, dated June 3, 1922; I ask you to look at this letter —

Mr. Kellam: Don't answer this, because I can't 30
see the relevancy of that last question.

Mr. Stockwell: Well, this is in evidence; I assume I have a right to read it, your Honor, without any question, can't I?

The Court: You can read it, yes, but you are ask-

ing the witness to say whether or not she slurred somebody. It seems to me the letter speaks for itself.

(Question withdrawn.)

Mr. Stockwell: I will read the letter: "Camden, June 1, 1922. Bleakly & Stockwell, 317 Market Street, Camden, New Jersey. Dear Sirs: You will
10 have to get the decree for divorce from mother; she has had it among her private papers."

Mr. Kellam: Wait a minute; is this to be predicated on the question or is this testimony?

Mr. Stockwell: This is nothing; I withdrew the question.

Mr. Kellam: Then I object to the reading of it.
20

Mr. Stockwell: I wish to have the Court know what this covers, as I examine the witness.

Mr. Kellam: It seems to me that should be put in the question, "Didn't you say such and such a thing," or something to that effect. She has already admitted she wrote the letter.

The Court: There is no pending question, is
30 there?

Mr. Stockwell: No, but I started reading the letter and he objects. Ordinarily I would read these letters as I put them in for the benefit of the Court.

The Court (After argument): It is immaterial to me; I do not see any necessity for it at this time.

I imagine the burden will be cast upon me of reading not only that letter, but all of them.

Q. I show you what purports to be a statement of settlement between Elizabeth Peterson and Marian Harris for the sale of property 645 and so forth Locust Street, Camden, on the letterhead or billhead of Freeman Brothers. Is that a carbon copy of the settlement statement on the sale of those properties? 10

A. Yes, I think so, Mr. Stockwell.

Q. You received a copy of that, didn't you?

A. Yes, I think I have a copy of something like that home somewhere; I think so.

Q. Won't you look at the bottom; that shows you received two-thirds of the proceeds and Mrs. Peterson one-third, didn't you?

Mr. Kellam: Do not answer that. If it please the Court, I am perfectly willing to have the door wide open to cross-examination to test the credibility of the witness or to develop sides of the case that have not yet been brought forward, if there are any, but I think that Mr. Stockwell is going very far afield in this line of questioning. I do not want to delay the proceedings; I realize that I have a perfect right to say that this is not cross-examination and that if he wishes to call this witness for the purpose of proving his own case he will have to prove it in that way, in an orderly way, but I wish further to object because it seems to me absolutely immaterial what kind of settlement was made between Mrs. Peterson and Mrs. Harris at the time it was made. It does not seem to me that whatever arrangement was made or the details of it at that time are competent or relevant as to the mental state of Mrs. Peterson 20 30

and for that reason I object to this line of cross-examination.

The Court (After argument): The only reason I would favor you asking the question is that there has been so much time taken up with this subject that I cannot see it will do any harm.

10 Mr. Stockwell: The question of the transaction and settlement in my judgment is very important.

The Court: I do not see it in this issue. I will permit you to ask the question to complete the transaction; I will allow you to show the transaction.

(Exception noted for the caveator.)

(Question repeated.)

20 Mr. Kellam: Won't you ask her the numbers of these houses? Because, as I understood the lady's testimony, she said she had received two-thirds from certain houses, but then in the adjustment it had amounted to one-half on the entire lot of houses.

The Witness: In addition to that, I signed three over on Marion Street, see, in addition to that.

30 Mr. Stockwell: Well, I know that.

The Witness: And I did not get a half.

Q. I ask you whether you had two-thirds of the proceeds of the sale of the Locust Street properties?

A. Well, according to that statement, I had, Mr. Stockwell.

Q. I think you said you were the only daughter, the only child of Mrs. Peterson?

A. Living.

Q. Well, what other children were there?

A. Well, I heard there was a boy, and I know there was a girl.

Q. Are they deceased?

A. I think so; the young boy is, I am not sure about the girl, my sister. I had a sister, but I never knew her; she was adopted when I was a baby; I 10 never knew my sister.

Q. You don't know where she is?

A. I have no idea; she was adopted when she was a year and a half to two years old by strangers, took their name and was legally adopted, and I have no idea where she is or who she is or anything about her; I wish I did.

By the Court:

Q. Where did that happen, madam?

20

A. That was in England.

By Mr. Stockwell:

Q. Your mother had no children after 1921, that is clear?

A. Oh, no, no, sir.

Q. And she had no husband living in 1921?

A. No.

30

Mr. Kellam: That is the caveator's case, if the Court please.

CAVEATOR RESTS.

PROPONENTS' REBUTTAL.

Mr. Stockwell: I will call these witnesses out of order, but I have to do it for their convenience.

JOSEPH H. MURRAY, SWORN.

10

By Mr. Stockwell:

Q. Where do you live, Mr. Murray?

A. 629 Market Street.

Q. What is your business?

A. Undertaker.

Q. What is your first name?

A. Joseph H.

Q. How old are you?

20

A. Seventy-one.

Q. How long have you lived in the City of Camden?

A. All my life excepting two years I lived in Haddonfield.

Q. How long have you been in the undertaking business here?

A. About twenty-five years.

Q. Where is your place of business?

A. 629 Market Street.

Q. How long has it been there?

30

A. Well, I think we moved there eight or nine years ago, about nine years ago, I think.

Q. Did you know Elizabeth Peterson in her lifetime?

A. I did.

Q. How long had you known her?

A. I suppose about four years.

Q. Were you in any way connected with the First Methodist Church of Camden?

A. Yes, sir.

Q. Where is that church located?

A. Corner of Sixth and Stevens.

Q. It has rather a large membership, hasn't it?

A. I suppose nearly a thousand members.

Q. Who buried Mrs. Peterson?

A. I did.

Q. Do you know Mrs. Harris, the lady who just 10
left the stand?

A. I met her once.

Q. Where?

A. At my home on the night before her mother
was buried.

Q. Did you hear the lady's testimony just a few
minutes ago with reference to you?

A. I did not.

Q. Will you state what that conversation was be-
tween you and herself?

20

Mr. Kellam: Now, wait; may it please your Honor, I think that is absolutely immaterial. In other words, if he is using this witness for the purpose of contradicting —

Mr. Stockwell: No, don't argue it; I will withdraw it.

Q. Did you tell Mrs. Harris at that time or at any 30
other time that she could have nothing to do with
the funeral?

A. I positively did not.

Q. Did you tell her that you were under instruc-
tions from Mrs. Peterson's lawyers about anything?

A. I did not.

Q. With reference to the funeral or her buying, or any other matter?

A. I positively did not.

Q. Did you in any way exclude her from the funeral or any participation in it?

A. I positively did not. She came into my home on the night prior to the funeral to see her mother, and she was kind of irritable —

10 Mr. Kellam: Now, if the Court please, I do not think this is relevant.

The Court: This is volunteered.

Mr. Kellam: Yes, it is not responsive to any question, I object.

The Court: The objection is sustained.

20 Q. How frequently did you meet Mrs. Peterson in her lifetime?

A. Well, I met her quite frequently at the church.

Q. At the First Methodist Church?

A. Yes, sir.

Q. Did you ever converse with her?

A. Only by appointment.

Q. Ever talk to her?

30 A. Oh, I always would speak to her and say, "How do you do, Mrs. Peterson," or shake hands with her at the church, in going in or coming out, as I would meet her.

Q. Was she a frequent attendant at the church?

A. Very frequent.

Q. Well, was she in fact regular?

A. Regular, almost regular.

Q. Did she come alone or with others?

A. Well, I have seen her sitting alone at the

church where there is an acousticon which she used there so she could hear.

Q. Was she hard of hearing?

A. She was.

Q. How much?

A. Well, she would have to use the acousticon in order to hear the pastor's messages.

Q. There was one installed in the church, was there?

A. There was one there always, and I judge from 10
looking over from where I sat that she was using the one installed in the church for people who are dull of hearing.

Q. Did she give you any instructions with reference to her burial?

A. She made an appointment with Mrs. Carrick and Mrs. Carter that I should meet them at the home of Mrs. Carter on Washington Street, and there she told me just about what she wanted done with her funeral. 20

Mr. Kellam: When was this?

Mr. Stockwell: If the Court will excuse a little delay here, there is a paper which I wish Mr. Murray to identify. It is mixed up here somewhere; I had it when I left the office; he will identify it before we get through; it is around here somewhere and I will produce it. 30

Q. Who was present at that interview?

A. Mrs. Carter, Mrs. Carrick and myself and Mrs. Peterson.

Q. How did you come to go there?

A. Mrs. Peterson requested that Mrs. Carrick and Mrs. Carter should send for me for this interview.

Q. And were the other people there when you got there?

A. They were there, yes.

Q. Can you fix the date without the production of that paper?

A. I think it was somewhere in August, but I can't tell you.

Q. Was there a paper signed by you and the other people present at the conclusion of that interview?
10

A. This paper was fixed up to give me the full charge of her funeral, and Mrs. Carrick and Mrs. Carter, I believe, were to look after all of the wearing apparel.

Mr. Kellam: I object; this witness has testified to a paper; I object.

The Court: Yes.

20

Q. Did you keep that paper yesterday or did you hand it to me? I am embarrassed here and do not seem to locate it.

A. I handed it to you.

Q. Well, that is my recollection; it is here somewhere and I will locate it. Did, in that interview, Mrs. Peterson tell you what she wanted done with reference to her funeral?

A. She told me that she wanted a good funeral, as there was plenty of means to pay for the expenses incurred, and, as I said before, that Mrs. Carrick and Mrs. Carter were to take care of the wearing apparel and anything necessary for the funeral.
30

Q. How long was this interview?

A. Probably half an hour or so, might be a little longer, or a little less.

Q. Now, just go on, will you, and tell us what was said by each party, as much of it as you can recall.

Mr. Kellam: I object to any statement made by anybody but Mrs. Peterson or some question put to her.

Mr. Stockwell: I am talking about conversation between Mr. Murray and Mrs. Peterson, each party 10 meaning you and Mrs. Peterson.

The Court: You understand, yourself and Mrs. Peterson on this occasion. You said this took place in August, didn't you?

The Witness: I think it was sometime in August.

The Court: Of what year?

The Witness: I guess in 1925, I think it was 1925. 20

The Court: The year before, not this year?

The Witness: No, I am not sure about that; I forget exactly now.

Q. Now, I want to show you a paper which bears your name and the signature Elizabeth Peterson.

Mr. Kellam: All right, we will help you out. She 30 says that is her mother's signature.

Q. Did Mrs. Peterson sign that while you were present?

A. She signed it, yes, sir, with this other witness there.

Q. And yourself, Joseph H. Murray, and Mrs. Albert H. Carter and Mrs. Fred J. Carrick, they signed there, too?

A. Yes, they did.

Mr. Stockwell: I offer that in evidence.

(Said paper is marked Exhibit D14.)

10 Mr. Kellam: I object to its being admitted in evidence. I can't see the relevancy of an arrangement whereby she directs an undertaker and two ladies to bury her.

Mr. Stockwell: It is to show what the woman did; it shows she knew what she was about.

20 Mr. Kellam: I think I want that in, I will withdraw my objection.

Q. Now, go on and tell what the conversation was between you and Mrs. Peterson, if anything?

A. She spoke relative to having this letter fixed up, and she said that that letter she was going to place on her bureau in the event of her death occurring at any time, so that those around her would know just exactly what to do, as that letter told there, about making arrangements for the funeral.

30 Q. Well, did she go into the question of what kind of funeral she was to have?

A. She just simply said she wanted a first-class funeral.

Q. Did you talk about subjects generally when you were there?

A. No, nothing.

Q. The conversation related only to this subject?

A. No, the conversation related to nothing only bearing on the business of the hour.

Q. Did you bury her?

A. Yes.

Q. Did you have any opportunity of inspecting the clothing which she left?

A. No.

Q. You did not do that?

A. No, sir, that was left entirely with Mrs. Carrick and Mrs. Carter.

10

Q. Who are they?

A. They are two ladies, members of the church.

Q. Did you ever have any business transactions with her other than this one?

A. With Mrs. Peterson?

Q. Yes.

A. None whatever.

Q. In any conversation with her or at any other time, did you note anything which evidenced an unsound mind?

20

A. None whatever, sir; she always was as clear as could be.

Q. Did she know you?

A. She did.

Q. Called you by name?

A. Yes.

Q. Did she call the other people by name?

A. Yes, she knew Mrs. Carrick and Mrs. Carter well.

Q. Did she mingle freely among the members in 30 the church—I mean, in church services?

A. I can't say that; people would speak to her going in and out of the church, you know, as they would to any other person coming in.

Cross-examination.

By Mr. Kellam:

Q. Now, Mr. Murray, your conversations with Mrs. Peterson outside of this one occasion when she signed this letter were confined to "Good morning," "Good afternoon"—passing the time of day?

A. Yes, passing the time with other people.

10 Q. You had no conversation with her other than on this occasion when these two ladies came, or you went to this place and had this letter signed?

A. None whatever.

Q. Who wrote this letter?

A. I don't know.

Q. Wasn't it written in your presence?

A. The letter was not written in my presence. She had the letter for us to sign; I don't know who drew the letter up.

20 Q. Well, Mrs. Peterson did not draw it up, did she?

A. I don't know.

Q. When you went there, this letter, Exhibit D14, was all prepared, was it?

A. Yes, sir, I think it was; I know I did not see it drawn.

Q. In whose possession was it when you first saw it, Mrs. Carter's?

A. That I can't answer.

30 Q. Who had it?

A. The letter was there at Mrs. Carter's home.

Q. The letter was where, lying on a table or desk?

A. Now, I can't tell that. It was a place where you could sign your name, it was there; I couldn't tell you whether it was in a cupboard or where it was.

Q. The letter was at Mrs. Carter's, and after you got there Mrs. Peterson signed it, is that correct?

A. Mrs. Peterson signed the letter after she had told me what she wanted done for her interment.

Q. Of course, you don't know Mrs. Peterson's handwriting?

A. No.

Q. You don't know whether this is in her handwriting or not?

A. No, I do not.

10

Q. And all you say was that she signed it?

A. Yes.

Q. In your presence?

A. Yes, signed Elizabeth Peterson.

Q. And then you signed Joseph Murray?

A. Yes.

Q. Did you have a clergyman at the interment?

A. Yes, sir.

Q. Was there some one at the grave, a clergyman at the grave?

20

A. Yes.

Q. Who?

A. I forget.

Q. What was the name of the clergyman at the grave?

A. I forget whether Mr. Brock was there or not; I really forget; I don't know whether Mr. Brock was there; I can't tell you.

Q. Then you don't know whether there was a clergyman at the grave or not?

30

A. I really forget whether Mr. Brock was sick and could not come to the cemetery or not; I can't tell you that; I really forget.

Q. The fact is that you don't know whether there was a clergyman there or not.

A. I really don't know; I really forget that now.

By the Court:

Q. You informed me in answer to a question of mine that this paper was executed in August of 1925, didn't you?

A. I think it was in August.

Q. You are in error as to that, aren't you?

A. Yes, I think it was in August, 1925; I am not sure, because it was—I think that her death occurred on January 11st, I think it was, in 1926.

Q. Was the date filled in this paper on the night Mrs. Peterson executed it?

A. I can't tell you that.

Q. How about the names of the witnesses—were they written at the same time or executed by them at the same time that she did?

A. I can't remember, can't tell you that intelligently, I have really forgotten.

20

CHARLES M. BRIDGE, recalled.

By Mr. Stockwell:

Q. In your original examination, Mr. Bridge, I asked you whether you were connected with the firm of Bleakly & Stockwell in 1922 and before that?

A. Yes.

30 Q. You were one of the witnesses to the will?

A. I was.

Q. Will you kindly state when Mrs. Peterson first appeared at the office of Bleakly & Stockwell, if you know.

A. She came in in the later part of—no, I think it was the first of March, 1921.

- Q. 1921?
- A. 1921.
- Q. Do you know whom she saw first in the office when she came in?
- A. I think it was Mr. Bleakly first.
- Q. And then was she turned over to you for some conversation with her?
- A. Yes.
- Q. Do you know who sent her to the office?
- A. I understood she had been sent by the Merchants Trust Company. 10
- Q. Was that one of the clients of Bleakly & Stockwell at that time?
- A. Yes.
- Q. And still at the present time?
- A. Yes.
- Q. What was the occasion of her visit the first time she came in?
- A. She came in to have her will prepared.
- Q. Was it to you she spoke about this? 20
- A. Yes.
- Q. Which is this, in 1921, you are referring to?
- A. 1921.
- Q. At that time the office of Bleakly & Stockwell was where?
- A. 317 Market Street.
- Q. Camden?
- A. Camden.
- Q. When she came in, was she alone or with some one else? 30
- A. She was alone.
- Q. Can you say whether she was appropriately dressed for a woman of her age or otherwise?
- A. I should say she was appropriately dressed for a woman of her age.

Mr. Kellam: Tell us how she was dressed.

Q. As a matter of fact, what was the style of her dress on the subsequent visits to the office?

A. She always dressed quietly whenever I saw her, in dark clothes, never conspicuously dressed that I noticed.

Q. Did you on this interview take down any memorandum of what she wanted?

A. I did.

10 Q. I understood she said she came there to have a will prepared?

A. Yes.

Q. Did she, herself, state what she wanted in the will?

A. Yes.

Q. Or was that suggested by anybody else?

A. It was her own suggestion.

Q. Was a will prepared?

A. It was.

Q. In the office following that interview?

20 A. It was.

Q. And was the will executed?

A. It was executed on the following day.

Q. I wish to show you what purports to be a cancelled will of Elizabeth Peterson, dated the second day of March, 1921, and I ask you whether or not this paper is the one which was prepared at that time and acknowledged by her, Mrs. Peterson?

A. The typewritten portions are.

30 Q. When were the pencil memoranda or interlineations put on that paper?

A. When she came in, in June, I think it was or just before June, maybe late in May, 1922, to change her will.

Q. I note that there is a big hole taken out of this paper at the point of signature by this woman; when was that done?

A. When the will of June 19, 1922, was executed.

Q. Who tore that out?

A. I am quite sure I had Mrs. Peterson do it.

Q. Was it done in your presence?

A. In my presence.

Q. Were you a witness to this first will?

A. I was.

Q. Who else was a witness?

A. Miss Strang.

Q. Who is she?

A. She is employed in the office of Bleakly & 10
Stockwell, it was at that time, now, Bleakly, Stock-
well & Burling.

Q. Were the formalities mentioned in the attesta-
tion clause of that will complied with by the tes-
tator?

A. All of them.

Mr. Stockwell I ask that that be marked for iden-
tification.

20

(Said paper is marked Exhibit D15 for identifica-
tion.)

Q. Did Mrs. Peterson call at the office of Bleakly
& Stockwell after the execution of this first will?

A. A number of times.

Q. How many times, do you suppose?

A. Well, I suppose ten or fifteen times.

Q. Who saw her there at the office beside your-
self?

30

A. Mr. Bleakly frequently saw her first and
brought her back to me.

Q. I think it was stated on your first examination
that the second will, the one which is offered for
probate here, was executed in my private office.

A. That is right.

Q. I want you to state whether or not I was present at any such execution.

A. You were not.

Q. Now, between March, 1921, and June, 1922, did Mrs. Peterson call at the office?

A. She did on a number of occasions.

Q. What was the occasion of these subsequent calls?

A. When I was getting from her the information
10 for the preparation of the will of March 2, 1921, she mentioned some property she had from which the rents were being divided half and half as between herself and her daughter.

Q. Did she mention the daughter's name?

A. She mentioned the daughter's name.

Q. What?

A. You mean, what was the daughter's name?

Q. Yes, what name did she give?

A. Marian Harris.

20 Q. What did she say to you about that?

A. She said that there were properties which were owned jointly, and she wanted her property back; she wanted them separated.

Q. Wanted them what?

A. Wanted them separated.

Q. And did she ask the firm of Bleakly & Stockwell to take any steps to accomplish that?

A. She asked us to see just what the situation of record was, and requested that we let her know.

30 Q. Did the firm ascertain what the record condition of the title of these properties was?

A. It did.

Q. Was that communicated to Mrs. Peterson?

A. She was written fully.

Q. I show you a letter signed "Mrs. E. Peterson" which was identified this morning by Mrs. Harris as her mother's handwriting, and ask you whether

that is a letter received by you at the office of Bleakly & Stockwell from Mrs. Peterson?

A. It is.

Q. And what is the name at the top of the letter?

A. Mr. Branch.

Q. Is that what she called you?

A. She did at that time; she later learned my name more correctly.

Q. She would not have learned that from your signature, would she?

10

A. I doubt it.

Q. Well, I can testify to that.

Mr. Stockwell: I offer this in evidence.

(Said paper is marked Exhibit D16.)

Mr. Kellam: I think I will enter an objection to the admission of this chain of letters. My objection is that the letters in themselves do not prove that the lady was sane or insane; they are letters written by her on a matter which she may or may not at that time have been capable of deciding on, and in my opinion these letters written to her counsel are not relevant to prove either that she was or was not of mental capacity to make a will.

20

The Court: I will admit them.

(Exception noted for appellant.)

30

Mr. Stockwell: Now, may I take the time of the Court to read these as we go along?

Mr. Kellam: I have no objection to Mr. Stockwell reading the letters, but I was going to suggest that as my client has identified all the letters as be-

ing in her mother's handwriting, that we might group them together in the same manner the letters were this morning, and let them be offered in evidence, because if they have evidential value your Honor will read them. I do not see what we gain by reading them into the record.

The Court: I do not want them read into the record. I do not understand because I read a letter
10 it has to be read into the record.

The Court: Why don't you hand him the letter and say, "As a result of that ——"

Mr. Stockwell: It doesn't mean anything.

The Court: Doesn't it bear a number? Isn't it marked? Won't it show in the record there having
20 read "Exhibit D—" as a result of that he did this and that?

Mr. Kellam: I suggest you say you are handing him D so and so.

Mr. Stockwell: Your Honor is to hear this testimony as it goes along. I certainly think it would be enlightening to your Honor to know what the testimony means. I say, "Did you receive this letter and what did you do?" I don't even say it refers to
30 a will or what.

The Court: I will look at the letter. Have it your own way.

Mr. Stockwell: We are taking more time discussing it by far than by letting him go ahead.

Mr. Kellam: All right, we will bring Judge Ware up another day.

Q. Mr. Bridge, this refers to "my will," this letter D16. It also refers to "other case." Now, following that letter, I want to know whether she came in and talked to you about other matters than a will?

A. Yes, she came in and discussed the matter of the property that was held by herself and her daughter jointly.

10

Q. And what did she want done?

A. She wanted the property separated.

Q. Did she say how she wanted them separated?

A. She said that she was entitled to a great deal more of the property than her daughter was.

Q. Did she say why?

A. Because she had more money in the properties than her daughter had.

Q. As a result of her interview or interviews on the question of these properties, did you have any 20 correspondence with Mrs. Harris?

A. Later on, as we neared to a settlement, we did.

Q. I show you a letter of April 20, 1921, signed Mrs. Elizabeth Peterson. Did you receive that from her?

A. I did.

Mr. Stockwell: Will you mark that?

(Said letter marked Exhibit D17.)

30

Q. This letter opens "Your letter received." Had you written her a letter previous to that?

A. Yes.

Q. This is a copy?

Mr. Kellam: I object.

Mr. Stockwell: I am going to ask a question.

Mr. Kellam: Go ahead, ask the question.

Q. Had you written to her before that?

A. I had.

Q. About what had you written to her?

Mr. Kellam: I object to that.

10

The Court: On what ground, Mr. Kellam?

Mr. Kellam: If the letter was written, it should be produced.

Mr. Stockwell: That is what I wanted.

Q. I show you a letter copy, dated April 16, 1921, and ask you if the original of that letter was sent to Mrs. Peterson?

20

Mr. Kellam: May it please the Court, I don't think the copy is relevant, nor do I think the letter itself would be relevant as binding upon my client. We haven't the letter here to start with. Secondly, I can't see how a letter mailed to Mrs. Peterson would have any effect on the question of her sanity or insanity. Her letters back may have, but letters mailed to her would have no bearing whatsoever upon it. I object, first, because it is irrelevant and secondly, because that is not the proper way to produce the letters.

30

The Court: It may have an effect as determining Mrs. Peterson's attitude towards her mother at the time, as following upon her testimony in the case.

Mr. Kellam: It may have a bearing upon the attitude of Mrs. Harris?

The Court: Yes.

Mr. Kellam: Yes, if that letter written to Mrs. Peterson had stated Mrs. Harris did certain things and then we have a reply from Mrs. Peterson about Mrs. Harris, it might be relevant, but outside of that —

10

The Court: I haven't had the opportunity of reading these letters. If I have to read the letters as we go along, it will take some time.

Mr. Stockwell: The purpose of the offer is to show this lady consulted this firm about certain matters, that she was written to about those matters and she returned replies which were both intelligent and to the point, showing, if anything can show, that her mind was clear and she knew what she was about and could transact business.

20

The Court: Well, both these parties seem to have been interested at that time about it, and I don't see any objection to considering the whole transaction from the standpoint of both the decedent's mother as well as the daughter, in arriving at the question of the sanity of Mrs. Peterson at that time.

Mr. Kellam: As I understand, your Honor will admit in evidence the carbon copies of the letters sent by Bleakly & Stockwell to Mrs. Peterson?

30

The Court: Yes.

(Exception noted for caveator.)

Mr. Stockwell: I don't think that question was answered.

(Question repeated.)

A. It was.

Mr. Stockwell: I ask that be marked.

10 (Said letter marked Exhibit D18.)

Mr. Stockwell: To save time, would your Honor's views on the subject, I will go right through with the list and put them in together.

20 Mr. Kellam: Yes, I suggest that. I understand that this file contains only carbon copies of letters from Bleakly & Stockwell to Mrs. Peterson and replies received from Mrs. Peterson by your firm. If that is the extent of the offer, I will renew my objection, in order to keep my record straight and let his Honor rule and grant me an exception, but I have no objection to them being offered in that manner.

The Court: Yes.

(Exception noted for caveator.)

30 Q. I show you, Mr. Bridge — Put it in the form of a question on all of these letters — Letter from Mrs. Peterson to Mr. Bridge, October 18, 1921; carbon copy of letter to Mrs. Elizabeth Peterson, December 17, 1921; letter from Mrs. Peterson to you, January 4, 1922; letter to Mrs. Peterson, you to Mrs. Peterson, dated January 19, 1922; letter you to Mrs. Peterson, dated February 6, 1922; letter Mrs. Peterson to you, dated February 8, 1922;

from Mrs. Peterson to you, dated March 20, 1921; letter you to Mrs. Peterson, dated February 25, 1922; you to Mrs. Peterson, March 7, 1922; you to Mrs. Peterson, dated May 5, 1922; you to Mrs. Peterson, June 2, 1922; Mrs. Peterson to you, June 5, 1922, and ask you whether the letters mentioned as signed by her were received by her at Bleakly & Stockwell's office, and the carbon copies or carbon copies of letters sent by you to Mrs. Peterson?

A. They were.

10

Mr. Kellam: I presume all those letters are those you had identified this morning, those from Mrs. Peterson?

Mr. Stockwell: They are.

Q. And I also show you letter from Mrs. Peterson to you, dated December 17, 1921. Was that received from Mrs. Peterson?

A. Yes.

20

Mr. Kellam: Let me look at that also.

(Letter handed to Mr. Kellam.)

Q. I also show you letter to Elizabeth Peterson, dated May 10, 1920, with the initials down at the bottom, EGCB, and letter from Mrs. E. Peterson to Mr. Bleakly, dated May 10, 1921, and ask you if the first was sent to Mrs. Peterson and the letter received from her?

30

A. They were.

Q. I also show you a dilapidated letter, a copy, to Mrs. Peterson, dated June 1, 1921, and ask if the original of that was sent to Mrs. Peterson?

A. It was.

Mr. Stockwell: These are all offered, and I think they should be marked separately.

Mr. Kellam: I renew my objection, and your Honor overrules it?

The Court: Objection overruled and exception noted.

10 (Exception noted for caveator.)

(Said letters marked Exhibits D18 to D42, inclusive.)

Q. Now, Mr. Bridge, did you, for Bleakly and Stockwell, undertake, on behalf of this lady, to accomplish a settlement with her daughter, Mrs. Harris?

A. I did.

20 Q. In respect to certain real estate?

A. I did.

Q. Was this taken up with Mrs. Harris?

A. It was.

Q. Was that by letter or personally?

A. By letter first to Burr-Smith Company, and toward the end there were some letters directed to Mrs. Harris.

Q. And the letters which are in evidence to and from Mrs. Harris relate to the question of settlement?

30 A. They do.

Q. Did you accomplish the settlement?

A. I did.

Q. Did Mrs. Peterson insist upon any particular form of settlement?

A. She at first said that she was entitled to by far the greater part of the property, because she

had much more money in them, and she wasn't very difficult to get along with, and she finally agreed to the terms that we settled upon.

Q. In the end, was there embodied in a letter from Mrs. Harris a proposition to settle?

A. There was.

Q. And was it put through on that basis?

A. It was put through on the basis of the letter, which said she was to get four of the Locust Street properties or the proceeds from the sale of four of the Sixth, and to deed to her mother her interest in the three Marion Street properties. 10

Q. Did you attend to the preparation of papers for that settlement?

A. I did.

Q. Do you know whether or not you took the acknowledgment for the deed on the sale of the Locust Street properties?

A. I did; I think I did, yes.

Q. As a matter of fact, haven't you inspected the 20 records to find that out?

A. That was the deed, I think, yes, that was the deed I examined, and I did.

Q. Where was this settlement made?

A. At the offices of Freeman Brothers.

Q. Do you know who got Freeman Brothers to sell the property?

A. My recollection is that as the negotiations progressed, it was suggested that it would be more satisfactory to sell the Locust Street properties and divide the proceeds and both Burr-Smith and Freeman Brothers tried to get purchasers. 30

Q. Well, in the end, did Freeman Brothers?

A. Freeman Brothers obtained the purchaser.

Q. Was the money divided between Mrs. Harris and Mrs. Peterson according to this arrangement for settlement?

A. It was.

Q. And the deed was given by Mrs. Harris to Mrs. Peterson for the Marion Street properties?

A. Yes.

Q. Now, will you state whether or not in these negotiations the terms of settlement were discussed with Mrs. Peterson?

A. With Mrs. Peterson?

Q. With Mrs. Peterson.

10 A. Yes, they were.

Q. Well, frequently and in detail?

A. Yes, quite frequently and in detail, so that she would understand what she was doing.

Q. Did she know all the properties she owned?

A. Yes.

Q. Did she know how the title stood?

A. In the beginning she knew that her daughter was interested with her in the six Locust Street properties and the three Marion Street properties,
20 but she didn't know just what was in the deeds, she didn't know whether it was a joint tenancy or tenancy in common.

Q. Well, were you asked to do anything?

A. I was asked to find out. I examined the records and found out.

Q. Did you tell her what the result was?

A. I wrote her fully.

Q. Did you embody that in one of these letters?

A. Yes.

30 Q. Did she make any complaints about her daughter during any of these interviews?

A. Yes, that her daughter was receiving more than her share out of the properties.

Q. Well, was there — Did she say that more than once?

A. Yes, I think she said that several times.

Q. On what, if anything, did she insist with ref-

erence to these properties being done, what did she want accomplished?

A. She wanted, she put it, to get her property back.

Q. What did she mean by that extent to you?

A. To divide them so she would have her share and her daughter would have her share separate.

Q. Did she say anything about controlling her own property, her own money?

A. Yes, she said she wanted to take care of her own property herself. 10

Q. Now, in the preparation of this first will, who gave you the memoranda or data from which these clauses were inserted?

A. Mrs. Peterson.

Q. Any suggestion from you as to what she should do with her property?

A. None whatever.

Q. I think you said you took down a memorandum at the time? 20

A. I did.

Q. Can you identify such a paper if you can produce it?

A. This is a memorandum I made at the time. (Indicating.)

Q. In whose handwriting?

A. In my own.

Q. Who suggested the names of the residuary legatees in this seventh paragraph of the will, that is, the Camden County Chapter of the Red Cross and Home for Aged and Infirm of the Methodist Episcopal Church, of the Camden County Branch of the Salvation Army, Visiting Nurse Society, the Cooper Hospital of Camden, New Jersey, Homeopathic Hospital of Camden, New Jersey? 30

A. Mrs. Peterson.

Q. Did you suggest any one of those names?

A. None at all.

Q. Who suggested the name appearing in the preceding clause of that will, "All my clothing and wearing apparel I give and bequeath to the Associated Charities of the City of Camden?"

A. Mrs. Peterson.

10 Mr. Stockwell: Now, I want to offer in evidence this paper, this old will, of course excluding the pencil memorandum thereon, which I understand are in your handwriting, Mr. Bridge?

The Witness: Yes.

Mr. Kellam: I object to that. I can't see how it has any relevancy on the state of mind of the testatrix in June, 1922, as the will was apparently executed in March, 1921, and a will which has been defaced, as far as the execution is concerned.

20 Mr. Stockwell: The purpose of it is to simply show what the intentions of the woman were at that time and to show that she carried out her desires as expressed to the lawyers to whom she went and that later she cancelled that same paper and executed another one practically in the same form with the same legatees.

30 The Court: It seems to me it might be valuable from either standpoint. An argument might be made from either side of the case. I will admit it.

(Exception noted for caveator.)

Q. I note on the margin of this old will of March, 1921, certain memoranda, and I ask you when they were put there?

A. When the later will of June, 1922, was about to be executed.

Q. How did you come into the possession of this old will at that time?

A. Mrs. Peterson said she wanted to make some changes in it and had the Merchants Trust Company, who had held it, return it to us to be changed in accordance with her later wishes.

Q. It had not been then in the office of Bleakly & Stockwell in that period?

10

A. No.

Q. Now, I want to know just what these notations are that were made on the margin and when they were made?

A. Do you mean you want me to read them?

Q. No, not necessarily, but I want to know whether these were made while Mrs. Peterson was there or some other time?

A. They were made while she was there, while we were getting the data for the will as it was to be finally made and executed, in June, 1922.

20

By the Court:

Q. Who do you mean by the word "we" in your last answer?

A. Bleakly & Stockwell.

Q. Referring to the firm?

A. To the firm.

Q. And not to any certain individual?

A. No.

30

By Mr. Stockwell:

Q. Now, referring to the paper which has been offered here for probate, Mr. Bridge, and to which you are a witness and to which you have already tes-

tified, who gave you the data for making up that will?

A. Mrs. Peterson.

Q. Did any of it originate with you?

A. None at all.

Q. Did you make any suggestion to her as to what she should do with her property?

A. None whatever.

Q. Either as to her daughter or otherwise?

10 A. None whatever.

Q. Did she say anything to you about her daughter at the time of the execution of this second paper?

A. She said that she didn't want to leave anything to her daughter.

Q. Did she refer to the clause in the prior will by which the daughter was left \$5.00?

A. Yes, she thought it was necessary to leave a dollar or five dollars to make the will valid.

Q. Did she ask you about that?

20 A. She did.

Q. What did you tell her?

A. Told her it was not necessary.

Q. Then what did she say?

A. She said, "Leave it out."

Q. Did you follow her instructions?

A. Yes.

Q. Were there any changes in the name of the residuary legatees from what they were in the first paper?

30 A. No, the residuary legatees, I believe, are just as they were before.

Q. What reason, if any, did she give for destroying the first will and having a new one made?

A. That she wanted to make some changes.

Q. Between the date of the first and second papers, had there been a settlement between the daughter and the mother?

A. There had.

Q. Now, during any of the conversations you had with her or any time when she was in that office, did she say anything or do anything to indicate that she was unbalanced of mind?

A. Not a thing that I noted.

Q. State whether or not she talked with intelligence.

A. She did. She seemed to know what she wanted and seemed to be able to express herself quite well. 10

Q. Any difficulty in making her hear when she had her acousticon on?

A. Quite some difficulty.

Q. If you talked loudly, she could hear?

A. If you talked loudly, she could hear with the acousticon, but I noticed she had a switch she turned on with that thing and occasionally that would buzz or get out of order and I would have to tell her again.

Q. Did she recognize what property she had? 20

A. She did.

Q. And her relations?

A. She did.

Q. If any?

A. Yes.

Q. Did she have a disposition which was meek and quiet, or was she rather pronounced in her—decisive in her judgments or expressions of what she wanted done?

A. She was very clear on what she wanted done, very strong on what she wanted done, but otherwise very quiet. 30

Q. Did she make that plain by correspondence?

A. She did.

Q. With the firm as well as by interviews?

A. She did.

Q. Do you know when she was last in the office?

A. I believe she was last in the office after—when—to get the papers after the settlement had been made and some time after the last will had been made.

Q. Now, the last will was made on June 19, 1922?

A. Yes.

Q. Won't you tell me just what was done after you had the instructions and the data for the preparation of that paper?

10

Mr. Kellam: Which one?

Mr. Stockwell: The last, this is the will of June, 1922.

A. The will was prepared and she executed it.

Q. Was it prepared and executed at the same time?

20

A. The data was obtained and I think she came in a little later after it was written up and executed it.

By the Court:

Q. Referring to the same day, do you mean?

A. The same day?

Q. Yes.

A. No, I think it was later, just a few days later.

30

By Mr. Stockwell:

Q. Would the correspondence here probably show?

A. I don't know whether it would or not. I may just have told her to come in a certain date.

By the Court:

Q. What was the data you used for the preparation of this will?

A. The last one?

Q. The last will in controversy here?

A. The memoranda made on the first will.

Q. You used that?

A. Yes.

Q. That is your data?

10

A. Yes.

By Mr. Stockwell:

Q. At the time of the execution of this second will, did you note any change in the condition, mental condition of Mrs. Peterson from what it had been before?

A. None whatever.

Q. Was she dressed any differently from what she had been before? 20

A. Her dress was always inconspicuous; I never noticed anything peculiar about it.

Q. Was her conversation intelligent?

A. Always.

Q. At the time of the execution of that will, was there anything in her manner, in her conversation or in her actions to indicate to you that she was of unsound mind?

A. None whatever.

30

Cross-examination.

By Mr. Kellam:

Q. Now, Mr. Bridge, you have been connected with the firm of Bleakly & Stockwell for a good many years, have you?

A. Yes.

Q. How many?

10 A. About twenty-five.

Q. And you have drawn a great many wills?

A. I have.

Q. And at the time this will, this first will, Exhibit D15, was prepared, you were in charge of the drawing of the wills in the office?

A. Not entirely, no.

Q. You did most of the work, did you not?

A. No, only those referred to me by either Mr. Bleakly or Mr. Stockwell.

20 Q. Didn't they refer to you most of the drawing of the wills?

A. No, they prepared most of them themselves.

Q. This was unusual then?

A. No, there were many cases on which I did, but not by any means the majority.

Q. You drew some, Stockwell drew some, and Mr. Bleakly drew some?

A. I always did under Mr. Bleakly's or Mr. Stockwell's supervision.

30 Q. But in this instance you did it all yourself?

A. After Mrs. Peterson was brought back to me by Mr. Bleakly, I got the data and had the will prepared and submitted it to Mr. Stockwell.

Q. For the form?

A. For the form.

Q. Mr. Stockwell didn't see Mrs. Peterson about the will?

A. No.

Q. Mr. Bleakly didn't see Mrs. Peterson about the will?

A. No.

Q. Except bringing her to you?

A. That is all.

Q. Now, I understand you to say that you made no suggestion to Mrs. Peterson whatsoever about this will?

A. I made no suggestion as to any disposition of 10 any property.

Q. You suggested no name to her?

A. None whatever.

Q. Did you make any suggestion or correction of any name that was suggested to you?

A. None whatever.

Q. Did you correct the title of any of these charitable institutions she had?

A. None whatever.

Q. Well, now, when Mrs. Peterson came to you 20 in March of 1921, did she have a written list of the people or charities she wanted to give this to?

A. No, she merely told me, in answer to my questions, as to what she wanted to do, she gave me the names, she seemed to be prepared.

Q. Now, did she give you any written memorandum at all, do I understand?

A. No memorandum that I ever saw.

Q. She told you?

A. She told me.

Q. That Camden County Chapter of the Red 30 Cross, did she tell you that?

A. She told me, yes, she told me that, the Camden County Red Cross.

Q. Camden County Chapter of the Red Cross?

A. I don't know just what words she used, but I think she had —

Q. Were the words as embodied in this first will and as appears in the second will the exact words that Mrs. Peterson used?

A. As far as I know.

Q. Did she say, "The Home for the Aged of the Methodist Episcopal Church of the County of Camden?"

A. She may have said, "The Methodist Episcopal Home for the Aged and Infirm."

10 Q. How does that differ from the way I have read?

A. That is all.

Q. She gave you all that title?

A. She did.

Q. Did she give you the title, "Local Branch of the Salvation Army"?

A. No, she said, "The Camden Branch of the Salvation Army."

20 Q. You suggested the proper names, is that correct?

A. I may have put the proper name in.

Q. Did she say, "The Visiting Nurse Society of Camden, New Jersey"?

A. I think she did.

Q. All of that title?

A. All of that she gave herself.

Q. Didn't ask you what the name of that visiting nurse society was, or anything of that kind?

A. No.

30 Q. Didn't say to you, "I want to leave something to the visiting nurse society"?

A. No.

Q. But gave you this title?

A. Gave me the title.

Q. "The Cooper Hospital of Camden, New Jersey"?

A. She said, "The Cooper Hospital." She may not have added Camden, New Jersey.

Q. Well, that was your addition to the will?

A. Putting it clear that she wanted the Camden Cooper Hospital.

Q. When she came to give you the instructions for the second will, of the residuary clause, she added, "The First Methodist Episcopal Church of Camden, New Jersey"?

A. I think they were mentioned in the residuary 10
clause of the first will. She may have made some change as to the Foreign Missionary Society. I have forgotten just what that is.

Q. Perhaps you better refresh your memory. I don't want to take advantage of you. I have two papers from which I am reading.

A. No, she had it the First Methodist Episcopal Church.

Q. In the second will; she added in the residuary clause, "First Methodist Episcopal Church of Cam- 20
den, New Jersey"?

A. That's right.

Q. And the second time, did she have a list of the things she wanted to give to?

A. None that I saw.

Q. Now, in the first will, she gives \$5.00 to her daughter, \$5.00 to her grandson, and she provides that she desires to be buried at or near the plot in which Rev. Holmes F. Gravatt is buried as may be convenient. Did she give you that instruction? 30

A. She did.

Q. Holmes F. Gravatt?

A. She did.

Q. She didn't say, "Dr. Gravatt," or "The pastor of our first church," or "The former pastor"?

A. No, she said, "Dr. Holmes F. Gravatt."

Q. "Reverend," you have it here?

A. Well, I don't know whether she said "Reverend" or not.

Q. You have "Reverend Holmes F. Gravatt"; that is what she told you?

A. Yes.

Q. Now, she had no memorandum at all, as I understand it?

A. None that I saw.

Q. Came in and gave you all this data?

10 A. She did.

Q. Did you make a memorandum of this data at the time?

A. I put it all on the first will.

Q. At the time you drew the first will?

A. Yes, I made a memorandum.

Q. Where is it?

A. That's only part of it.

Q. Yes, where is the rest of it?

A. I don't know.

20 Q. You were very careful to produce that. What became of the other?

A. I don't know.

Q. What became of this memorandum with all these technical names that this lady spouted out to you, one after another?

A. They are not on here; I don't know.

Q. You wrote a letter to Burr-Smith Company, stopping the payment of the rents as collected, one-half to Mrs. Harris, didn't you?

30 A. I think Mr. Bleakly did.

Q. Well, your office did?

A. Yes.

Q. And that is what started the talk of a division, didn't it?

A. Yes.

Q. When Mrs. Peterson told you that she wanted to leave her daughter \$5.00, that was at the time

you drew the first will, did you ask her if she had any other children?

A. I think I did.

Q. Did you suggest to her or ask her why she only wanted to leave her only daughter or only child \$5.00?

A. I did.

Q. What did she say?

A. She said her daughter and she had these two properties and her daughter was getting more than her share out of those properties. 10

Q. Was that the only reason she assigned for cutting her daughter off with \$5.00?

A. That was all she said to me.

Q. Did you give her any advice as to that kind of an action?

A. No.

Q. You are not a member of the bar, are you?

A. No.

Q. And you felt, if the lady, at that age, desired to cut off her only daughter with \$5.00, it wasn't for you to say anything about it? 20

A. I felt that she knew what she wanted.

Q. And she assigned no reason other than her daughter had two properties and was getting more than her share out of the others?

A. No, I didn't say two properties, I didn't say that.

Q. What, one property?

A. No, that's the title to all of these nine properties was in both names. 30

Q. And that was the reason assigned for giving the daughter \$5.00?

A. That she and her daughter hadn't been getting along and it was because she was dissatisfied with the arrangement.

Q. Oh, I see. So, she did say that she and her daughter hadn't been getting along?

A. Yes.

Q. What else did she say?

A. That was all she said.

Q. Just in that common way, "We haven't been getting along"?

A. Yes.

10 Q. She was quite insistent on some of these things?

A. She appeared to always know what she wanted.

Q. But as far as the daughter was concerned, she said, "We are not getting along, and I want to leave her \$5.00"?

A. Well, she said it in her own way.

Q. Of course, I am not copying her, but in that mild manner?

A. Yes.

20 Q. When was this settlement between Mrs. Harris and Mrs. Peterson effected?

A. That was in February, I think, 1922.

Q. Was that before or after the second will?

A. That was before the second will.

Q. Before the second will was executed?

A. Yes.

Q. And then when she came in to execute the second will, you knew, then, there had been a division between these two ladies and a settlement?

30 A. I did.

Q. And you also knew that the reason assigned by Mrs. Peterson for not leaving her daughter anything had ceased to exist?

A. No, I didn't.

Q. Well, you knew there had been a settlement between them as to their properties?

A. I did, but I didn't know what other reasons she might have.

Q. Well, did you then ask her why she cut out her daughter?

A. I did not.

Q. Did she assign any reason for it?

A. None whatever, not at that time.

Q. Well, did she ever assign any reason to you for cutting her daughter out of her will, except the one you have already testified to?

10

A. No.

By Mr. Stockwell:

Q. Mr. Bridge, I undersand, in this settlement that was effected between the mother and the daughter, the daughter did get an agreed amount or portion of the values of the properties?

A. She did.

Q. Now, in the third paragraph of this will of June, 1922, I notice reference to the Harleigh Cemetery Association. Now, when it came to that, was there any discussion about the Harleigh Cemetery or what provision should be made there?

20

A. Yes, she had obtained from the cemetery direct the clause which should be put in to arrange, as I recall it, or perpetual care of the plot.

Q. Do you have that clause?

A. Yes, she brought it in.

Q. I hand you this from the file of our office and ask you, was either one of those papers —

30

Mr. Kellam: Is that the clause she brought in, or one like it?

The Witness: This is the clause she brought in.

Mr. Kellam: Which one? You have two of them there.

The Witness: It's an original and carbon copy. Evidently they are both alike.

Q. At whose hands did you receive those papers?

A. Mrs. Peterson's.

10 Mr. Stockwell: I offer those in evidence.

(Said papers marked Exhibits D43 and D44.)

EDITH N. HALE, recalled.

By Mr. Stockwell:

20 Q. You have already testified, Mrs. Hale, to being a witness to this paper writing purported to be the last will and testament of Elizabeth Peterson, dated June 19, 1922. Had you conversed with this lady before the time of the execution of this will?

A. No.

Q. Had you had anything to do with her?

A. No.

30 Q. When you were called in to act as a witness, was that the first time you had any dealings with her or talked with her?

A. With her personally, yes, but I prepared that last will.

Q. You mean you wrote it?

A. Typewrote it from dictation.

Q. As I understand, you had no conversation with this lady before?

A. No.

Q. Or after?

A. No.

Q. Or any transactions with her?

A. No.

Q. Your sole connection is, you were called in at the particular time of the execution of this will to be a witness?

A. Yes.

Q. Was there anything said or done by Mrs. Peterson at the time of this interview when she executed this will, in your presence, to indicate she was of unsound mind? 10

A. No, indeed.

Cross-examination.

By Mr. Kellam:

Q. Mrs. Hale, you were called into the office, you were told, "This is Mrs. Peterson; she is going to sign her will. She wants us to witness it," and Mrs. Peterson said, "This is my will; I want you to witness it," and you all signed and you walked out. Have I told the story? 20

A. Well, not exactly.

Q. What more conversation had you with Mrs. Peterson than that?

A. Mr. Bridge, I believe, prepared a form of will which I understand, now, is the first form. I didn't know anything about that at the time.

Q. Pardon me, Mrs. Hale. I am asking you what happened at the time you were present with Mrs. Peterson and she signed the will. 30

A. Well, she read over the will, Mr. Bridge handed it to her to read over to see if it was perfectly correct, and she read it over, said it was all right, and I recall Mr. Bridge introducing me to

Mrs. Peterson and then she asked us if we would witness it, and we did.

By Mr. Stockwell:

Q. May I ask one more question of this witness? She called my attention to it. If you know, who dictated that will? I understand this will of 1922

10 —

A. You did, Mr. Stockwell.

Q. Did I dictate it to you?

A. Yes.

Q. And you wrote it up?

A. Yes.

20

DR. POWELL K. FITHIAN, SWORN.

By Mr. Stockwell:

Q. Where do you live, Doctor? Rr. Fithian, is it?

A. Well, you might leave the Doctor off. I live in Haddonfield.

Q. Doctor of music? I knew I had called you Doctor before. You live in Camden?

A. Haddonfield.

30 Q. Did you ever live in Camden?

A. I did.

Q. How many years?

A. So long the memory of man runneth not to the contrary. Forty-five or fifty.

Q. And what is your business and has been for these many years?

A. I am director of music, public schools, City of Camden.

Q. You are what?

A. I am director of music, public schools, City of Camden.

Q. How long have you held that position?

A. Thirty years—twenty-seven years.

Q. Thirty years?

A. Twenty-seven years.

Q. And you still hold it?

10

A. I do.

Q. Are you connected with any church here in the city?

A. I am connected with the First Methodist Church.

Q. Any official capacity?

A. Yes, sir, one of the Board of Trustees, and Chairman of the Finance Committee.

Q. Did you know Elizabeth Peterson?

A. I did.

20

Q. In her lifetime? Now, will you tell, in your own way, how you met her and how frequently and where?

A. I was organist at the First Church for many years, sat directly back of the pastor; I was at the same time member of the official board and was particularly interested in the acousticon proposition we had in the church, that those afflicted with deafness might have a better opportunity of hearing. She sat, perhaps, the third seat from the front and used the acousticon. My position was such, I was about the same distance from her as the wall is from you. For a number of years, perhaps in 1910 up until the time I ceased being the organist, I was in position to see her in church. After that, I took a seat with my wife, immediately behind her.

30

Q. Did you have occasion to speak to her? Did you speak to her?

A. Frequently, in fact, every Sunday that I met her there.

Q. Well, what was said?

A. Well, as Chairman of the Finance Committee, it was my business to ask the lady concerning—we were taking our annual debt-raising and current expense account and so forth, and I went to her to ask
10 her what portion of it she was prepared to give, whether she would give us more the next year, whether she would give us the same, and so forth, and she made this remark to me, she said, "My money is so involved just at this time, it takes about all I can get in the way of money to live," but she said, "Some day, you will find out that I have remembered the church," and that was about the only satisfaction I got from her, excepting I knew she
20 made a definite contribution every week to the church.

Q. Did you and Mrs. Fithian speak to her?

A. Oh, yes; I was attracted to her more, perhaps, because of her infirmity. I really put myself out of the way to speak to the woman because of her infirmity.

Q. Did she speak with intelligence?

A. Oh, absolutely.

Q. Could she converse?

A. Absolutely.

30 Q. On matters of religion and other matters?

A. I didn't talk very much to her on matters of religion, but generally the topic of the day and along general lines, asking her how she was, and so forth, but I didn't confine it necessarily to religious talk.

Q. Did you ever get an answer unintelligent?

A. Absolutely not.

Q. Did you ever see anything in her manner, speech, or matters which indicated unsoundness of mind?

A. I always looked upon her as being a particularly refined woman.

The Court: That is hardly responsive.

Q. That is good, but what I want to know is whether you saw any evidence of unsoundness in her mind? 10

A. Absolutely not.

Cross-examination.

By Mr. Kellam:

Q. Mr. Fithian, I understand you saw her from your seat as organist, prior to 1910. Is that correct? 20

A. No, I think about 1910, 1909, 1910, when I first began seeing her.

Q. Was she there from 1910 on continuously?

A. I am not prepared to say that is so. I used to see her. I don't just recall, but I did see her frequently while I occupied that position, and I haven't occupied it for six years.

Q. So it was 1920 that you ceased to be organist?

A. 1920 that I ceased to be organist, if I recall correctly, yes, sir. 30

By the Court:

Q. You never saw her after 1920?

A. Oh, yes.

Q. Well, is your testimony —

A. I saw her after 1920, then I occupied a pew immediately behind her.

Q. But you expressed an opinion as to her sanity. That speaks of what period?

A. My close contact with the woman was after 1920, I used to meet her—while I was the organist, she used to go out before I could get in to see her in the body of the church, so, from 1920 on up until the time of her death, was the time I was seeing
10 her.

By Mr. Kellam:

Q. You saw her practically every Sunday?

A. Well, Mr. Kellam, it was very, very frequently; I wouldn't say every Sunday, but very, very frequently.

Q. And you said, "Good morning," or afternoon,
20 or whatever time of day it was?

A. Said, "Good morning," stuck out my hand and shook hands with her.

Q. "How are you?"

A. "How are you?"

Q. Did you hold any conversation with her about other matters?

A. Spoke to her with reference to finances.

Q. That was on one occasion?

A. Two occasions.

Q. And each time she told you to wait for the
30 future?

A. Each time she said she was doing the best she could in the circumstances.

Q. Outside of those two times you talked with her, did you have any conversation with this lady other than the greetings of the day?

A. Oh, a general conversation, yes, sir. I

couldn't recall what we were talking about, anything that would likely come up.

Q. Did you talk to her every Sunday?

A. No, I wouldn't say I conversed with her generally every Sunday. When she was there, I passed the compliments of the day with her.

Q. Isn't it true that most of your conversation was confined to the passing of the compliments of the day?

A. I would say that was true. 10

Q. And on several occasions, in addition to this time when you asked her for the money, you had a short conversation with her on other matters. What other matters?

A. Oh, general lines.

Q. Well, what?

A. I wouldn't attempt to say. For instance, her health, concerning her health, where she was living now, and I wouldn't go beyond that.

Q. All your connection with this lady was, you saw her in church and had the casual conversation we have with the man who occupies the pew before us? 20

A. There's a difference in what man occupied the pew, about what they talk; sometimes different conversations.

Q. Where there any different conversation with this lady?

A. Not exactly; there might have been. It depends entirely on inspiration of the occasion as to what I would say, I don't know, whatever happened to come in my mind. 30

Q. You never visited her in her home?

A. Never.

Q. Never saw her in any other than the church work?

A. I didn't get that question.

Q. You never saw her in any other of your church work?

A. No, I have never seen her in any other than church work.

Q. Never seen her at any of the church festivals?

A. Yes.

Q. Talked to her?

A. Yes.

Q. At any length?

10 A. Well, perhaps more length than I would in the church.

Q. When and where?

A. I met her at dinner one time; I recall she was down.

Q. When was this?

A. I don't recall the date.

Q. Was this before 1920 or after?

A. After 1920.

Q. In 1925 or 1924?

20 A. I wouldn't say. Perhaps the Ladies' Aid supper, Auxiliary Society supper; I am in the habit of attending those things.

Q. You had a conversation with her?

A. I had a conversation with her.

Q. What was said?

A. Just general conversation.

Q. Well, what was said?

A. I am not prepared to say.

30 Q. You see, you are testifying on this woman's sanity. I want to know what you talked to her about.

A. I am not prepared to say what she did say, but what she said wouldn't suggest to me she was insane.

Q. In other words, on these occasions you have testified to, you didn't see anything about her that was wrong?

A. I didn't.

Q. Those are the only occasions on which you talked to her?

A. That's the one.

Q. And the extent of your conversations?

A. That's all.

By Mr. Stockwell:

Q. In the year 1922, I understand you occupied a 10
pew back of this lady in church?

A. I did.

Q. And was there any difference, so far as you could see, in her mental condition, in 1922, from what it had been before, or what it was afterward?

A. Not that I could see.

Q. Was there any evidence in 1922 to you of any unsoundness of mind?

A. Absolutely none.

20

(At this point a recess was taken to a date to be fixed by the Court.)

30

(Hearing of the cause resumed on February 25th, 1927, in the presence of counsel for the respective parties.)

MAUDE E. DENSTEN, SWORN.

10 By Mr. Stockwell:

Q. Where do you live, Mrs. Densten?

A. 443 Carteret Street.

Q. Camden?

A. Camden.

Q. Where did you live in the year 1922?

A. 443 Carteret.

Q. The same address?

A. The same address.

20 Q. Did you know Elizabeth Peterson in her lifetime?

A. I knew Mrs. Peterson within the last four or five years.

Q. The last four or five years preceding her death?

A. Yes.

Q. Where did she live then?

A. She was living with Mrs. Redding, 445 Haddon Avenue.

Q. How did you come to meet her first?

30 A. I met her in the First Methodist Church.

Q. Was she an attendant of that church?

A. Yes.

Q. Were you a member there?

A. Yes.

Q. Do you know whether Mrs. Peterson was a member?

- A. Well, I always assumed she was.
- Q. What did you say about her attendance at church, frequent or infrequent?
- A. She always attended very regularly.
- Q. At what services?
- A. She was usually there in the morning service and usually at Sunday-school.
- Q. What time was Sunday-school?
- A. 2:15 in the afternoon.
- Q. Did you attend both those services, that is, 10 ordinarily?
- A. Yes.
- Q. Where did you sit with reference to Mrs. Peterson's seat in the church?
- A. Mrs. Peterson always sat on the opposite side from where I sat, she always had one of those acousticons.
- Q. Why did she use that?
- A. Well, she was deaf of hearing.
- Q. Very hard of hearing? 20
- A. Yes, quite hard of hearing.
- Q. Did you have occasion to talk to her in the four years mentioned?
- A. Yes, I have talked to her in Sunday-school and in the church, different times, suppers, things of that kind.
- Q. Did Mrs. Peterson attend Sunday-school during the period you mentioned, the four years?
- A. Yes.
- Q. Is that true of the last year of her life as well 30 as the earlier years you mentioned?
- A. Yes.
- Q. What class did she attend in Sunday-school?
- A. She attended Dr. Brock's class.
- Q. That is the senior class?
- A. Yes, Ladies' Bible Class.
- Q. Were you a member of that class?

A. Yes.

Q. Did you ever have occasion to speak to Mrs. Peterson?

A. Yes, I have talked with her a number of times in Sunday-school and church, and she called at my home on two different occasions and I talked with her at that time.

Q. What was the subject of your conversations?

A. Well, the first time she called, she called with
10 reference to paying her dues in the Sunshine Circle.

Q. What is the Sunshine Circle?

A. An organization we have in the church.

Q. Church organization?

A. Church organization.

Q. What was the conversation about?

A. Why, her conversation there was just simply to pay her dues and she wanted to discontinue her membership.

Q. Did you talk about anything else?

20 A. Yes, we talked about different things. We have a little girl, and talked about her.

Q. Did she know your name?

A. Yes.

Q. How did she call you?

A. She always called me Mrs. Densten.

Q. In speaking to her, did you have to talk rather loudly?

A. Yes, we had to speak very loud to her because she was quite deaf.

30 Q. In church, did you have occasion to speak to her?

A. Well, I would pass the time of day.

Q. What was her manner in church?

A. Well, it was always very cordial.

Q. Did you notice whether or not she spoke to the people in the church?

A. Yes, she would speak to different ones, pass

the time of day with them in church and Sunday-school.

Q. What have you to say as to her dress, the character of her attire during these four years?

A. Well, of course, she didn't dress quite like other people. She was just a little peculiar in her dress.

Q. How many times was she in your home?

A. She was never in my home but twice.

Q. And the first time was about when?

A. I think the first time she was there was early in the fall. 10

Q. Of what year?

A. Well, the year previous—well, she died a year ago—it was in the early part of 1925, I think.

Q. And the second time was when?

A. And the second time she was there the week following Christmas of 1926.

Q. Did she come by invitation, or just call to see you?

A. No, she just called. 20

By the Court:

Q. What year? She said the week following Christmas. I understood her to say in 1926. That isn't right, is it?

A. No, it would be 1925. She died in 1926.

By Mr. Stockwell:

30

Q. A favor you sent her?

A. I sent her a Christmas card.

Q. Did she ever say anything about that?

A. Yes, she thanked me and said she appreciated my sending the card.

Q. What year was that?

A. 1925.

Q. How long did she stay on these two visits?

A. The first time, I think, she stayed about a half an hour, and the second time I think she stayed about an hour.

Q. Were you conversing during all that time?

A. Yes.

Q. Did she ever say anything to you about naturalization papers?

A. She — Her topic of conversation that afternoon was about the children and Christmas and she spoke about her naturalization papers.

Q. What did she say about that?

A. She said she was very glad she passed and was so glad she was a citizen of the United States.

Q. In your contact with her, did you ever notice anything that would indicate that she was of unsound mind?

20 A. Well, I never thought that she was of unsound mind, but she did have imaginations.

Q. She had imaginations?

A. She did, but I never thought her of unsound mind.

Q. Did she talk intelligently or otherwise?

A. Yes, she talked intelligently.

Q. On subjects generally?

A. Yes.

Q. Or simply pertaining to the church?

30 A. Well, it was principally pertaining to the church and her naturalization.

Cross-examination.

By Mr. Kellam:

Q. Did you say she dressed a little peculiarly?

A. Yes, she did.

Q. Can you describe to us just what you mean by that?

A. Well, in this way, that she didn't dress according to a woman of her age. She dressed more like a younger person, in a dress that just wasn't in accordance with her age. 10

Q. A much younger person or as if she was of middle age or a young flapper?

A. No, she didn't dress just like that, but not just in accordance with her age. I wouldn't know how to explain it.

Q. And that dressing was of such a nature as to attract your attention?

A. Well, not necessarily. I never saw her with any loud colors or anything of that kind. 20

Q. I mean, you noticed she always dressed in a manner which in your opinion wasn't suitable to her age?

A. Yes, I did.

Q. Now you said she had hallucinations or imaginations?

Mr. Stockwell: Oh, no. 30

Q. Imaginations. Can you explain what you mean by that?

A. Well in this way the morning she called at my home, she wanted to pay her dues in the Sunshine Circle and wanted to discontinue her membership because she didn't think two of the ladies

treated her kindly, they didn't speak to her and she felt they should, and I told her they didn't mean anything, they were perfectly cordial in every way, but she just felt she didn't wish to be there and I couldn't make her understand they were just as friendly as they ever were.

Q. Did you know whether they were just as friendly as ever?

A. As far as I know they were.

10 Q. What other imagination did you notice?

A. Well, in that particular case.

Q. In any other?

A. No.

Q. As I understand, all you really know about Mrs. Peterson during these years you saw her, was seeing her in church and at the Sunday-school class, passing the time of day with her, and that was all on those occasions?

A. Yes.

20 Q. And then you had these two occasions when she called at the house?

A. Yes.

By the Court:

Q. You said she had imaginations?

A. What did you say?

30 Q. Your statement, in your direct examination, was you never thought she was of unsound mind, but she had imaginations, using the plural. Do you want us to understand that when you use the word "imaginations," it had reference to a grievance on account of some imaginary wrong concerning the two members of this society?

A. Yes, I do.

Q. And that is all?

A. That is all.

By Mr. Stockwell:

Q. Did you notice whether or not she was sensitive in her temperament, especially about her hearing?

A. Well, I never noticed that.

DR. THOMAS S. BROCK, SWORN.

10

By Mr. Stockwell:

Q. Doctor, you are a minister by profession?

A. I am, yes.

Q. And pastor of what church?

A. First Methodist Church in Camden.

Q. How long have you been pastor of that church?

A. Four years.

20

Q. And you are still pastor of that church?

A. I am.

Q. Did you know Elizabeth Peterson in her lifetime?

A. I did.

Q. Was she in any way identified with your church?

A. She was a member of my church and a member of my Sunday-school class.

Q. And do you know when she became a member? 30

A. I do not.

Q. Was she a member when you arrived?

A. She was.

Q. And was she a member of your Sunday-school class?

A. Yes.

Q. Won't you tell us, in your own way, just what opportunities you had to converse with or notice the actions of this lady in connection with your church work?

A. Well, Mrs. Peterson was a very regular and faithful attendant of the church and Sunday-school, very seldom missed a service in the church, and she sat near the front because of the need of an acousticon. She was very, very regular in her attendance
10 at Sunday-school, and always sat in front of me because she had an acousticon of her own, and said she had very little difficulty in hearing me if she sat in front of me, which is true of some other members of my Sunday-school class; and her principal conversation with me, so far as the church is concerned, and my visits to her home, had to do with the church work in general, her relationship to the church and also with reference to her naturalization papers.

Q. How often did you visit her in her home?

20 A. My usual custom is to visit every family about twice a year and, in special cases of illness or emergencies, to visit them frequently.

Mr. Kellam: I object to what the custom is.

Mr. Stockwell: I am going to have him specify.

Q. As Mr. Kellam says, custom is hardly evidence, and we would like to know just how many
30 times, as near as you can tell us, you visited Mrs. Peterson?

Mr. Kellam: And where?

A. I have not my diary here with me to just simply corroborate that, but my custom is to visit every family twice a year.

Q. Did you visit Mrs. Peterson?

A. I did.

Q. Do you know whether you followed your custom in her case?

A. I did, always.

Q. And will you say you visited her as much as twice a year?

A. Fully that, more than that, if I had my diary here to confirm it, but fully that much.

Q. And when you made these visits, about how long did you remain? 10

A. Oh, half an hour, sometimes; it would depend largely —

Q. What did you converse about?

A. We would converse about church work, about her personal relationship with God, and frequently she would tell me about her endeavor to get her naturalization papers, and if I permitted her to lead the conversation, it usually drifted to that.

Q. She was much interested in that? 20

A. Very much.

Q. Did you ever have occasion to talk to her in church?

A. Oh, yes, frequently.

Q. Did she ever have anything to say in Sunday-school?

A. Once in a while she would make some reply to some of the questions, when questions were raised in the Sunday-school class, and frequently at the close of the session of the school she would stop and talk with me for a moment, sometimes thank me for the lesson or sermon, or some little courtesy that might be extended to her by the church people, and a general appreciation of the church. 30

Q. Were her questions and answers intelligent, run intelligent?

A. Very intelligent.

Q. In all of your contact with her, the church, and her home and your conversations with her, did you see anything which indicated she was of unsound mind?

A. Nothing.

Cross-examination.

10 By Mr. Kellam:

Q. Now, Doctor, you say you visited Mrs. Peterson from the time you came to become pastor of this church up until the time of her death; is that correct?

A. That's correct.

Q. Where did you first go to see her?

A. Well, Mrs. Peterson lived, as I recall now, on Benson, on Sixth Street.

20 Q. On Benson and Sixth?

A. Benson Street and also on Sixth Street, and I think one or other side streets, either Clinton, Berkeley or Royden. She moved several times during the three years that I knew her.

Q. You don't remember where the first place was that you visited her?

30 A. Oh, no, when I have a thousand people to keep tabs on, I don't try individually to recall each individual, especially at the beginning of a pastorate, because when a man begins a pastorate, he is at sea.

Q. You are pastor of one of the beneficiaries under this will?

A. I understand the Mission Society, but not the church itself.

Q. One of the organizations under your charge is the beneficiary under this will?

A. Not necessarily under my charge; it is simply an organization.

Q. What is the matter, are you afraid to admit your church is interested in this contest?

A. No, not a particle, but I want to get you straight as to what is the real thing.

Q. Well, I know what the real thing is.

A. Well, let me tell you.

Q. I don't want to hear.

A. Well, you asked me.

10

Mr. Kellam: Will your Honor instruct the witness to answer my questions?

Q. Now, you made preparations to come into this hearing, didn't you?

A. None whatever.

Q. You told the Sunday-school class they would be called, each member, and they were to go and help?

20

A. No, sir, I didn't say each member. I said probably some members of the class would be called.

Q. Did you make any suggestion as to what they were to say if they went on the stand?

A. Not at all.

Q. Didn't suggest?

A. Not at all. They are all intelligent women.

Q. Are you perfectly sure of that?

A. I am, sir, yes, sir.

Q. And you say you kept a diary of where you went?

30

A. I say it is a custom to keep a diary of my work and frequently the places I have called in the afternoon are noted. Not every afternoon do I make a notation of all the calls. Sometimes I would put them in a collective sense, and I keep a general diary of the work I do.

Q. Did you attempt to refresh your memory as to your visits to Mrs. Peterson before you came to testify?

A. I didn't, no, sir.

Q. You refer to this diary on several occasions, and I want to know what value it was.

A. The value of that diary is simply as a matter of record for me for particularly deaths, funerals and weddings.

10 Q. And you didn't bring it with you today?

A. No, I didn't, I haven't even looked at it.

Q. So all you are now testifying to is to memory?

A. Exactly.

Q. As to various places you visited Mrs. Peterson?

A. Exactly.

Q. Did you attend her funeral?

A. I didn't; I was in bed at the time.

20 Q. You preached in the church that night of the day she was buried?

A. Oh, no, she wasn't buried on Sunday.

Q. Whatever mid-week meeting or meetings you held in the church during the week-days, that night, did you not?

30 A. No, sir. That happened to be, as I recall, a Wednesday night. She was killed on Sunday night on her way to church and she was buried on Wednesday night, and that Wednesday night between the Sunday and Wednesday I was in the bed with the grippe, and my friend, Mr. Blake, of the State Street Church, took the service on Wednesday night.

By Mr. Stockwell:

Q. Doctor, did you refuse to attend her funeral?

A. No, I was very glad to attend her funeral, only when a man is in bed —

Q. Who did attend the funeral?

A. Mr. Blake.

Q. Was that at your request?

A. At my request. I had the telephone brought 10
over to my bed and I called him and he stated it was
a very snowy night and inexpedient to go out, and
he said he would take the service and the service
was held early so as to accommodate him and not to
interfere with the service in his own church.

Q. Do you know what the weather was the day
of the funeral?

A. No, I do not.

Q. Is there something you want to correct in your
testimony? 20

A. I do. He raised the question with me, Judge,
as to whether my church was the beneficiary. I
stated my church wasn't directly a beneficiary, that
it was an auxiliary of the church, and that auxiliary
is a part of the Methodist Episcopal Church as a
whole, and my society is simply an auxiliary of the
general church, so that my church doesn't benefit, is
in no sense a beneficiary directly, it is the mission-
ary society of the Methodist Episcopal Church of
the entire world. This gentleman here didn't seem 30
to understand it, and I wanted him to understand it.

JOSEPH DANIEL HOYT, SWORN.

By Mr. Stockwell:

Q. What is your business or profession, Mr. Hoyt?

A. Why, I am a law clerk right now; I am in the Y. M. C. A. part of the time.

10 Q. Have you been admitted to the bar of any State?

A. The bar of Illinois.

Q. And you are now a law clerk in whose office?

A. Mr. Elmer G. VanName.

Q. And in what city?

A. Camden.

Q. What address?

A. 622 Federal Street.

20 Q. How long have you been in the City of Camden?

A. I have been here since February of 1919.

Q. And where do you live?

A. 427 Penn Street, Camden.

Q. And you hope to be a member of the New Jersey bar some day?

A. Yes, sir, I expect to.

Q. Now, you said you had something to do with the Y. W. C. A.?

A. Y. M. C. A.

30 Q. What do you have to do with it?

A. I am handling the naturalization and immigration work at the Y. M. C. A. now.

Q. Is this paid work or volunteer work?

A. It is paid work.

Q. What does it consist of?

A. Oh, the work now consists of organizing classes and interviewing people who wish to become

citizens and preparing papers in general for immigration purposes and naturalization.

Q. Did you ever meet Elizabeth Peterson in connection with your work?

A. Yes.

Q. Where?

A. At the Y. M. C. A.

Q. When first?

A. She came on the opening night in November 3, 1925.

Q. Did she come alone or with some one, or don't you know?

A. I don't know how she came.

Q. Was that a class night?

A. Yes, we had sent a general letter to all of the applicants for citizenship and she received one of those letters just as probably a hundred other people had.

Q. Did you have on file there the application, or had you sent her application?

A. No, we took the record from the Court House.

Q. And will you kindly state in your own way now just how frequently you saw her and in what connection, what you did, what she did, and where?

A. Well, Mrs. Peterson came to the class on the opening night and on each of the succeeding Tuesday and Thursday evenings, from the third of November until the seventh of January, third of November, 1925, until the seventh of January, inclusive, 1926, and she came a little early, usually ten or fifteen minutes early, and would always stay or make some remarks immediately after the meeting.

Q. Remarks to whom?

A. Well, to anyone who would talk to her, frequently other members of the class or with some of the instructors.

Q. You were an instructor, were you?

10

20

30

A. I had charge and did most of the instructing, that is, I gave the expositions and I had several men assisting me with quiz work.

Q. Will you tell me just what your work was, so far as she was concerned, how did it personally affect her, was it conversation and what was it about?

A. When I spoke with her directly, it would be either questioning her while in one of the quiz classes or before or after the class work, and if it
10 were before or after, we would probably discuss one of the speakers we had. A different speaker addressed the class each evening.

Q. I didn't get that last statement.

A. We had a different speaker to address the class each evening. For instance, we would invite the Sheriff or any number of half a dozen lawyers, sometimes a member of the Board of Freeholders. Mr. Roy Stewart came many times.

Q. How large was the class in which Mrs. Peterson took part?
20

A. That was a rather small class; we had, I think, 37 groups, 37 to receive diplomas.

Q. What subjects were covered by this instruction? I understand she was there and received instruction? Was she?

A. Yes.

Q. And to be quizzed?

A. Yes.

Q. What subjects were covered?

A. We took really the subject of civil government
30 and American history, the State and national government, and Constitution in brief, and county government and city organization and the history of the United States.

Q. Now, on these subjects were there oral quizzes?

A. Oral quizzes.

Q. In your presence?

A. Yes, sir.

Q. Were there quizzes involving Mrs. Peterson?

A. Yes, sir.

Q. On these subjects?

A. Each class, each student who was registered was called upon directly.

Q. Called upon regularly?

A. Yes.

Q. How often?

A. Well, we aimed to call on each one every night, but sometimes if the quizzes took a little more time, we wouldn't call on each one every night, but we would keep the attendance. 10

Q. Then I understand that there was conversation or quizzes and answers between you?

A. Yes, sir.

Q. And Mrs. Peterson?

A. Yes, sir.

Q. In these quizzes— Will you please state the nature of her answers as to intelligence or otherwise? 20

A. Mrs. Peterson was an intelligent student. I don't think she was as quick to absorb or to get the constitution as some of the younger people. She was quite an old lady, but she did understand, and I felt at the end of the course she really deserved an excellent grading.

Q. How did she stand in her work? I mean, what marks did she get? Do you have any record of those? 30

A. I do have.

Q. Where are they?

A. They are in that little paper there.

Q. What is the book you have in your hand?

A. This is the record of the class of January 11,

1926. It means that this class went into court on January 11th.

Q. Before you go any further, did you do all the quizzing, or have somebody to assist?

A. We had several volunteers. We would divide the class into two or three groups. I would take one group and alternate the next night.

Q. Who assisted you in the quiz in which Mrs. Peterson took part?

10 A. I know Mr. Wilson is one. I don't recall who the others were.

Q. Is he the gentleman sitting back here?

A. That's he.

Q. Just tell us how high Mrs. Peterson rated, I mean generally speaking, in her work?

A. Well, I recall by looking at these, that she rated A, B, and C. I don't know who gave those grades, I couldn't tell that.

Q. You didn't make that yourself?

20 A. I didn't make them all; I made some of them.

Q. Speaking from your own knowledge, what rating would you say she had, about?

A. I would give her an A rating at the close of the course. I would give her C. I gave her some of those C's early in the course.

Q. As the result of this work, and of course after appearing in court, did she get her naturalization papers—did she pass the examination?

A. She passed the examination.

30 Q. Was she given her papers?

A. I don't think she ever received the paper.

Q. Why not?

A. She was killed before the papers were distributed. The reception was held on February 17th, and I know she was killed sometime before that, around that date.

Q. What became of the papers?

By the Court:

Q. What papers are you referring to?

A. Naturalization papers.

Q. You mean issued by the clerk of the court?

A. Yes; they are issued in this room by the clerk.

The Court: I know about that. These examinations are held by examiners. There is no examination particularly in court.

10

Mr. Stockwell: I didn't refer to examinations in court, it was at the Y. M. C. A.

The Court: Does the Y. M. C. A. issue the paper?

Mr. Stockwell: No, I don't understand that.

The Court: My question was, in the distribution of papers, this witness said she was killed before she could get it.

20

Mr. Stockwell: I understood from the witness some paper was delivered after her death.

The Court: The question is whether she was admitted as a citizen or not. The matter of getting the paper is only a matter of routine work.

Mr. Stockwell: As far as I am concerned, I have gone far enough.

30

By Mr. Stockwell:

Q. In all of your contact with this woman, conversation with her and the quizzes held, did you see any evidence of an unsound mind?

A. I did not.

By the Court:

Q. How about on her principles of government? How about her theories of government?

A. She was a fair student at the start.

Q. People have ideas of government that are evidently the emanation of an unsound mind. Part of the examination was concerning the 18th Amendment?

10 A. I don't recall that she ever made any comment on that.

Cross-examination.

By Mr. Kellam:

Q. How many were there in this class when you started?

A. I suppose there would be about 60 to start in
20 the class.

Q. 60 students?

A. Yes.

Q. The work consisted in a lecture or dissertation by you or somebody else as to the forms of government and the questions that would be asked?

A. Yes.

Q. Did you have any text books?

A. We used a little, a few sheets of paper.

Q. With questions and answers on them prepared
30 by Mr. Beck?

A. No, this was a separate piece of paper.

Q. And that had questions and answers on it?

A. Yes, sir.

Q. How did you do, read the question to the class and then tell the class what the answer was?

A. No, I never did read the questions; I just gave them orally, as I recall them.

Q. In other words, as I understand, this class, it is a tutoring class endeavoring to pick up people who are of foreign birth and give them enough knowledge to pass a naturalization examination, isn't that what it is?

A. There are two distinct purposes, one is to coach them to prepare for the examination.

Q. That is the main purpose, they come for that purpose?

A. They come for that purpose. 10

Q. You tried to inculcate some principles of Americanism into them?

A. We introduced them to representative American citizens. The class is convened at 7:30, a black-board talk, and we have little boxes now.

Q. What you had then, of course.

A. I think we had them at the same time, and it consists of an exposition, usually by myself, for about 15 or 20 minutes, then the class is divided into two or three groups, at which time the different quiz 20 masters, volunteers that come in, would each take a group and conduct a quiz. At 8:30 the class re-convenes for the speaker who has been invited.

Q. That quiz consists in asking questions similar to those to be asked by the examiner for the naturalization court?

A. Yes.

Q. And the answers are explained and suggested by the quiz master?

A. That is right. 30

Q. Is there any written work?

A. No written work.

Q. It is simply the answer made to a question at the time?

A. That's right.

Q. Is there any written quiz at the end of your course?

A. No.

Q. So that your markings and your rating of the various students that you have is dependent upon what in your opinion their answers amount to, to the questions asked?

A. That's right.

Q. And like all quizzes, you may ask one man a question that he does know and the next man a question that he doesn't know?

10 A. Certainly.

Q. Now, do you know personally anything of any of the answers that Mrs. Peterson made to any question you propounded to her? Do you recall any question you asked her and her answer?

20 A. I couldn't recall any definite question or answer, but I do recall definitely that I asked her one question and kept at her one time before the whole class to see just how she stood, and she had certain information very definitely impressed on her mind, but she wasn't what I would call a particularly bright pupil, that is, she had definite information and she could give the information as far as she had it. Early in the course, I do recall that I graded her A or B, later in the course.

Q. Let us hear about these particular questions you had so much trouble about. It wasn't about the 18th Amendment?

30 A. No, it was probably one of the difficult questions for them, how a bill becomes a law, and we usually —

Q. I am a member of the legislature, or I have been, and I can't tell you that. Is that one of your questions?

A. That's one of our questions.

Q. Here is Mr. Whyte, a member of the legislature, and he can't tell you that, either.

Mr. Stockwell: He can tell how to draw it.

A. We tell them this way, that the bill must be introduced in one of the houses of the national legislature and after it is passed in one of the houses—we don't go into the detail about committee or reading three times—but we say it must have approval of the majority of the house of representatives or house and senate, then it is presented to the other house, and if it is passed by a majority, it is presented to the president. Is that the extent of your question? 10

The Court: That is very hazy. It seems to be on a par with the theory that all men are born equal.

Q. What was Mrs. Peterson's answer to that question, "How does a bill become a law?"

A. That isn't the question, but I do know if that was the question, it is very common for those people, that is, the people who are coming up for naturalization, not to be able to answer it fully the first time it is brought to their attention. After they have been there about two or three weeks — 20

Q. This occasion that seems to stick in your mind of your having quizzed Mrs. Peterson and she didn't answer up to what you considered was an A mark

A. No.

Q. But you kept asking her the question? 30

A. Yes.

Q. A number of times?

A. Certainly.

Q. She didn't come up at any time during that quizzing to the mark?

A. That's it.

The Court: It would seem to me to be a very doubtful method for us to establish the mentality of this woman.

Q. You didn't have any special occasion to talk to Mrs. Peterson than you did to all the members of the class?

A. No, but she was an unusual student, she was very faithful and she was the oldest lady we ever had in the class. We very seldom had more than one or two ladies in the class at all, and then only since the last four or five years.

RICHARD WILSON, SWORN.

By Mr. Stockwell:

20 Q. Where do you live, Mr. Wilson?

A. 532 Byron Street, Camden.

Q. What is your business?

A. Pearl button maker by trade.

Q. Where do you work? Employed or conduct your business, whichever it is?

A. I am foreman.

Q. Where?

A. Down at the Peerless Pearl Company, Camden.

30 Q. How old are you?

A. Why, I will be forty-one the 7th of May.

Q. Were you born in this country?

A. No, sir.

Q. Where?

A. Birmingham, England.

Q. Are you a naturalized citizen?

A. Yes, sir.

Q. Did you ever meet Elizabeth Peterson?

A. Yes, sir.

Q. In her lifetime? Where?

A. Over in the Y. M. C. A.

Q. Camden?

A. Yes, sir.

Q. In what connection?

A. Well, of course, Mr. Hoyt is the main teacher of the citizenship class, and of course, why, the groups of Y. M. C. A. citizenship work, they pick their best pupils out in regards to helping out the work in the Y. M. C. A. citizenship class. 10

Q. Were you assisting there in the Y. M. C. A.?

A. Yes, sir.

Q. Were you a volunteer student?

A. Yes, sir.

Q. When was it you met Mrs. Peterson the first time, what year?

A. Well, it was about 1925.

Q. What work did you have to do there? 20

A. Why, it was after Mr. Hoyt had placed the questions which he wanted quizzed on the board, we used to divide the class up into about three or four groups, sometimes there would be four, if an extra teacher there, sometimes three, we would take them out of the room and then of course whatever question was placed upon the board, we used to speak on that subject or ask about that question which he was trying to get out.

Q. Take the case of Mrs. Peterson, how were these quiz questions attempted? Where did you go with her, take her out alone or with other people? 30

A. With other people. I guess I had about 12 or 14 people.

Q. Tell us how you conducted your quiz?

A. In the first place, we have tablet forms, of course, of how the Constitution is divided, and of

course, why, that is placed upon the board. We also have boxes, legislature, executive and judicial departments.

Q. Do you have a recollection of the way in which Mrs. Peterson acted at these quizzes?

A. Yes, sir.

Q. Were there many old people in these classes?

A. Well, yes, quite a few of them were. I guess she was about the oldest lady in the class.

10 Q. Many women?

A. Yes, there was other women among them.

Q. How did she act?

A. Well, Mrs. Peterson acted pretty bright, according to my idea.

Q. Were her answers intelligent?

A. Correctly.

Q. What subjects did they cover?

A. Well, in the first place, I think the question which I put to her, I asked her how the president got
20 his job.

By the Court:

Q. "Tell us how the president got his job." What was the answer?

A. She said by electors, and I asked her who was the chief commanding officer of the army and navy of the United States, and she said "President Coolidge."

30

By Mr. Stockwell:

Q. Are you referring now to a quiz between you and this woman particularly?

A. Yes, sir, I had her up asking that question.

Q. How many quizzes of her did you have, do you suppose?

A. Well, I guess, as near as I can think, eight or nine times.

Q. What would you say of her memory? What kind of memory did she have as evidenced by what she did and said?

A. She had a pretty good memory.

Q. Did you see any evidence in her actions or in her conversation, questions or answers, that you saw any evidence of an unsound mind, insanity in any form?

10

A. No, she wasn't of unsound mind, according to my estimation.

Q. Is that correct, that your answer?

A. Yes, sir.

Q. How long were you there?

A. Well, of course, we gets in our classes, we get relieved; sometimes other teachers come and take places.

Q. I know. About when did Mrs. Peterson stop her work in the Y. M. C. A.?

20

A. When did she stop?

Q. Yes.

A. About 1926, at the end of the class.

Q. Do you know how she rated, her work?

A. Oh, she was pretty regular.

Q. I mean, her average, what mark?

A. Her average was fairly good.

Q. You say fairly good.

A. Yes, sir.

30

By the Court:

Q. Do you have anything to do with the marking?

A. Yes, I mark the rate several times, on the tablet which we have gave to us, which is always a record over at the Y. M. C. A.

By Mr. Stockwell:

Q. Did you have anything to do with marking the grades in the book, in this book Mr. Hoyt had?

A. Well, there's a kind of pamphlet there which he gives out at night-time and you take that along with you, and, of course, every question asked is marked.

10 Cross-examination.

By Mr. Kellam:

Q. Are you still an examiner there?

A. Yes, sir.

Q. How long have you been an examiner prior to the time Mrs. Peterson came into the class?

20 A. I think just before Mrs. Peterson came into the class, I think I went in in the class ahead of that.

Q. How many students have you examined during that time?

A. Well, roughly speaking, I have helped with four classes, three or four classes.

Q. How many classes does the Y. M. C. A. hold a year?

A. I think two a year.

Q. You have helped with four classes?

30 A. Four classes.

Q. Those classes average sixty people?

A. Average?

Q. Yes.

A. Well, now we have got a class of about 62, in this class, 62 or 63.

Q. Well, that average, about 60 to a class?

A. Yes, about 60 to a class.

Q. What causes you to remember these two particular questions that you asked Mrs. Peterson?

A. What was the two questions?

The Court: No, what caused you to remember?

Q. What causes you to remember what you asked and what you said out of 240 people?

A. Well, of course, in the first place Mrs. Peterson was asked who is the Chief Executive.

Q. No, I am asking you how do you come now to recall that you asked that question and that was the answer, at this time, after you have examined, according to your own testimony, over 240 people?

A. Why, because Mr. Hoyt, he has charge of giving out the citizenship appers, and of course, he tried to locate Mrs. Peterson to give her her citizenship papers and her diploma.

Q. Will you try to answer my question? I will try to put it very simply and very clearly. According to your own testimony, since you have been working there at the Y. M. C. A., you have quizzed about 240 people on their knowledge of the questions necessary to pass the naturalization examination?

A. Yes, sir.

Q. Now, tell us why you remember now these two questions and their answers made by Mrs. Peterson, almost two years ago?

A. Because I marked them up, I marked them on the tablet.

Q. Did you mark her answers on the tablet?

A. Yes, I gave her a mark for it. I asked her them questions and I give her a mark for it.

Q. Are those the only two questions you asked her?

A. Oh, no.

Q. How do you come to remember those two questions?

A. Well, it's something you just asked me to give the Court.

Q. How do you remember? How do you know now that you asked those two questions you have testified to and have got the answers testified to?

A. Because she was asked them questions and I think that was the first time I ever came in contact
10 with her, that was the first lesson in the school.

Q. Do you remember the next time you asked her a question?

A. Yes, sir.

Q. Do you remember what question?

A. Yes, I asked her what Congress consists of.

Q. What did she say about that?

A. She said the House of Representatives and Senate.

Q. And do you remember the next question you
20 asked her?

A. I asked her who was the sheriff of Camden County.

Q. What did she answer to that?

A. Why, she got a little puzzled on that.

Q. Do you actually remember asking this particular lady these particular questions, or are you testifying from what you did with all the pupils?

A. Well, that's about the first question I asked any of them.

30 Q. That is the question about the sheriff?

A. No, of the president.

Q. Isn't it true that what you are testifying to today is that from memory?

A. Yes, sir.

Q. You remember Mrs. Peterson being in the class?

A. Yes, sir.

Q. And you know that you asked all your pupils the first question, which is how is the president elected?

A. Yes, sir.

Q. And the answer to that is, according to your instructions, by electors?

A. By electors.

Q. And you recall that she answered the question correctly? Is that all there is to it?

A. Yes, sir.

10

MRS. LAURA CARTER, SWORN.

By Mr. Stockwell:

Q. Mrs. Carter, where do you live?

A. 710 Washington Street.

Q. Camden?

A. Yes, sir.

20

Q. Are you a married woman?

A. Yes, sir.

Q. Did you know Mrs. Elizabeth Peterson?

A. I did.

Q. How long did you know her?

A. Seven years, about.

Q. What seven years, in reference to her death?

A. The last seven years.

Q. And where did you live during the last seven years of her life?

30

A. 710 Washington Street.

Q. The same address?

A. Yes.

Q. Where did she live?

A. Well, the first she lived at Mrs. Lawrence's, on Benson Street, then at Mrs. Jones', on Sixth

Street, then Mrs. Redding's, on Haddon Avenue and there is where she died, or when she was killed.

Q. How did you come to meet this lady, first?

A. In the Sunday-school class, First M. E. Church.

Q. In Camden?

A. Yes, I was one of the officers of the class.

Q. How often did she attend church?

A. Pretty near every service.

Q. How often did Mrs. Peterson attend?

10 A. I guess she attended every service, she was there every time I was there, and when I wasn't there, she would tell me about being there.

Q. You spoke of a Bible class and Sunday-school?

A. Yes, Bible class.

Q. Was Mrs. Peterson a member of that class?

A. Yes.

Q. How often did she attend it?

A. Every Sunday.

Q. Did you ever converse with her?

20 A. Very often.

Q. How did you come to do this, in church, or your home, or her home?

A. No, the first start of it was, Mrs. Peterson was taken sick and I was treasurer of our class and I had the buying of the flowers and I had taken them to her at the hospital. Of course, I had known her before that, but I wasn't friendly with her before that, just as a casual friend, but after I had taken her the flowers she seemed to take like a liking to me, and she just clung to me and she visited me and ate her meals, sometimes, at my house.

30 Q. On these visits to your home, what did she talk about, you and Mrs. Peterson?

A. Everything, not one subject, but everything, just as women will converse.

Q. How long did she remain, when you two got together?

A. Oh, she remained for two or three hours.

Q. You just chatted?

A. Yes, we chatted about everything, like women do, and men, too, I guess.

Q. I think we will take your word for it. I will have to refer that to my wife. Now, how frequently did she visit in your home during those years?

A. Well, the latter part of her life, she visited me two or three times a week. The week before she died, she was there two afternoons, and spent 10 the whole afternoon.

Q. How often did you visit her at her home?

A. I never visited Mrs. Peterson in her home at all, because she lived around the corner from me and I am a very busy woman myself, and she came to see me.

Q. Did you and she get along together?

A. Yes, we got along very well. I liked her very much.

Q. What have you to say about her hearing? 20

A. She was very hard of hearing, very sensitive about her hearing.

Q. What do you mean, sensitive?

A. She wouldn't hear exactly what you were saying, and sometimes she would think you said something else and she would ask you over and when you made it plain to her, that was all right.

Q. Did she use anything to assist her hearing?

A. Yes, one of those acousticons, I guess you call it.

Q. Acousticons? 30

A. Yes, I guess you call it that.

Q. Could she hear all right?

A. Not unless you got right down in front of her; then it was all right.

Q. Once in awhile was she without it?

A. Yes, if she just happened to call on you and went out, she would be without it.

Q. When was she last at your home?

A. She was killed on Sunday night and spent Friday afternoon at my home on that week.

Q. Did you ever go with Mrs. Peterson to attend to any business in connection with her properties?

A. Yes, I went with her to a lawyer that had my property, or real estate man that had my property
10 for sale, and she wanted to sell some of her property and he had taken it, the Cooper estate.

Q. The Cramer?

A. No.

Q. Cooper, some real estate office in the city?

A. Yes, on Market Street — No, on Cooper Street, Cooper Realty Company.

Q. Well, did she take care of her business in your presence?

A. Yes, indeed, I didn't have anything to say
20 about it, I didn't know anything about her business.

Q. Did she ever talk to you about her daughter?

A. Yes, in the latter years, she did, but at first she didn't, she was very careful what she said until she found out whether she could trust anybody.

Q. What did she say about her daughter?

A. She said her and her daughter didn't get along very good together and she couldn't stay there and she left. I tried to make peace, I tried to tell her she ought to go with her daughter, but she
30 said if I knew what she went through that I wouldn't stay there, either.

Q. Did she say what the subject of the disagreement was?

A. Yes, she said it was over property, but she said that she wasn't very well and she thought they were doing something against her and she got away before they did.

Q. Did she tell you that her properties had been held jointly with her daughter?

A. Yes, and that they had also been dissolved.

Q. What?

A. And they also dissolved partnership, she said.

Q. And that they divided them up?

A. Yes.

Q. Did she talk to you anything about making a will?

A. Not until just before—well, I guess it was the year that she died, and then she said she had made a will and she also wanted to come to my house and write a letter saying that Mrs. Carrick and I could look after her when she passed away, if we still lived in Camden, and that letter was wrote in my house. 10

Q. That was signed by whom?

A. Signed by Mrs. Carrick, Joseph Murray and myself.

Q. And signed by Mrs. Peterson?

20

A. Yes.

Mr. Stockwell: If the Court please, that letter was introduced in evidence at the last hearing and that, together with the first will in 1921, both have disappeared and we can't find them in Mr. Kellam's hands, the Surrogate's hand, or my hands. I am frank to say I don't know where they are.

Mr. Kellam: I remember them being here.

30

Q. In any event, you signed the paper?

A. Yes.

Q. Ever seen it in my hands recently?

A. I saw it here the day before we were here.

Mr. Stockwell: It was identified by Mr. Murray, and it was marked.

The Court: I remember it, but the papers never got up to me.

Q. Did you endeavor to carry out her wishes as expressed in that letter?

A. We did.

10 Q. Did Mrs. Harris call upon you after her mother's death?

A. Not upon me, but she called at Mrs. Carrick's, where I was.

Q. Will you please just state the attitude of Mrs. Harris when she came?

A. When she came in, I didn't know who she was, and Mrs. Carrick was talking at the telephone and she had a lady with her, but they had a dog with them, and when the lady said something about the
20 dog — No, it was Mrs. Carrick's dog, she called her Mrs. Harris and then I knew who it was, but I didn't say anything.

Q. What was the conversation?

A. Well, the conversation was, she wanted us to let her take her mother, at least buy her mother's things for the funeral, and we said we couldn't do that, because Mrs. Peterson wanted us to do it, and she got a little indignant.

Q. How indignant?

30 A. Well, she — I couldn't just tell you, but she, she was very indignant, and she went out. She said, "Come on, let's get out of here," and the lady with her, and Mrs. Carrick was there and she said, "Well, I can readily see how your mother couldn't live with you." She didn't say mother, she said, "I can readily see how Mrs. Peterson couldn't live with you."

Q. That was said in your presence to Mrs. Carrick?

A. Yes.

Q. What was your judgment on that?

Mr. Kellam: I object. I ask that that answer as to what Mrs. Carrick said to Mrs. Harris be stricken. It is not binding on my client.

The Court: What has this to do with it? This is 10
not a Court of purification, is it?

Mr. Kellam: May it please your Honor, I renew my request that the statement that Mrs. Carrick made to Mrs. Harris, in the presence of this witness, be stricken out as irrelevant, immaterial, and inadmissible.

The Court: Is there any disposition to keep it 20
in?

Mr. Stockwell: Am I disposed to keep it in?

The Court: Yes.

Mr. Stockwell: Yes, in view of the testimony of this lady.

The Court: I will sustain the objection and it 30
may be stricken out.

Q. Was there any statement made by you or Mrs. Carrick, in your presence, during the interview with Mrs. Harris, to the effect that lawyers, or some lawyer, had instructed you not to let her have anything to do with the funeral?

Mr. Kellam: I object to that question. I don't recall, may it please your Honor, just what Mrs. Harris said on the stand on the subject, but I can readily realize, your Honor, Mr. Stockwell may bring in evidence to impeach the testimony of Mrs. Harris, to test her credibility and things of that kind, and if that is the purpose of this examination —

10 The Court: You mean the credibility of Mrs. Harris, is that the idea?

Mr. Kellam: If that is the object and that is the way he is working it, I have no objection.

The Court: It should be borne in mind that no jury is sitting in this matter.

20 Mr. Kellam: This is the rule, as I understand it, if he desires to attack the credibility of this witness, he must quote the exact words to the witness on the stand, and ask that witness whether such and such was said in her presence, he can't go on this fishing expedition.

The Court: Why take the time of the Court?

30 Mr. Kellam: I don't admit anything. I object to it all.

The Court: Did you make use of it in your part of the case?

Mr. Kellam: If I did, I am perfectly willing to have it answered.

Mr. Stockwell: I will withdraw the question. She made it on a visit to Mr. Murray.

Q. Did you ever see her when she was garishly attired?

A. Never.

Mr. Kellam: I object. You mean, Mrs. Peterson, I suppose?

10

The Court: You might eliminate the word "garish."

Q. Did you ever see her when she was improperly dressed?

A. Never.

Q. Did you attend the funeral?

A. I did.

Q. Did you see anything in evidence that Mrs. Peterson was buried like some animal?

20

A. No, I didn't. Mrs. Peterson was —

Q. Was there a funeral service?

A. It was.

Q. Was it appropriate?

A. Very.

Q. Who was the pastor? Did you go to the grave?

A. I did.

Q. Was there any prayer at the grave?

A. Mr. Murray made the prayer, the undertaker. 30

Q. What was the character of the day?

A. Very bad, the worst day we had all winter.

Q. In all your contact with this woman, your conversations with her, mingling with her over this period of years, did you ever see anything done or said by her —

By the Court:

Q. Who made the prayer?

Mr. Kellam: The undertaker.

Mr. Stockwell: I suppose one can do it.

The Witness: It don't hurt anybody.

10

By Mr. Stockwell:

Q. In all of your contact with her, meeting her from time to time over this period of years and in conversing with her, did you ever see any evidence of an unsound mind?

A. Never.

Q. Insanity of any form?

A. Never, never.

20

(No cross-examination.)

ELLA G. CARRICK, SWORN.

By Mr. Stockwell:

30

Q. Are you a married woman?

A. Yes.

Q. Where do you live?

A. 494 Newton Avenue, Camden.

Q. How long have you lived there?

A. About six years.

Q. Did you know Elizabeth Peterson?

A. Very well.

- Q. How long did you know her?
A. Seven years.
- Q. Where did you first meet her?
A. I first met her in the First Methodist Church.
- Q. Are you a member of that church?
A. I am.
- Q. Did you ever attend Sunday-school?
A. Always.
- Q. Well, are you a member of any class where
Mrs. Peterson attended? 10
A. I was a member of the same Bible class, known
as the Pastor's Bible class.
- Q. How often did you attend services?
A. You mean church services?
Q. Yes.
A. Up until the first few years I knew Mrs. Peter-
son, I never missed services at all.
- Q. How about Sunday-school?
A. Sunday-school, too.
- Q. You mean you attended with the same reg- 20
ularity?
A. I do.
- Q. What have you to say as to the attendance of
Mrs. Peterson?
A. She was always there.
- Q. Both church and Sunday-school?
A. Yes.
- Q. Where did she live during these years?
A. I really can't just remember when I first
knew her, because I knew her through the church, 30
but I visited her in the hospital when she was ill,
I know she lived with Mrs. Lawrence, Mrs. Moore
and Mrs. Redding.
- Q. You say you visited her in her home?
A. Only in Mrs. Redding's.
- Q. Did she ever visit you?
A. Frequently.

Q. How frequently?

A. Two or three times a week.

Q. Over what period?

A. Last five years.

Q. Did she come by invitation?

A. She came by invitation and just made social calls, both.

Q. How long did she stay on these visits?

10 A. Well, she would come and stay twenty minutes, an hour, five hours, when she was invited for dinner she usually came an hour before dinner and stayed two or three hours afterward.

Q. What did you talk about?

A. Everything in general; nothing in particular.

Q. What have you to say about her conversation, intelligent or otherwise?

A. She was a very intelligent old lady.

Q. How about her memory?

20 A. Had an excellent memory; I never saw anything different.

Q. You are now referring to the entire period you knew her?

A. Yes.

Q. Were you present at any conversation between Mrs. Harris and Mrs. Carrick and yourself?

A. I think I was, within my home.

Q. Just tell us what happened?

Mr. Kellam: I object.

30 The Court: What does the conversation have reference to, what time?

Mr. Stockwell: It is after death.

The Court: Of what earthly value is it as to this inquiry?

Mr. Stockwell: If your Honor doesn't think it of value, it has already been testified to.

The Court: I don't see that it does anything except make a longer record.

Mr. Stockwell: It does show the attitude of this woman. She has pictured herself as a loving daughter. It has already been remarked that her attitude in that home — 10

The Court: I don't see that a question of her attitude toward her mother is of any importance.

Mr. Stockwell: Very well; I withdraw the question.

Q. Did you attend the funeral?

A. I did.

Q. Did you go to the grave? 20

A. I did.

Q. Were the services appropriate?

A. Very.

Q. Anything to indicate that proper respect was not being shown to Mrs. Peterson?

A. It couldn't have been, since her daughter thanked Mrs. Carrick and I, in Mr. Murray's parlor, for having such nice clothes and having the proper service for her mother.

The Court: There ought to be an end to this somewhere. 30

Q. How about her clothing? I don't mean after death now.

A. Before?

The Court: Garishly or not garishly?

Mr. Stockwell: I haven't used that word, but I will. That is appropriate to my friend's case, Mr. Kellam.

The Witness: She dressed as all women do nowadays, no particular thing to notice about her, just very good clothes, she never skimped herself at all,
10 she bought good things.

Q. Was she dirty, unkempt in her appearance?

A. Well, surely not, she was immaculate.

Q. What color did she usually wear?

A. Blue was a very favorite color.

Q. Did you ever see any evidence of insanity?

A. No, not the slightest.

Q. Either memory, indicated from her memory, or any act or word from her?

20 A. No, I couldn't say that, unless I told a story.

Q. Would you say that she was of sound or unsound mind?

A. She was of sound mind.

Cross-examination.

By Mr. Kellam:

Q. Mrs. Carrick, you and Mrs. Harris are very
30 friendly, aren't you?

A. Mrs. Harris? You refer to Mrs. Peterson's daughter?

Q. Yes.

A. Oh, no, we are not in the same class at all.

RILLA MOORE, SWORN.

By Mr. Stockwell:

Q. Where do you live?

A. 549 Washington Street, Camden.

Q. How long have you lived there?

A. Two years.

Q. Did you know Elizabeth Peterson?

A. I did.

10

Q. How did you come to meet her?

A. She came to live at my home.

Q. In what year?

A. In 1923 and 1924.

Q. You say she lived here during that period?

A. Yes, sir, that was at 634 Benson Street. I correct that, when Mrs. Peterson was living with me.

Q. Well, what period of time did she board with you?

A. From 1923 to 1924.

Q. Did she take her meals with you?

A. No, she had a room and she done her own light housekeeping at my home.

Q. Did you know her outside of the home?

A. Yes, sir.

Q. Had you known her before she came there?

A. No, sir, only after she came.

Q. After she left you, where did she go?

A. To Mrs. Lawrence's, on Benson Street. I took her there. I couldn't do the housework, and I asked her whether she wouldn't look for another room.

30

Q. How did she conduct herself in your home?

A. Very fine.

Q. Was she dirty?

A. No, sir.

Q. Or unkempt in her appearance?

A. No, sir.

Q. What kind of clothing did she wear?

A. Well, she had a black Hudson seal coat, with skunk collar on it, she wore a dark blue dress, she bought it over at Lit Brothers.

Q. Did you go with her when she bought the coat from a woman who testified here?

A. No, I didn't go with her when she bought the
10 coat, but I went with her when she bought the dress.

Q. Did you ever have occasion to talk to her in your home?

A. Yes, I did, lots of times.

Q. What did you talk about?

A. Well, she told me about her affairs, about the way her daughter treated her, she told me she couldn't live with her, she done her out of money, she worked in a shoe factory and she made the money, she told me about the son, how he had
20 treated her, and that was the argument, about Mrs. Harris' son.

Q. Did she talk about her property?

A. Yes, sir.

Q. She seemed to know what property she owned?

A. Yes, sir; I went with her on two or three occasions to her properties.

Q. Went where?

A. Why, down on Marion Street; is it?

Q. To the properties?

A. Yes.
30

Q. What for?

A. She had to have some repairing done in plumbing.

Q. What did she do in your presence?

A. She rapped at the door and asked what was to be done. She attended to her duties, went and got

the plumber. There was some underdraining to be done, pipes put in.

Q. Did she find out what was necessary and give the orders to have it done?

A. Yes, sir, to the plumber.

Q. Did you keep in touch with her after she left your home?

A. Yes, sir, all the time. I called on her, when I done any baking, or anything, I took it to her, because she always enjoyed it, she didn't make those things herself, living in a room. 10

Q. Was her hearing good or bad?

A. Well, she was deaf, but when she got close to you, she could tell by the motion of your mouth.

Q. Did she wear the acousticon?

A. Yes.

Q. In your contact with her, did you ever see any evidence of insanity, unsound mind?

A. No, she was very bright in some things. I will say she knowed more about law than I did. 20

Q. In your judgment, was she of sound or unsound mind when you knew her?

A. Sound, very.

Q. Did you volunteer to go with Mrs. Peterson to see these houses, or did she ask you?

A. If I remember correctly, I was going out in the afternoon, she called to see me, which she did all the time, and she told me where she was going and I walked down with her.

Q. Did you ever go with her on any other occasion? 30

A. Beg pardon?

Q. Did you ever go with her on any other occasion to see a property?

A. No, that was the only time.

Q. I understand you to say she was a very bright woman?

A. Very bright.

Q. Do I understand you to say that Mrs. Peterson told you she had earned all the money that was in the various properties she had?

A. She said it was her money, yes, sir.

Q. Did she say she earned it herself?

A. She said she worked in a shoe factory and down Jersey, somewhere, she told me about a little garden she conducted out, out in the back.

10 Q. She didn't say anything about her daughter working and giving her any of her money?

A. No, from what I understand, her daughter took from her.

Q. Mrs. Peterson said her daughter had taken money from her?

A. Yes.

Q. Told you that?

A. Yes, sir.

20 Q. You were not remembered in this will, were you?

A. Beg pardon?

Q. You were not remembered in this will, were you?

A. Oh, no, indeed.

Q. You had hopes?

A. No, indeed no. Mrs. Harris came to see me. May I say something, please?

30 Mr. Stockwell: I don't know whether the Court wants to hear it or not.

The Court: I don't. The case is not being heard for my edification. I don't know whether counsel does; I don't.

(No cross-examination.)

MRS. ELIZABETH CLARK, SWORN.

By Mr. Stockwell:

- Q. Where do you live, Mrs. Clark?
A. 1014 Line, Camden.
Q. Did you know Mrs. Elizabeth Peterson?
A. Yes, sir.
Q. How many years? 10
A. About five years.
Q. How long before her death?
A. I talked to her the Saturday before she died.
Q. You mean the five or six years just before she died?
A. Yes, the five or six years just before she died.
Q. How did you first meet her?
A. In Sunday-school class.
Q. First Methodist Church in Camden?
A. Yes, sir. 20
Q. You were a member of the class we have had some testimony about?
A. Yes, sir.
Q. Were you a member of that church, too?
A. Yes, sir, for twenty years.
Q. How regularly did you attend church?
A. Regular, except when I was sick.
Q. How about Sunday-school?
A. Sunday-school as often as I could go, usually.
Q. How often did Mrs. Peterson attend? 30
A. Mrs. Peterson was always there.
Q. Did you ever talk to her in church?
A. Yes, sir.
Q. Sunday-school?
A. Yes, sir, every Sunday when I was there and she was there, I always talked to her because she

used to always make it a point to come and talk to me.

Q. Did she ever visit you in your home?

A. No, sir.

Q. Did you visit her?

A. No, sir, never visited her.

Q. Did you have any social affairs in the church when you would meet her?

A. Yes, sir, turkey suppers and help when I would
10 be there helping.

Q. She was on the job at turkey suppers, was she?

A. Yes, sir, she belonged to the Sunshine Circle and other organizations. I couldn't tell you just how many, but I know she belonged to that.

Q. Did she ever speak to you about her daughter?

A. Just once.

Q. What did she say?

A. One Sunday she was in church and it was al-
20 most Christmas, 1925, about a week before Christ-
mas, one of the ladies in the class had asked her to go there for Christmas dinner, and I said, "Haven't you got any relations to go to Christmas?" She said, "No, I have one daughter, lived with her for some time, but I couldn't get along with her, she treated me terrible, but her and my grandson, and now I live with strangers and I am far happier," and I said to her it was a good thing she had money enough to live on. She said, "Well,
30 I worked hard and I earned it. I was a shoe finisher and I saved my money and I have gave my daughter just as much as I think she ought to have, and I think I have a right to do as I please with the rest, but she doesn't think so," and I said, "Well, it is your money, you have a right to do as you please with it." She said, "Yes," that's the way she felt.

Q. In your contact with her in the church, did

you ever see any evidence of unsound mind, any evidence of insanity?

A. Never, never thought of such a thing.

Q. In your judgment was she mentally sound?

A. Yes.

Q. What have you to say about her memory?

A. Very good.

Cross-examination.

10

By Mr. Kellam:

Q. Except on this one occasion, your conversations were confined to church work?

A. Yes, church work.

Q. Pleasant day, and how do you do, and things of that kind?

A. Yes, and if I met her on the street, she talked about citizenship papers and the very Saturday before she was killed she said she thought it was funny she hadn't got them. She said, "Yes, I am anxious to get them in time to vote," and I left her but asked if she was going to help in the turkey supper and she said no, the doctor said she should not work in the basement, she wasn't feeling very good. I said, "Are you going to the supper?" She said, "Yes, and I have my ticket for it," and I said, "I will see you there," and the day of the supper she was buried.

30

MRS. ANNA ARCHER, SWORN.

By Mr. Stockwell:

- Q. Where do you live, Mrs. Archer?
A. 637 Line Street.
- Q. Camden?
A. Camden.
- 10 Q. Did you know Elizabeth Peterson?
A. Yes.
Q. For how many years?
A. For six or seven years; I don't know exactly.
Q. How did you come to meet her?
A. In the church.
Q. Same church?
A. Same church.
Q. The First Methodist?
A. Yes, all the same church.
- 20 Q. How regularly did you attend that church?
A. Oh, very regularly.
Q. You were a regular attendant?
A. Yes.
Q. Did you attend Sunday-school?
A. Yes.
Q. How about this Bible class we have heard about?
A. Well, in that, too.
- 30 Q. How frequently did Mrs. Peterson attend?
A. She was always there when I was, unless she was sick.
Q. Regular attendant?
A. Yes.
Q. Both church services and Sunday-school class?
A. Yes.
Q. Did you have occasion to talk to her?
A. Yes, just to pass the time of day, that's all.

Q. Did you ever visit her in her home?

A. No.

Q. Did she visit you?

A. No, just in the church. Sometimes I would walk down Sixth Street, as far as she lived.

Q. Ever see any evidence of insanity in Mrs. Peterson?

A. No, never thought of such a thing.

Q. Anything to cause you to remark about her mental condition?

10

A. No indeed.

Q. Ever see her improperly dressed?

A. No, not according to the way they dress now, a little young, that's all.

(No cross-examination.)

MRS. MARGARET MICKLE, SWORN.

20

By Mr. Stockwell:

Q. Where do you live, Mrs. Mickle?

A. 638 Line Street, Camden.

Q. How long have you lived there?

A. About twenty years.

Q. Did you know Elizabeth Peterson?

A. I did.

Q. For how many years?

A. Six or seven years.

30

Q. Just before her death?

A. I guess it was quite awhile before death, I knew her just before death, yes.

Q. I mean, six or seven years just prior to her death?

A. Yes.

Q. Where did you meet her first?

A. First Methodist Church, Camden.

Q. You are a member there?

A. Member.

Q. Did you attend Sunday-school?

A. I do.

Q. Were you a member of this women's Bible class we have heard about?

A. Yes.

10 Q. How regularly did you attend?

A. I didn't attend so regularly on account of business. I used to go away some week-ends and Mrs. Peterson used to ask me how I was and why I stayed away, and I told her.

Q. Did you attend the Bible class the same way, rather irregularly?

A. Irregularly, yes.

Q. Do you know whether Mrs. Peterson attended?

A. I do the last year before she died, I was there
20 regularly at that time.

Q. When you were there, was she there?

A. Yes, always.

Q. Did you talk to her at all?

A. Yes, she always asked me how I was and how we were getting along and just the time of day.

Q. Did you ever go to her home?

A. No.

Q. Did she ever come to yours?

A. No.

30 Q. So you simply saw her in connection with church work?

A. Turkey suppers, social work.

Q. The average church activities?

A. Yes.

Q. She was always in attendance at the usual church activities?

A. Always.

- Q. Did she talk intelligently or otherwise?
A. Very intelligent.
Q. Did you ever see anything to indicate she was insane or of unsound mind?
A. Never thought of anything like that; it never came in my mind.

(No cross-examination.)

10

MRS. ALICE LAWRENCE, SWORN.

By Mr. Stockwell:

- Q. Where do you live, Mrs. Lawrence?
A. 584 Benson Street, Camden.
Q. Did you know Elizabeth Peterson?
A. Yes, sir.
Q. When?
A. About six years. 20
Q. Just prior to her death?
A. I have known her very, very well the last four years. I didn't know her so well, I knew she boarded with one of my cousins, but I didn't have a personal acquaintance with her.
Q. The six years prior to her death or some other period?
A. Yes.
Q. Just prior to her death?
A. Just prior to her death. 30
Q. How did you meet her?
A. I met her in my cousin's home, Fifth and Benson Street, where she boarded. I later met her in the First Church.
Q. Your cousin's name was what?
A. Mr. Charles Mathis.

Q. That is where you first met her?

A. That is where I first met her.

Q. How often did you see her there?

A. Not so very often; I didn't go very often.

Q. After that, where did you see her?

A. In First Church, during services.

Q. Did you ever live in the same house with her?

A. Yes, sir.

Q. Where?

10 A. 554 Benson Street.

Q. Whose home is that?

A. My home.

Q. Then she lived with you?

A. She did.

Q. When?

A. In 1923 or 1924; I can't tell you the year; it was previous to her leaving Mrs. Moore's home, just after leaving Mrs. Moore's home on Benson Street.

20 Q. How long did she remain with you?

A. Well, I should say it was less than a year. It might have been seven months.

Q. Did she board there or simply have a room?

A. She simply had a room.

Q. Where did she get her meals?

A. She cooked them in that room.

Q. Did you have opportunities to converse with her while she was living in your home?

30 A. I surely did. I was very sick when she first came to my home, with appendicitis, and she spent a great deal of time in my bedroom. She did very many things in the way of waiting on me.

Q. How often did you talk to her in this period?

A. Every day.

Q. On general subjects or any particular subject?

A. General subjects; most always something concerning the church.

Q. She was greatly interested in the church?

A. Very much interested in the First Church.

Q. Now, after she left your home, did you see her after that?

A. Every week, visited at least two or three times every week.

Q. She visited you?

A. Yes, sir.

Q. How long would she stay?

A. Sometimes stayed for lunch, sometimes just 10 run in and spend an hour, just a social call.

Q. During all this period, did you see anything inappropriate in her dress?

A. Beg pardon?

Q. Anything unbecoming in her dress?

A. I should say not.

Q. What colors did she usually wear?

A. Well, she wore different colors, sometimes dark blue dresses and sometimes different color dresses. She wasn't taken much for dressing. She didn't 20 think very much in spending a lot of money for dressing.

Q. Did she keep herself clean or unkempt and dirty?

A. She was very clean in my home.

Q. Now, during all this period you have been telling us about, did you ever see any evidence of insanity?

A. None whatever.

Q. In any act of hers or any conversation? 30

A. Not anything whatever.

Q. In your judgment, was she of sound or un-sound mind?

A. Very sound mind, I should say, a very intelligent woman.

(No cross-examination.)

ELIZABETH TUTTLE, SWORN.

By Mr. Stockwell:

Q. Where do you live, Mrs. Tuttle?

A. 224 South Fifth Street, Camden.

Q. Did you know Elizabeth Peterson?

10 A. Well, I just knew her from seeing her in the church.

Q. Did you ever visit her in her home?

A. No.

Q. Were you a member of the First Methodist Church in Camden?

A. A great many years.

Q. How regularly did you attend? We are having a sort of quiz class on the First Methodist Church this morning.

20 A. I guess I was there pretty regular.

Q. Rather regularly?

A. Yes, sir.

Q. How regularly did Mrs. Peterson attend?

A. Well, she was there every Sunday morning and Sunday night.

Q. Did you ever talk to her?

A. Not very much. She was so hard of hearing, I didn't talk to her very much.

Q. Did you talk to her at all?

30 A. Yes, I talked to her. Just passed the time of day and asked her how she was. I always felt sorry for her, she was lonely.

Q. Did you see her at the social affairs of the church?

A. Yes, she was there at the suppers.

Q. What have you to say about the condition of her mind during this period?

A. I never had any reason to think she was anything but of sound mind.

Q. She never showed any evidence of insanity to you?

A. No.

(No cross-examination.)

Mr. Stockwell: I am through, with the exception of one witness, and I want to offer all the correspondence. 10

IDA M. STRANG, SWORN.

By Mr. Stockwell:

Q. Miss Strang, you live in Camden?

A. Yes.

Q. And are you connected with our law firm, 20
Bleakly —

A. Yes, I am.

Q. Were you connected with the old firm of Bleakly and Stockwell, back in 1921 and 1922?

A. Yes.

Q. In 1921 and 1922, back in the old quarters down at 317 Market Street, where was your desk?

Mr. Stockwell: Mr. Kellam knows, if your Honor doesn't. 30

Mr. Kellam: I thought he was advertising his new palatial offices.

A. It was in the rear room, the back room, that office.

- Q. The rear?
- A. Yes.
- Q. Extreme rear?
- A. Yes.
- Q. Where Mr. Bridge was quartered?
- A. Yes.
- Q. Were you stenographer for Mr. Bridge at that time?
- A. Yes, I was.
- 10 Q. Do you recall Elizabeth Peterson?
- A. Yes.
- Q. Having seen her in those offices?
- A. Yes.
- Q. Won't you say just what you saw of her, what conversation you had with her?
- A. Well, she came in very often to see Mr. Bridge, and sometimes he wouldn't be there when she came in and I would speak to her and just casual remarks made, there wasn't anything of any importance.
- 20 She was very, very deaf, she wore one of those acousticons and you would have to repeat things to her now and then to make her hear, and understand what you were saying. She was quietly dressed.
- Q. I beg pardon?
- A. She was dressed in blue, almost always, when I saw her.
- Q. Was there anything unusual in her costume?
- A. None whatever.
- 30 Q. Anything to cause remark?
- A. No, indeed.
- Q. How many times do you believe you saw her in there?
- A. Well, it's been so long ago, but I should say at least, oh, fifteen or twenty times, as near as I can recall.
- Q. Did you ever see anything of her manner or

her dress or her conversation, her words, to indicate that she was of unsound mind?

A. No, I did not.

Q. Anything to cause any remark around the offices at all?

A. Not a thing.

(No cross-examination.)

Mr. Stockwell: We rest.

10

Mr. Kellam: I have no rebuttal. I would like to submit this on briefs to your Honor.

BOTH SIDES REST.

20

30

EXHIBIT D1.

THIS INDENTURE made the eighth day of February in the year of our Lord one thousand nine hundred and twenty-two. BETWEEN Marion Harris, unmarried of the City and County of Camden, State of New Jersey, party of the first part, and
10 ELIZABETH PETERSON, of the City and County of Camden, State of New Jersey, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (and other good and valuable consideration) lawful money of the United States of America, well and truly paid by the said party of the second part to the said party of the first part, at and before
20 the ensealing and delivering of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said party of the second part, her heirs and assigns, ALL her right title, interest and estate in and to all that certain tract or parcel of land and premises, situate, lying and being in the City and County of Camden, and State of New Jersey, more particularly bounded and
30 described as follows:

BEGINNING at a point in the east line of Marion Street, at the distance of one hundred and fifty-four feet south from the southeast corner of Chestnut and Marion Streets, said point being in the centre of the partition wall between Nos. 1120 and 1122 Marion Street, and extending thence (1) south along said easterly line, the distance of forty-two

feet to a point in the centre of the partition wall between Nos. 1126 and 1128 Marion Street; thence (2) east along the centre of said partition wall, the distance of forty-six feet to the middle of a ten feet wide street or driveway running from Chestnut Street to Kaighn Avenue; thence (3) north along the middle of said driveway the distance of forty-two feet to a point for a corner; thence (4) west and through the centre of the first mentioned partition wall, the distance of forty-six feet to the east- 10
erly line of Marion Street and place of beginning.

BEING designated as Nos. 1122, 1124 and 1126 Marion Street, and the same premises which Martha A. Cooper, widow, by deed bearing date the twenty-sixth day of October, 1911, and recorded in the office of the Register of Deeds of Camden County, October 28, 1911, in Book No. 360 of Deeds, pages 559, &c., granted and conveyed unto Elizabeth Peterson and Marion Harris in fee.

TOGETHER with all and singular, the buildings, 20
improvements, woods ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and the profits thereof, and of every part and parcel thereof:

AND ALSO, all the estate, right, title, interest, property, possession, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in and to the said premises, with the appur- 30
tenances:

TO HAVE AND TO HOLD, the said premises, with all and singular the appurtenances, unto the said party of the second part, her heirs and assigns, to the only proper use, benefit and behoof of the said party of the second part, her heirs and assigns forever.

AND the said party of the first part, for herself, her heirs, executors and administrators, does by these presents covenant, grant and agree to and with the said party of the second part, her heirs and assigns, that she the said party of the first part her heirs, all and singular the hereditaments and premises herein above described and granted, or mentioned and intended to be so, with the appurtenances, unto the said party of the second part, her
 10 heirs, and against all and every other person or persons whomsoever lawfully claiming or to claim the same, or any part thereof,

WARRANT and

SHALL AND WILL
 forever DEFEND.

IN WITNESS WHEREOF the said party of the first part to these presents has hereunto set her hand and seal dated the day and year first above written.

20 Signed, sealed and delivered }
 in the presence of } Marion Harris ()
 Ida M. Strang. }

STATE OF NEW JERSEY }
 CAMDEN COUNTY, } ss.

30 BE IT REMEMBERED, that on this 10th day of February in the year of our Lord one thousand nine hundred and twenty-two before me, A Notary Public of New Jersey personally appeared MARION HARRIS (unmarried) who, I am satisfied is the grantor mentioned in the above deed or conveyance and I having first made known to her the contents thereof she acknowledged

that she signed, sealed and delivered the same as her voluntary act and deed. All of which is hereby certified.

Ida M. Strang,
Notary Public of N. J.

DEED

Ex D 1
MARION HARRIS 10
to
ELIZABETH PETERSON

Dated February 8, 1922

Received in the Register of Deeds of-
fice of the County of Camden, N. J., on
the 1st day of March, A. D. 1922, at
4:08 o'clock in the afternoon, and re-
corded in Book 499 of Deeds, for said 20
County on pages 276, etc.

Joshua C. Haines,
Register.

EXHIBIT D2.

October 10, 1921.

Mrs. Marion Harris,
907 Elm Street, 30
Camden, N. J.

Dear Mrs. Harris:—

I understood you were going to write us a letter
in order that we could make some adjustment.

With reference to the repairs, we are waiting for
the contractor who gave the lowest estimate, so that

we can get a contract signed. He has not as yet come into the office. We are writing him by this mail.

In the meantime, suppose you also consider what amount you think you ought to have in payment of what you consider your just share. We would appreciate it if you would let us hear from you as promptly as possible.

Very truly yours,

10 CB-S

EXHIBIT D3.

Bleakly & Stockwell
317 Market St.

Camden, Oct. 11-

Dear Sir:

20 Your letter received this evening. In regard to the adjustment you speak of will say, if Mother wants the Marion St. properties, I would consider four of the Locust St. houses or if there could be a way devised whereby I could have Mother's equity in those houses should I outlive her, I would be satisfied that she should have the entire income from the properties as long as she lives, it would 2 have to be done in a way that would be secure here~~axx~~ she has made several wills and probably will make more. I told you the other evening that Mother was 30 well off in this worlds goods and could afford every comfort she desired and it is largely owing to my efforts that such is the case (regardless of what she says otherwise)—

Mother has consulted several Lawyers since she left home, most of them of course heard only one side of the controversy.

It is really too bad that she feels that she must always be seeking protection she will probably come 3 across some one some day who will protect themselves at her expense.

If she would agree to the proposition to have the income from those houses during her lifetime and allowing me to have them should I outlive her it might be a good thing for her to do and I would feel there would be a little something left for me in return for the years of labor and service I have devoted to Mother s comfort and care and financial *independance.* 10

Very truly

709 Elm St.

Marion Harris

EXHIBIT D4.

December 17, 1921. 20

Mrs. Marion Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:—

Freeman Brothers are arranging to make settlement as soon as we can get the matter in readiness for a settlement. We have requested Burr Smith Company to let us have the searches and insurance in order that we can arrange for a *propmt* settlement. They evidently represent the mortgagees or are in touch with them. We have also requested them to send us a check covering the amount of the rents to date. Will you not kindly authorize them by letter to send us a check for your portion of the rents? You will recall that they have been holding them pending the adjustment. It will expedite mat- 30

ters if you will do this. We will then be in a position to make satisfactory adjustments between yourself and your mother. We have no doubt that the matter will be adjusted satisfactorily to all concerned. In that event, the fund will be held intact until the settlement is completed.

I would appreciate it if you would call us on the telephone and arrange to do this as promptly as possible.

- 10 As I stated last night, Freeman Brothers have a deposit of \$200.00 on account of the purchase on an agreement which was made subject to the approval of yourself and your mother, and this approval was given yesterday. While Burr-Smith had previously an offer of presumably \$1550 each for the six Locust Street houses, Mr. Smith informed me over the telephone that the person who made the offer had invested his money and the deal was off. Freeman Brothers client cannot do this without forfeiting
- 20 \$200.00. We would suggest that you permit us to push the matter through quickly now.

Very truly yours.

CB-S

EXHIBIT D5.

Camden Dec. 19

- 30 Bleakly & Stockwell
317 Market St.
Mr. Bridge:
Dear Sir

Your communication received, and noted. I do not feel disposed to have BURR-Smith Co send you check covering rents to date, I am ready at any

time to have them send you check for one half the rents up till the sale of the Locust St. houses *are* settled, but I prefer that the check *comming* to me shall come from Burr-Smith Co. direct.

I do not lose sign of the fact you are mother's attorney therefore, I think it best that Burr-Smith Co. hold the rentals until adjustment is made satisfactory to both parties interested.

Very truly yours

Marion E. Harris.

10

EXHIBIT D6.

Camden N. J.

Dec. 27-21

Freeman Bros
314 Market St.

20

Dear Sir

In reference to the selling of properties 645 to 655 Locust St. will say that I understand that I am to receive two thirds of the net proceeds, that is after commission, adjustment of taxes, water rent and interest on mortgage, I am to receive two thirds of the remaining proceeds of the sale.

In return I am to sign my interest in some other property over to my mother (Mrs. E. Peterson)

30

I also wish to state that Bleakly & Stockwell attorneys do not represent me in any capacity, and I shall expect the check that is to come to me as my share of the proceeds to be signed by Freeman Bros. direct.

Am writing this so that there may be no delay at time final settlement is made, any other adjustment

of the matter would cause delay and probable postponement for an indefinite period.

Very truly yours

Mrs. Marion E. Harris.

709 Elm St.

EXHIBIT D7.

10

December 28, 1921.

Mrs. Marion Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:—

Will you kindly send to us the certified copy of your final decree for divorce? The purchaser of the properties is obtaining title insurance and the Title Company wishes to inspect the final decree.

20

Freeman Brothers not having been familiar with the plan of adjustment between yourself and your mother, referred to us your letter to them under date of December 27th. Freeman Brothers are merely agents for the purchaser of the Locust Street houses. The understanding is that on the settlement for the Locust Street houses, the net proceeds of the sale will be divided between Mrs. Peterson and yourself, you to receive the net proceeds of the sale of four of the Locust Street houses and your mother to receive the next proceeds of the sale of the other two; and you are to convey to your mother all of your title in the Marion Street properties; in other words, you get four-sixths or two-thirds of the net proceeds of the Locust Street houses and your mother gets the other one-third. Freeman Brothers know that we represent your mother.

30

As to the rents, it is perfectly satisfactory as you suggest, that these be adjusted at the time of the settlement. This, of course, will have to be arranged a little in advance with Burr-Smith Company, as we understand they will not be interested in the settlement in any other way.

Very truly yours,

CB-S

10

EXHIBIT D8.

Camden Jan. 3-22

Bleakley & Stockwell

317 Market St.

Camden

Dear Sir

You will have to get that decree for divorce from Mother she has had it among her private papers ever since it was granted, I have never seen it. If you get it from her, I would appreciate it if you would send it to me when you are through with it, Mother did not contribute anything toward the cost of it, so it does not belong to her. 20

The reason I wrote Freeman Bros. I expect them to represent me in this matter I dont expect to pay them (2) nearly \$200 Com. to have them act, "merely as agent for the purchaser" I understand that when an agent sells a property and receives the com. from the seller, he looks after the *setter*, interest and of course I wanted them to know how settlement was to be made so there might not be any delay at time of settlement. I have had occasion to do business with several real estate men in the past and I must say I like Freeman Bros. 30

method of doing business the least of any, therefore I want them to understand just what I expect, otherwise the deal will not go through.

As to the rent question whenever you are ready to settle on a fifty fifty basis I *am* ready also. I have given Burr-Smith to understand I shall hold them to that.

Very truly
Marion E. Harris

10

EXHIBIT D9.

February 6, 1922.

20 Mrs. Marion Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:—

Settlement is to be made for the Locust Street properties on Friday, the 10th instant, at 2 o'clock, at the office of Freeman Brothers.

If you do not wish to lose time to attend the settlement you can call in advance and sign the necessary papers, and make arrangements for settle-
30 ment.

Yours very truly,

CB:L

EXHIBIT D10.

March 7 1922.

Mrs. Marion L. Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:—

We are herewith enclosing the copy of the decree 10
for divorce in the Illinois Court. We would appreciate it if you would adjust the interest with Mr. Smith and have and have check sent to us to cover Mr. Caperton's bill for \$10.00, at the earliest possible moment. We are unable to close our account until these two small items are disposed of.

Very truly yours,

CB-S
Enclosure.

20

EXHIBIT D11.

March 7, 1922.

Mrs. Marion L. Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:—

In connection with the Locust and Marion Street 30
houses, you will recall that the purchaser had the title insured and one of the matters which delayed settlement was the divorce action in Illinois. We delivered to the Title Company the certified copy of the decree. You will recall we inquired of you about the decree and found that Mrs. Peterson had it.

The divorce having been granted by a State other than the State of New Jersey, the Title Company required an opinion from the attorney of record or some other attorney of the State of Illinois covering a number of points, in order to permit them to pass on your title in the property. We naturally referred the matter to Mr. Caperton, who was your attorney in the matter. He gave us the information in very complete form and the Title Company was then able to remove the exception and this made it possible for us to complete the settlement.

Mr. Caperton has sent us a bill for \$10.00 covering his services in connection with your interest in the matter. There is also the small item of accrued interest on the \$1500.00 mortgage on the Marion Street houses. The rents as you know were equally divided and the disbursements were borne equally. The repairs which were made somewhat recently and prior to the settlement were only made because Burr-Smith Company, who were collecting the rents, had notice from the Board of Health requiring us to make the repairs. If they had not been made, there would have been a penalty imposed. Having received your proportion of the rents and the \$10.00 fee having been incurred in connection with your interest in the title there seems to be no question that you ought *intall* reason to pay the \$10.00 fee and also pay to Mr. Smith or Burr-Smith Company your share of the accrued interest up until the time we sent Burr-Smith a check paying off the mortgage.

We would appreciate it if you would take the matter up promptly and adjust your portion of the accrued interest with Mr. Smith and send us a check for the \$10.00 covering Mr. Caperton's fee. We have felt that the parties interested in the settlement were very fortunate in being able to dispose of

these properties. We feel quite certain they could not have been sold to anyone else.

Very truly yours,

CB-S

EXHIBIT D12.

Camden March 10 10

Bleakly & Stockwell

Camden, N. J.

Dear Sir

Received your letter with enclosure, thanks for same, will enclose with this letter \$10. check for which you claim is due you.

In regard to the interest adjustment on Marion St. I am not disposed to pay I think it very uncalled for in view of the fact that all the available rents were spent on those properties after the Locust St. houses were sold especially so as I was not consulted concerning the matter, the accumulative rents from Marion St. in the nine months were \$387.00 the expenses including 108.45 for repairs were \$335.20, leaving a balance of \$51.80 the amount to be divided, my share was \$25.90 less \$5. you charged me for drawing up deed for Mother, (which I ought not to have paid) why not claim water rent & taxes that is just as reasonable as interest, I have nothing to do with it If my Mother decides to pay off the Mortgage I did not sell her the houses I simply signed them over to her she can do as she pleases with them. I had new steps front & back put on 426, Material alone cost \$16: (last Spring) Your letter states I received my share of the rentals, I admit on the Locust St I did there were none to

share on the Marion St. therefore, I do not feel that I owe my Mother anything in anyway whatever

Very truly yours

Marion Harris

EXHIBIT D13.

May 5, 1922

10 Mrs. Marion Harris,
709 Elm Street,
Camden, N. J.

Dear Mrs. Harris:

In the Marion Street matter, the accrued interest on the mortgage amounted to \$23.12. Will you not kindly send us your check for your proportion of this? We feel that it should be one-half of the amount. The settlement was made assuming that all the interests were to be divided equally as the rents were divided. The small items on the Marion Street matter were made necessary by instructions given by the Board of Health to the Burr-Smith Company and by them forwarded to us. There were *peremptory* orders given for the correction of nuisance. We feel that it is only fair that you should pay some portion of the accrued interest, in view of the settlement made, and we understood that when Burr-Smith Company made up the checks for the rents, they had deducted the proportions of interest on both mortgages and I learned only after settlement that this had not been done.

30 We would appreciate it if you would give this matter your immediate attention and let us get the matters disposed of. This is the only thing in the way.

Very truly yours,

CB-S

EXHIBIT D14.

This is to certify that I, Elizabeth Peterson in the event of my death I want J. H. Murray and Son to be notified to take charge of my remains and conduct my funeral services and *too* be *assited* by Mrs Albert H. Carter 710 Washington St. and Mrs. Fred J. Carrick 494 Newton Ave Camden New Jersey 10 same to be notified at once.

Any of these persons to lock the door of my room until my executors are notified

Signed this eighteenth day of November 19.24
Elizabeth Peterson.

Witnesses

Joseph H. Murray
Mrs. Albert H. Carter
Mrs. Fred J. Carrick

20

EXHIBIT D16.

410 S. 5th St.
Mar 16th, 1921. .

Mr. Branch
Dear Sir.

I received the receipt for the drawing up my *My* Will, thank you very much

Now I want to know how you are making out with 30 the other case and if you can get my *Property* back for me, have you looked over the Records yet,

Please do not *loose* any time, I would like to have it all fixed while I am well and able to *atend* to it, hoping to hear from you soon

Respectfully

Mrs. E. Peterson.

EXHIBIT D17.

Mar.....

410 Soth fifth St
Camden N. J.
April 20th 19/21

Mr. Branch

10 Dear Sir

Your letter received I am sorry you had so much trouble in looking over the records I thought I told you that I could not remember for sure but that I could tell by looking over the Deeds.

20 Mrs Harris did not put any money in that Property. She had 7.00.00, but she took 500.00 out of it to buy Furniture when we got back to Camden, that she took with Her when she moved out of my House, I do not want to show any bad *feelling* I think if you were to see her and have a talk with her we could come to some settlement with out going to Court this is what I would like to knew, *if has it is* now if her Son, can claim her share at Death who can claim *mine* share, can I give mine to who I like, how much would it cost, supposing it would not have to go to Court, and which side would have to Pay the *expences* I think I had better call up your Office, I cannot explain myself in writing, I do not *feell* well, I can come to see you one week from to day

30 (*Wensday*) (will that do) in reference to Mrs Harris and her name the one I give you was the one She had when She was born that was (Mary Ann Elizabeth)

I do not know how she came with the other, She married in that name, and does all her *bissness* in that name She never told me anything about it, if that will make any difference in the Will it must be

change, and there is something else, I want to change or added to that Will. I will tell you when I see you at your Office Hoping this will satisfactory to you

I am
Respectfully
Mrs. Elizabeth Peterson.

10

EXHIBIT D18.

April 16, 1921

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:—

We have completed our examination of the records in the Register of Deeds Office. We had considerable difficulty in completing the examination. 20
We had to make our search cover a period of over 10 years. You stated when you were at the office that the properties were purchased seven or eight years ago.

We find that under date of September 11, 1911, S. E. C. Dougherty and James L., her husband, of Camden, conveyed to Elizabeth Peterson and Marion Harris, of Camden, premises known as 645-647-649-651-653-655 Locust Street, subject to a purchase money mortgage dated June 4, 1908, given by Mr. 30
and Mrs. Dougherty to Anna C. Foulke, to secure the payment of \$4850.00 in two years from its date, with interest at 5% per annum. The consideration named in the deed was \$7200.00.

We find further that under date of October 26, 1911, Martha A. Cooper, widow, of Palmyra, con-

veyed to Elizabeth Peterson, widow, and Marion Harris, of Camden, premises known and designated as 1122, 1124 and 1126 Marion Street, the consideration in this last deed being \$3450.00.

10 The deeds did not state the nature of the estate created and in that case the estate was an estate in common in and to all of the nine properties. This means that so far as the record is concerned Elizabeth Peterson and Marion Harris own all nine prop-
erties equally, and on the death of either, their heirs,
would take. It is not a joint tenancy, where the sur-
vivor would take.

We understood that Mrs. Harris put only \$700.00
in the properties and that you paid all the balance.
On your decease, your heirs or devisees would take
according to the record only a half interest in all of
the properties. It would seem to us that steps
should be taken in equity to protect your interests
and as promptly as possible. We believe this could
20 be done by a suit in partition, which is not a hostile
action, but is an amicable action and which, in effect,
means that the properties would be divided between
the owners according E. P. #2 to their respective
interests therein as these interests might be proved
in equity. We believe that in such a partition suit
in the Court of Chancery, which is a Court of equity,
you could set up your interests and if the properties
could not be divided among yourself and your
daughter according to your respective interests,
30 they would be sold under order of the Court by a
Special Master, and the Special Master would in
that event make distribution to the persons entitled
to the money according to their interests in the
property. Please let us know as promptly as pos-
sible what you wish to do in the matter.

We also understood from you that your daughter's
name was Mary A. Elizabeth Harris, and the rec-

ords show it Marion Harris. Under your instructions, in the preparation of the Will, we used the word Mary A. Elizabeth Harris.

Very truly yours,

CB-S

EXHIBIT D19.

410. South Fifth St
Mar 20.th 1921

10

Mr. Branch

Dear Sir

Your letter received, when you have made a full examination of the Record, or any other information you may need you can let me know the best way to go about *geting* my *Property* back to me, of course I would like to get my own but do not know the way to go about it, I am trusting to you to help me. *let me know as soon as you can the best thing to do*

20

Respectfully

Mrs. E. Peterson.

EXHIBIT D20.

410 Soth 5th S
May 10th 19/21

30

Mr. Bleakley

Dear Sir

Your letter received to *Day* I will call and see you Monday next if that is *Satisfactory* to you

Respectfully

Mrs E. Peterson.

EXHIBIT D21.

May 10, 1921

Mrs. Elizabeth Peterson,
410 South 5th St.,
Camden, N. J.

Dear Madam:—

10 We talked to Burr-Smith Company about those rents. Mrs. Harris has talked to them and also written to them. Her claim is first, that she has been paying all the repairs and has been dividing the rents with you on a fifty fifty basis, regardless of the repairs made by her.

She, therefore, claims that if the rents were divided on the basis of the interest that you claim you would not be as well off as on the present basis.

20 In the second place, she says that aside from the consideration moneys in cash which she put up, she stopped depending on her husband for a living or something of this kind.

Mrs. Harris says that it was your suggestion entirely that the rents should be divided jointly and that each should have a will made and that this was done.

30 Burr-Smith Company says that a will was drawn and executed in their office by each of you, each willing to the other their interest in these properties, and while you lived with Mrs. Harris that you got all the proceeds of the property and that you got all the rents while you lived together except for the taxes and water rents.

You had better call and see us about the matter.

EGCB:L

Yours very truly,

EXHIBIT D22.

410. S. fifth St
Oct 18.th 1921.

Mr. Bridge

Dear Sir

I received this letter from Burr-Smith yesterday,
and you can tell me the best thing to do about it, 10
if you want to see me at any time just drop me a
line

Respectfully

Mrs. E. Peterson

EXHIBIT D23.

December 17, 1921 20

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:

Mrs. Harris last evening signed her consent to the
sale of the Locust Street properties at \$1500.00
each, subject to the deduction of the real estate
agents' 3% commission. We have written for the
searches and insurance policies and will arrange to
have the searches made covering the Marion Street 30
properties, in order to determine the condition of
the title to these properties which you are to take
over.

It seems probable that the only division that can
be made of the rents will be on a 50-50 basis, inas-
much as you have always been receiving the rents in

these proportions. We would suggest that you authorize us to complete the settlement as promptly as possible. We wish the matter to be in such shape that there shall be no delay because of the rent adjustment and the continuation of the searches and preparation of the papers.

Very truly yours,

CB-S

10

EXHIBIT D24.

410. So. fifth St
Camden, N. J.
Dec. 17th, 19/21

20 Mr. Bridge
Dear Sir

Your letter just received, I was coming to see you this morning but will answer your letter instead if that is the best you can do let it go at that I do not wish to give any more trouble than I can help.

I have given the repairs out to be done on the Marion St houses that of course will come out of the *remts has* Bur *x* Smith gave me to understand that was *axtended* to three months ago will bring you the bills *has* soon *has* I get them, do the best you can,

30

Respectfully

Mrs E. Peterson

EXHIBIT D25.

410. So. Fifth St

Jan 4.th 19/22

Mr. Bridge

Dear Sir

I am sending you the bills for repairing the Mar-
ion St Houses. I received them yesterday, and am 10
sending them to you, so that you can include them in,
when you make the settlement

Respectfully

Mrs. E. Peterson

(excuse the *Pencle* someone *borrod* my Pen)

EXHIBIT D26.

January 19, 1922.

20

Mrs. Elizabeth Peterson,

410 S. 5th Street,

Camden, N. J.

Dear Mrs. Peterson:—

Burr-Smith called us up. They said they had a
notice from the Board of Health to fix a water pipe
within three days. Will you kindly give the matter
your immediate attention? We understand Free-
man Brothers will be ready to settle the Murray 30
matter in about a week. There is an exception of
the settlement certificate, however, about Mrs. Har-
ris' divorce. Can you tell us who the attorney was?

Very truly yours,

CB-S

EXHIBIT D27.

February 6, 1922

Mrs. Elizabeth Peterson,
410 South Fifth Street,
Camden, New Jersey.

Dear Mrs. Peterson:—

10 We have arranged to make the settlement on Friday, the 10th instant, at 2 o'clock. If you do not care to be present at that time, when settlement is made, you might stop in the office in advance and sign the deed.

Mrs. Harris will doubtless want to be at the settlement.

CB-L

Yours very truly,

20

EXHIBIT D28.

410. So. fifth S
Feb. 8.th 1922

Mr Bridge

30 of course I only sign *x* a Deed for four of the Locust St Houses over to Mrs. Harris, the other two belongs to me or rather I get the Money for them, also the Marion St Houses

Respectflly

(do not let us have any mistake) Mrs. E. Peterson

EXHIBIT D29.

February 25, 1922.

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:—

We have just received the settlement certificate 10
from the Title Company covering the Marion Street
properties. It shows everything to be clear except-
ing the \$1500.00 mortgage held by Jessie E. Smith.
This is the mortgage we have just paid off. Mr.
Smith gave us a receipt for the money and is to send
us the papers in a few days. This will then clear
this property.

In the adjustment of interest, of course, Mrs. Har-
ris paid only her share of the interest on this mort- 20
gage, as in the case of the interest on the other mort-
gage and as also in the case of the taxes, water
rents, repairs, etc. We will write you further as
soon as the matter is ready for final settlement.

CB-S

Very truly yours,

EXHIBIT D30.

March 7, 1922.

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

30

Dear Mrs. Peterson:—

The Title Company has brought the settlement
certificate down to March 1st, and it shows the title
to the Marion Street properties in your name sub-

ject only to the \$1500.00 mortgage. We have just received the mortgage from Mr. Smith, receipted for cancellation, together with the fire policy. As to the accrued interest on the mortgage, we will have to adjust this with the mortgagee. We will make an appointment for you to call within the next few days. As to the insurance, there appears to be \$600.00 on 1122 Marion Street, expiring January 10, 1923, \$600.00 on 1124, expiring December 28, 1922, \$600.00 on 1126, expiring December 28, 1922 and \$1800, covering 1126, 1124 and 1122 Marion Street, expiring June 4, 1923, \$600 to apply on each, making in all \$1200 on each house.

Yours very truly,

CB-S

20

EXHIBIT D31.

May 5, 1922.

Mrs. Elizabeth Peterson,
426 Benson Street,
Camden, N. J.

Dear Mrs. Peterson:—

30 The title policy and the deed and the cancelled mortgage have now been returned to us. We expect the Will from the Merchants Trust Company in a few days. You might stop early in the week and get the papers and instruct us about the Will.

We are enclosing Statement herewith.

Very truly yours,

CB-S

EXHIBIT D32.

June 2, 1922.

Mrs. Elizabeth Peterson,
426 Benson Street,
Camden, New Jersey.

Dear Mrs. Peterson:—

At your convenience, you might call about the will. It will be better if you call me on the telephone a few hours before you come up. We have the present will in the office. 10

Yours very truly,

CB-1

20

EXHIBIT D33.

426. Benson St
June 5th, 19/22

Mr. Bridge

your letter received, I will see you on *Wednesday* afternoon in reference to the Will,

I will be at your office about 2 O clock, perhaps you will have your *Lunch* by that time, I shall need your help, *has* there are some thing that I want done, that I do not know how to express *Myself* could we be quiet, for a little *while* 30

I do not think I will keep you long I want to get done with this hoping you are *Well*

Respectfully

Mrs. E. Peterson

EXHIBIT D34.

June 1, 1921

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:—

10 We are in receipt of a letter from Burr-Smith
Company as follows:

“Have had a talk with Mrs. Harris concerning
properties owned jointly by she and her mother and
find she is not disposed to release her interest unless
she would get the Marion Street properties abso-
lutely. If her mother will consent to deed her one-
half interest in the Marion Street properties to Mrs.
Harris, she in turn will execute a deed to her Mother
for her interest in the Locust Street properties.

20 Will you kindly advise if this will be satisfactory
to your client and oblige, &c.”

Please let us know what you wish us to do in the
matter.

Very truly yours,

CB-S

EXHIBIT D35.

30

April 21, 1921.

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:—

I would suggest that you call, in accordance with
your letter. Wednesday will be all right. It would

be more satisfactory to explain the matter to you in person.

Very truly yours,

CB-S

EXHIBIT D36.

April 27, 1921. 10

Mr. Bridge:

In the Peterson matter, I think we had better write to Mr. Burrough and make a claim for more of the rents, claiming that she owns a certain portion of these properties.

What is the mortgage against it? Mrs. Peterson is afraid that the whole *think* will be lost. I told her that the property needn't be sacrificed. That is what she is afraid of in case of a fight. On *ther* otherhand, If we take the easy way of a partition, she will have to answer and there may not have to be a sale, since the Court might decree a division of the property. 20

Mr. Bleakly.

EXHIBIT D37.

May 4, 1921. 30

Burr-Smith Company,
430 Federal St.,
Camden, N. J.

Gentlemen:—

We represent Mrs. Elizabeth Peterson. We understand that you have the premises 645-47-49-51-53 and 55 Locust Street and 1122, 1124 and 1126

Marion Street, Camden, and that title stand in the name of Mrs. Peterson and her daughter, Marion Harris, otherwise known as Mary Ann Elizabeth Harris, and that you have been dividing the rents.

Mrs. Peterson owns all of the equity in the properties except to the extent of about \$700. contributed by the daughter.

10 The daughter's interest is very slight. We must ask that these rents be paid according to the interest of the parties and not equally divided, as you have been doing. If the daughter will not agree to this, of course, we will have to secure an order of the Court to this effect, which we will proceed to get.

20 In the meantime, we advise you of this claim that Mrs. Peterson makes and notify you not to pay the daughter rents in the proportions you have been paying. Otherwise, Mrs. Peterson will claim as against you her proper share of the rents. The best thing to do, therefore, is to hold the rents until the question is settled in the Courts, unless the daughter will agree to an adjustment on the basis of their respective interests.

Yours truly,

EGCB:L

EXHIBIT D38.

BURR-SMITH COMPANY
 Conveyancing, Fire Insurance, Rents
 Investments
 Offices 430 Federal Street 10
 Camden, N. J.

May 27, 1921.

Mr. E. G. C. Bleakley,
 317 Market Street,
 Camden, N. J.

Dear Sir:

Have had a talk with Mrs. Harris concerning
 properties owned jointly by she and her mother and
 find she is not disposed to release her interest unless
 she would get the Marion Street properties abso- 20
 lutely. If her mother will consent to deed her one
 half interest in the Marion Street properties to Mrs.
 Harris, she in turn will execute a deed to her mother
 for her interest in the Locust Street properties.

Will you kindly advise if this will be satisfactory
 to your client & oblige.

Yours very truly,
 BURR-SMITH COMPANY
 I. Mulford Smith
 Secretary.

IMS:E.

30

EXHIBIT D39.

410. S. fifth S
June 3, 1921.

Mr. Bleakley,
Dear Sir

10 your letter *receipt* and in reply, I do not *feell* disposed to deed my Property over to Mrs. Harris, it belongs to me, and I want what is my own

She has no money in any of it, if *She* says *She* has let her say so, and prove it

Respectfully

Mrs. E. Peterson.
(over)

Please do what you think is right and best for me I have put myself in your hands

Mrs. E. Peterson.

20

EXHIBIT D40.

Port Depoiset Maryland
Sept. 19.th 19/21

Mr. Branch
Dear Sir

30 I received this letter to day, from Burr-Smith, it was forwarded to *to* me from Camden, in reference the repairing of the *Roof's*

call

I shall leave that to you you can *x* them up on the *Phone*, and tell them what to do about it, if you think it should be done, tell them to get it done, I hope you are *geting* Locust St houses fixed I have

not heard any thing about it yet hoping to hear from
you soon

Respectfully

Mrs. E. Peterson

EXHIBIT D41.

Port Depoiset Maryland 10
Sept. 27.th 19/21

Mr. Branch

Dear Sir another letter was forwarded to me this
morning from Burr-Smith, I return the same to you,
can

you *x* answer it, how is it. Burr *x* Smith got the
Marion St. Houses repaired without my consent,
and the contract for Locust St Property not given
out yet, I do not understand *Him* writing to me
when *He* knows you have this case in your hands, I 20
am coming Saturday Oct 1.th if you want me for
any thing Please write to my home address 410. So.
fifth Camden N J

Respectfully

Mrs. E. Peterson.

EXHIBIT D42.

October 10, 1921. 30

Mrs. Elizabeth Peterson,
410 S. 5th Street,
Camden, N. J.

Dear Mrs. Peterson:—

Mr. Howell has not called. We have just written
him a letter. I would suggest, as I have written

him, that he see just what is necessary and only absolutely necessary to be done, in connection with all of the properties, in both these and the properties on Marion Street and that he call and sign a contract.

We can now proceed and we think the matters ought to be attended to at once, in view of the arrangements made to pay for these repairs out of the rents.

10 CB-S

Very truly yours,

EXHIBIT D43.

HARLEIGH CEMETERY
CAMDEN, NEW JERSEY

20

Telephone Connection

HARLEIGH CEMETERY ASSOCIATION

WILLIAM CLAYTON JONES

PRESIDENT

JOSEPH E. DUFFIELD

SECRETARY

30

I give and devise to HARLEIGH CEMETERY ASSOCIATION, a corporation, if it consents to accept the trust hereby created, the cemetery lot owned by me in HARLEIGH CEMETERY and known as lot number 629½ in Hillside Lawn, in trust, but under and subject to the established rules and regulations of said Association, for the purpose of the preservation of said lot as a burial place for the body of myself, alone, and a monument to be erected thereon.

In every other respect I do hereby ratify my said Will.

EXHIBIT D45.

(Exhibit D15 for Iden.)

LAST WILL AND TESTAMENT
OF
ELIZABETH PETERSON.

I, Elizabeth Peterson, of the City and County of 10
Camden, State of New Jersey, being at this time of
sound and disposing mind, memory and understand-
ing, do hereby make and publish this my last Will
and Testament, in manner following, hereby revok-
ing any and all other Will or Wills at any time here-
by me
tofore / made.

FIRST:

I hereby authorize and empower my executor 20
hereinafter named to pay all my just debts and
funeral expenses as soon as conveniently may be
done after my decease.

SECOND:

I direct that my executor hereinafter named upon
my decease, shall make the necessary arrangements
for my funeral and burial, have funeral services
conducted by the Pastor of the First Methodist 30
Episcopal Church of Camden, New Jersey, provide
an automobile funeral, have my remains interred in
plot in the Harleigh Cemetery, Camden, New Jer-
sey, as near to the plot in which the Reverend
Holmes F. Gravatt is buried as may be convenient,
and have a dark granite head stone place at my

grave, said headstone to cost not less than One Hundred Dollars, nor more than One Hundred and Fifty Dollars. I was born at Bristol, England, January 1, 1865.

THIRD:

I give and bequeath to my daughter, Mary Ann Elizabeth Harris, the sum of Five Dollars.

10

FOURTH:

I give and bequeath to my grandson, William Francis Harris, the sum of Five Dollars.

FIFTH:

20 I give, devise and bequeath to the First Methodist Episcopal Church of Camden, New Jersey, of which I am a member, the properties 940 and 942 Lawrence Street, Camden, Camden County New Jersey, absolutely.

SIXTH:

All my clothing and wearing apparel, I give and bequeath to the Associated Charities of the City and County of Camden, State of New Jersey.

30

SEVENTH:

All the rest, residue and remainder of my estate, of whatsoever kind, whether real, personal or mixed, and wheresoever the same may be, I give, devise and bequeath unto the Camden County Chapter of the Red Cross, The Home for the Aged and Infirm

of the Methodist Episcopal Church of the County of Camden, New Jersey, The Local Branch of the Salvation Army, The Visiting Nurse Society of Camden, New Jersey, The Cooper Hospital of Camden, New Jersey, and the Homeopathic Hospital of Camden, New Jersey, share and share alike, absolutely.

LASTLY:

I hereby constitute and appoint the Merchants Trust Company of Camden, New Jersey, sole executors of this -2- my Last Will and Testament, with full power and authority to sell, at either public or private sale, and on such terms as to it may seem best, any and all of my estate, real, personal or mixed, without liability or responsibility on the part of the purchaser or purchasers for the application, mis-application or non-application of the purchase money, and I hereby appoint the firm of Bleakly & Stockwell, 317 Market Street, Camden, N. J., proctors.

10

20

IN WITNESS WHEREOF, I have hereunto set my hand and seal this second day of March, in the year of our Lord, one thousand nine hundred and twenty-one.

Elizabeth Peterson.

Signed, sealed, published, pronounced and declared by the above named Elizabeth Peterson as and for her last Will and Testament, in our presence, and in the presence of each of us, who, at her request, in her presence, and in the presence of each other, have hereunto set our hands as witnesses hereto.

30

Ida M. Strang 317 Market St., Camden, N. J.
Charles M. Bridge " " " " "

LAST WILL AND TESTAMENT OF
ELIZABETH PETERSON.

Dated—March 2, 1921

6/19/22. Mrs. Peterson changed this 6/19/22 & left original with Bank—not Lost—& Left the Cemetery Deed with the Cemetery Association.

10

NOTICE OF APPEAL.

(Filed April 21, 1928.)

CAMDEN COUNTY ORPHANS' COURT.

20	In the matter of the Estate of ELIZABETH PETERSON, Deceased.	}	On Petition of Appeal. Notice of Appeal.
----	--------------------------------------------------------------------	---	------------------------------------------------

30

Maria Anne Harris, daughter of Elizabeth Peterson, late of the City and County of Camden, State of New Jersey, hereby appeals to the Prerogative Court from the decree entered herein on the twenty-ninth day of March, 1928, insofar as it adjudges that the said Elizabeth Peterson at the time of making said will was of sound and disposing mind, memory and understanding, that said will was not the product of insane delusions on the part of the testatrix, and that the order made by the said surrogate on the tenth day of March, 1926, admitting the same to probate as and for the last will and testa-

ment of the said Elizabeth Peterson, deceased, be affirmed and the appeal dismissed.

RALPH N. KELLAM,
Proctor for Appellant.

Dated Camden, N. J.
April 16, 1928.

[ENDORSED]

10

Service of the within notice of appeal
is hereby acknowledged.

.....
Dated 4/18/28.

20

30

PETITION OF APPEAL.

(Filed April 1, 1928.)

NEW JERSEY PREROGATIVE COURT.

10

MARIA ANNE HARRIS,
Caveator-Appellant,

v.

MERCHANTS TRUST COM-
PANY,

Proponent-Respondent.

In re: Probate of Al-
leged Will of Eliz-
abeth Peterson, De-
ceased.
Petition of Appeal.

20

The petition of Maria Anne Harris, the caveator-appellant in the above-stated cause, respectfully shows that your petitioner finds herself aggrieved by an order made by the Camden County Orphans' Court, bearing date the twenty-ninth day of March, 1928, in the matter of the probate of the alleged will of Elizabeth Peterson, deceased, in this respect, to wit:

30

“That the said Elizabeth Peterson at the time of making said will was of sound and disposing mind, memory and understanding; that said will was not the product of insane delusions on the part of the testatrix; and that the order made by the surrogate of Camden County on the tenth day of March, 1926, admitting the same to probate as and for the last will and testament of the said Elizabeth Peterson, deceased be affirmed and the appeal dismissed.”

And your petitioner appeals from those parts of the order of the Orphans' Court which adjudges and orders as aforesaid, upon the ground that the same are illegal and erroneous.

Your petitioner, therefore, prays that said order may, in the particulars aforesaid, be reversed, set aside and for nothing holden, and that your petitioner may have such relief in the premises as to this Honorable Court shall seem meet. 10

RALPH N. KELLAM,
*Proctor and of Counsel
for Appellant.*

[ENDORSED]

Service of the within petition of appeal is hereby acknowledged. 20

.....
Dated 4/18/28.

30

ANSWER TO PETITION OF APPEAL.

(Filed May 3, 1928.)

NEW JERSEY PREROGATIVE COURT.

10	MARIA ANNE HARRIS, <i>Caveator-Appellant,</i> v. MERCHANTS TRUST COM- PANY, <i>Proponent-Respondent.</i>	}	In re: Probate of Al- leged Will of Eliz- abeth Peterson, De- ceased. Answer to Petition of Appeal.
----	-------------------------------------------------------------------------------------------------------------------------	---	--------------------------------------------------------------------------------------------------------------------

20 The answer of Merchants Trust Company, now
 Broadway-Merchants Trust Company, respondent,
 to the petition of appeal, in the above-entitled cause:

This respondent is advised, believes, and submits
 that said decree is just and in accordance with law,
 and denies that said decree or any part thereof is
 erroneous, improper or illegal, but on the contrary
 alleges that said decree in every part thereof is
 legal, proper and correct, and that the said Elizabeth
 Peterson, at the time of making said will, was of
 sound and disposing mind, memory and understand-
 30 ing and was not the product of insane delusions on
 the part of the testatrix.

It, therefore, prays that the said decree may be
 in all things affirmed, with costs to be adjudged to
 this respondent.

BLEAKLY, STOCKWELL & BURLING,
*Proctors for and of Counsel
 with Respondent.*

CONCLUSIONS.

(Filed January 10th, 1929.)

NEW JERSEY PREROGATIVE COURT.

	10
MARIAN ANNE HARRIS, <i>Caveator-Appellant,</i>	}
v.	
MERCHANTS TRUST COM- PANY, <i>Proponent-Respondent.</i>	
	On Appeal from De- cree of Probate of Orphans' Court. Conclusions.

20

RALPH N. KELLAM, Esq., for caveator-appellant.
BLEAKLY, STOCKWELL & BURLING, Esqs., for pro-
ponent-respondent.

LEAMING, V. C.:

I find it impossible to escape the conclusion that the will here in question is the product of an insane delusion of an unsound mind. 30

The will, bearing date June 19th, 1922, gives the entire estate of testatrix to various charities of Camden, and wholly disinherits the daughter of testatrix, her only child.

Until the year 1918 testatrix and her daughter lived together, and until shortly prior to that date

their relations had been peculiarly intimate and characterized by mutual affection and confidence. Their money and investments were treated as a joint fund and wills had been made by each leaving all to the other. Shortly prior to 1918, after a sickness of testatrix, her conduct became such that her most intimate friends believed her insane. Her conduct, as described by her friends of that date, cannot be reconciled with a rational intellect. At that

10 time she became imbued with the belief that her daughter was her enemy and was robbing her. By all the testimony in the case on the part of those most nearly in a position to know, this belief of testatrix was wholly without cause or foundation. All the testimony on that subject is to the effect that the daughter's attitude to her mother both before and during that trying period was devotion, indulgence and self-sacrifice. The daughter daily worked

20 for a wage and at the same time cared for the household and applied her wages to their joint support. It was in these circumstances in the year 1918 that the daughter took her mother to the office of Dr. Alfred Gordon, a specialist in nervous and mental diseases, for examination. The testimony of Dr. Gordon is the only medical testimony in the case. I find no reason to doubt the fidelity of the testimony of Dr. Gordon, or the accuracy of his conclusions within the field determinable by the examinations made by him; and the testimony of the conduct

30 of testatrix prior to that time, much of which conduct does not appear to have been known to Dr. Gordon, strongly indicates the accuracy of those conclusions. Dr. Gordon's diagnosis was that testatrix was suffering from *senile dementia* of a paranoiac type—a type of senile mental derangement in which delusions of persecution predominate and are fixed. His prognosis was: "Judging from general

experience in cases of that kind, they usually grow worse, but they may have periods of improvement and, for instance, in this improvement a certain amount of lucidity of mind, in which they can do certain kinds of automatic actions, things which they are accustomed to do, for instance, placing a dish in a certain place, putting on a certain dress, signing, for instance, the name to a check or to a paper. However, the fundamental condition, the underlying condition remains immutable, and it grows usually from worse to worse, except at periods of improvement." 10

In 1918, subsequent to the examinations made by Dr. Gordon, testatrix, still regarding her daughter as her enemy, left her home and her daughter and thereafter lived alone until her death in 1926, and during all of that period testatrix retained the same attitude toward her daughter. Whether there was an improvement in the general mental condition of testatrix between 1918 and 1926 may be uncertain; 20 but no uncertainty can be said to exist touching the fixed and immovable delusion of testatrix that her daughter was her enemy. In 1921 testatrix went to the office of Wm. C. French, an attorney of Camden, to have him foreclose a mortgage which she had acquired on her daughter's property. In his contact with testatrix Mr. French became satisfied that she was not mentally competent and refused to foreclose the mortgage. Some months later—Mr. French says in 1922—testatrix sought to have Mr. French draw her will. Again becoming satisfied of her mental incapacity Mr. French refused to draw her will. There is some doubt whether the interviews with Mr. French were in 1920 and 1921, or in 1921 and 1922 as fixed by Mr. French, 1920 and 1921 seem more probable; if the later dates are accurate this occurred but a few months before the date of the 30

- will here in question. But in any event we have here the testimony of a man of high standing in our community who is wholly without interest and who refused to foreclose a mortgage and later refused to draw a will for testatrix because he considered her mentally incapable of directing either act. This voluntary acceptance of personal loss through a sense of duty appropriately inspires commendation. In the winter of 1921-22 testatrix re-
- 10 quired a division of the property held by testatrix and her daughter and in March, 1922, executed a will essentially similar to the one here in question except that a legacy of five dollars was given to her daughter and a similar amount to her daughter's son. Subsequently learning that these legacies were not necessary to the validity of her will, the will here in question was drawn with these two legacies omitted. It thus fully appears beyond all question that the mental attitude of testatrix toward her
- 20 daughter of 1918 persisted unchanged, and I believe unchangeable, up to the time the present will was executed, and in fact until the time of the death of testatrix. That this attitude—a belief that her daughter was her enemy and was robbing her—was the creature of the diseased intellect and imagination of testatrix I think the testimony of Dr. Gordon and the witnesses, who intimately knew both testatrix and her daughter at the time the delusion arose, fully establish.
- 30 Against this conclusion is the testimony of a number of witnesses who knew testatrix but slightly and observed no trace of insanity in her words or conduct. Many of these witnesses were members of her church and Sunday school who came in contact with her at church or Sunday school and did little more than exchange the greetings of the day. Nor can I regard the testimony of the pastor of her church or

the men who conducted the naturalization class or the lawyer's clerks who drew and witnessed the will as wholly inconsistent with the conclusions already stated. When the mind of testatrix was temporarily freed from thoughts of her daughter, testatrix may have at times seemed sane; when her daughter's interests were before her diseased brain I believe her to have been incapable of rational thought or action. To my mind the evidence fully establishes these controlling facts.

10

A decree will be advised in accordance with these conclusions.

Submitted: December 17, 1928.

Determined: January 8, 1929.

20

30

DECREE.

(Filed January 28th, 1929.)

NEW JERSEY PREROGATIVE COURT.

10

MARIAN ANNE HARRIS,
Caveator-Appellant,

v.

MERCHANTS TRUST COM-
PANY,
Proponent-Respondent.

On Appeal from De-
cree of Probate of
Orphans' Court.
Decree.

20

This cause coming on to be heard, before the Prerogative Court, held at the Court House, in the City of Camden, on appeal from an order made by the Orphans' Court of Camden County, affirming an order of the surrogate of Camden County admitting to probate as and for the last will and testament of Elizabeth Peterson, deceased, an alleged will dated June 19th, 1922, and Ralph N. Kellam, appearing as proctor for the caveator-appellant and Bleakly, Stockwell & Burling as proctors for the proponent-respondent, and the pleadings and proofs having been read and the briefs of the respective proctors being read and considered and it appearing to the Court that the will in question is the product of an insane delusion of an unsound mind.

30

It is, on this 28 day of January, nineteen hundred and twenty-nine, by Edwin Robert Walker, Ordinary of the State of New Jersey, ordered, adjudged and decreed, and the said Ordinary by virtue of the power and authority of this Court does hereby, order, adjudge and decree that the alleged will of Elizabeth Peterson, deceased, dated June 19th, 1922, is the product of an insane delusion of an unsound mind; and the Court does further order that that part of the order made by the Orphans' Court of Camden County, on March 29th, 1928, which declares that the said Elizabeth Peterson at the time of making said will was of sound and disposing mind, memory and understanding; that the said will was not the product of insane delusions on the part of the testatrix; and affirms the order made by the surrogate of Camden County on the tenth day of March, 1926, admitting the same to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, be reversed, set aside and for nothing holden; and the Court does further order that the order made by the surrogate of Camden County on the tenth day of March, 1926, admitting the alleged will of Elizabeth Peterson to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, be reversed, set aside and for nothing holden. 10 20

It is further ordered that in view of the intended appeal from this decree to the Court of Errors and Appeals, the allowance of proctor's fees be postponed until after the Court of Errors and Appeals has disposed of such appeal and the cause remitted to this Court for final decree. 30

E. R. WALKER,

C.

NOTICE OF APPEAL.

(Filed February 2nd, 1929.)

NEW JERSEY PREROGATIVE COURT.

10

MARIA ANNE HARRIS,
Caveator-Appellant,

v.

MERCHANTS TRUST COM-
 PANY,
Proponent-Respondent.

In re: Probate of Al-
 leged Will of Eliz-
 abeth Peterson, De-
 ceased.
 Notice of Appeal.

20

The proponent-respondent, Merchants Trust Com-
 pany (now Broadway-Merchants Trust Company)
 hereby appeals from the final decree made by the
 Ordinary on the advice of Vice-Ordinary, E. B.
 Leaming, in the above-entitled cause, on the twenty-
 eighth day of January, 1929, and from every part
 thereof, to the Court of Errors and Appeals in the
 last resort in all causes.

30

BLEAKLY, STOCKWELL & BURLING,
Proctors for Respondent.

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

HENRY F. STOCKWELL,
Of Counsel with Respondent.

[ENDORSED]

Service of a copy of the within notice of appeal is hereby acknowledged this day of 1929.

Ralph N. Kellam,
Proctor for Appellant.

10

PETITION OF APPEAL.

(Filed April 1, 1929.)

NEW JERSEY COURT OF ERRORS
AND APPEALS.

20

MARIAN ANNE HARRIS,
Caveator-Appellee,

v.

MERCHANTS TRUST COM-
PANY,
Proponent-Appellant.

On Appeal.
Petition of Appeal.

30

*To the Honorable the Court of Errors and Appeals
in the Last Resort in All Causes:*

The petition of Merchants Trust Company (now known as Broadway-Merchants Trust Company),

the appellant in the above-stated cause, respectfully shows:

That your petitioner finds itself aggrieved by a final decree made in the New Jersey Prerogative Court by his Honor, Edwin Robert Walker, Ordinary of the State of New Jersey, bearing date the 28th day of January, 1929, wherein the said Marian Annie Harris was caveator and appellant and the said Merchants Trust Company was proponent and
10 respondent, and by each and every part thereof. And your petitioner humbly appeals from said decree and from every part thereof upon the ground that the same is erroneous in that:

1. Said Prerogative Court adjudges and decrees that the will of Elizabeth Peterson, deceased, dated June 19, 1922, is the product of an insane delusion of an insane mind.

20 2. It orders and adjudges that the order made by the Orphans' Court of the County of Camden, dated March 29, 1928, declaring that the said Elizabeth Peterson at the time of the making of said will was of sound and disposing mind, memory and understanding, that the said will was not the product of insane delusion on the part of the testatrix and affirming the order made by the surrogate of the County of Camden on the 10th day of March, 1926, admitting the same to probate as and for the last
30 will and testament of the said Elizabeth Peterson, deceased, should be reversed, set aside and for nothing holden.

3. It adjudges and decrees that the order made by the surrogate of the County of Camden on the 10th day of March, 1926, admitting the will of Elizabeth Peterson to probate as and for the last will

and testament of the said Elizabeth Peterson, deceased, should be reversed, set aside and for nothing holden.

4. Said Prerogative Court should have decreed that the will of Elizabeth Peterson aforesaid was not the product of an insane delusion of an insane mind and that the said Elizabeth Peterson at the time of the making of the said will was of sound and disposing mind, memory and understanding, and that the said will was not the product of insane delusions on the part of the testatrix. 10

5. The said Prerogative Court should have affirmed the decree of the Orphans' Court, dated March 29, 1928, which affirmed the order of the surrogate of Camden County, dated March 10, 1926, admitting to probate the said will of Elizabeth Peterson, deceased, as and for her last will and testament. 20

Petitioner, therefore, prays that the said decree of the Prerogative Court may be reversed, set aside and for nothing holden, and that your petitioner may have such relief in the premises as to this Honorable Court shall seem meet.

BLEAKLY, STOCKWELL & BURLING,
Solicitors of Proponent-Appellant.
HENRY F. STOCKWELL,
Of Counsel with Proponent-Appellant. 30

[ENDORSED]

Consent is hereby given to the filing
of the within petition of appeal out of
time.

Ralph N. Kellam,
Solicitor for Caveator-
Appellee.

10

ANSWER TO PETITION OF APPEAL.

(Filed April 29, 1929.)

NEW JERSEY COURT OF ERRORS
AND APPEALS.

20

MARIAN ANNE HARRIS,
Caveator-Appellee,

v.

MERCHANTS TRUST COM-
PANY,
Proponent-Appellant.

On Appeal.
Answer to Petition of
Appeal.

30

The answer of Marian Anne Harris, caveator-ap-
pellee to the petition of appeal in the above-entitled
cause:

This caveator-appellee, not acknowledging all or
any of the matters which in the said petition of ap-

peal are contained to be true, for answer thereto, nevertheless says and admits that a decree was, on the twenty-eighth day of January, 1929, made and entered in the New Jersey Prerogative Court, in the cause for that purpose mentioned in the said petition, as therein stated; but as to the substance and form thereof, this caveator-appellee prays to refer thereto when the same shall be produced.

And this caveator-appellee is advised and believes that the said decree is agreeable to equity and is 10 legal, proper and correct and that the will of Elizabeth Peterson deceased, dated June 19th, 1922, was the product of an insane delusion of an insane mind; and she prays that the same may be affirmed, with *costs* to be adjudged to this caveator-appellee.

RALPH N. KELLAM,
*Proctor for and of Counsel
with Caveator-Appellee.*

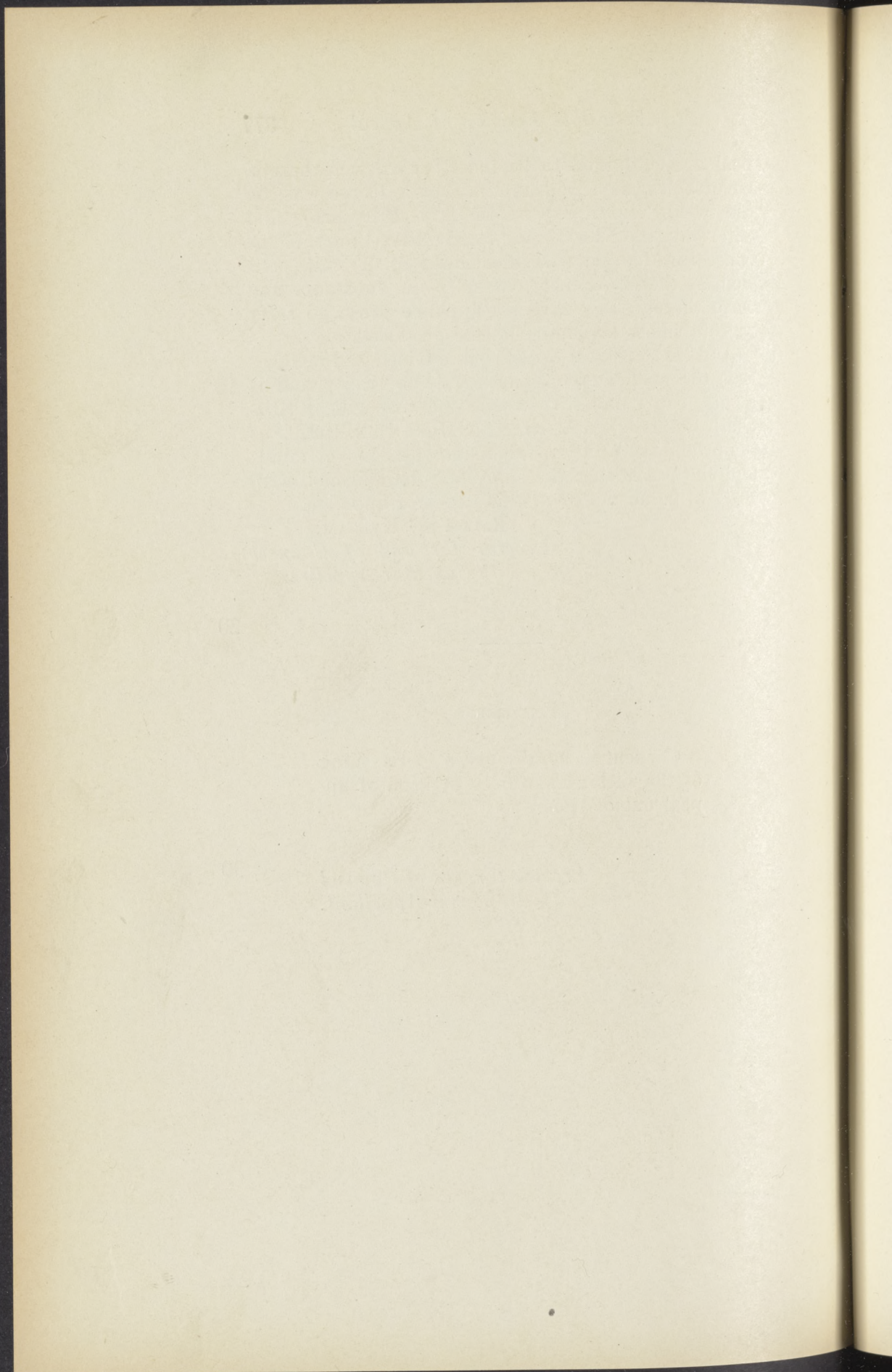
20

[ENDORSED]

Consent is hereby given to the filing of the within answer to petition of appeal out of time.

*Proctor for and of Counsel
with Proponent-Appellant.*

30



NEW JERSEY COURT OF ERRORS AND
APPEALS.

Between

MARIAN ANNE HARRIS,
Caveator-Appellee,

and

MERCHANTS' TRUST COMPANY (BROADWAY
MERCHANTS' TRUST COMPANY),
Proponent-Appellant.

ON APPEAL.

BRIEF FOR PROPONENT-APPELLANT.

By this appeal, Merchants' Trust Company, executor named in the will of Elizabeth Peterson, seeks a review of a decree of the Prerogative Court, advised by Vice-Ordinary Leaming (January 28, 1929), by which decree it is adjudged (pages 370-1)

“that the alleged will of Elizabeth Peterson, dated June 19, 1922, is the product of an insane delusion of an unsound mind; and the Court does further order that that part of the order made by the Orphans' Court of Camden County on March 29, 1928, which declares that

the said Elizabeth Peterson at the time of making said will was of sound and disposing mind, memory and understanding; that the said will was not the product of insane delusions on the part of the testatrix, and affirms the order made by the surrogate on the 10th day of March, 1926, admitting the same to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, be reversed, set aside and for nothing holden; and the Court does further order that the order made by the Surrogate of Camden County on the tenth day of March, 1926, admitting the alleged will of Elizabeth Peterson to probate as and for the last will and testament of the said Elizabeth Peterson, deceased, be reversed, set aside and for nothing holden."

This decree of the Prerogative Court reverses a decree of the Orphans' Court, dated March 29, 1928, which declared that the "aforesaid paper writing"

"was duly executed by the said Elizabeth Peterson as and for her last will and testament in manner and form prescribed by the statute in such case made and provided; that the said Elizabeth Peterson, at the time of making said will, was of sound and disposing mind, memory and understanding; that said will was not the product of insane delusions on the part of the testatrix, which findings result accordingly in that the appeal is dismissed, and that the order of the surrogate be affirmed" (page 20).

THE ISSUE.

The issue here presented is:

Was Elizabeth Peterson of sound mind at the time of the making of the will in question or was said will, in the language of the Vice-Ordinary

“the product of an insane delusion of an unsound mind?”

The will is in proper form and the formalities of execution were complied with. Furthermore, there is no charge of undue influence. The opinion of the Vice-Ordinary in reversing the decree of the Orphans' Court inferentially assumes the general mental capacity of Elizabeth Peterson to make the will and places the decree of reversal solely upon a theory that

“the will here in question is the product of an insane delusion of an unsound mind.”

STATEMENT OF THE CASE.

The will in question bears date June 19, 1922. It was admitted to probate by the Surrogate of Camden County. Thereafter an appeal was filed in the Orphans' Court by the surviving daughter, Marian Anne Harris. The Orphans' Court heard the testimony of the witnesses for the appellant (15 in number) and the witnesses for the proponent-respondent (17 in number) and entered its findings (pages 17 and 18 of the Record), specifically finding that said will

“was executed by the said Elizabeth Peterson as and for her last will and testament in manner and form prescribed by the statute in such case made and provided; that the said Elizabeth Peterson, at the time of making said will, was of sound and disposing mind, memory and understanding; that said will was not the product of insane delusions on the part of the testatrix, which findings result accordingly in that the appeal is dismissed, and that the order of the surrogate be affirmed.”

This was followed by formal decree of said Court, found on pages 19, 20 and 21 of the State of the Case.

The contestant claimed in the Orphans' Court and in the Prerogative Court that:

“1. Elizabeth Peterson at the date of the execution of said alleged will, viz.: June 19, 1922, was and for many years prior thereto had been suffering from senile dementia, the effect of which was to destroy her testamentary capacity.

2. At the time of the execution of said alleged will said Elizabeth Peterson was and had been for a long period suffering from insane delusions and hallucinations as to her only child and heir-at-law, the appellant. Such delusions and hallucinations consisted of a belief that her said daughter was her enemy and was robbing and persecuting her. All of which were unfounded and existed only in the diseased imagination of the decedent."

There is no charge of undue influence. There is no claim that the will was improperly executed. The Court's attention is directed to the fact that Elizabeth Peterson did not die of senile dementia or of insanity in any form. In fact, she was killed by being struck by an automobile while crossing a public street from her rooming house to her church (Dr. Thomas S. Brock, page 272, line 27).

FACTS.

The will now in question (pages 5 to 7 of the State of the Case) was executed June 19, 1922. It was prepared in the law offices of Bleakly & Stockwell, 317 Market Street, Camden, N. J., and was executed in the presence of Edith M. Hale, a stenographer employed by this firm of attorneys and by Charles M. Bridge, a law clerk employed by the same firm. The attestation clause is in proper form.

After indicating what arrangements should be made for her funeral and burial and for interment in Harleigh Cemetery and the disposition of the deed for the cemetery lot, she, in paragraph 4, gives

all of her clothing and wearing apparel to the Associated Charities of Camden and then by article 5 divides all the remainder of her estate among seven religious and charitable organizations of the City of Camden, and by the last paragraph appointed the Merchants Trust Company of Camden as her executor.

— This will of June 19, 1922, was preceded by an earlier will, also prepared by the same firm of attorneys and executed March 2, 1921 (pages 357 to 360 of the record) in the presence of Ida M. Strang, a stenographer employed by said firm, and Charles M. Bridge, a law clerk employed by said firm above mentioned.

— The testimony of Charles M. Bridge as to formal execution of the will (pages 23 to 25) and giving the details of the interviews with Elizabeth Peterson, and the correspondence between this firm and Elizabeth Peterson (pages 220 to 250) and with reference to dealings with Mrs. Peterson shows that at the time of the execution of the will of June 19, 1922, the old will of March 2, 1921, was cancelled; that the last will was in most respects similar to that of March, 1921; that both wills were prepared by the law firm mentioned, in their offices, and that Mrs. Peterson was referred to this firm of attorneys by the Merchants Trust Company, a client of the firm; that Mrs. Peterson first appeared at the office of the attorneys in March, 1921, was treated as any other client would be treated and a memorandum of her wishes with respect to the will was taken down by Charles M. Bridge, the law clerk above mentioned. The will was then prepared and approved by a member of the firm and then was executed in the presence of Mr. Bridge and Miss Strang (Bridge, 220 to 255; Strang, 319 to 321).

Nothing was observed either in the appearance,

in the actions, in the words or in the correspondence of this client which in any way indicated any unsoundness of mind. This view was confirmed by the many subsequent visits by Mrs. Peterson to this law office on the several items of business connected with her property and in connection the preparation of the second will. Between the execution of the first and second will, Mrs. Peterson consulted with this firm about her property which was held in the joint names of Mrs. Peterson and her daughter, the present respondent. Mrs. Peterson was dissatisfied and wanted the property separated and wanted the rents from that property separated, so that what was her property she would have in her own control. Under the direction of Mrs. Peterson, as shown by the correspondence in evidence (pages 325 to 356), these attorneys negotiated with the daughter for a settlement between them namely, a division of the rents and a separation and division of the property. These efforts bore fruit and finally a settlement was procured between the mother and the daughter, under which the daughter took an agreed share of the property and the mother took an agreed share of the property. Deeds were executed by the parties carrying out this settlement. This settlement actually took place February 8, 1922 (Bridge, pages 233-234). Under this settlement, certain properties were sold by Freeman Brothers (a real estate firm) for the account of both parties and Freeman Brothers divided the proceeds between the mother and the daughter according to the settlement agreed upon, *and the daughter executed the deed to Mrs. Peterson for the houses on Marion Street* (Exhibit D1, page 322). There were six houses on Locust Street and three houses on Marion Street (Bridge, page 234). *In short, because of the very differences between the mother*

and the daughter, they agreed upon a division of the property—the daughter took her portion and the mother took hers.

— In the preparation of the first will (dated March 2, 1921), Mrs. Peterson told Mr. Bridge what she wanted to do with the property, without suggestion from him (p. 235, l. 12, &c.). He took down a memorandum of what she told him and the will was prepared accordingly. This memorandum was identified by the witness (p. 235). Mr. Bridge states that he did not suggest the names of any of the beneficiaries in the will (pp. 235 and 236).

On the margin of the old cancelled will when this was produced were certain notations. These were put there by Mr. Bridge at the time the new will was executed and the old one cancelled in June, 1922 (p. 237). Mrs. Peterson herself produced this old will to the attorneys at the time she requested them to prepare the new will. It had not been in the hands of the attorneys since its execution in 1921 (p. 237).

In the first will (March 20, 1921) testatrix left \$5.00 to her daughter, but when she came to the preparation of the last will (June 19, 1922) she told him to leave this out:

“Q. Did she say anything to you about her daughter at the time of the execution of this second paper?”

A. She said that she didn't want to leave anything to her daughter.

Q. Did she refer to the clause in the prior will by which the daughter was left \$5.00?

A. Yes, she thought it was necessary to leave a dollar or five dollars to make the will valid.

Q. Did she ask you about that?

A. She did.

Q. What did you tell her?

- A. Told her it was not necessary.
Q. Then what did she say?
A. She said, 'Leave it out.'
Q. Did you follow her instructions?
A. Yes." (p. 238, ll. 11 to 26.)

— *Therefore, it should be noted as a fact that the new will was prepared and executed after the settlement between the mother and the daughter had been made and after they had each taken their respective shares of the joint property.* There is a good deal of correspondence between Mrs. Peterson and the attorneys respecting her affairs. This correspondence is in evidence. (Exhibits D14 to D35, pages 337 to 351). There is nothing in any of this correspondence—letters to her and from her—in any way suggestive of any unsoundness of mind in Mrs. Peterson or anything which would require a lawyer to be on his guard or to create any suspicion in any such lawyer's mind of a possible mental defect in the client. *The correspondence covering the very period involved in this will shows proper mental capacity.*

— The visits of Mrs. Peterson to the law office—her conduct in that office—her conversation with its employees—show that she was intelligent, that her conduct was beyond criticism, that her dress was conservative and appropriate and that there was nothing either in her dress, in her demeanor or in her conversation to indicate any mental unsoundness (Ida M. Strang, stenographer, pp. 319-321; Edith M. Hale, stenographer, p. 251; Charles M. Bridge, pp. 220 to 250).

— *There was also a considerable amount of correspondence between the daughter of Mrs. Peterson, the appellee, and this same firm of attorneys for her mother in reference to a division of the joint*

properties between them and a settlement under that arrangement. Exhibits D2 to D13 (pp. 325 to 336). In the letters which were received from Mrs. Harris, the appellee, by this firm, *there is no word of complaint against her mother's mental condition — no word suggesting to the attorneys that her mother was crazy or of doubtful mentality.* The daughter was willing and anxious to have the property separated. She dealt with these attorneys who represented her mother, on the basis of her mother being capable of executing legal conveyances, of receiving title to property and executing valid conveyances for property. *This all occurred about four years after the mother left the daughter to live by herself and approximately four years after Elizabeth Peterson was taken to Dr. Alfred Gordon for examination (Dr. Gordon, p. 30) and only three or four months before this Last Will and Testament was executed.*

In short, whereas the daughter now claims that in 1918 and before that her mother was insane, and whereas Dr. Gordon, produced by the daughter as an insanity expert (Dr. Gordon's testimony is dealt with at length hereafter), examined the mother in the latter part of May or in June, 1918 (p. 35, l. 13) (but never thereafter), Mrs. Peterson and the daughter in February, 1922, after negotiating by correspondence with the attorneys for Elizabeth Peterson, settled their differences and executed deeds carrying out the settlement. Dr. Gordon never saw Elizabeth Peterson before she was brought to him by the daughter in May, 1918 (Dr. Gordon, p. 30, l. 30; p. 50, l. 8) and he never saw Mrs. Peterson nor did he have anything to do with her *after his last examination the last of May or June, 1918 (p. 42, l. 30).*

— We, therefore, have a situation where the

will in contest is in proper form, was properly attested by two witnesses and was preceded by another will made a year earlier, also properly attested by two witnesses—where the testatrix, in her many visits to the attorneys' offices where the will was drawn, failed to disclose any sign of insanity or anything which would even put an attorney on his guard; where there occurred appropriate correspondence between the testatrix and the attorneys showing a keen grasp of facts and a full knowledge of her property and a determination on her part to get what she knew was her own, followed by an actual accomplishment of that purpose and a formal settlement with the daughter. Then we have the daughter now claiming that her mother was insane during this period, sitting by during all of these transactions and never for a moment questioning an act of her mother or suggesting to those engaged in these transactions with the mother that they should be on their guard or that her mother was not qualified to act.

There are in evidence twelve letters from the testatrix to these attorneys handling her affairs, beginning March, 1921, and ending June 5, 1922, and eleven letters, beginning April 16, 1921, and ending June 2, 1922. All this correspondence goes into the details of her property and the subject of her wills and through it all Mrs. Peterson maintains a dignified position with reference to her daughter and makes it plain that she wants only what is right and proper and with as little trouble as possible. We are asked to believe, in the face of this correspondence and in the face of the silence of the contestant during all of these transactions, that Mrs. Peterson could conduct herself in this fashion, move in and out among intelligent people, correspond with lawyers with reference to her property, not to

mention converse intelligently with her neighbors and friends (witnesses hereinafter considered) and fail to show to any one of all these people any indication of mental unsoundness and yet that she was insane.

In addition, we have the evidence of fourteen people of intelligence who met Mrs. Peterson from time to time, conversed with her, sat in meetings with her, dealt with her in affairs pertaining to the church and her Sunday School Class and the Ladies' Society of the church where she was a regular attendant, all of whom say that she was intelligent, conducted herself as any normal intelligent person would do all her years and gave no indication whatever of any mental infirmity. Witnesses as follows:

— Joseph H. Murray, undertaker, a long resident of Camden.

— Dr. Powell K. Fithian, prominent in Camden for many years, identified with the First M. E. Church, where she attended.

— Maude E. Densten.

— Dr. Thomas S. Brock, at the time in question the pastor of the church of which Mrs. Peterson was a member.

— Laura Carter, Ella G. Carrick, Rilla Moore, Elizabeth Clark, Anna Archer, Margaret Mickle, Alice Lawrence, Elizabeth Tuttle.

Among these witnesses stand out Joseph H. Murray and Dr. Powell K. Fithian, long-time residents and men of prominence in Camden, and Dr. Brock, the pastor of decedent's church. Their testimony covers the period from 1918 to the time of her death, *the very period during which the daughter never saw nor conversed with her mother and during which time daughter's expert on insanity, Dr. Gordon, and the daughter herself, never saw nor conversed with her mother.*

Furthermore, the testimony of Joseph Daniel Hoyt, law clerk in the office of Elmer G. Van Name, of Camden, and Richard Wilson, is of exceeding importance. These two men in 1925 conducted classes in the Camden Y. M. C. A. building in the interest of those seeking to obtain naturalization papers as citizens of this country. Mrs. Peterson appeared as an applicant and registered in those classes. We consider it a remarkable testimonial to her strength of character, as well as to her mental integrity that she should at her age enter these classes conducted by these men, go through with the course, conduct herself as any other intelligent normal person would conduct herself, meet the requirements on memory and intelligence and pass the examinations under those classes. The sad part of it all is that although Mrs. Peterson passed her examinations entitling her to naturalization, the formal certificate issued to her came to her home a day or two after she died. (Hoyt, pp. 274 to 284; Wilson, p. 284 to 291). One cannot read the testimony of these two men, who were in no way interested in Mrs. Peterson, but who are intelligent, public-spirited men, without realizing that Mrs. Peterson was not only not insane as charged by her daughter, but was a woman of energy and determination and above the average intelligence at her age. (Hoyt, pp. 277 to 278; Wilson, pp. 286 to 287).

We direct the Court's attention especially to the following testimony of Mr. Hoyt: (Hoyt, p. 275, lines 29 to 33):

"She came a little early, usually ten or fifteen minutes early, and would always stay or make some remarks immediately after the meeting."

In the quizzes, they aimed to call on each candi-

date every night. With reference to Mrs. Peterson, the testimony reads as follows:

“Q. In these quizzes—will you please state the nature of her answers as to intelligence or otherwise?”

A. Mrs. Peterson was an intelligent student. I don't think she was as quick to absorb or to get the Constitution as some of the younger people. She was quite an old lady, but she did understand, and I felt at the end of the course she really deserved an excellent grading.

Q. How did she stand in her work? I mean, what mark did she get? Do you have any record of those?

A. I do have.”

(Hoyt, page 277, line 20 to line 31.)

Then after some questions about the method of keeping records:

“Q. Just tell us how high Mrs. Peterson rated, I mean generally speaking, in her work.

A. Well, I recall by looking at these that she rated A, B and C. I don't know who gave those grades. I couldn't tell that.

Q. You didn't make that yourself?

A. I didn't make them all; I made some of them.”

(Page 278, lines 14 to 20.)

After showing that she became entitled to her papers, but they were issued after her death, we have the following:

“Q. In all of your contact with this woman, conversation with her and the quizzes held, did you see any evidence of an unsound mind?

A. I did not.”

(Page 279, lines 32 to 35.)

Richard Wilson, who assisted in these naturalization classes, says that Mrs. Peterson

“had a pretty good memory” (p. 287, l. 6),

and further (p. 287, lines 7 to 14):

“Q. Did you see any evidence in her actions or in her conversation, questions or answers, that you saw any evidence of an unsound mind, insanity in any form?

A. No, she wasn't of unsound mind, according to my estimation.

Q. That is correct, that your answer?

A. Yes, sir.”

We have, therefore, seventeen witnesses certifying to the mental integrity of Elizabeth Peterson and those seventeen witnesses come from widely scattered classes and occupations, one undertaker of prominence, the pastor of one of the largest and most important churches in the City of Camden; Dr. Fithian, a leader for years in the musical world and during all that time prominent in Camden affairs, many friends and associates in and out of the church, the two instructors of the Y. M. C. A. class for naturalization purposes, and then also the law clerk and stenographers in the law offices in which the will was prepared.

In the face of the testimony of these seventeen witnesses, we believe it must be conceded that Mrs. Peterson is shown to have had sufficient mental capacity to make the will in question. It is clear that she knew what property she had—she knew the natural objects of her bounty—she was able to transact business and acted with intelligence in whatever she did.

We infer from the language of the Vice-Ordinary's opinion that he also considered that Mrs.

Peterson had ample mental capacity to make the will in question. The point of the Court's opinion lies in the charge that the will in question is

“the product of an insane delusion of an unsound mind.”

CASE PRESENTED BY THE CONTESTANT-RESPONDENT.

It is claimed by the contestant-respondent and found by the Prerogative Court in reversing the decision of the Orphans' Court, that Mrs. Peterson had an insane delusion with respect to the daughter.

We contend:

1. The evidence does not justify a finding that Mrs. Peterson suffered from any insane delusion in the year 1918 or prior thereto.

2. That even if there were testimony justifying a finding that in 1918 Mrs. Peterson had such a delusion, there is entirely lacking the necessary proof of a continuance of that alleged delusion and of its presence in 1922 at the time the will was executed.

The burden lies upon the contestant to show that any words or actions of the decedent, construed into an insane delusion, cannot be reasonably explained on any other theory of action or conduct by the decedent. In our view, the contestant has failed to carry this burden.

This charge of insane delusion is based——

(1) Upon the testimony of Dr. Gordon, who

styled himself an expert in neurology. (Dr. Gordon, page 29.)

(2) Mrs. Harris herself.

(3) The statements made by a few other witnesses produced by Mrs. Harris on her behalf in the Orphans' Court.

DR. GORDON'S TESTIMONY.

We consider that Dr. Gordon's testimony forms no sound basis for an adjudication of insanity or an insane delusion in Mrs. Peterson at the time she made this will, and for the following reasons:

(a) The will in question was made June 19, 1922. Dr. Gordon examined her only three times and those three examinations were made in the month of May and in the month of June, 1918 (Page 30, l. 29; page 35, l. 18; page 42, l. 29). In short, a period of four years intervened between the examination by Dr. Gordon and the making of the will in question, and *during that intervening period Dr. Gordon did not see Mrs. Peterson*, nor did he have anything whatever to do with her (Page 42, line 29). Equally important is the fact that Dr. Gordon had never seen Elizabeth Peterson before she was brought to him by the daughter in May, 1918. Therefore, unless Dr. Gordon can project his information and intelligence four years into the future and say what was Mrs. Peterson's condition four years after he last saw her, we consider his testimony of no value whatever in fixing her mental condition at the time of the making of the will.

(b) Dr. Gordon was not called in in the regular course of a physician's practice to minister to the physical or mental needs of Mrs. Peterson. By some maneuver of the daughter, Mrs. Peterson was brought by the daughter over to the Philadelphia office of Dr. Gordon (1812 Spruce Street, Philadelphia, Pa.), for the purpose of having him

“make an examination and give an opinion.”
(Page 30, line 35; page 31, line 1.)

The appointment was arranged by the daughter with Dr. Gordon over the telephone (Page 50, line 9). All three visits were arranged by the daughter (Pages 50 and 51).

(c) Dr. Gordon having never met Mrs. Peterson before and having had no history of Mrs. Peterson except what he obtained through the daughter, Mrs. Harris, *his whole mental examination is based upon and his opinion arises out of the statements made by the daughter to him as to what the mother might have said or done.* In other words, Dr. Gordon's physical examination of this woman was very brief (See page 50, ll. 22 and 23). He found she had hardening of the blood vessels—arterio-sclerosis (Page 31) and myocarditis, that is, a chronic deteriorated condition of the muscles of the heart, and her reflexes were increased, exaggerated. This constituted the sum total of the physical infirmities he discovered in Mrs. Peterson.

The Doctor then launches into a long statement as to what questions he put to Mrs. Peterson and her answers, in which the Doctor claims that she was inaccurate in addition, in subtraction, in stating the time of the month and the year and the day of the week, and claims to have questioned her about

her daughter and her relations with her daughter. *But Dr. Gordon failed utterly to say anything with respect to the extreme deafness of Mrs. Peterson.* All her mistakes could readily be attributable to failure on her part to hear his questions. The Doctor under cross-examination, when he was asked whether she was deaf, then thought possibly she was deaf, but he did not even recall whether or not she wore an acousticon. This is in the face of the fact that the witnesses, both for and against the will, had to admit that she was very deaf and it was hard for her to hear even with an acousticon on and that she was extremely sensitive about this deafness and felt, as many deaf people do, that people in talking in her presence might be talking about her and not to her.

The physical examination as related by Dr. Gordon is so brief and to the point that one marvels at his memory in quoting at length the conversation between himself and Mrs. Peterson, without refreshing his memory, and that after a period of eight years from the time of the actual happening of this occurrence.

(d) *Dr. Gordon came into Court without a note—without a record. He testified solely from recollection after an intervening period of eight years.* He could not explain, though pressed to explain, why he should have come into Court in a case of this kind without bringing his office records to show exactly what he recorded as the trouble, physical and mental, of Mrs. Peterson.

We say that the Court should receive with extreme caution and with the most careful scrutiny his testimony given under these conditions, attributing to a person now deceased, after a period of

eight years, language by which he places on such person the stigma of insanity, such testimony being backed up by no record, by no memorandum and without attending circumstances calculated to confirm the accuracy of his statements.

(e) Based upon this Doctor's examination of Mrs. Peterson in 1918, he now says she suffered from an insane delusion, but he has to admit that that delusion is based upon an assumption of the falsity of the statements made by Mrs. Peterson. Dr. Gordon assumes that Mrs. Peterson did not have just cause to find fault with her daughter and to be indignant at the daughter's actions. Dr. Gordon did not get Mrs. Peterson's side of the story. He accepts as true what Mrs. Harris told him and on that assumption condemns Mrs. Peterson as harboring a delusion in a matter alleged to be false in fact.

(f) Dr. Gordon's prognosis of the case, that is, the projection of his theory of an insane delusion four years into the future to the period of the will, is not based on reasonable grounds, because:

— He assumes on the theory of what Mrs. Harris told him that Mrs. Peterson was suffering from senile dementia in 1918;

— And that, therefore, on the assumption that she did have senile dementia, he draws as an absolute conclusion that it must be a progressive disease and the patient must be worse off mentally four years thereafter than at the time of his investigation. This is all said when he saw the woman only three times in a period of two months, May and June, 1918, and had never seen her before and never saw her afterwards. This taxes one's credulity.

— In arriving at this prognosis, he casts aside, without the slightest consideration, all the testimony of witnesses to the intelligent daily conduct of Mrs. Peterson for the period of four years between 1918 to 1922 and as well thereafter to the date of her death. He would have us accept a pure theory, based on no proper foundation of facts or medical theory, as against a host of witnesses who show that Mrs. Peterson had full mental capacity and, in fact, showed quite unusual powers for a woman of her age.

— Dr. Gordon could not say that Mrs. Peterson did not have lucid intervals after he saw her. He could not say that her mind was obsessed with any delusion of any kind after he did see her. His conclusion is a pure assumption on his part.

Dr. Gordon's testimony has all the earmarks of an expert seeking by all possible means to make out a case for a client. He was argumentative—he was impatient at questions asked of him. He assumed the existence of facts in the face of voluminous sworn testimony to the contrary.

We feel that the learned Vice-Ordinary fell into grave error in resting his decree upon the testimony of Dr. Gordon and the prognosis made by this expert.

TESTIMONY OF WILLIAM C. FRENCH, ESQ.

Judge French stated that Mrs. Peterson had come to his office in 1921 and then again some months later. There were three visits by Mrs. Peterson to his office. It develops from his testimony that Mrs. Peterson held a mortgage against her daughter's property. The daughter had not paid the interest

(Mrs. Harris, p. 165) and Mrs. Peterson wanted the mortgage paid and asked Judge French to foreclose it. Although it does not appear from Judge French's testimony, yet Mrs. Harris shows by her testimony (p. 166) that Judge French wrote to her about the mortgage and in response to that letter she went to his office (p. 166). On the way to Judge French's office she met her friend, Mrs. Irvin, and showed her the letter, and Mrs. Irvin went to the lawyer's office with Mrs. Harris (p. 166). Mrs. Harris says (p. 166):

"I told him (Judge French) just the facts in the case, and Mrs. Irvin was with me, and, of course, he knew Mrs. Irvin, and knew that she vouched that what I said was true."

So we have Mrs. Harris and Mrs. Irvin meeting Mrs. Peterson at Judge French's office. The daughter told Judge French her story and Mrs. Irvin vouched for Mrs. Harris as a friend. Whatever impression Judge French received, therefore, was based upon the statement of facts which was given to him by Mrs. Harris, vouched for by his own client, Mrs. Irvin. If this be kept in mind, Judge French's attitude was very natural and his refusal to foreclose the mortgage against a woman who was the friend of his personal client, Mrs. Irvin, is readily understood. Having heard the story of Mrs. Harris, the attorney states that he asked certain questions of Mrs. Peterson to test her mentality and these questions are found on page 147.

Nothing is said in his direct examination about Mrs. Peterson's deafness. Apparently that had not even been noticed. The mistakes which, according to Judge French's testimony, Mrs. Peterson made could easily have been accounted for by her failure

to hear what this attorney said to her, especially in view of the confused character of the questions which were put to her.

It will be noted that the testimony of this witness goes solely to the question of the general mentality of Mrs. Peterson. It in no way relates to any theory of an insane delusion. There is no suggestion in anything said in the interview with this attorney to indicate that Mrs. Peterson harbored any delusion of any kind against her daughter. These interviews with Judge French concerned only the foreclosure of a mortgage and the making of a will, and the feeling of the mother toward the daughter was not under consideration except as might be indicated by the desire of the mother to foreclose a mortgage against property held by the daughter.

It is apparent that Mrs. Harris did not want a mortgage foreclosed against her property by the mother. Admittedly the interest was due on that mortgage. It must be conceded that Mrs. Peterson wanted to foreclose that mortgage and told Judge French she wanted to do it. Certainly no one can say that that act was not an intelligent act. With Mrs. Harris and Mrs. Irvin both after the mother, it would not be strange if she hesitated and changed her mind as to what she intended to do. The fact is, however, that after she left Judge French's office she did insist upon that mortgage being paid and she got it paid through another lawyer, David Goff (shown on page 167).

We submit that Judge French is mistaken in his statement about the time of the visits of Mrs. Peterson to his office. He says (page 146) that the first visit was in 1921. He was testifying from recollection, without reference to any records, but this statement is in contradiction of the testimony by

both Mrs. Harris and Mrs. Irvin, who were present at these visits. It could not under any construction of their testimony be placed in 1921. It was either in 1919 or in 1920. Mrs. Irvin, a witness for the daughter and who seems to have been the client of Judge French and who introduced Mrs. Harris to him, and Mrs. Harris both disagree with the attorney on the date of the visit. Mrs. Harris, on her direct examination by Mr. Kellam, says that this visit was in 1919 or 1920 (Mrs. Harris, page 168). Mrs. Irvin says it was in 1919.

The mother left the daughter in November of 1918 (Mrs. Harris, pp. 167-169). Counsel for the appellant put a leading question to Mrs. Harris as follows:

“Q. Now, one moment; she left you in 1918, and it was in 1921, wasn't it, that the mortgage was transferred?”

A. I don't think so, 1919; I am not quite sure, but it wasn't 1921, 1919 I think, or 1920.”

It is shown by Mrs. Harris' testimony that after the mother and the daughter were at Judge French's office, Mrs. Harris went to David Goff and arranged for somebody else to take over the mortgage (p. 167). It was after this settlement of the mortgage with Mr. Goff that Mrs. Peterson first appeared at the offices of Bleakly & Stockwell. She came to the offices in 1921. All of which shows that the recollection of Mrs. Harris and Mrs. Irvin was correct in fixing the appearance of Mrs. Peterson at Judge French's office either in the year 1918, 1919 or 1920, but, under no circumstances, thereafter.

— Therefore, it appears that there must have been a period of approximately two years between the time of Judge French's interviews with Mrs.

Peterson and the time of the execution of the will here in contest. During that time neither Judge French, nor the daughter, nor Dr. Gordon saw Mrs. Peterson. But Mrs. Harris did, within that very period, through the law firm of Bleakly & Stockwell, make a settlement with the mother under which the property theretofore held jointly was divided into an agreed proportion between the mother and the daughter.

TESTIMONY OF MRS. HARRIS, THE
APPELLANT.

Her testimony must be considered in the light of her interest in the outcome of the controversy. She is the one person most vitally interested in the case. She undertakes to give conversations with her mother, relate acts done by her mother, after the mother's decease and when that mother has no opportunity to state her position or to defend herself. In weighing her testimony and its bearing upon the issue involved, the following should be considered:

(a) The daughter did not see the mother from 1918 to the time of her death in 1926. Her testimony, such as it is, does not touch the vital period except insofar as she is compelled to admit the correspondence between herself and the attorneys representing her mother and the facts and conditions surrounding the settlement made between the daughter and the mother just a few months before the will was executed.

(b) Mrs. Harris did not even try to locate her mother or to see her after the mother took up a

separate home in 1918. The daughter knew how she could locate her mother; she knew that her mother was an attendant at the First M. E. Church in Camden, of which Dr. Brock was pastor; she knew that she could easily obtain the address of her mother by inquiry of any person connected with that church, and yet she did not even make such an inquiry, and this for a period of eight years (Mrs. Harris, pp. 194-195).

We cannot square this conduct on the part of the daughter with a love which she professed to have for her mother. *Without question, the mother and the daughter could not get along.* The daughter undoubtedly had a critical attitude toward her mother; she succeeded in getting her mother to Dr. Gordon and for the express purpose of getting from Dr. Gordon an opinion adverse to her mother's mentality. *Furthermore, the mother knew that the daughter was endeavoring to have her sanity questioned. This is brought out in the testimony of Mrs. Greenwood, who appeared on behalf of the contestant.* This Mrs. Greenwood relates a conversation taking place in the presence of Mrs. Peterson, when the direct statement was made by a Mrs. Hicks to Mrs. Peterson with reference to money being left in Mrs. Peterson's room by Mrs. Harris. Mrs. Hicks then said to Mrs. Peterson, as related by appellant's own witness (Mrs. Greenwood):

“Oh, no, nothing of the kind. Polly is trying to send you in the asylum.” (Page 96, lines 21 and 22.)

(c) Furthermore, the daughter persisted in an antagonistic attitude toward her mother with reference to the property held jointly by the daughter and the mother. Mrs. Peterson wanted the control

of her own portion of that property. She wanted the rents separated, so that she could have her own part of the rents. This was her right. There was friction between the daughter and the mother on this score. This is shown by the correspondence in evidence, and there is evidence throughout the record of a friction between the mother and the daughter. The daughter would have it that the mother considered her her enemy. The fact is that the mother did own a portion, and, as she claimed, the greater portion of the property. Furthermore, she had a mortgage on part of the property belonging to the daughter.

This friction is readily and properly explained by the actual situation of the parties—the temper of the daughter and the temper of the mother, and apparently the determination on the part of each to maintain her own views.

(d) Mrs. Peterson's eccentricities. One must infer from the testimony of the witnesses on both sides of the case that Mrs. Peterson was somewhat eccentric. She was probably peculiar. Her peculiarities and eccentricities were emphasized by her extreme deafness and her sensitiveness arising out of that condition. She was suspicious in the presence of others, feeling at times that people were talking about her, because she could not hear what they said.

The witnesses for Mrs. Harris are quite pronounced in their statements that Mrs. Peterson *had always been* peculiar and rather eccentric.

ELLEN PITT, a witness for the contestant, said she had known Mrs. Peterson for 35 years (pp. 105-106) and that she had always been queer:

“Q. You knew her for many years? About thirty-five, I think?

A. Thirty-five.

Q. She was always more or less eccentric?

A. Always eccentric.

Q. Queer?

A. Queer.

Q. She had her own peculiarities and they were rather pronounced?

A. She got worse as she got older, you couldn't make her understand at all.

Q. She was very deaf, wasn't she?

A. She imagined you were talking about her. If you were talking to anybody else, she would think you were saying something about her.

Q. That is quite characteristic of a deaf person, isn't it?

A. Yes, it is.”

and again at pages 104-105:

“A. She was awfully hard to understand. You would speak to her and she would think you were saying something else. She was deaf. Couldn't understand her.

Q. When you spoke loud enough so she heard you, did she understand you then?

A. Yes, she understood you, but she was queer all the way through. If I would go visit when they were together home, I would have to speak up for fear she would think I was talking about her.

Q. Was she of a suspicious nature?

A. Yes; she was very funny. You couldn't make her understand right because she was so deaf.”

WITNESS ADA TICE, for the contestant (pp. 111-112), knew Mrs. Peterson for about thirty years. This witness, on cross-examination, said:

“Q. She was a woman of very decided opinions, wasn't she?

A. Yes, sir; I think she was.

Q. And she didn't hesitate to make them known?

A. No, sir.

Q. And her views didn't always agree with other people's views?

A. No, sir.

Q. That is the reason for you believing she wasn't of sound mind?

A. Well, that would be one reason, but she always was a very, very funny sort of woman, in every way, shape and form.

Q. As long as you knew her?

A. Yes, sir.

Q. And that was how long, thirty years?

A. Every bit of thirty years. It may be longer but I wouldn't say.

Q. She was always the same, so far as you know?

A. Yes, sir.”

WITNESS CHARLES PITT: Mr. Pitt, the husband of Mrs. Pitt (p. 118), always looked upon her during the thirty-five years he knew her as a “bit buggy.”

The other witnesses likewise called her queer and eccentric. It is apparent from the testimony of contestant's own witnesses that her mother *was always* regarded as eccentric. This eccentricity did not develop after or when the mother left the daughter in 1918. As shown by the statements of con-

testant's own witnesses, this eccentricity ran back over a period of the thirty or thirty-five years they had known her and it seemed to be the same then as it was in the last years of her life. It must be remembered that her deafness continued to get worse and this worried her and made her more sensitive. This is shown by contestant's witness Elizabeth Haggas (page 138), in speaking of her deafness:

“Q. And she was sensitive on that subject, wasn't she?

A. Yes.

Q. She was sensitive about her hearing?

A. Yes, she was worried over her hearing, because it was getting worse all the time.

Q. Well, that was quite natural, wasn't it?

A. Yes.”

The other witnesses for the contestant refer to this eccentricity and this is the basis of their judgment whenever given.

Referring to the others:

MRS. IRVIN: She thinks that Mrs. Peterson was sane about half the time (p. 126). She readily said that she had lucid intervals about half the time. She claims to have seen Mrs. Peterson after the latter left her daughter in 1918 and she claims to have seen her quite a number of times in the years up to 1923. On cross-examination, however, it is discovered that these interviews or conversations all happened, strange to relate, at one particular place in the City of Camden—not in a house, but at a street corner, Broadway and Federal Street, Camden, in front of Munger & Long's store. Mrs. Irvin says that Mrs. Peterson in these interviews would

“tell me her story about her daughter being so bad to her” (p. 128).

Mrs. Peterson, so far as the testimony shows, did not enlarge upon this statement. Mrs. Irvin says that she was rather inappropriately dressed. The fact is, however, that Mrs. Peterson knew her—she apparently called her by name—she talked intelligently to her. No statement is related which could be considered a delusion, not to mention an insane delusion. Mrs. Peterson had a perfect right to think that the daughter had been “bad to her.” The mother claimed that the daughter had insisted upon keeping the property in the daughter’s control and the mother insisted upon the separation of that property and in getting into her own control what belonged to her. The mother might with reason use strong words characterizing her feelings on this subject. Even if she had said that the daughter had robbed her or that the daughter was bad to her or that the daughter had wronged her, even if such language had been used, it would not support a charge of an insane delusion in the presence of the admitted differences between the mother and the daughter arising out of the dealing with their joint property.

ELIZABETH BLEYLER, another witness for the contestant, speaks of Mrs. Peterson calling upon her to buy a coat and that Mrs. Peterson insisted upon getting a cheap coat and when the saleswoman endeavored to have her buy a more expensive garment, Mrs. Peterson is claimed to have said (page 76):

“No, my daughter has robbed me of everything I have; I will have to go out and earn my living; I have nothing at all; you must sell me a cheap coat.”

This witness tried to sell a more expensive garment than economical Mrs. Peterson wanted to buy. We have here an alleged statement by Mrs. Peterson that the daughter had robbed her of everything. This is a statement somewhat similar to statements attributed to Mrs. Peterson by the daughter, Mrs. Harris. Mrs. Peterson resented this woman's interference with her right to buy the coat she wanted.

We must make some allowance for exaggeration in the testimony of such a witness. Mrs. Peterson undoubtedly felt that the daughter had not been fair to her and that she was entitled to more than she actually received from her daughter in the division of the property. She furthermore at her age, felt that she had to economize. The income from the property she owned was by no means large, after the deduction of repairs, taxes, insurance, etc. Mrs. Peterson undoubtedly resented Mrs. Bleyler interfering with her private business. That Mrs. Peterson knew what she possessed and what she was entitled to is clear from the correspondence with the attorneys and in her dealings in the settlement with her daughter in 1922, just before the will was made. Such a statement certainly should not be held as establishing an insane delusion in this woman as against the testimony of the 17 witnesses who dealt with Mrs. Peterson continuously, met her week in and week out during this period from 1918 to the time of her death in 1926, and without a suspicion that there was anything the matter with her mentality.

ELIZABETH GREENWOOD (page 94), contestant's witness, says Mrs. Peterson told her she went away from her daughter's home in 1918 because "Willie was devilish." Willie was the grandson and a small boy, with all of a boy's pranks which would annoy a grandmother. We might admit for

argument that her attitude was unreasonable in this feeling toward her grandson; but that would place every person of nervous temperament or of advanced years or, in fact, many other people in the class of insane people, simply because they are annoyed at the pranks of a youngster.

RUTH REDDING, who kept the house where Mrs. Peterson lived from about June of the year of her death until her death, said Mrs. Peterson was peculiar, but she did not consider her insane. She was deaf and very sensitive because of her deafness.

MRS. GUEST, another witness for the contestant, kept another house where Mrs. Peterson lived. She says that Mrs. Peterson was very deaf and sensitive about it and on one occasion Mrs. Peterson mentioned her grandson and then on questioning admitted that she had children right in Camden and broke down and cried about it, saying:

“I can't talk about it today. I will tell you more. It makes me nervous. I will tell you more about it some time” (page 114, l. 10).

This shows that Mrs. Peterson felt keenly her estrangement from her daughter. It does not show hatred for her daughter. It is in perfect accord with the expressions used by Mrs. Peterson in certain letters written by her to her attorneys (see Exhibit D17, letter of April 20, 1921, page 338):

“I do not want to show any bad feeling. I think if you were to see her and have a talk with her we could come to some settlement without going to court, etc.”

In the letter of June 3, 1921, Exhibit D9, page 332, Mrs. Peterson reiterates her statement about her rights in the property which stood in her name:

“I do not feel disposed to deed my property over to Mrs. Harris. It belongs to me and I want what is my own. She has no money in any of it. If she says she has let her say so, and prove it.”

In short, the witnesses produced by the contestant talk freely of what Mrs. Peterson said and did before Mrs. Peterson left her daughter and went to live by herself. But those witnesses failed utterly to show even harsh feelings by the mother against the daughter in or near the year 1922. The contestant never saw her or spoke to her after 1918. Dr. Gordon did not see her after 1918. It remains for Mrs. Irvin and Mrs. Bleyler to attempt to show an insane delusion persisting after 1918; but as we have indicated above, this testimony justifies no such conclusion and especially so in view of the overwhelming testimony of 17 witnesses who were in contact with Mrs. Peterson over the period in question from 1918 to the date of her death.

Nothing was said to Judge French by Mrs. Peterson in 1919 or 1920 which could in any way support a theory of an insane delusion with respect to the daughter. Whatever testimony he gave related to the general mental condition of the mother. There was no suggestion of any delusion of any kind with respect to the daughter.

Therefore as to this theory of insane delusion we say:

1. Contestant has failed to show that the feeling of Mrs. Peterson to the daughter was not based on some fact. There was a difference between the two over rents and over the division of the property. That is established and admitted. It has not been

shown and could not be shown that Mrs. Peterson's attitude was not attributable to that cause.

2. We might admit for argument that Mrs. Peterson was unreasonable—that she was unjust—that, in fact, her daughter had not been unreasonable about the control of the property. We might admit that Willie, the grandson, was not so annoying as Mrs. Peterson thought he was. We might even admit that Mrs. Peterson exaggerated her statements about her daughter; but this would not constitute an insane delusion.

3. *Furthermore, we unhesitatingly say that Mrs. Harris, the contestant, did not herself believe in this theory of delusion in the year 1922 and at the time the will was executed.* Her mother demanded a division of the property through the mother's attorneys. Negotiations were had. The daughter and the mother made their settlement. The daughter wrote repeatedly to the attorneys with reference to that settlement, but never during all of that period did the daughter even suggest that there was anything the trouble with the mother or that it was improper for the lawyers to deal with the mother as an intelligent person. She got what she could from her mother in that settlement, drove the best bargain she could and without a word or an act to indicate that she believed that her mother was suffering from an insane delusion or any other form of insanity.

We submit that her conduct at that time was utterly inconsistent with a then present belief on her part that her mother was insane or was incapable of transacting business or that she was suffering from some insane delusion with reference to the daughter.

DECEDENT WAS JUSTIFIED IN HER FEELING OF RESENTMENT AGAINST HER DAUGHTER'S ATTITUDE.

Mrs. Peterson left her daughter's home in 1918. She was then a woman in her sixties. Undoubtedly her daughter irritated her and her daughter's child annoyed her greatly. During this entire period from 1918 to the date of the mother's death in 1926, the daughter never made a single effort to visit the mother to become reconciled with her, to ascertain her mother's needs or to endeavor to be a comfort to her in her old age. The daughter on the witness stand professed great love for the mother. It is difficult to conceive of a loving daughter refraining from visiting her mother for a period of eight years, when they lived in the same city and the daughter knew perfectly well where to find her mother. If the daughter's conduct was above reproach, then why did she not go to her mother and attempt a reconciliation with her mother?

She was perfectly willing four years after the separation to settle with the mother on a division of the property, but she showed no kindly feeling toward her mother even then. The correspondence shows her standing on her rights and insisting upon what she considered her rights as against her mother.

We say unreservedly that the conduct of the daughter from 1918 to 1926, if it did not fully justify any feeling in the decedent of estrangement and resentment and even anger, yet would explain completely such feelings on the part of the mother. Not only is it possible to explain everything that the mother said and did from 1918 to 1920 on such a theory, but we feel that such is the only theory

tenable upon full consideration of the testimony in the case.

AUTHORITIES.

We submit that under the law as established by New Jersey authorities, a finding by the Prerogative Court that Mrs. Peterson suffered from an insane delusion was not justified.

Smith v. Smith, 48 N. J. Eq. 566 (N. J. Prerogative Court). This leading authority lays down the rules which must govern this case (pages 566-567):

“3. A delusion is the mind’s spontaneous conception and acceptance of that, as a fact, which has no real existence except in its imagination, and its persistent adherence to it against all evidence.”

The Court later defines “delusion” in this case (page 587):

“Delusion is that which springs spontaneously into the mind in absolute independence of the processes of reason.”

Page 567:

“4. The presumption of law is in favor of capacity. The law looks upon an inofficious will with suspicion, but, if it can be accounted for on other reasonable hypotheses, it will not be attributed to mental incapacity.”

“5. The testimony of witnesses as to oral declarations belongs to a class of proofs which should be received with great caution, and only after critical and suspicious examination.”

Page 570:

“It has been held in repeated adjudications in this State, that it is necessary to testamentary capacity that, at the time of making his will, the testator must possess ability to comprehend those who appear as natural objects of his bounty, and appreciate the duty which recommends them for consideration. It is not required that he shall in fact correctly ascertain the legal status of each person who apparently stands in natural relation to him. In the exercise of reason, he may move upon premises established by false or insufficient evidence, or by mistake of law, and thus determine to exclude from his bounty those whom, but for his error, he would have recognized. The test is his ability to exercise reason and reach a rational conclusion, however erroneous, with reference to them. Stupid error in either his reasoning or conclusion, is not lack of testamentary capacity. But it is otherwise if he suffers from delusion. A delusion is the mind’s spontaneous conception and acceptance of that, as a fact, which has no real existence except in its imagination, and its persistent adherence to it against all evidence.”

Pages 570 and 571:

“Mistake, whether of fact or law, moves from some external influence which is weighed by reason. Delusion arises from morbid internal impulse, and has no basis in reason.

The insistence in behalf of the respondents here is, that Hezekiah B. Smith could not comprehend them, because when he made his will he labored under the delusion that he was child-

less, and never had had power to procreate a child. The burden is upon the respondents to clearly establish the truth of this proposition. The presumption of law is in favor of capacity. The law looks upon an inofficious will with suspicion, but, if it can be accounted for on other reasonable hypotheses, it will not be attributed to mental incapacity."

The remarks of the Court with reference to the testimony of witnesses in that case apply equally well to the testimony given by the contestant's witnesses in this case. Page 585, at bottom, top of page 586:

"It is not safe to implicitly rely upon the language of Smith's declarations, as it is given by the witnesses. They speak after a great lapse of time, when the words used are apt to be forgotten, and only the idea, which the witness must clothe in language, is carried in the memory. I do not mean that language cannot be remembered, but that when, after the lapse of years, a witness attempts to give it, his testimony is apt to be unconsciously given, in the light of the emergency which calls it forth, and under the influence of his sympathies or interests, creating conditions under which qualifying expressions may be forgotten. Such testimony should, at least, be critically and suspiciously examined."

In that case the evidence tending to show the harboring of an idea, non-existent in fact, which possibly under certain conditions might justify a theory of delusion, was much more convincing than in the case now before this Court. Yet in the Smith case,

the Prerogative Court did not hesitate to hold that the ideas of Smith and what he said could be explained on a hypothesis other than that of an insane delusion. They could be explained either on a theory that he honestly believed what he said or on a theory that he knew what he was saying and deliberately lied about it for his own purposes.

Relative to the attitude of our Courts toward the construction of wills and the degree of mental capacity required for the making of a will, the Court uses the following language (pages 591 and 592):

“The Courts cannot reject a will because it does not comport with their ideas of propriety and justice, or even because it appears to be unreasonable, unjust, injudicious or cruel. If a testator observes the requirements of the law, and possesses capacity, he may lawfully make an unjust will. In the case of *Den. v. Gibbons*, 2 Zab. 117, 141, Chief Justice Green used this language: ‘If this will be invalid, no virtue of the testator can sustain it, if valid, no vices of the testator can impair it. Much less can the validity of this will depend upon the consistency of its provisions with our ideas of fairness or propriety, or even with the principles of justice and humanity; such a test of its validity would be certainly subservive of and absolute control and dominion which the law gives to every man over his own property. The question for your decision is not, is this a fair will, a just will, an equitable will, the will of a right-thinking man and a kind-hearted father, but is it Thomas Gibbons’ will? If it is, your verdict should be for the defendant.’”

“In *Boylan ads. Meeker*, Chief Justice Whelpley said: ‘That the will to others, not having the means of knowing what the testator

knows, not occupying his standpoint, not having lived his life, not having his secret affections and hates, may seem unreasonable, injudicious and even unjust, is no reason why it should be declared the product of a diseased mind. A testator has a right to make an unreasonable, unjust, injudicious will, and his neighbors have no right, sitting as a jury, to alter the disposition of his property, simply because they may think the testator did not do justice to his family connections.' ”

“In *Middleditch v. Williams*, 18 Stew. Eq. 726, Vice-Chancellor Van Fleet said: ‘A will may be contrary to the principles of justice and humanity, its provisions may be shockingly unnatural and extremely unjust, nevertheless, if it appears to have been made by a person of sufficient age to be competent to make a will, and also to be the free and unconstrained product of a sound mind, the Courts are bound to uphold it.’ ”

Under the law as stated in this case, it is difficult to see how this will can be declared invalid on any theory of insane delusion.

Re Baker's Will, 90 Atl. Rep. 1009:

Here it was charged that the testatrix had an insane delusion with respect to her son. It was claimed she said he wanted to poison her and that the boy “had robbed her.” The Court said (page 1010):

“The undisputed evidence is that, *at the time testatrix made her will*, there was no manifestation of mental affliction. In fact, it shows her to have been of clear mind and understanding.

Her condition at that time is to be looked to in determining whether she had the capacity to execute it. She may have been, and probably was, *eccentric*, but the evidence is satisfying that she retained her mental vigor and was circumspect to the last. *That the will deals unjustly with the son, the caveator, in itself, is of no moment.*”

The Court also stated that the Orphans' Court Judge had the opportunity to hear the testimony of the witnesses and weigh its value and the Court indicated that it would accept the judgment of the Orphans' Court as to the credibility of the witnesses and the relative value of the testimony given by each witness.

Gilman v. Ayre (Prerogative Court), 47 Atl. Rep. 1049, affirmed Court of Errors and Appeals, 63 N. J. Eq. 806, on the opinion of the Court below.

It was here claimed that the testatrix suffered from general incapacity and, second, that she suffered from an insane delusion. As the Court indicated, the important question was: First, was there a delusion; and second, if there was at any time a delusion was it present at the time the will was made? The burden was on the contestant to show that the delusion persisted and was present at the time the will was executed.

McDowell's Estate (Smith v. Montclair Trust Co.), 143 Atl. Rep. 325, *per curiam* opinion:

The Court sustained the view of the Vice-Ordinary and held that the testator was not the victim of an insane delusion. It held that the testator

“was not the victim of an insane delusion, in the sense intended by the decisions, at the time of making his will, and with that conclusion we agree.”

This case cites *Smith v. Smith*.

The decree of the Prerogative Court, sustained by the above recited Court of Errors and Appeals' opinion, is reported in 140 Atl. Rep. 281, Vice-Ordinary Backes:

“A delusion springs up spontaneously in the mind. A false belief resting upon extrinsic evidence is not proof of delusion.”

In the cited authority the general competency of the deceased was not open to question. The Court further said (page 283):

“To justify the rejection of a will because of delusion, the evidence must establish that the false belief is the figment of a deranged mind, and not the result of impression produced by extraneous circumstances, and the burden is on the caveator to prove the non-existence of extrinsic evidence upon which the belief rested.”

The Court cites *Henry's Will*, 167 Iowa, 567, and then uses the following language:

“The testator believed that his wife had been unfaithful, and that he was not the father of their youngest child. The Court held that it was not enough for the contestants to show an erroneous belief on the part of the testator, in order to establish an insane delusion; that an erroneous belief was a circumstance which may properly be considered as tending to the proof of testator's delusion, but of itself was not sufficient for that purpose.”

The Prerogative Court, in referring to the Iowa case, says:

“The Court observed that whether the evidence, therefore, which satisfied his mind, was such that no rational person would be likely to believe it, or was such that no person could believe and yet be rational, is quite beyond the possibility of proof. In the absence of such proof, some other evidence than mere erroneous belief is essential to the contestant’s case.”

The Court remarked that the idea of the testator with reference to his children might be an
“unjust reflection, not one born of delusion but of fact.”

The Court concedes that the will was unjust to the widow and that the disowning of the wife is irreconcilable with testator’s generosity towards her in his lifetime and that his attitude toward her could not be explained except upon a mean and vicious streak in his makeup. A mere prejudice against a relative is insufficient. Unfairness is no ground for the charge of incapacity.

Citing Lord Kenyon’s charge in the Greenwood case (page 284):

“A multitude of instances there have been where men have taken up prejudices against their nearest and dearest relations; it is the history of every week in the year, and the history of almost every family, at one time or other, that harsh dispositions have been made—that unreasonable prejudices have taken place—that one child, standing equally near in blood has been preferred to another; and if once we get into digressions of that kind, then we get upon a sea without a rudder. Where will you stop? What partiality will be enough

to set aside a will? And what partiality will you give way to, and say the will is good? These are questions which the most correct and acute mind that ever, that harsh dispositions have been made—that questions will not be able to settle.”

Other authorities in this State which are in point are *Grant v. Stambler* (Prerogative Court), 68 Eq. 555; *Lowe v. Williamson* (Prerogative Court, 2 N. J. Eq. 88).

Re Vesper's Estate (Orphans' Court, Kocher Advisory Master), 134 Atl. Rep. 651. This states the rule with reference to burden of proof. The burden is on the contestant to establish incapacity.

To the same effect on the burden of proof is *Koegel v. Egner* (Prerogative Court), 54 N. J. Eq. page 629.

See also *Middleditch v. Williams*, 47 N. J. Eq. 586, reversing *Middleditch v. Williams*, 45 N. J. Eq. page 726.

Other authorities are cited on the question of insane delusions affecting testamentary capacity, collected in Volume 1, Kocher's New Jersey Probate Law, pages 111 and 112, footnotes.

We submit that the decree of the lower Court should be reversed and that the decree of the Orphans' Court should be affirmed, because:

1. No general incapacity has been shown.
2. The charge of the existence of an insane delusion in 1918 has not been sustained.
3. The charge of the continuance of such an alleged delusion at the time of the making of the will in 1922 has not been sustained.

4. The theory of such insane delusion is inconsistent with the conduct of the contestant herself and inconsistent with the conduct, attitude, words, correspondence and general life of the testatrix during the period from 1918 to 1926.

5. The theory of delusion, insanity or general incapacity is disproved by the testimony of the 17 witnesses produced by the executor.

BLEAKLY, STOCKWELL & BURLING,
for and of counsel with
Solicitors of Proponent-Appellant.

NEW JERSEY COURT OF ERRORS
AND APPEALS.

Between

MARIAN ANNE HARRIS,
Caveator-Appellee,

and

MERCHANTS TRUST COMPANY,
Proponent-Appellant.

ON APPEAL FROM NEW JERSEY PREROGATIVE COURT.

THE ESTATE OF ELIZABETH PETERSON, DECEASED.

BRIEF OF MRS. MARIAN ANNE HARRIS,
DAUGHTER, CAVEATOR-APPELLEE.

FACTS.

Mrs. Marian Anne Harris, the caveator-appellee and daughter of Elizabeth Peterson, the decedent, was born in England. Mrs. Peterson, after her husband's death, put her daughter, then a child of seven years of age, in a home, and this home sent the daughter to America. When Mrs. Harris was eleven,

her mother came to this country and took her from her foster parents, saying "you will be able to earn money now." After that Mrs. Peterson and her daughter lived together, worked and saved their money.

At the start the mother made \$4.50 a week and the daughter \$1.50, but as the daughter grew older she learned glove making and made very good wages, which were used to keep up the home of the mother and daughter, the mother at no time making enough money to keep the home.

About 1905 the daughter married William Harris and they took the mother with them to Chicago. The former home, 709 Elm Street, Camden, purchased by Mrs. Harris, was rented.

The mother and son-in-law did not get along and Mrs. Harris divorced her husband, and in 1911 mother and daughter returned to Camden where they continued to live together. Mrs. Harris worked and her mother stayed home and kept house.

Out of her earnings the daughter gave her mother money, from time to time, and the bills of the household were paid by the daughter, or by the mother out of the money given her by the daughter, who was continuously employed.

Practically all the money the mother had was what the daughter had earned. They jointly invested the savings in real estate, title being generally taken in their joint names. Some properties, however, were put in the mother's name. They made joint wills leaving everything to each other.

Their relations were friendly and they had no quarrels during all this period. About Christmas, 1916, the mother began to act queerly and the daughter with the idea of helping the mother took her to see Dr. Alfred Gordon, a specialist in nervous and mental diseases, who had his office in Philadel-

phia, Pennsylvania. Dr. Gordon examined the mother at that time and found her to be a senile individual with senile dementia of a paranoiac type in which delusions of persecution predominated and were fixed and conspicuous.

Mother and daughter returned to their home and the mother remained until November, 1918, when the mother left her daughter's house and went to live with strangers moving from place to place to avoid the daughter. After the mother left, the daughter tried to get her to return and live with her but the mother refused and never returned.

In 1921 the mother visited former Judge William C. French of the Camden bar about foreclosing a mortgage she held on a property owned by her daughter. After talking to the mother at some length, Judge French refused to proceed with the matter because from his observation he doubted her mental capacity. Later in March or April, 1922, the mother returned to see Judge French about drawing a will for her. The Judge again examined her at length and again decided not to act for her as he did not believe she was competent to draw a will.

In February, 1922, the mother, through the firm of attorneys who drew the will in question, insisted that the real estate that had stood in the joint names of the mother and daughter be divided, to which the daughter finally consented to please the mother.

On June 19th, 1922, the mother signed the will, the subject of this appeal.

ARGUMENT.

Appellee contends that the finding of the learned Vice-Ordinary that the will here in question is the product of an insane delusion of an unsound mind is a proper finding amply supported by the facts and testimony in the case for the following reasons: .

1. Elizabeth Peterson at the date of the execution of said alleged will, viz., June 19, 1922, was and for many years prior thereto had been suffering from senile dementia, the effect of which was to destroy her testamentary capacity.

2. At the time of the execution of said alleged will said Elizabeth Peterson was and had been for a long period suffering from insane delusions and hallucinations as to her only child and heir-at-law, the appellee. Such delusions and hallucinations consisted of a belief that her said daughter was her enemy and was robbing and persecuting her. All of which were unfounded and existed only in the diseased imagination of the decedent.

DISCUSSION OF TESTIMONY.

The testimony of the witnesses produced by the caveator may be considered under four groups.

1. The medical testimony.

2. The testimony of former Judge William C. French.

3. The testimony of the caveator.
4. The testimony of friends of both the mother and daughter who knew both parties.

I. MEDICAL TESTIMONY.

Dr. Alfred Gordon, who was the only medical witness to testify for either appellant or appellee and who was extensively qualified at the hearing as a neurologist of high standing and wide experience, specializing in nervous and mental diseases (pp. 28-30 of State of the Case) testified at length to an examination of Elizabeth Peterson in the year 1918 at his office in Philadelphia.

He stated that at the time he examined Mrs. Peterson she was in her sixties, was suffering from hardening of the blood vessels and that the condition of her heart corroborated the arterio-sclerosis. He also testified that she had a chronic deteriorative condition of the muscle of the heart (p. 30, line 26, etc.).

Dr. Gordon further testified that her reflexes were exaggerated, showing an irritation of the nervous system, but from a mental standpoint the symptoms were most conspicuous and most striking. She made errors in dates and was unable to calculate, making gross errors adding up twelve and five, which she made twenty-three. Seventy-five minus fifty, she said left ten (pp. 31-32).

The doctor also stated that there was an enfeebled mental state. He had to repeat questions before she would comprehend. He asked her to perform simple actions, taking an object off a desk and placing it elsewhere.

He further testified that Mrs. Peterson told him

she was not happy, "because I have enemies; I am surrounded by enemies," and particularly she mentioned her own daughter, Mrs. Harris, who brought her to Dr. Gordon's office and was present at the examination (p. 33, line 9, p. 34).

Dr. Gordon stated that he questioned Mrs. Peterson as to why her daughter was her enemy but received no logical answer, and when Mrs. Peterson's attention was called to the fact that Mrs. Harris had brought her to the doctor for attention, Dr. Gordon stated Mrs. Peterson could not understand but kept repeating her daughter was against her and was her worst enemy and tried to deprive her of everything she had and she had to lock herself in her room (p. 34). Dr. Gordon testified this was "delusion of persecution" and was fixed and confirmed (p. 34, line 1). Dr. Gordon further said (p. 34, line 7) that "a delusion is an idea, a faulty idea that cannot be removed by everyday evidence."

Dr. Gordon's diagnosis was, that he was dealing with "a senile individual, with senile dementia of a paranoiac type, that means the type of senile mental derangement in which delusions of persecution predominate and are fixed and conspicuous" (p. 34, line 28).

Dr. Gordon's prognosis of the case was unfavorable, he said, "judging from general experience in cases of this kind, they usually grow worse and worse, but they may have periods of improvement and, for instance, in this improvement a certain amount of lucidity of mind, in which they can do certain kinds of automatic actions, things which they are accustomed to do, for instance, placing a dish in a certain place, putting on a certain dress, signing, for instance, the name to a check or to a paper. HOWEVER THE FUNDAMENTAL CONDITION, THE UNDERLYING CONDITION RE-

MAINS IMMUTABLE AND IT GROWS USUALLY FROM WORSE TO WORSE EXCEPT AT PERIODS OF IMPROVEMENT” (p. 34, line 37, p. 35).

Dr. Gordon also testified he saw Mrs. Peterson twice afterwards in her home.

In reply to questions by the Court, Dr. Gordon testified as follows (p. 38, lines 7).

“NOW THESE DELUSIONS AND HALUCINATIONS IN AN INDIVIDUAL OF THE TYPE I DESCRIBED PERSIST; THEY MAY BE SOMEWHAT MILDER IN CHARACTER. THEY MAY BREAK UP IN PART AT TIMES, BUT THE FUNDAMENTAL CONDITION THAT IS UNDERLYING, NAMELY, THE SENILE DEMENTIA, THE MENTAL ENFEEBLEMENT, REMAINS UNCHANGEABLE; THAT GOES ON PROGRESSIVELY. I DWELL PARTICULARLY UPON THIS UNDERLYING ENFEEBLEMENT OF THE MIND; THE OTHER DELUSIONS ARE SUPERIMPOSED; THEY MAY IMPROVE, AS I SAID, MAY BECOME NOT SO STRONG, NOT SO POWERFUL, NOT SO INTENSE, BUT THE UNDERLYING CONDITION GOES ON WITH AGE, UNCHANGEABLE UNTIL THE PATIENT DIES.”

On page 39, lines 13, etc., Dr. Gordon testified in reply to Mr. Kellam:

“A. I mean the senility, the senile mind, the morbid senile mind remains; it cannot come back; it cannot improve, and quite to the contrary those intense manifestations of a weakened mind become more and more intense as age advances.

Q. So that the condition could not, in your opinion, improve to any marked extent, but would from your experience, grow worse as the years pass?

A. Yes, sir.

Q. And in your opinion would this lady in June of 1922—would her senile dementia that you have testified to have improved, stayed stationary or grown worse?

A. As I said before, it is bound to grow worse, it is worse.

Q. So that four years after your examination in your opinion this lady's state of mind, as far as her hallucinations and delusions were concerned, would not have been any better and would probably have been worse?

A. Yes, sir.

Q. DOCTOR, THE WILL PRESENTED HERE OF ELIZABETH PETERSON, EXECUTED ON JUNE 19, 1922, LEAVES ALL HER ESTATE TO CHARITY AND MAKES NO MENTION OF HER DAUGHTER WHO, I UNDERSTAND, YOU KNOW TO HAVE BEEN HER HEIR AT LAW. NOW WITH THAT FACT BEFORE YOU, WOULD IT HAVE ANY BEARING UPON YOUR TESTIMONY AT THIS TIME AS TO WHETHER THE HALLUCINATIONS AND DELUSIONS, WHICH YOU FOUND THE LADY SUFFERING FROM IN 1918, HAD CONTINUED UNTIL THE EXECUTION OF THE WILL?

A. I WILL ANSWER THAT AN ACT OF THIS KIND IS THE RESULT OF A DISEASED MIND."

In cross-examination (on page 45, line 3) Dr. Gordon answered Mr. Stockwell as follows:

“A. Senile dementia is a mental disease characterized by a gradual enfeeblement of the mental faculties, with a gradual loss and actual poverty of emotional power, inability to discriminate or distinguish between right and wrong, inability to converse, difficulty in memorizing facts, and in fact, the memory becomes more and more enfeebled, more and more weakened as the disease advances.”

On page 46, line 16, Mr. Stockwell asked Dr. Gordon:

“Q. Would a person in such a condition be incapable of executing a paper of any kind in your judgment?

A. They are able as far as the writing is concerned, but the discrimination is poor, is diseased.”

On page 49, line 21, Mr. Stockwell asked Dr. Gordon:

“Q. Well, was this person in an early stage or middle or late stage?

A. No, this case was quite advanced.”

Dr. Gordon stated that Mrs. Peterson was hard of hearing, and on page 55, line 6, in answer to Mr. Stockwell in cross-examination, testified:

“Q. You don't think it is possible that Mrs. Peterson might have misunderstood you when you were talking to her, do you?

A. Out of the question; she did not.

Q. Why was it out of the question?

A. Because I kept her repeating again and again and again, made her understand it, and

she certainly heard my talk to her, but her mentality was such that frequently she could not understand, was in a state of amazement.

Q. Now, I wish to be fair with you here, and I want to get your best judgment on this, Doctor, and I am going to ask you this question again; I want to know whether a woman like Mrs. Peterson, with the symptoms you say she had, was capable either in 1918 or up to the time of her death of executing any valid paper, legal document.

A. I SAY SHE WAS NOT STRICTLY SPEAKING, SCIENTIFICALLY SPEAKING, CAPABLE OF DOING IT; SHE WAS NOT TO BE RELIED UPON, HER DISCRIMINATION AND JUDGMENT WERE PROFOUNDLY AFFECTED."

On Page 59, line 29, Mr. Stockwell asked Dr. Gordon,

"Q. Didn't Mrs. Peterson say she had differences with her daughter?

A. She simply said she does not care for her daughter, she is her enemy, kept bombarding me with that, she is her enemy; she wants to take everything away from her, she hates her.

Q. She thought so, too, didn't she?

A. Of course.

Q. She apparently thought so?

A. THE INSANE MIND THINKS SO; THAT IS THE REASON THEY ARE INSANE."

On page 57, line 19, Mr. Stockwell questioned Dr. Gordon,

"Q. Then why didn't you ask other people

to be brought in if you wanted to give an opinion based on the delusions, why didn't you ask that other people be brought in other than the daughter to give you the facts regarding the differences between the daughter and the mother?

A. There was absolutely no necessity of questioning anybody else. The character of the woman's conviction, the manner in which she described it, and when I pointed out to her that her daughter took care of her, and is taking care of her, does everything in the world for her, brings her here to help her, the woman still persisted in saying she is her enemy. Is that normal?"

Clearly, the testimony of Dr. Gordon, which stands uncontradicted and which is the sole medical testimony in the case and which, from the character and professional standing of the witness, should be given the fullest credence, shows that Mrs. Peterson in 1916 and at the time of executing the alleged will, was suffering from insane delusions and hallucinations concerning her only child and heir at law, which were unfounded and existed only in her diseased imagination, and also was suffering from senile dementia, which condition necessarily continued to grow worse as she grew older. Either of the above conditions were sufficient to show an utter lack of testamentary capacity at the time of said examination. Said conditions being incurable and of a progressive nature as testified by Dr. Gordon, they must have existed in a more aggravated degree in June, 1922, about four years later, when the alleged will was made.

II. TESTIMONY OF
FORMER JUDGE WILLIAM C. FRENCH.

Former Judge William C. French of the Camden Bar, a lawyer of high attainments and unquestioned standing in his profession, also testified as to an interview he had with Mrs. Peterson in his office in 1921, when she called upon him to foreclose a mortgage. He said (p. 147, line 16, etc.):

“Q. What was that about?

A. Well, she wanted the mortgage foreclosed, and then there were several conferences between the parties there, and then in a few minutes she decided that she did not want it foreclosed, and then I was at a loss to understand her attitude. I took occasion to ask her several questions, and I said, ‘Now, you are certain that you want this mortgage foreclosed, do you, against this party?’—a relative. She said, ‘Yes.’ I said, ‘In other words, you decline to have it foreclosed?’ and she said, ‘That is right.’ I said, ‘That means you don’t want it foreclosed?’ She said, ‘That is right.’ I said, ‘Well, shall I start it at once?’ She said, ‘Yes, you can begin at any time.’ My brother was there at the time. So I decided that I did not want anything to do with it.

Q. Did she come back again to see you?

A. Yes, she came back again afterward in a couple of days; then she wanted the foreclosure started, and I went through the same formula, and as far as she said she wanted it foreclosed she denied it. That is a way I have when I am in doubt of people’s capacity; I had one just before that.

Q. Now, at that time, did you feel you were

able to pass on the question of whether she had mental capacity or not?

A. Well, I felt so at that time, and then later it was reinforced; she came in months afterwards again, and then she wanted a will drawn.

Q. Yes.

A. And I asked her about what disposition she wanted to make and there wasn't anything positive or certain about any of it, and I declined to do it.

Q. Well, in your opinion at that time was she in such a mental state that she was competent to make a will?

A. Well, I declined, because I thought she was not, to either foreclose the mortgage or draw a will for her.

Q. And this was in the year 1921?

A. Yes, and then in the early part of 1922, she was there again.

Q. And did you have further conversation with her about matters then?

A. Yes.

Q. What was the nature of that conversation?

A. That was about a will.

Q. Oh, it was early in 1922, that she came to you about a will.

A. Yes."

In cross-examination on page 150, line 3, in answer to Mr. Stockwell, Judge French testified:

"Q. When she was talking to you about the mortgage, did she realize that she had a mortgage—she knew she owned a mortgage, did she?

A. Well, she wanted me to foreclose a mortgage.

Q. And she wanted you to foreclose it?

A. Yes, I didn't ask her whether she knew it or not, because I supposed the paper spoke for itself.

Q. She told you she wanted to foreclose the mortgage?

A. Yes.

Q. Did she bring it with her?

A. Yes.

Q. Did she leave it or take it away?

A. She took it away; she wanted that done on three separate occasions, and as often as she wanted it done, then she didn't want it done, within a couple of minutes each time, and under those conditions.

Q. Was this mortgage on the daughter's property?

A. I think so.

Q. It was on the daughter's property, Mrs. Harris, wasn't it?

A. Yes."

III. TESTIMONY OF CAVEATOR.

Mrs. Harris, the appellee, testified that she lived with her mother, Mrs. Peterson, for forty years up until 1918, when her mother left their home and went to live with strangers.

Mrs. Harris testified that she and her mother lived together amicably for many years, each being employed, but that for the last twenty-seven years they were together, her mother had not done much except to keep house for her and her grandson.

Mrs. Harris also testified that she gave her mother money, from time to time, and from the

money Mrs. Harris kept, Mrs. Harris paid some bills, and Mrs. Peterson paid some from the money Mrs. Harris gave her. The money that Mrs. Peterson had, which was mostly, if not altogether, money Mrs. Harris had earned, they invested jointly in real estate, title to which was taken in their joint names. Some of the properties were put in Mrs. Peterson's own name. They made joint wills leaving everything to each other.

Mrs. Harris further testified she never had any quarrels with her mother until her mother's mind began to fail around Christmas of 1916 (p. 175, line 28).

About that time, Mrs. Harris testified, while she was setting the table for dinner, her mother was crying about her deafness and about the supposed cancer and all at once Mrs. Peterson said (p. 175, line 35, etc.; p. 176, line 5, etc.):

“Polly, look at those cows and horses out that window.”

Mrs. Harris testified there was not anything in view, and when Mrs. Peterson said to Mrs. Harris' son, “Willie, don't you see?” Willie replied, “No, I don't see anything.” Mrs. Harris said to Willie, “Willie, you say yes, you saw them,” but the boy would not do so. After that Mrs. Harris took her mother to see Dr. Gordon.

As is shown by Mrs. Harris' testimony, which was in no way shaken by the cross-examination, she was most liberal and generous to her mother and allowed her mother to think that her mother owned the real estate.

Mrs. Harris testified that after her mother left, she only got one-half of the rents, Mrs. Peterson insisting on keeping her one-half of the rents intact,

stating that Mrs. Harris should pay the taxes, etc., out of Mrs. Harris' one-half alone.

When Mrs. Peterson made so much fuss about the mortgage, Mrs. Harris arranged to have it assigned and paid her mother the amount of the mortgage, although this money was really Mrs. Harris'.

Mrs. Harris testified that partition of the real estate was forced on her by Bleakly & Stockwell, who were acting for Mrs. Peterson at the time, and that Bleakly & Stockwell stopped her getting one-half of the rents when they took the matter up for Mrs. Peterson.

Mrs. Harris testified that her mother had a piece of fence paling in her bed which apparently she intended to use on Mrs. Harris (p. 178, line 7).

She testified that she went to kiss her mother good-bye one morning, as she was going to work, she kind of lost her balance leaning over the bed, "I went to balance myself and my hand went to the top of her hand, and it was on this piece of board. Then mother said, 'Now, wait, I will hurt you; and I don't want to hurt you, Polly, but I will, Polly, I will.' Of course, we were in constant fear, and for the last six months we were home, I never let my boy come home from school, I used to make him play outdoors until he saw me coming."

On page 178, line 35, Mrs. Harris testified in answer to Mr. Kellam:

"Q. Well, in your opinion, was your mother sane or insane?"

A. Insane, absolutely, because my mother would never do these things to me if she was not, and if she ever recovered her mind, she would have come home. My mother loved me dearly, and I did her, and she would have come home, she would not have stayed away from home, not one hour."

Mrs. Harris testified she did not know of the will that her mother had made which is now being contested. In answer to Mr. Kellam she testified as follows (p. 180, line 3):

“Q. At that time did you or did you not know that your mother had made another will?

A. I did not know.

Q. When did you first learn that your mother had made a will leaving all her property to charity?

A. Absolutely when I first learned was when it was advertised in the paper after her death.

Q. After her death?

A. Yes.”

IV. TESTIMONY OF FRIENDS OF BOTH PARTIES.

The testimony of twelve other witnesses produced by the appellee who were, most of them, acquainted with the mother and daughter for many years as intimate friends and who corroborated Mrs. Harris' testimony as to her treatment of her mother and her mother's turning against her daughter in the later years of her life without any apparent reason. They all testified to the effect that the delusion of Mrs. Peterson that her daughter was her enemy and robbing her was not based on any fact and existed only in the mind of Mrs. Peterson.

All of these witnesses testified as to the peculiar actions of Mrs. Peterson just prior to her leaving her daughter or afterwards. They all expressed the opinion that before Mrs. Peterson left her daughter, her mind was giving way, and that in their opinion she was insane. Particular attention is

called to the testimony of Mrs. Irvin (p. 70, etc., and p. 123, etc.), also to that of Elizabeth Bleyer (p. 72, etc.), Mrs. Kreusser (p. 80, etc.), Elizabeth Greenwood (p. 90, etc.), Ellen Pitt (p. 101, etc.), Mrs. Redding (p. 106), Mrs. Tice (p. 109), Mary Guest (p. 112), Elizabeth Haggas (p. 133, etc.), Lizzie Jones (p. 139).

TESTIMONY OF PROPONENT'S WITNESSES.

All of the testimony presented by the proponent of the will was either that of the employees of the attorneys in whose office the will was drawn, who had only a casual acquaintance with Mrs. Peterson, or of persons who knew her casually, in church or elsewhere. No witnesses were produced by the proponent, who knew the home life of Mrs. Peterson and Mrs. Harris prior to Mrs. Peterson leaving the home. No testimony was produced to rebut that of Dr. Gordon or of Judge French. No testimony was produced to show that Mrs. Harris had ill-treated her mother, or that she was an enemy of her mother, or that she had robbed her mother. In other words, the testimony offered by the appellant that Mrs. Peterson's antagonism to her daughter was based on insane delusions, which were unfounded and existed in her imagination only, was not denied or rebutted.

The interest of the several employees of the law firm which drew the alleged will of the decedent and who appeared and testified at the trial, is a natural and apparent one. Their testimony does not in any way refute the testimony of Dr. Gordon, Judge French and the other witnesses produced by the caveator to the effect that Mrs. Peterson was

suffering from insane delusions, that her daughter was her enemy and trying to deprive her of her property.

The fact that Mrs. Peterson insisted on the property being divided, confirms the presence of such delusions, particularly in view of the fact that practically all of the property owned by Mrs. Peterson represented the investment of money earned by the daughter, Mrs. Harris, who for over twenty years was the bread winner and sole source of income for both mother and daughter. Moreover, there was no testimony presented by any witness that Mrs. Harris ever ill-treated her mother or gave her any reason to believe she was her enemy. On the contrary, all the evidence of the actual relations between the two women was that of kindness and care on the part of the daughter. From all the evidence, it is clear that Mrs. Peterson had no valid or reasonable ground upon which to found her dislike and apparent fear of her daughter.

The fact that, assisted by the attorneys, Mrs. Peterson insisted on a division of the joint property, and then attempted to make a will cutting her daughter off, shows that she must have been laboring under some insane delusion as to her daughter's actions and attitude toward her. No other reason can account for the actions of a woman upwards of seventy years of age leaving the home of her only child, who had worked for years to support her and the household, and going to live among strangers, and when located by her daughter refusing to return to her daughter and moving to some other place of residence to avoid her only child.

Some stress is laid upon the fact that Mrs. Harris agreed to a division of the property believing that her mother was *non compos mentis*. It should be borne in mind that Mrs. Harris never opposed her

mother and that, being threatened with legal proceedings by her mother's attorneys, it was but the act of a loving daughter to consent, under the circumstances, to the property being divided without attempting to question her mother's mental capacity.

Attention is also drawn to the fact that Mrs. Harris, after her consultation with Dr. Gordon, was in a position to have a guardian appointed for her mother. The fact that she did not do so, but acquiesced in her mother's desire to divide the property, was but another indication of her daughter's desire to shield the mother and live as far as possible in harmony with her.

If, as alleged on behalf of the executor, Mrs. Harris was attempting to rob her mother and obtain her property, it would have been a simple matter to have made an application for the appointment of a guardian for the mother, and all the property would have been placed beyond the control of Mrs. Peterson.

Testimony as to the actions of Mrs. Peterson at the office of her attorneys, in church and in the naturalization class of the Y. M. C. A. does not, it is respectfully submitted, overcome the fact that Mrs. Peterson was at all times laboring under an insane delusion that her daughter was her enemy and trying to rob her.

The correspondence between the decedent and the firm of attorneys who prepared the will does not prove that the decedent was of sound and disposing mind. On the contrary, the tenor of these letters, together with the alleged will as executed, sustain the appellee's contention that the testatrix was at the time of the execution of the alleged will, suffering from an insane delusion that her only child, the appellee, was her enemy and trying to take ad-

vantage of her. The fact of her leaving the home of her daughter and living with strangers, coupled with her endeavors to have the joint property of her daughter and herself divided and her numerous statements that her daughter was trying to deprive her of what belonged to her, clearly shows that the testatrix was laboring under an insane delusion that her daughter was her enemy. In no other way can one account for the action of the testatrix in attempting to will all property to charities and deprive her only child of property which had been procured largely through the efforts and earnings of that child.

REPLY TO PROPONENT'S ARGUMENT ON
TESTIMONY FOR CAVEATOR.

(a) It is to be noted that no medical testimony was introduced to rebut this prognosis, nor was any medical testimony produced to deny the ability of Dr. Gordon as a specialist in nervous and mental diseases, to properly make such a prognosis after an examination such as made by the doctor in this case. All criticism of Dr. Gordon's testimony is only that of a layman attempting to pass on the expert testimony of an acknowledged specialist in a particular branch of medical science.

(b) The daughter arranged for the interview with Dr. Gordon only after she had been told about him as a good nerve specialist by one of the girls she worked with (p. 161, line 6, etc.). She took her mother to see the doctor because she believed he could give her treatment and help her. This was surely consistent with the previous actions of the

daughter who had been kind and loving to her mother, and who wanted to help her.

(c) Dr. Gordon based his opinion as to the mother's mental condition on the examination he made of her at his office. The mother told him her daughter was her worst enemy, tried to rob her and deprive her of all she had (p. 33, line 22). The doctor was closely cross-examined as to the hearing of the mother at the time of his examination (p. 53, line 11, etc.), and what the doctor did to be sure the patient understood him (p. 55, line 6, etc.).

(d, e, f) The fact that Dr. Gordon testified eight years after his examination of the mother was clearly considered by the learned Vice-Ordinary, for in his conclusions (p. 336, line 17, etc.) he said: "I find no reason to doubt the fidelity of the testimony of Dr. Gordon, or the accuracy of his conclusions within the field determinable by the examination made by him, and the testimony of the conduct of the testatrix prior to that time, much of which conduct does not appear to have been known to Dr. Gordon, strongly indicates the accuracy of those conclusions."

The testimony of the witnesses for the proponent does not contradict the prognosis made by him. He testified (p. 38, line 7):

"Now, these delusions and hallucinations in an individual of the type I described persist; they may be somewhat milder in character, they may break up in part at times, but the fundamental condition, that is, underlying, namely, the senile dementia, the mental enfeeblement, remains unchangeable; that goes on progressively. I dwell particularly upon this under-

lying enfeeblement of the mind; the other delusions are superimposed; they may improve, as I said, may become not so strong, not so powerful, not so intense, but the underlying condition goes on with age, unchangeable, until the patient dies.

By the Court:

Q. Do I understand that these hallucinations and delusions are predicated on a state of mind that you term senile dementia?

A. Yes, in this case.

Q. And that senile dementia manifests itself in the form of delusions and hallucinations?

A. Yes.

Q. Which manifestations in the course of time may scatter, break up or become disintegrated, yet the foundation of these mental peculiarities never changes, but still exists?

A. Still exists.

Q. Which is senile dementia, is that what you mean?

A. Still exists unchangeable; it goes on progressively, that is to say, the patient's mentality is in such a state the discrimination, the distinction between right and wrong, for instance, between proper action and improper action, remains the same and goes on from worse to worse."

JUDGE FRENCH.

The interview between Judge French and the caveator took place after Judge French had interviewed the mother (p. 166, line 7, etc.). Judge French further stated that the daughter had noth-

ing to say during his conversation with the mother (p. 150, line 27, etc.). Under cross-examination as to the mother's deafness, this witness stated, "I managed to make her hear" (p. 149, line 10). The fact that interest was due on the mortgage in question is explained by the daughter (p. 164, line 32, p. 165) when she stated her mother had agreed to no interest being paid. The query as to the time of the visits to Judge French is immaterial, as pointed out by the learned Vice-Ordinary in his opinion.

MRS. HARRIS.

As to seeing her mother after she left home, Mrs. Harris testified (p. 175, line 5, etc.) that she saw her mother several times, but if the mother saw her first she would run away as if she did not want to see her daughter. When the mother did talk with the daughter, she would ramble off into, "You know you did this and did that and did the other," to which the daughter would say, "Well, good-bye, Mother; we won't stand and talk this way here."

Mrs. Harris testified under cross-examination (p. 194, line 33, p. 195), as follows:

"A. It was my duty to do my utmost to locate her, but under the circumstances, when I only agitated her when I talked to her or she saw me, I didn't think it was my duty, because it would only agitate her and upset her so dreadfully bad that it made me feel bad for a week afterward.

Q. Well, have you any reason to believe that that would have continued all these seven or eight years?

A. Yes.

Q. That was your reason for keeping away, was it?

A. No, if mother had become normal at any time during that period she would have come home to me; she would not have stayed away from me one hour."

OTHER WITNESSES FOR CAVEATOR.

It is admitted that the mother was eccentric. It is also clear from the testimony of these witnesses that after the mother had left the daughter's home she persisted in the idea that the daughter had robbed her and had treated her badly. Mrs. Irvin (p. 128), Elizabeth Bleyer (p. 76), Mrs. Guest (p. 114).

The action of the daughter in agreeing to a division of the real estate held jointly by her and her mother was induced by the fact that her mother through her attorneys insisted on the same.

She testified (p. 201, line 3):

"Q. But you knew it was necessary to have a division, didn't you, considering your mother's attitude?

A. Either that or else take it to court and fight her, and I couldn't do that with my mother.

Q. You knew she could legally, if she desired, have filed a bill of partition of the properties?

A. I didn't know that, but I suppose she could."

and again (p. 171, line 34):

"A. No, you know I would not fight my mother, Mr. Kellam, my mother was not responsible for what she was doing with me, and I could not make a fuss with the poor thing, and

after we sold those nine properties I signed the three over to mother on Marion Street, absolutely, see?"

This was not in any way antagonistic to the mother but rather an agreement on the part of the daughter to do as her mother desired even though the daughter did not think the mother was of sound mind.

The caveator and her witnesses clearly showed that there was no reason for the mother to feel the daughter was her enemy and trying to rob her.

LAW.

In re *Casey's Will*, 24 N. J. L. J. 465, the Court laid down the rule that

"A will of a person under an insane delusion and which is, in part, a direct product of such insane delusion, is invalid."

In *Davenport v. Davenport*, 67 N. J. Eq. 320, the Court defines an insane delusion thus:

"An insane delusion is a fixed belief, based upon supposed facts, which exist only in the diseased imagination of the deluded person, persisted in against indisputable evidence of its falsity."

It has also been held that:

"Partial insanity will invalidate a will which appears to have been the direct result of such insanity although in other respects the testator at the time of making it may have been sane upon ordinary topics."

Trumbill v. Gibbons, 22 N. J. L., 117—156.

In *Freeman's Will*, 97 N. J. Eq. 347, it was held that testimony of physicians, personally acquainted with the testator and unnatural provisions of the will, showed lack of testamentary capacity.

In *Rusling v. Rusling*, 35 N. J. Eq. 120, the will was sustained but not the codicils, they being held to have been executed while the testator was suffering under senile dementia.

In *Edge v. Edge*, 38 N. J. Eq. 211:

“In the summer of 1880, a testator, who was then eighty years old, received a sunstroke, which affected his mind seriously. In May, 1881, during an attack of delirium tremens he fell out of a second story window, and injured himself severely. He always insisted that he had been pushed out of the window by his wife's grandson, which was not a fact. He also labored under the delusion that his wife wanted to poison him, and that the persons in the house were trying to rob him. In June, 1881, he made a will, and in July, 1881, within two weeks thereafter, he made another, alleging, as a reason, that his son, James, in whose custody he had placed the first will, had broken open the sealed envelope containing it, and had read it which was not a fact. By the first will, a considerable gift was made to James; by the second, nothing was given to him. By the first he gave \$1,000 to John; by the last, nine-tenths of his property. By the first, bequests were made to some of the testator's needy grandchildren, to whom, by second he gave nothing. The second will was executed while the testator was living with his son John, who went with him to have it drawn; who, as before stated, received by its terms, nine-tenths of all the estate; who made statements to the testator

that led him to suspect and believe that James had broken open the first will and read it, and in whose family testator lived from the time the second will was drawn until his death. Held that testator's extreme old age, his habits of intemperance and consequent delirium, his injuries from sunstroke and the fall, his delusions toward his wife, and step-grandson and son James, and his making two very different wills within two weeks, without assigning, and without there appearing to have been, any adequate reason therefor, are sufficient proof of testamentary incapacity."

In the case at bar, it is clear that the belief of the testatrix, namely, that her daughter was her enemy and was trying to rob her, was a figment of a deranged mind. The testimony shows that such a belief existed in the mind of the testatrix as far back as 1918, and that it was expressed to friends of both parties and to Dr. Gordon. That this belief was a delusion is clearly shown by the testimony of all the witnesses produced by the appellee and is nowhere denied by any witness for the proponent of the will.

This is not a case of unjust reflection but of a belief born of delusion and not of fact. Nor is it a case of unreasonable prejudice. No act of the daughter can be fairly construed to give any basis for such a belief. On the contrary all the evidence shows a kind and dutiful daughter, supporting by her own labors her mother and supplying from her own earnings the money which the mother and she invested in the real estate which the mother later insisted on being put in her own name.

The cases cited by the appellant in its brief all bear out the contention of the caveator, in that they

each admit the fact that a will made by a person who is the victim of an insane delusion is invalid.

The appellee respectfully submits that under the law and the facts as fairly found from the testimony the decree of the Prerogative Court declaring the alleged will of Elizabeth Peterson, dated June 19th, 1922, to be the product of an insane delusion of an unsound mind should be sustained because:

An insane delusion as to the daughter being an enemy of the mother and was trying to rob her existed as far back as 1918.

Such insane delusion is shown to have continued from that time until the execution of the alleged will in 1922.

Such insane delusion is clearly consistent with the actions of the mother during the period from 1918 to 1922, in that the mother after expressing such a belief left the home of the daughter and went to live with strangers, told others of the belief, insisted on having the real estate obtained by the earnings of the daughter divided between them, denying to some witnesses the existence of any near relatives, and finally making a will ignoring the daughter and only grandchild and leaving all her estate to charities.

The testimony of Dr. Gordon and Judge French as well as the numerous witnesses produced by the caveator establish clearly and beyond a reasonable doubt the existence of an insane delusion of an unsound mind.

GEORGE STERNER, Esq.,
Of the Philadelphia Bar.
RALPH N. KELLAM,
Solicitor for and of Counsel
with Caveator-Appellee.



